

Andrew M. Koch  
Chair, Faculty Senate  
Appalachian State University  
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I want to begin my remarks today by talking about an 18<sup>th</sup> century Swiss-born political philosopher named Jean-Jacques Rousseau. Rousseau lived at a time of transition and change in Europe and his writing reflected some of the core ideas that became embedded in democratic thinking in the modern period. Rousseau published a number of important works, but the famous of his writing was a work called *The Social Contract*, published in 1762.

Like so many of the political philosophers in the modern period, Rousseau was interested in how it is possible for people to come together in a common effort, to live collectively, and engage themselves in tasks that are greater than the potential of any one human being, yet to live with liberty, respect, and dignity as an individual within the larger group.

Working out this tension between individual freedom and the aggregate needs of the community is a problem confronted by all modern political philosophers. Each of us strives to be an individual, but each of us, by necessity and convention, is also part of a larger group. For most of the political philosophers in the modern period the answer to this dilemma is handled through balance. For people like John Locke or Thomas Jefferson the matter of personal liberty versus collective action was addressed by circumscribing the limits of each domain. There is the public and there is the private, and each has its own natural boundaries. The collective action of the group remains legitimate as long as it does not stray outside the boundaries of its prescribed role.

However, there is a problem with this definition of legitimacy that Rousseau recognized. As the activities of the community become more complex, as the people become more interdependent, the boundary of the public sphere will continually expand at the expense of the private. Viewed through the lens of Locke and Jefferson the social order will undergo a continual, constant legitimation crisis as the realities of community life take hold.

If you look at the American landscape today you see this: claims from the right that we are losing our liberty as government expands and claims from the left that needs of the community are not being met in the public realm. This tension result from bifurcation contained in the narratives of Locke and Jefferson, but to Rousseau such tension is not endemic to civilization itself.

Rousseau saw the situation quite differently from Locke and Jefferson. The problem, said Rousseau, is to find the right form of association. This form of association must allow for the freedom of individual thought and action, but must also recognize our connection to a larger community. (174) This idea Rousseau shares with other modern political philosophers. However, where Rousseau is fundamentally different is that he does not define legitimacy through the maintenance of the fixed and static boundaries between public and private, but defines legitimacy through the act of continual open dialogue in the community. When the collective efforts of the community reflect the will of the community, they are legitimate. When sovereign power has no other interest than the will of the members that make it up, its actions are legitimate.

Thus, it is through the enactment of the “general will” of the community that our freedom is protected in a larger group. What is clear is that the general will can only be realized when the community is engaged in a continual process of open deliberation. The content of the general will is not simply a collection of individual concerns and interests, but it engages the values that bring people together in their common

enterprise. It is not simply uniformity of will and interests. Of uniformity Rousseau says the following, ‘Unanimity occurs when citizens have fallen into servitude and have lost both liberty and will.’ (249) Therefore, the idea of community does not require that all have the same opinion, but that all have the right to express that opinion in order for the collective wisdom of the community to prevail.

When sovereign power follows the “general will,” its action is legitimate. When it fails to follow the will of the community, its actions are illegitimate. It is only when the general will is followed that the community is, to use Rousseau’s phrase, “obliged to obligation.” (168) This makes the will of the community the sovereign power in any collective body. When the will of the community is followed, there can be no tyranny. Executive power ceases to be the peoples master but instead becomes its officers. (245)

Power alone cannot legitimate action. But this begs the next question: how is the general will known? It is realized through the ongoing participation of the member of the society in the discussions and decision that are made regarding collective action.

Rousseau drives this point home by making a distinction between a subject and a citizen. A subject is one who follows the rules. A citizen shares in the authority of making rules. (175) Voting is one way of expressing citizenship, but it is not enough. To be a citizen you must participate in an ongoing process that leads to the realization of the general will. Each must do this. One’s share of sovereignty can never be represented by another.

For Rousseau, the idea of a community of participants is the foundation for the modern social contract. The social contract is not a structure for delineating the distinctions between rulers and subjects. (243) It is the basis for the realization of freedom within the community. The community, as Rousseau conceived it, is a self-regulating body in which

the social contract guarantees the rights of all to participate in the formulation of the conditions for their collective existence.

Rousseau makes it clear, the social contract is designed to make people citizens, participants in their rules, conditions, and practices that govern their lives in the community. Through the social contract the freedom of each is protected. Each is a citizen. No one remains a subject.

I reference Rousseau because I believe there are important lessons for us contained in his work. ASU is a community in the sense that Rousseau envisioned. We are engaged in a common enterprise that is larger than any individual, but in which each individual plays a part. Our task, when it comes to governance, is to formulate a social contract that promotes our mission in a way that reflects the general will, or the cultural norms and values that are held in this community.

The general will is formulated out of the community. It cannot be imposed on the community. It does not mean that everyone must agree, but that everyone has a right to have their voice heard in the deliberations that affect them. Out of that deliberation the general will is realized. It is those standards and practices that reflect the community's will that "oblige us to obligation." It is the community that bestows legitimacy, not the exercise of power.

It is certainly my hope that the Faculty Senate is a place where the will of this campus is manifest. Each department is represented and, therefore, each has a voice. Is it perfect? No structure is perfect. Does it perform its function? I like to think so.

Does that mean our actions make everyone happy? Of course not! But at least it is my intention that we reflect what the larger campus community thinks about the common issues we confront. The Senate is designed for that function.

I said in the remarks at the fall meeting that I like administrators. If there is one job on this campus that can rattle such feelings, it is this one. However, I stand by that statement because I know how hard their job is. There are 20,000 people on this campus. Stuff happens. They have to respond to events that are often out of their control. We all understand this. But that is the very reason we have rules and procedures in place. We do not abandon them when there is a crisis. We follow them because they have been created by the community for the expressed purpose of managing crises.

So this year the Senate has been more reactive than I would like. So when I say I like administrators, I cannot say that the feeling is always reciprocated. But that's OK. The Senate's role is to formulate and reflect the will of this community of scholars. I think the Senate takes that responsibility quite seriously.

But I do not want to preside over a Senate that is simply reactive. We have a lot that we are trying to accomplish. There are new issues we have to confront, new mandates coming out of the General Administration that we are trying to influence but which also create new realities to which we must adjust.

All of these things are taking place while we are trying to manage a transition to greater professional standards and new expectations that are coming from faculty. Communities evolve. The general will is not static. For that reason old ideas and practices must be continually challenged and questioned so that new ideas can come forward, as they reflect the evolving standards in the community.

Rousseau lived at a time of transition. The French Aristocracy was losing its grip on power and becoming increasingly divorced from the real needs of the people. Rousseau knew there was no going back to the structures of the middle ages so he formulated a new strategy. His solution was to rely on the good will of the community. Of the general

will he says, it is never corrupted, but, he added, it can be deceived.  
(185)

For that reason the general will can never be static. Open dialogue should, by its nature, be self-correcting. Open discourse should also reflect the changing nature and expectations for community practice. This means that the faculty and administration should be partners in making the general will of this community manifest in our structures, practices, and policies. There are a number of areas where some changes are needed.

So let me talk about some of the things the senate is working on.

You have just received a morale survey from the Senate's Welfare and Morale Committee. Please take the time to fill that out. People have said to me that they think the morale on campus is bad. But is it a few people who think that, or is that a widely held view? Well, this is an instrument that can help us make that determination. It is important that we know your perceptions. The survey will be open for 2 weeks. The deadline is February 12<sup>th</sup>.

At our February 11<sup>th</sup> Senate meeting we will be discussing, and hopefully, voting on some changes to the faculty workload section of the Handbook. While the proposed language has several facets, one feature of the change is to provide some greater flexibility at the department level for tailoring the mix of teaching, research, and service to the aspirational needs of individual faculty members.

We are also beginning to organize the upcoming elections for the Senate and other campus committees. During this year I have been quite impressed by the number of people willing to step up and participate in the governing structures at this institution. All that I ask is that you keep it up. Participation in campus governance is not just the punching of a service ticket for promotion and tenure. Again, let me paraphrase Rousseau. It is through our participation in the governance of this

institution that we exercise our sovereignty. To put it another way, participation is the means by which we exercise citizenship in the community and avoid simply being subjects. We cannot expect the community values to prevail and direct our collective action if the members of the community do not participate. So please, participate in the governance of the institution, whether it is through service in the Senate, or any of a number of college or university level committees.

Finally, let me get to the big issue for our February meeting.

The Senate is considering proposed language that would change Chapter 4 of the *Faculty Handbook*. Specifically, the change deals with two items:

1. The first is a change to the structure of voting at the departmental level for tenure and promotion decisions. The proposal creates a tenure and promotion committee at the departmental level that includes all tenured faculty members. Untenured members of the department will no longer be allowed to vote on tenure and promotion, but all tenured faculty will be allowed to participate. The DPC structure will still exist, but it will no longer consider promotion and tenure.
2. The second change involves the creation of college level tenure and promotion committees. Let me be clear about this because there seems to be some confusion. The way the language reads, each college is charged with creating its own structure for this committee. Each of our colleges is different and the outline of these committees should come from the colleges to meet their unique structures and responsibilities.

Why do we need the changes? I only want to make a couple of brief remarks here. The Senate is planning a forum on the subject. I will say more about that in a few minutes.

Let's deal with the department level changes first.

Tenured faculty voting on tenure and promotion is the standard practice. At our sister institutions in the UNC system: Chapel Hill, all tenured faculty vote; NC State, all tenured faculty vote; Asheville, all tenured faculty vote; Fayetteville, Greensboro, Elizabeth City, and more... This is the standard.

Why is this the standard? Because it does two things that our present practice does not.

A. It protects untenured junior faculty from being put in a position that is structurally compromised.

B. It gives every tenured faculty member a seat at the table. This is a seat that they have earned. To use Rousseau's language: It means that they are citizens, not just subjects. Tenure and promotion decision are important. The legitimacy of these decisions is enhanced by have more people at the table.

I have heard the arguments against this.

1. We are unique so we can have a unique system. Our identity can still be unique even with a more professional standard for promotion and tenure.

2. We need input from our junior people. Of course we do, especially on curriculum and they should serve on those committees. This policy would not change that. However, we should not take a person in their first or second year and put them in a position that by its very nature is compromised. Further, a new person should have more time to get to know people and practices of the institution.

3. Our department is too big. We will never be able to meet. While face to face deliberation is important, it may certainly be the case that some people will be out of town. Does that mean they should forfeit their vote? No. There is a system for absentee voting in the proposal.

4. Finally, there is what I like to call the lazy/crazy argument. I'm too lazy and I have a colleague who is too crazy to have a vote. If you have colleagues that are lazy and crazy, that is an indication we need a new system. If you are too lazy to exercise your voice in deciding who enters the community of scholars represented at this institution, you are abrogating your responsibilities to that community. If you have colleagues you think are too crazy to allow voting rights – well, crazy is often in the eye of the beholder. They may think the same of you. You control this by giving everyone a voice.

On the college level committees:

Again, it is the standard. In the UNC system only ASU and Eastern Carolina do not have some level of faculty review above the department level.

Why is it the standard: because it protects both the institution and the faculty. Why should we care about protecting the institution: because it is the outward structure of the community of scholars. Its integrity matters to all of us.

But also, a college level committee also can protect the faculty member from personal malice, or other inappropriate reason for denial, that may occur in the department decision. This is a “faculty committee” designed to assist the dean in making a recommendation.

How are we going to proceed?

I have gone round and round on this. I have talked with both supporters and opponents of these changes. The reality is that the proposed changes are in Section 4 of the *Faculty Handbook* not in the Faculty Constitution. They do not require a vote of the faculty as a whole. They also do not require a 2/3 majority should a vote occur. Nevertheless, I confess a certain discomfort in proceeding without the support of the people who will be affected by these changes. This issue has a history at this institution and I do not think that history should be ignored.

So, last Monday at a meeting of the Senate's Executive Committee I asked for support to take to the full Senate the following proposal:

The Senate will distribute the language of the Handbook changes that are proposed. The Senate will then sponsor a faculty forum with some members of the Senate's Handbook Committee and the Handbook Task Force that worked on the documents. This will be an opportunity to ask questions about the documents and clear up any matters of interpretation. It will also provide an opportunity to make suggestions. The next week, all tenured and tenure track faculty will receive a ballot via email and they will be asked if they support the two changes. These are the people affected by the changes and they should be the people voting. This can be carried out electronically. I will ask that the senators consider themselves bound by the outcome of that vote if, and only if, the response rate exceeds 50%.

The resolutions on which the tenured and tenure track faculty will be voting will not be the Handbook changes themselves. These are living documents, and we may need to make some minor changes as we proceed. We want your suggestions on how to make the document better.

You will be asked to vote on what are basically the following two statements:

1. I support the creation of department level promotion and tenure committees that include all tenured members of the department.
2. I support the establishment of college level promotion and tenure committees, with each college creating the structure that best suits its composition and mission.

If one or both of the proposals passes, the Senate will then proceed to integrate those changes into the Handbook.

I hope this makes sense to you as a strategy. I also want to ask for your support. It is time we made these changes.

In conclusion, let me once again ask for your participation as members of this community. Fill out the morale survey. Vote on the proposed changes to promotion and tenure. Volunteer to serve on campus committees and the Faculty Senate. It is how we function as a community. It is how you gain the rights of citizenship.

Thank you for your time and attention. I wish all of you a productive and trouble-free spring semester.

All page references are from the work: Jean-Jacques Rousseau, *The Social Contract and Discourses*, (London: J. M. Dent and Sons) 1977.