

The following is an annotated account of documents involved in the case of Dr. Phyllis Rackin vs. the University of Pennsylvania and thirteen named defendants filed on May 4, 1973, in the U.S. District Court. Thousands of pages of documents and transcriptions of oral depositions are on file with the Court, many of them not available for publication as of March 6 when (after we announced our intention to publish in full the papers which had been excerpted in THE DAILY PENNSYLVANIAN) the Court acted on the University attorneys' motion to seal the record. The papers published here are those filed before the sealing, supplemented by letters released to us by their authors and/or recipients. All documents were obtained legally and none have been edited except as follows: letterheads, some addresses, and secretaries' initials were eliminated in all cases; carbon-copy routings were eliminated except where pertinent; and when appendices or attachments could not be included for reasons of space we have so noted and have indicated their availability for examination. As a courtesy we avoided any deliberate reproduction of misspellings or faulty punctuation whether we agreed with the writer or not. All annotations are by members of Women for Equal Opportunity at the University of Pennsylvania. This insert was prepared and paid for by WEOUP in cooperation with other campus organizations, and we gratefully acknowledge the editorial and financial assistance of the many prominent women faculty, staff and alumnae of the University who made this publication possible.

The Rackin Papers

For more than fifty years the University of Pennsylvania has enjoyed a dubious distinction in the history of academic freedom as the home of the Scott Nearing case—a controversy over administrative firing of a faculty member for his radical political views (he was against World War I) which launched the fledgling AAUP on its lifetime career of defending intellectual freedom.

Scott Nearing got precious little for his pains, but the rest of the scholarly world got the institution of tenure—and the agreement of academic administrations to honor it.

Not everyone holds the same view of what tenure is, particularly in anti-intellectual circles where it is called union card, meal ticket, gravy train and the like.

If that is the view of this academic community, then there is no need to read further. Dr. Phyllis Rackin has tenure.

But if tenure is more than a fiscal contract, what has happened to Phyllis Rackin at Pennsylvania means a great deal to scholars both tenured and untenured, male and female.

The gist of her complaint in federal court is the denial of full privileges of faculty membership *after the award of tenure through the normal appeal processes of the University.*

If tenure is to mean anything, it must protect not only the livelihood but the function and role of the scholar/teacher, and protect one not only from outside political pressure or administrative arbitrariness, but from internal political dealings and the reprisals of one's own colleagues in ways that would deny the right of the professor to profess. Tenure does not grant the right of the established faculty member to harm another, but the right of each to resist being harmed in the pursuit of academic excellence.

We entered the Rackin affair because of its sex discrimination aspects. That is, the abuses applied in her case are tools that make possible the exclusion of superior women scholars and teachers from tenure. The result is that women faculty are found in numbers drastically low in proportion to the availability of qualified women in the national pools. We reasoned that to withdraw the tools of abuse from those who are inclined to use them (against either male or female candidates) would increase the proportion of women at Pennsylvania because it is against women that they have been so uniformly applied. Among other things her case dramatically illustrates the absence of women in decision-making here: not one of those who determined her fate at Penn was female.

It soon emerged that many men of the campus are also interested in the correction of flawed procedures and the abuse of power. As James O. Freedman reported in his article, *An Ombudsman's Angle of Vision*:

On more occasions than I would have expected, faculty colleagues of the individual who was denied tenure have supported his claim of procedural unfairness, if not arbitrariness. They have testified, variously, to the selective solicitation of outside evaluations, the introduction of antipathies of a purely personal nature, the failure of voting members of the faculty to familiarize themselves with the individual's file, and attempts by deans and department chairmen to use their authority in a coercive manner.

But from there we must proceed to a more disturbing issue: Once procedures have been reviewed and found unfair, *what happens to the person against whom they were applied?*

Dr. Phyllis Rackin's case raises that question not in the abstract but in a living experience, documented in the following pages.

The decision to publish what one scholar says about another in the personnel review process is not to be taken lightly. The fact that such material is made public by the act of court filing is not in itself a mandate that it be published. We therefore asked the more central question:

Do the Rackin Papers tell the University community something that it urgently needs to know?

We concluded that they furnish three kinds of needed information that is available to this community through no other means:

I. Information about the Rackin case itself.

In a critical budget period the University has committed a great deal of money to resist Dr. Rackin's request for departmental affiliation, regularization of faculty status, and full access to teaching and collegial interchange. What is it all in aid of, and are there grounds for such expensive pursuit of her exclusion?

Misinformation and rumor (some of it recorded in pages that follow) allege that exclusion is right because her tenure is not legal, that her qualifications are inadequate, and more abstractly, that concession of full faculty privileges to her would undermine

departmental autonomy. The papers show otherwise, for they demonstrate:

1. Precisely when and how Dr. Phyllis Rackin was confirmed to have tenure through processes set up and honored by the Faculty Senate and other agencies of the University.

2. The exact wording of all discoverable recommendations submitted either for or against Dr. Rackin at all stages before, during and after her tenure award. Since the quality of the recommendations themselves is a valid issue, we have annotated many of the letters to identify the writers fully. The reader will note that Dr. Rackin was highly regarded by the majority of the tenured faculty in English before her cause was rendered celebre, and that a shift in their position occurs without the insertion of any new information about her qualifications.

3. The recording of favorable votes at both departmental and College level, albeit unfortunately not in the sequence that produces straight-line progress toward tenure; and the texts of the College Academic Freedom Committee's ruling on her tenure plus Provost David Goddard's written confirmation. We hold that the department chairman's refusal to accept her tenured status—which produced apparently for the first time the installation of a tenured faculty member in the University *without* departmental affiliation—is more threatening to departmental structure than any other act taken or proposed in the history of the Rackin case. That is, the tradition of departmental affiliation is so strong here that even prestigious interdisciplinary chairholders must have it in at least one department. The precedent that the University may carry tenured members not affiliated with departments is an issue not to be lightly dismissed.

II. Effects on the rights of other faculty members

In its diligent and expensive support of the defendants in the Rackin case, the University sanctions behavior which, if carried forward in other faculty members' cases, could well jeopardize the full participation in University life of any faculty member whose chairman did not personally support his/her candidacy for, or receipt of, tenure. We would ask such questions as these:

1. *Is tenure by appeal different from tenure achieved by straight-line progress, or is the candidate who uses the University's appeal mechanism to have a reasonable expectation of normal faculty status at its conclusion?*

2. *Is appeal for reconsideration of one's status itself grounds for denial of promotion and tenure?* The Rackin precedent would say yes: The final paragraph of Dean Stephens' letter on page 11 reads in full: "I find somewhat disturbing also the suggestions of bad faith in the questioning Mrs. Rackin has made as to her tenure status. Consequently I do not recommend the promotion of Mrs. Phyllis Rackin to Associate Professor and tenure."

3. *Can a department chairman unilaterally deny departmental affiliation to a tenured member of the faculty?* Yes, if the Rackin precedent is upheld. Dr. Rackin spent all of her tenure-accruing years in the English Department, and all stages of her personnel review including the final award of tenure were conducted from her position in that department. Without sanction of any known statute or process, the chairman simply excluded her from the department following the award.

4. *Can an administrator rule that a faculty member who has shown distinction in teaching advanced students be confined to the teaching of freshman introductory subjects?* By known regulations, no; but by the chairman's exclusion from participation in the English department and the dean's assignment of Dr. Rackin to the General Honors Program, this is precisely the precedent set in the Rackin case.

5. *Can a chairman interfere with the performance of one's elected role in national professional societies?* Normal courtesy would be against such practice, but the Rackin precedent is that he can. In 1970 while Dr. Rackin was serving as chairman of the NEMLA Shakespeare section, her mailing address was the

Department of English, so listed in the MLA directory. It was to this address that scholars elsewhere turned to submit papers for her consideration. Following the College Academic Freedom Committee's action in her favor, the chairman directed the removal of her name from her mailbox, thus interrupting contact with scholars at other institutions (see page 14).

More subtleties could be discussed, but the faculty member interested in what forms of pressure may be applied to damage the progress of an academic career will perhaps be warned by these of the dangerous precedents being set in the University's formal, corporate defense of abuse.

III. Some instruction for committees and University service.

Whether good committee members are made or born, we propose that all who expect to serve on personnel review committees or grievance appeals panels—especially in these times of changing behavior toward minorities and women—will profit from access to known cases. Since the routine study of such cases by the campus at large would conflict with established rights to privacy, the Rackin case is perhaps a unique tool for study. We have annotated many letters to show, for example, how factual error can be forwarded to prejudice decision at the next stage. From the total presentation, the inquiring faculty member who expects to participate fully in departmental, school and University affairs can find innumerable models for depth of inquiry and effective reporting of the decision-making processes used. (Note especially the extreme difference between the Pritchard committee's routine reporting of a College Personnel Committee action taken when controversy was still localized, and the careful documentation of both opinion and method in the Wishner committee's report the following semester.)

Among the questions that these papers suggest should be asked by the thorough committee member are such basic ones as these: If a chairman has forwarded a negative opinion based on publication, what is the publication record of the existing faculty and of other candidates for promotion? How are the qualifications of writers of letters of recommendation verified? Does the committee reviewing know accurately the relationship of recommender to candidate? How can a review committee identify from content or investigation the forms of unfairness? Om-budsman James O. Freedman lists in his 1973-74 report quoted above? (And, as WEOUP we surely must specify, how does one detect the practice of discrimination by sex or by race, in which the candidate must be Superwoman or Superblack to be judged even equal to existing or proposed white male faculty who are merely "promising"?)

Which brings us to a final point: Why is WEOUP bearing the cost of this guidebook to almost everything that can be done wrong in decision-making if we are not going to talk about women?

Indeed, the message about women is all too quickly stated. Dr. Phyllis Rackin was the first female assistant professor in the English department ever to receive a favorable vote for tenure despite the large pool of women scholars in that field nationally. Her first review at College Personnel Committee level was at a time when no female full professors were to be found in the College at all, and only three women associate professors.

Dr. Rackin knocked on the door when the door was closed. She was invited as far as the foyer before some of the gentlemen in the club cried *Eek! A Woman!*—and then began the pushing and shoving. Men against, men for, and men neutral to feminism but committed to one view or other of academic freedom alternated in throwing the lady out and helping her back through the door. When the final decision of the official membership committee was rendered, Dr. Rackin found she did indeed have membership.

Whether or not she is allowed the full privileges and responsibilities that go with such membership will say a lot about how colleagues treat each other in a University community.

A Woman Found Worthy . . .

November 10, 1969

Dear Phyllis:

At the meeting on November 4, the majority of Associate and Full Professors voted to recommend that you be offered an Associate Professorship with tenure.

The next step in the procedure calls for my submitting the results of the vote to the Dean, who will refer the matter to the College Personnel Committee. I must also submit to him (a) letters concerning your research work from three persons not members of the University faculty; and (b) a report, fuller than simple listing, concerning your research work since this time last year. Thus I will appreciate your giving me a list of three off-campus persons familiar with your work to whom I can write, and your bringing me your book-manuscript as it now stands, together with a copy of the paper submitted to PMLA.

R.M. Lumiansky

- Dr. Rackin provided four distinguished names: [1] Professor Murray Kreiger, Director, Literary Criticism Program, University of California, Irvine, who was described in a standard literary criticism text as the contemporary theorist with "perhaps the most complete acquaintance with the complexities of twentieth century critical positions." [2] Professor Jack Stilling, editor of JEGP, where one of Dr. Rackin's articles on literary theory had been published; [3] Professor Monroe Beardsley, a distinguished and influential critical theorist and the author of numerous books and articles on aesthetics and critical theory; [4] Professor Gordon Ross Smith, respected Shakespeare bibliographer and critic.

December 9, 1969

Dean William Stephens
116 College Hall

Dear Bill:

Mrs. Phyllis Rackin is in her eighth year in this Department. The last two have been one-year non-tenured extensions to give her opportunity to finish revising her dissertation for publication. On November 4, 1969, the Associate and Full Professors met to discuss whether or not to recommend Mrs. Rackin for promotion and tenure as of July 1, 1970.

Present at the meeting were: Chester, Coffin, Frye, Hoffman, Hornberger, Howarth, Johnson, Jones, Laws, Lumiansky, Mangione, Pratt, Rosier, Ryals, Bamberg, Boll, Irving, Lucid, Turner, Wideman. Absent were: Cohen, Lee, Longaker, Thompson, Scouten, Weales, Gordon and Regan.

The vote was 14 for promotion and tenure, 3 against (Hornberger, Rosier, and Cohen—the last an absentee ballot), and 3 abstentions (Bamberg, Coffin, Lucid).

Accompanying this letter are the following items:

1. A letter from me setting forth the Chairman's view.
2. Data sheets prepared by Mrs. Rackin concerning her accomplishments.
3. Reprints of 5 publications by Mrs. Rackin.
4. A copy of the MS. of an article accepted by *Shakespeare Quarterly*.
5. A copy of the MS. being considered by PMLA.
6. A copy of the book MS. on which Mrs. Rackin has been working.
7. Comments concerning 5 by Professor Frye and by PMLA.
8. Comment concerning 6 by Professor Hornberger.
9. Letters from three outside referees—names submitted at my request by Mrs. Rackin: Stilling, Krieger, Beardsley.

10. A copy of a letter submitted by Professor Scouten during last year's consideration of Mrs. Rackin.

11. A copy of a letter submitted by Professor Arthos of the University of Michigan during last year's consideration of Mrs. Rackin, concerning her book MS. as it then stood.

R.M. Lumiansky, Chairman

• The vote is elsewhere recorded on several occasions as 18 for, 3 against, 2 abstentions.

• Dr. Lumiansky's attachments 1: half of 7: 8: 9 [a, b, and c]; 10: and 11 follow. The others are too lengthy to include but may be examined at the Women's Center, 112 Logan Hall.

• Items 2, 3, 4, 5 and 6 and the PMLA letter listed in item 7 are too lengthy to include but may be examined at the Women's Center, 112 Logan Hall.

Attachment 1

December 9, 1969

Dean William Stephens
116 College Hall

Dear Bill:

I regret that I am unable to recommend that Mrs. Phyllis Rackin be promoted to Associate Professor with tenure at the end of her present appointment, June 30, 1970.

My negative stance results from two related considerations.

1. I do not believe that Mrs. Rackin will qualify for full participation in the graduate, in addition to the undergraduate, program of the Department. Thus I cannot see the possibility of a straight path ahead to a full professorship with responsibility for an undergraduate and a graduate segment of the departmental activity. To recommend promotion and tenure in the face of such uncertainty would be a mistake on my part.

2. Given the time which she has had, I do not find the quantity of Mrs. Rackin's publications sufficient for promotion and tenure. More importantly, I cannot see that the book, if it is indeed ever completed, will win wide respect; nor does any one—or all—of the published and unpublished pieces seem to me likely to gain for her the local and national attention which I believe that an Associate Professor and a potential Full Professor in this Department needs to enjoy.

Since my view in this instance differs from that of the majority of the Associate and Full Professors who attended the meeting on November 4, I ask that you appoint an *ad hoc* Committee from your Personnel Committee to examine this matter as objectively as possible.

R.M. Lumiansky

Attachment 7(a)

November 28, 1969

Dear Bob Lumiansky:

I have read Phyllis Rackin's *Antony and Cleopatra* essay with great care. It is sensible and well-written, and it shows a very careful knowledge of the scholarship and criticism on its subject. It must have taken a long time to do this research and to present it so pleasantly. The article will surely be published somewhere, though I rather doubt that PMLA will take it.

Yet, the article says nothing new. A well-phrased and soundly constructed presentation of received views, it breaks no new ground, either for the interpretation of *A & C* or for the critical theories to which she refers. The article will, however, be of value to young people and any others who are trying to "get hold" of *Antony and Cleopatra*.

The article can scarcely afford grounds for promotion and tenure. I only wish that Phyllis had concentrated all her time and energies on the uncompleted book.

Roland Frye

• The article was accepted by PMLA, and their Editorial Board's Shakespeare authority called it "just what we want for PMLA: a real contribution." See Bevington letter, page 9.

Attachment 8

December 8, 1959 (sic)

Professor R. M. Lumiansky
Chairman, Department of English
University of Pennsylvania

Dear Bob:

I have not read every word of Phyllis Rackin's manuscript, but I have turned over every page of it. The chapter on fiction I had not seen before, and it seems to me pretty good. On the whole, however, I doubt that she will be able to find a publisher. The first three chapters seem to me diffuse and repetitious, and the fourth, while readable, has really very few illustrations of the ideas of fiction which Mrs. Rackin is trying to establish. Obviously, however, I am no authority in the kind of criticism within whose framework she is operating. What I find lacking is a succession of tightly-knit, sequential arguments, bolstered by allusion to an impressive range of reading. It seems to me this is the kind of book which should give that kind of impression.

Theodore Hornberger

* *The record does not indicate that anyone in the English Department at the University of Pennsylvania had read the entire manuscript.*

* *At this time, the fourth chapter was only half-finished. The theoretical portion was complete, but the concrete illustrations had not yet been supplied. Each chapter of the book proceeded by the same method: theoretical argument first, then concrete illustrations.*

* *Dr. Hornberger is a specialist in early American literature and neither publishes nor teaches in Dr. Rackin's field.*

Attachment 9(a)

UNIVERSITY OF ILLINOIS

3 December 1969

Professor R. M. Lumiansky, Chairman
Department of English
University of Pennsylvania
Philadelphia, Pennsylvania 19104

Dear Bob,

In the midst of the tedious business of reviewing people for promotion and tenure here, reviewing applications to the graduate program in English and to Illinois' Center for Advanced Study, and screening job applicants (among other things), it is a positive pleasure to write a recommendation to support Phyllis Rackin's promotion in your department. Mrs. Rackin was one of our best students, making a string of straight A's in her courses here, holding a fellowship for three consecutive years, and given an assistantship to teach the introduction to poetry at a time when very few graduate students were allowed to teach literature courses in the department.

I have kept in touch with her since, and have read most of her articles in offprint or MS. Three of the pieces are brilliant—the essay on Jonson's "Hymne" (which she published while still a graduate student), the piece on "Break, Break, Break" (which the editors of *JEGP* liked well enough to print as the opening article in one of the 1966 issues), and the essay on *King Lear* forthcoming in *Shakespeare Quarterly*. The long essay on *Antony and Cleopatra* (currently at *PMLA*) is a major contribution to the interpretation of that play. All the work is critically intelligent, and distinguished by a combination of sound scholarship and gracefulness of writing that I find very impressive; and it deals without exception with major problems in major literary works. She is a first-rate person, with an excellent career under way, and I should think there would be no question whatsoever about her qualifications for promotion.

With best regards,

Jack Stillinger,
Professor of English and Director of Graduate Studies

Attachment 9(b)

UNIVERSITY OF CALIFORNIA, IRVINE

December 4, 1969

Dear Bob:

I am pleased to hear that you are recommending Phyllis Rackin for appointment to tenure. She is surely an able teacher and an intelligent and promising scholar, so that I do not believe you can go wrong by keeping her.

I have in the past already written twice to Pennsylvania in support of Dr. Rackin, once when you first hired her and once when you promoted her to her present rank. So I have spoken of what an extraordinary student of mine she was, how fine and promising a work her dissertation was. And I may have mentioned some of the articles (the one on Jonson and the one on Tennyson's "Break, Break, Break") that were taken from the dissertation. The article on Hulme and Richards is an excellent analysis of some of the central problems in recent critical theory, again an adaptation of a section of the dissertation. This work is uniformly good and original. Although I have not seen the considerable changes and additions that have turned the dissertation into her nearly completed book, from what little she has told me of her expansion and extension of ideas and critical practice, I expect it to be a significant accomplishment.

The two items that are new to me are the essays on Shakespeare, both of some length and substance. Both, I believe, reveal that Dr. Rackin is maturing into a scholar-critic of considerable powers. She combines ideally the necessary knowledge of the scholar, the sensitivity of the critic, and the philosophical shrewdness of the theorist. These are sound pieces that I believe make helpful contributions to their subjects.

I think one might well wish that Dr. Rackin had produced more published work. There are only six essays of any length, with three of these from her dissertation. But the quality of her work speaks loudly enough, I feel, to make up for the lack (until now) of quantity. Her three essays on Shakespeare suggest the likelihood of a book on the subject in the future—and a good one, to judge from these. It is significant too that there is no work that falls beneath a rather high standard of performance, so that there is no reason not to expect the almost completed ms. to be a good one. And this has surely taken up much of her time, since in its final form it represents a very ambitious undertaking. Again, it would be nice for the book to have been finished and in the hands of a publisher before you made this decision on her. But even in advance of this, I think it seems clear that here is someone with the quality that deserves the vote of confidence your promotion will provide. I suspect that any thinness in her record of publication until now will be considerably fattened shortly. This is a good and articulate person. You do well to have her and do well to keep her.

Murray Krieger,
Director, Program in Literary Criticism

* *Dr. Krieger's earlier letters are not part of the public record, nor are any of the others recommending Dr. Rackin for her initial appointment or first promotion at the University.*

Attachment 9 (c)

TEMPLE UNIVERSITY
College of Liberal Arts
Department of Philosophy

December 1, 1969

Professor R. M. Lumiansky,
Dept. of English,
University of Pennsylvania,
Philadelphia, Penna. 19104

Dear Professor Lumiansky:

I am very glad to have the opportunity to write to you on behalf of Phyllis Rackin, of whom I have a very high opinion as a scholar. I believe I have read practically all of the essays she has written, including a few that have not yet been published, and I have a great deal of respect for them. I am not, of course, an expert in the field of literature itself, but I have done

some work on the functions and nature of criticism. It seems to me that she has a great sensitivity to, and a rather penetrating insight into, the things she has written about, especially Shakespeare and the lyric poems discussed in some of her essays. But she also combines her understanding of particular works with general questions about the critical assumptions on which she works, and I find her discussions of these questions—for example, of the relation between literary worlds and reality, in "Shakespeare's Boy Cleopatra," and of the significance of complexity as a standard of judgment, in "Poetry without Paradox,"—very challenging, especially when they pose substantial objections to some of my own assumptions or conclusions. It seems to me that her writing is of a very high order as scholarship goes; she writes cleanly and perceptively, and is always interesting to read; but she also argues cogently and rigorously, which is especially appealing to a philosopher.

I could say much more, but perhaps this will indicate the main grounds on which I judge her work to be extremely good (apart from its evident display of basic canons of scholarship, which you can judge better than I: I mean accuracy, scope of data, etc.). I believe she is well qualified to have tenure, and I am confident that she will continue to make an increasingly significant contribution to our understanding of literature and our understanding of our understanding of literature.

Monroe C. Beardsley

Attachment 10

5 December 1968

Dean William E. Stephens
The College
116 College Hall

Dear Dean Stephens:

Assistant Professor Phyllis Rackin is not a member of the graduate faculty even though she has been here seven years. Mrs. Rackin came to us as an announced specialist in the field of Modern Criticism. We expect our graduate professors to publish actively in their fields. Mrs. Rackin elected to shift fields to a study of Shakespeare and did indeed have two articles published. I think this shift of interest was damaging to her career. That is, to establish herself, she needs to have a book. As you will see from her bibliography she does not have a book on Modern Fiction or on Shakespeare. The result is that Mrs. Rackin lacks the credentials to train graduate students. Let me say that there are many periodicals which accept articles in literary criticism and a person with research interests would be expected to have considerably more publication than she has achieved.

A few years ago we had a specialist in Modern Criticism named Olson. The chairman informed him that he should have a book published in order to achieve tenure. Mr. Olson did not write a book and was terminated by the Department. The situation then is that Mrs. Rackin is not on the graduate faculty and does not have the publication to justify being placed in the graduate group. As the Provost, David Goddard, has frequently said, if such teachers would retire at the age of 35, everything would be all right.

Arthur H. Scouten, Graduate Chairman

* According to the *University of Pennsylvania Handbook for Faculty and Administrators*, p. 32, "The level of instruction at which an individual's interest may focus—whether graduate or undergraduate—is not relevant to consideration of promotion in faculty rank."

* It was at the behest of Dr. Harold Stine, undergraduate chairman, that Dr. Rackin in 1963 agreed to teach an undergraduate Shakespeare course, even though this was not her specialty. The Department repeatedly assigned the course to her during the next seven years.

* During this same period, when the English Department repeatedly refused to allow Dr. Rackin to offer courses in modern criticism, Dr. Rackin had already published four articles in that field as well as two on Shakespeare.

* The record shows that during this period, a number of men without books were promoted and that one, still without a book, later served as Dr. Lumiansky's graduate chairman.

Attachment 11

UNIVERSITY OF MICHIGAN
DEPARTMENT OF ENGLISH LANGUAGE AND LITERATURE

October 13, 1968

Professor Theodore Hornberger
Department of English

Dear Professor Hornberger:

I have come to a pretty clear idea in my mind about these papers (and I feel reasonably familiar with much of the material since very recently I supervised a dissertation on Richards that I inherited from Norman Nelson).

The article from *JAAS* is certainly good. The main point—the words and the points of contrast between Hulme and Richards—is important to make. But the writer should have explained more clearly the stages by which Hulme's use of the idea of irony was transformed into Richards' last view—since the stages in the logic of the change are not clearly indicated, the logic of the relationship is obscured.

There is, however, a more important hiatus—and this comes on p. 419, when the writer speaks of the change in Richards' basic approach from psychology to linguistics. What she thereafter says about "the contextual theory of meaning" is hard to understand because she does not provide us with the idea of what language as such is for Richards, and what linguistics is as such; or, perhaps more important, whether he is himself clear about them. Earlier her quotations from Richards on the physiological basis of psychology, impulses and the like, gave the necessary body to her description of Richards' "quantitative scheme" there. That explanatory matter is absent here.

Nevertheless, I would judge that the writer has her mind fixed clearly on the important matters and that she is in a genuinely rigorous way going from point to point, and leading to a substantial and cogent analytical criticism.

So—a superior article that needs some further strengthening. I am somewhat more diffident about the typescript, even allowing for it as a draft. My main dissatisfaction here has to do—not with the chief point, or the idea of the whole, which is a good one—but with the rather glancing attitude towards other critical positions than those of the New Critics. She indicates well what is to be the basis of her own discussion of the New Criticism—a more extensive consideration of the philosophic foundations that have been partly her subject in the printed article. But I judge that she is not taking seriously enough the subtained reasoning of the Aristotelians, particularly, and of Frye also. The line she means to take to strengthen the New Critics' position—eliminating the reliance upon paradox—I am fairly confident will be rewarding. But I doubt that it will have the effect the writer hopes for—to restore authority to the fundamental practice of the New Critics, and I doubt this because I think I see here what I see in the printed article also—a close confinement to the points at hand without a sufficiently wide perspective. The philosophic issues are not being kept in view, the philosophic confrontations are not being examined despite what even the quotation in the article of Conrad Aiken brought forward, to say nothing of the references to Frye and Aristotle in the typescript. As a result I judge that the completed work will be primarily an effort to improve upon a technique of criticism, yet that it will fail to do what the writer says needs doing—which I believe, partly on the basis of her own review of the matter, does need doing—to re-establish the authority of the technique in philosophic ways.

So serious a criticism as I am now offering of the two beginning efforts is surely rather unnecessarily long-faced, and to some extent I judge that the writer, by virtue of an obvious disposition for patient rigor, will be on her own to overcome many deficiencies. But I conclude that with regard to what we most value in critical writing she is probably confined to a too narrow focus. I cannot think that she would ever be trivial. But I do not see many signs of breadth and imagination.

John Arthos, Professor

* This letter was over one year old when Dr. Lumiansky submitted it to the Dean and did not reflect the current status of Dr. Rackin's work.

* Dr. Arthos is a specialist in Renaissance and 18th-century literature. The subject of Dr. Rackin's manuscript was contemporary literary theory.

* Dr. Arthos was provided with only a portion of the work Dr. Rackin had submitted to the English Department for evaluation: an offprint of one article taken from the uncompleted book manuscript, [of which three sections had been published as articles] and a 20-page introductory chapter to a manuscript which even in 1968 was over 200 pages long.

7 December 1969

Professor R.M. Lumiansky, Chairman
Department of English
University of Pennsylvania
Philadelphia, Pa., 19104

Dear Professor Lumiansky,

I recently received your letter of November 24 about Phyllis R. Rackin and must begin by apologizing for my delay in answering. I am currently on a sabbatical, and the mail from my office is sometimes slow in being forwarded to my house.

I do not know that I know all of Mrs. Rackin's work but from what I do know, I would certainly concur in the judgment of your department members in recommending her for promotion and tenure. Her article on Tennyson in *JEGP* (1966) is excellent; it shows a highly independent and judicious mind, that of a person who can evaluate famous critics and fashionable positions without losing her own poise. The article on Jonson's poem to Cynthia, in *Criticism* (1962), is reasonable, lucid, cogent—in a word, brilliant. I think very well of the article on Brutus that was in *LC* (1966), and also of the *Lear* article that I believe has been accepted by *SQ*, and so also of that on Hulme and Richards in *JAAC* (1967).

I think your department is to be complimented upon having a young person at once so lively and so responsible.

Gordon Ross Smith
Professor of English, Temple University

There is no indication that Dr. Lumiansky forwarded this letter to the Dean or that Dr. Pritchard's committee saw it, although both Dr. Lumiansky and Dr. Wishner later refer to the existence of "four recommendations" [pages 9 and 10].

Undated handwritten note

Dear Professor Lumiansky,

I heard from PMLA today about my article on *Anthony & Cleopatra*. They feel it's too long (61 pp), but they ask me to revise & resubmit it. They say they expect "if cutting is done as asked, to accept it enthusiastically." I'm enclosing Xerox copies of my letter from John Fisher & my reports from the readers, in case you think the committee would like to see them.

Phyllis Rackin

P.S. I also had a phone call this week asking me to submit a paper for reading at a Regional MLA meeting this spring. I sent the paper, & I should know within a few weeks whether I've been chosen.

(another handwriting appended to bottom of note:)
12/5 Phyllis Rackin telephoned to say she had been chosen to read the paper. (signed) A.

December 15, 1969

Dr. James B. Pritchard, Chairman
Personnel Panel
107 University Museum

Dear Jim:

I have received a recommendation from our Department of English that Assistant Professor Phyllis R. Rackin be promoted to the rank of Associate Professor, with tenure, effective July 1, 1970. Professor Lumiansky, Chairman of our Department of English, states his opinion on this recommendation in a separate letter.

I should appreciate receiving the opinion of the Panel at your earliest convenience.

William E. Stephens, Dean

P.S. I have attached for your information a copy of the letter from Dr. Lumiansky setting forth his view. I am leaving it to your judgment as to whether or not you pass this on to the subcommittee.

. . . Is Later Rejected

January 20, 1970

Dean William E. Stephens
116 College Hall

Dear Bill:

The panel appointed to consider the case of Assistant Professor Phyllis R. Rackin for her promotion to the rank of Associate Professor with tenure, effective July 1, 1970, by the Department of English, has reported that it is unanimous in their opinion that the qualifications and recommendations indicate that this promotion is not warranted.

James B. Pritchard, Chairman
Committee for Faculty Personnel

• The record reveals nothing about the nature of the committee's deliberations or the reason for their decision, although this letter in the original has "Enc." below the secretary's initials.

Feb. 5, 1970

Dear Phyllis:

I am sorry to have to report the Provost's Staff Conference's negative decision concerning your promotion to Associate Professor with Tenure.

Bob Lumiansky

• Termination procedures required at least one year's formal notice. Dr. Rackin never received any formal notice of termination. However, on February 6, Dr. Lumiansky indicated to Dr. Rackin that she would have to leave the University at the end of the current academic year. It was then that she sought another position.

March 4, 1970

Dear Dr. Rackin:

This will confirm your appointment as Associate Professor of English at Beaver College for a three-year period effective September 1, 1970. For the academic year 1970-71 your salary will be \$12,000, with the understanding that your compensation will be reviewed annually. In addition Beaver College will make the necessary payments to T.I.A.A., Social Security, Group Life, and Major Medical Insurance.

Enclosed is a copy of the official statement of College Policies as adopted and amended by the Board of Trustees to October 1968. This document is our mutual point of reference on all the matters covered therein.

Will you kindly indicate your acceptance of this appointment by signing the enclosed copy of this letter and returning it to me. The original is for your records.

We are looking forward to our association with you.

Mrs. Charles LeClair, Dean of the College

• Dr. Rackin immediately accepted the appointment.

While Others Protest . . .

• In March, 1970, after learning that Dr. Rackin had been denied tenure and promotion, 119 students petitioned for reconsideration of her case via the following document. In addition, many other letters from students, alumni, faculty members and former students of Dr. Rackin were sent to Dr. Lumiansky and other university administrators to express their belief that Dr. Rackin should be awarded tenure and promotion.

PHYLLIS RACKIN: A STUDENT REPORT

March 30, 1970

In accordance with a suggestion made by Professor Lumiansky in a meeting on Tuesday, March 24, current and former students of Phyllis Rackin have prepared a comprehensive review of her ability as teacher and as advisor. The Subcommittee on Administration of the Task Force on University Governance stated in its report (printed in *The New Voice*, March 25, 1970) "that teaching, particularly undergraduate teaching, has been neglected in some parts of the University and . . . that a mechanism for holding departments and individual professors accountable for the quality of their instruction is socially desirable" (Recommendation 24). The Subcommittee also pointed out, as did Dean Stephens recently, that personnel committees should take steps to obtain "necessary student input into that aspect of qualification for promotion, viz. teaching, which students are better able to evaluate than anyone else."

In the light of these statements, we should like to present, as a complement to such formal materials already available as reports of Dr. Rackin's degrees obtained, courses taught, committees served on, and articles published, a new brief, emphasizing facts with which the tenure reviewing boards may not be familiar. We feel that, as students, we can testify meaningfully to the efficacy of Mrs. Rackin's teaching and advising, and we strongly urge the committees on tenure to reconsider their decision, in view of not merely her scholarly acumen and active participation in departmental and university affairs, but also her sterling capability to teach and to advise.

Mrs. Rackin is a person with tremendous knowledge to impart; how much she knows is evidenced by the diversity of courses she has taught.* She follows criticism from Aristotle's *Poetics* to the New Criticism of I.A. Richards and Cleanth Brooks; in literature, she has written on figures so distant as Shakespeare and D.H. Lawrence. *Poetry without Paradox*, *Novels with Plots*, and *the Rhetoric of Drama: A New Contextualist Criticism*, the book she is currently writing, exemplifies her thorough command of every genre. As an expert in criticism she is unique at Penn. The loss of English 171 (Literary Criticism) would be a severe setback to the Department of English. Her grasp of the entire span of literature, so important for a critic, permits historical integration of all course materials. The comprehensive approach makes classes interesting to students in other disciplines and schools of the university. It provides the English major with a vital overview of his subject, encouraging the comparison of various ideas and forms—in short, achieving a purpose similar to that of the Senior Comprehensive examinations. By offering the student a broad frame of reference including diverse critical approaches to textual analysis and the progression of literary history, Mrs. Rackin's method enhances the student's ability to research and treat literary problems.

A professor's brilliance, unfortunately, does not always assure an ability to communicate material. In Mrs. Rackin's case, however, scholarship and expressiveness coexist: she puts across well what she knows. She comes to class meticulously prepared, having worked hard to develop points for discussion. She does her homework, too; in her honors essay seminars, she reads the books proposed by students very carefully, often embarrassingly so, for the student involved. And she expects her students to prepare for her courses in return, insisting that the material be read before class time. In order to enforce this rule, she gives numerous short, unannounced quizzes throughout the semester and grades them on an absolute scale. As a result, everyone present is prepared and class discussions maintain an unusually high caliber of informed original thinking.

Mrs. Rackin guides her classes well, bringing up at the end of each session six or seven study questions for the next class meeting, on points rising from lecture or discussion, or on matters pertaining to the next night's work. Her students have the freedom to ask questions at any time, with the implicit understanding that such remarks must be relevant to the material studied, for Mrs. Rackin is decidedly not impressed with those showy, abstruse, convoluted theories which often display an uncareful rather than a thorough reading. Without being dictatorial, she demands conscientious work in and out of the classroom, and her reputation as an exceptionally good, tough teacher, evidenced by the number of capable English majors who register for her courses, has encouraged other able students to enter her classes and to major in English.

Mrs. Rackin's ability to work with students extends beyond her day-to-day class routine; the value of a course with her lies also in the manner by which she grades written assignments. She will never return a paper with a

* English #100, 101, 103, 110, 135, 171, 270, 297, 300, 303.
General Honors Literature 10, 11.

cryptic comment saying merely, "Good ideas, but not well developed": she reviews each paper carefully, reading every word. She comments on all ideas presented, showing their strong and weak points and other possible ramifications of the same train of thought. Moreover, unlike some other teachers, she grades the student on *style* as well as content, on how he expresses his ideas. This dual concern is a necessity for English majors and, indeed, for anyone who must express himself cogently in future reports. In general, Mrs. Rackin is a conscientious, thorough, and well-versed teacher with a no-nonsense attitude towards her work, not fooled by pseudo-intellectualism or plagiarized ideas, demanding simply that you *know*—and when you can say, "I know," your knowledge seems the greatest reward possible, for both you, the student, and her, the teacher.

Her distinction as a teacher matches her ability to counsel students. Interested in students as individuals, willing to give of her time freely, she follows the same philosophy in advising as in teaching: she forces the student to be honest about his goals, his capabilities, the quality of his work; she is forthright in expressing her own opinions as well. She gives concrete advice, suggesting books to read, further lines of study, and possible new areas of interest. In some cases, her guidance has precipitated dramatic and beneficial changes in students' work. Her influence can be directly seen in the case of her last semester's honors section, in which all students chose interesting topics and presented essays to the department on time. Without her advising, several students in this group might not have completed their theses. Mrs. Rackin is highly respected as an advisor who gives personal attention and solid guidance, a person with whom a student may feel that he has established a rapport of honesty and mutual trust.

In sum, we students of Phyllis Rackin consider that, in addition to her record of involvement in departmental, university, and scholarly affairs, the testimony of her teaching and advising abilities deserves formal recognition. We ask that all committees on tenure include this brief with the materials hitherto compiled on Mrs. Rackin, and that the persons responsible for denying her tenure reconsider their previous decision.

We, the undersigned current and former students of Phyllis Rackin, endorse the student brief on her teaching and advising abilities, and we support the motion asking that she be reconsidered for tenure.

• *Eighty-four names appended.*

THOSE OF US IN THE GENERAL HONORS PROGRAM WHO HAVE MET DR. RACKIN THROUGH HER PAST ASSOCIATION WITH THE PROGRAM RECOGNIZE HER CAPABILITIES BOTH AS A TEACHER AND AS AN ADVISOR. FEW PROFESSORS ARE AS INTELLECTUALLY STIMULATING AS SHE IS. HER ACTIVE INTEREST IN HER STUDENTS IS NOT BOUNDED BY THE CLASSROOM. DR. RACKIN HAS ALWAYS BEEN AVAILABLE TO THOSE WHO WISHED TO DISCUSS THEIR WORK IN ENGLISH OR ANY OUTSIDE PROBLEMS THEY MIGHT HAVE HAD. SHE HAS THE CAPACITY FOR INSPIRING CONFIDENCE AND INITIATIVE IN HER STUDENTS. HER QUALITIES ARE RARELY FOUND IN EDUCATORS TODAY. WE CONSIDER OURSELVES FORTUNATE IN HAVING KNOWN DR. RACKIN, AND WE URGE THE ADMINISTRATION TO RECONSIDER THE QUESTION OF TENURE. DR. RACKIN IS TOO VALUABLE A PROFESSOR AND A PERSON TO LOSE.

• *Twenty names appended.*

STATEMENT OF JUNIOR HONORS ENGLISH MAJORS

We, the undersigned Honors English majors, request that the decision to deny tenure to Mrs. Rackin be reconsidered. Each of us has taken at least one course with Mrs. Rackin and feels that she is an invaluable member of the Department of English. Much formal evidence in her support is well known—her many scholarly articles, her service to the Department and to the University as a whole, her efficiency in the general mechanical details of teaching. Further evidence concerning her relationships with students also should be presented.

Mrs. Rackin is unfailingly well-prepared for class, remarkably able to elicit profitable class discussion, and consistently available for private consultation. Moreover, her extensive knowledge of criticism is particularly valuable to those students who are interested in English as a profession, as many of us are.

We ask that these qualities of Mrs. Rackin be carefully considered by the committees on tenure.

• *Signed with seven names, "all junior honors English majors who have taken courses with Mrs. Rackin."*

WE, THE FOLLOWING SENIOR HONORS ENGLISH MAJORS AND FORMER STUDENTS OF MRS. RACKIN, REQUEST THAT THE DECISION TO DENY TENURE TO HER BE RECONSIDERED. HER OUTSTANDING JOB AS THESIS ADVISOR, SEMINAR LEADER, TEACHER OF LITERARY CRITICISM AND SHAKESPEARE, COMBINED WITH HER SCHOLARLY WORK, PARTICIPATION IN UNIVERSITY AFFAIRS, AND INVOLVEMENT WITH HER STUDENTS, MERITS A TENURED POSITION IN THE DEPARTMENT.

[Eight names appended.]

This report has been compiled by the following students of Phyllis Rackin:

Sandra Dechert CW 1971 Charles Krasnow Col 1970
Henry Hamilton Col 1970 Wayne Lesser Col 1970
Mimi Rogers CW 1971

April 6, 1970

Dean William Stephens
116 College Hall

Dear Bill:

Enclosed is the material which I have received from the students concerning Phyllis Rackin. The statement in the first sentence of their report—that I suggested their submitting this material—is of course misleading; all I told them was that I would receive and consider their material.

It seems to me appropriate that I send you a second statement of my view concerning Mrs. Rackin. For more than three years I have given a great deal of thought to whether or not Mrs. Rackin should receive tenure in this Department. Throughout I have been fully aware of Mrs. Rackin's competence and popularity as an undergraduate teacher, and of her willing and generally effective service on various committees.

On the other hand, there are two matters which have led me to the increasingly strong conviction that retaining Mrs. Rackin would not be in the best interest of this Department.

1. The difficulty which Mrs. Rackin has had over a considerable number of years in bringing her book-manuscript to a conclusion suggests that she will not be able in future years to produce, in addition to occasional articles, sizeable and important publications which would bring her the kind of recognition in her field which she would need as an Associate Professor and later a Full Professor in this Department. Also, I and a number of my colleagues see no evidence that the papers which she has so far published have attracted much attention or admiration. It seems noteworthy to me that those persons from other campuses whose names she gave me as references, a full eight years after receiving her degree, were two of her former teachers in Graduate School and two members of the Department of English at Temple University, of which her husband is also a full-time member.

2. In any consideration involving tenure, an important matter is the permanent need within the Department for a specialist who will assume responsibility for one of the undergraduate and graduate sub-fields within the Department. Mrs. Rackin has as her main interest Literary Criticism, with a strong interest in Shakespeare's works. Certainly this Department has no permanent need for another Shakespeare specialist; Mr. Frye and Mr. Turner are primarily concerned with this field, and Mr. Howarth has recently published a solid book about Shakespeare's works. The Department does have need for a specialist in Literary Criticism, to offer the courses on both the undergraduate and graduate levels. This need has existed since Professor Peckham resigned three years ago. With this need in mind a number of Senior members of our Department have examined Mrs. Rackin's writings, including her unfinished book-manuscript, very carefully over the last three years. Her materials were also sent to an outstanding scholar-critic at the University of Michigan for review. The unanimous opinion of these readers is negative. Some of the points that were advanced in the various critiques were (1) that her knowledge of former and current critical positions seems limited almost solely to one school, and that she does not take serious account of other important schools; (2) that her positive arguments for her own critical position are set forth within a very limited perspective; and (3) that the philosophic bases upon which she structures her own critical position are not clearly delineated. With such judgments in hand, it would seem to me extremely unwise to assign Mrs. Rackin permanent responsibility for our courses in Literary Criticism.

I should also state at this time my lack of enthusiasm for either of two "compromise-solutions" which some friend of Mrs. Rackin may suggest:

1. That she be offered additional untenured appointment for one or more years so that her book can be finished, published, and judged. She has had two such yearly extensions; thus her probationary period has already been eight rather than the usual six years. I do not believe that further extension would produce any better result than those two. Further, additional extension for her would be certain to cause some difficulty in similar cases which will arise in the future.

2. That she be offered tenure with the understanding that her assignments would be permanently only undergraduate courses. In my experience this kind of arrangement has never worked well. After a few years the individual becomes an embittered second-class citizen, loses enthusiasm, and teaches poorly.

R. M. Lumiansky

• Dr. Lumiansky misstates the relationship of Dr. Rackin to her endorsers. Of the four, only one, Professor Kreiger, had been her teacher, and only one, Professor Smith, was her husband's colleague. Professor Stillinger became graduate chairman at Illinois after Dr. Rackin left there, and Professor Beardsley, who had recently joined the Temple University Philosophy Department, has never been a member of the English Department.

MEMORANDUM CONCERNING A MEETING OF THE
ASSOCIATE AND FULL PROFESSORS OF ENGLISH
ON APRIL 10, 1970

(1) The Chairman exhibited in bulk and summarized the material he had received from students and others in favor of Mrs. Rackin's being promoted to an Associate Professorship with tenure. He also stated that PMLA had now accepted the revised article which Mrs. Rackin had submitted, and that Mrs. Rackin had been elected Chairman of the Shakespeare Section of the Middle Atlantic Modern Language Association. He further reported having learned that he would shortly receive a statement in support of Mrs. Rackin signed by a large majority of the Assistant Professors in the Department.

(2) Next the Chairman stated that as he saw it the first question before the group was whether or not they wished to reconsider their decision concerning Mrs. Rackin made at the earlier meeting on November 4, 1969 for this purpose. There was some suggestion that the best procedure would be for the group now simply to reaffirm its voting at the earlier meeting, but a motion was made, seconded, and carried that the group repeat the whole process.

(3) Mr. Pratt moved that the Department recommend Mrs. Rackin for an Associate Professorship with tenure. The motion was seconded by Mr. Mangione.

(4) In the discussion that followed the matter that received most of the attention was whether or not any really important new information concerning Mrs. Rackin was before the group. The Chairman stated that as he saw it this question could be answered either affirmatively or negatively: affirmatively in that one could argue that the extent of student appreciation of Mrs. Rackin's teaching had not been fully realized in the earlier consideration; negatively in that one could argue that all the way through the earlier consideration everyone had granted Mrs. Rackin's competence and popularity as a teacher. During the discussion queries several times arose as to whether or not Mrs. Rackin had already accepted a position at Beaver College. The Chairman ruled that such a matter was not relevant to the question before the group.

(5) A written signed ballot was taken. The outcome was as follows: in favor of promotion and tenure for Mrs. Rackin - Chester, Gordon, Howarth, Irving, Laws, Longaker, Mangione, Pratt, Turner; opposed - Boll, Cohen, Coffin, Hornberger, Johnson, Lucid, Rosier, Ryals.

(6) The Chairman was instructed to write to all absent members of the group, inviting them to vote by letter.

R. M. Lumiansky
Clyde Ryals
Robert Turner

15 April 1970

Dear Mr. Lumiansky,

Attached is our letter of support for Phyllis Rackin. We feel very strongly about her achievements and potential for continued contribution to the English Department and to the students at the University of Pennsylvania.

We understand that the case is being reopened at various levels, including the Dean's Personnel Committee level. We ask that our attached letter be transmitted to Dean Stephens and be made a part of Professor Rackin's permanent file.

—Members of the Department of English

Attachment

We write in support of Professor Phyllis Rackin for tenure at the University of Pennsylvania. Professor Rackin is eminently qualified in the three areas under scrutiny: her teaching ability is confirmed by the student brief submitted March 30, 1970; her administrative competency is demonstrated by the long list of committees on which she has served well; and her scholarship is attested to by the favorable departmental recommendation for tenure and by the enthusiastic responses from Professors Beardsley, Krieger, and Stillinger.

Her scholarly reputation is further demonstrated by her recent election to the chairmanship of the Shakespeare section of the Northeast Modern Language Association at their meeting on April 3. Moreover, Professor Rackin's most recent article, on *Antony and Cleopatra* and Renaissance critical theory, was accepted officially on April 1 for publication by a leading scholarly journal, *PMLA*.

What is most impressive about Professor Rackin, however, is that her dedication to scholarship has coincided with the devotion of so much time and energy to teaching. Her performance as a teacher at the University of Pennsylvania has been consistently outstanding and is a result of the quality and degree of her academic involvement with her students. It is for her qualities as a teacher as well as for her ability to combine to such a degree of excellence all three areas of academic endeavor that we particularly support her candidacy for tenure.

R. L. Widmann, Judy L. Newton, Benjamin F. Fisher, Daniel A. Harris, Jason Rosenblatt, Marshall A. Ledger, Judith F. Bader, Paul A. Magnuson, Robert W. Ross, Karen T. Romer, Carol L. Bernstein, Cynthia Secor, Judith Keig, Randolph W. Ivy, G. W. Meyers, Robert E. Hill.

15 April 1970

Dear Professor Lumiansky,

I would like to add my voice to the expression of support for Phyllis Rackin during the present reconsideration of her status. I am particularly anxious to do so if the opinion of the junior faculty, like that of the students, will have any hope of influencing the Dean or Provost.

I am no judge of Phyllis's scholarly reputation, nor do I understand the budgetary problems of the University. But I do know that Phyllis is both wholly committed to Penn and a nearly ideal teacher.

Timothy Materer,
Assistant Professor of English

April 29, 1970

Professor R.M. Lumiansky
Chairman, Department of English
University of Pennsylvania
Philadelphia, 19104

Dear Professor Lumiansky:

Yesterday John Fisher of PMLA sent me the typescript of my article for a final check before it goes to the printer. He enclosed this letter from Professor David Bevington, of the PMLA editorial board.

I am writing to request that you include Professor Bevington's letter with the other new evidence submitted to all parties involved in the reconsideration of my tenure and promotion.

Phyllis Rackin

• A letter was sent to Dean Stephens the same date.

Attachment

UNIVERSITY OF CHICAGO
DEPARTMENT OF ENGLISH

March 17, 1970

Prof. John Fisher
MLA

Dear John,

This paper by Phyllis Rackin is now a real gem. I'm proud to be in a small way associated with it, and I don't see how it can help being a serious contender for the PMLA prize when it appears. It's just what we want for PMLA: a real contribution, yet on a familiar and widely appreciated subject, and brilliantly written. I still had one or two places in the first eight pages where I thought a bit more cutting might still be in order; I mention this as something you might look for in the process of editing. I don't think more revision is necessary. On the whole, it's just the right length. I'm not sure yet I'm entirely convinced on p. 17 where she says "when Sidney argued for the Unities as necessary for verisimilitude, he implicitly repudiated his own notion of the golden world of poetry." Phyllis Rackin's arguments on this point are interesting and cogent, and again do not require change; but I still do hesitate as to whether I'm convinced. This is a relatively minor point. The whole conception of the journey into a golden world chiefly conveyed by *Cleopatra's* play-acting, taking the audience itself on an imaginative journey into Shakespeare's world of art, is wonderful. It ties into the "green world" idea about the comedies, and into Anne Richter's study of the play within the play—though this analysis is a good deal more tough-minded and thorough than Anne Richter's, for all the virtues of that book.

David Bevington

May 4, 1970

Dr. William E. Stephens
Dean of The College
116 College Hall

Dear Bill:

As per your request, on April 17 I set up a new panel on the case of Mrs. Phyllis Rackin. As you may recall, the previous panel, set up by Dr. Pritchard, had reported unanimously that the proposed promotion was not warranted. This was communicated to you by Dr. Pritchard on January 20, 1970.

The current panel had before it a variety of new evidence. It has studied the case very carefully and has had two face-to-face meetings. It has reached a unanimous decision to recommend the approval of Mrs. Rackin's promotion to an associate professorship with tenure.

I quote below the essential portions of the rationale for this recommendation:

"I think the over-riding argument was this: Of the three desirable virtues of teaching, service to the University, and publication, Mrs. Rackin is truly outstanding in the first two and good, though not outstanding, in the third. Now had her publications been without merit, or had she none, we would certainly have voted against tenure. But this is not the case. She has published some seven articles (at least three of which are in first-rate journals) and one outside reader (Stillinger) rated three of these articles "brilliant." Still another distinguished scholar (Monroe Beardsley, formerly of Swarthmore) said he found her work impressive, and Professor Bevington of the University of Chicago regarded her last article as a contender for the PMLA prize, calling it 'a real gem,' 'brilliantly written,' 'tough-minded' etc. We felt that had the English department thought her publication first-rate but her teaching mediocre, it would probably have recommended her promotion, and thus the question in our minds was whether the department really honors outstanding teaching, as it claims to do.

"Nevertheless, we are keenly aware of the opinion among some in her department, not to mention the Chairman, that her publication was not sufficiently promising to justify the expectation that she would be advanced someday to full professorship as a scholar who had won outstanding approval outside of the University. We discussed this issue at length. The more we discussed the matter the more we were at a loss as to how to weigh these adverse judgments. In the first place, the

department had indicated their confidence in her by a vote of 18-3 a few months earlier. Was she promising in the Fall but lacking in the Spring? In the second place, the outside recommendations and comments noted above stood in strange contrast to the tepid and unenthusiastic judgments of some of her colleagues. One of the latter seems to wish to minimize these enthusiastic endorsements by noting that they came from her former teachers. But are we to infer from this that distinguished teachers are usually uncritical endorsers of their students? Or again, one of her colleagues says of her most recent article that it is solid but hardly likely to be accepted by the PMLA, and yet the article is accepted and we are apprised that it is a contender for the PMLA prize. These contradictions raised further questions in our minds about the negative judgments about her book-length manuscript: could it also be much better than they are inclined to think? At any rate, we decided that there was considerable evidence that her work did show promise of distinction and had already brought significant approval from outside of the University.

"(One member) wished it noted that although he was convinced that she was academically qualified for tenure, he wondered whether it was in her best interests to remain in a department so divided over her. (Another member) and I did not think this relevant to our decision and, in any case, ought to be set over against the impressive testimony of undergraduate and graduate students and colleagues concerning her great gifts as a teacher."

Julius Wishner, Chairman, Faculty Personnel Committee

** Note that although the committee had been incorrectly informed that all the enthusiastic recommendations came from former teachers, they were aware of the writers' professional distinction.*

She Dares to Ask

** When she learned that the English Department had voted on her a second time, Dr. Rackin asked her husband, an AAUP officer at another university, to visit Dean Stephens to inquire about the procedures that were being used in her case.*

April 21, 1970

Professor William E. Stephens
Dean of the College
116 College Hall
University of Pennsylvania

Dear Dean Stephens:

I am writing in response to your statement yesterday that you mean to convene a new ad hoc committee to reconsider my tenure and promotion. Since a complete dossier was assembled for your original committee, I assume that all of those materials will also be available to this new one. I would greatly appreciate your conveying to the new committee these additional items as well:

1. The student brief on my teaching.
2. The letters you have received from students, faculty, and alumni in support of my qualifications.
3. The fact that since your original committee met I have been elected chairman of the Shakespeare section of the Northeast Modern Language Association.
4. The fact that since your original committee met my long article on Renaissance poetic theory and *Antony and Cleopatra* has been revised and accepted for publication in *PMLA*, the leading journal in the field of literary scholarship.
5. The fact that I am a fully affiliated faculty member this year, as I have been for the past eight years (I have a letter to that effect from the Secretary of the Corporation).
6. The fact that the initial vote in my department was 18 to 3 (with 2 abstentions), in favor of recommending my promotion and tenure, and my contention that the decision to reopen the case in the English

Department was an inappropriate response to the student petitions, since

- A. The students were asking for a reconsideration of the unfavorable decisions at higher levels which had reversed the English Department's recommendation.
- B. No new negative evidence was brought forward. Therefore there was no reason to reconsider a highly affirmative vote.
- C. On the contrary, highly positive evidence was presented.
- D. Time did not allow for a department meeting to be called or conducted in a proper fashion (e.g., the one-day notice of the meeting kept a number of members from attending, and they are being polled privately).

7. A copy of this letter.

You also said yesterday that you were willing now to send me the reasons for the adverse decision in my case. I should like to have them as soon as possible.

Phyllis Rackin

April 27, 1970

Mrs. Phyllis Rackin
English Department
119 Bennett Hall

Dear Mrs. Rackin:

In reply to your letter of April 21st, let me clarify several things.

I gather when you refer to "my statement yesterday" you mean the conversation I had with your husband, Donald, on April 20th. As I told your husband, I do not "convene a new ad hoc committee" to reconsider your tenure and promotion. As you should be aware from the list of Standing Committees which is sent to all faculty members each Fall, the College of Arts & Sciences has a Committee on Faculty Personnel. The present Chairman is Professor Julius Wishner. This Committee is asked for its recommendation in cases of appointments and promotions in the College. In your case, I received a folder from the English Department last week in which the Chairman of the English Department transmitted the most recent action of the English tenured faculty together with the student brief and other letters, petitions, and information concerning your academic accomplishments. I have transmitted this material, together with the information I have received concerning your teaching and scholarly work, to Professor Wishner requesting a recommendation. I understand from Professor Wishner that he has the documentation also from the previous consideration. I will send a copy of your letter to Professor Wishner for his information.

I did not tell your husband that I was "willing now to send you the reasons for the adverse decision in your case." I suggested that I consider such information to be privileged and most properly to come from the Provost, if from anyone.

Since the previous decision is now being reconsidered, it would be more appropriate to await the new consideration.

William E. Stephens, Dean

May 5, 1970

Dr. David R. Goddard
Provost
102 College Hall

Dear Provost Goddard:

I bring to your attention the case of Mrs. Phyllis Rackin, an Assistant Professor in the English Department.

Mrs. Rackin was appointed Instructor as of July 1, 1962, and reappointed as of July 1, 1963. Her Ph.D. was granted by the University of Illinois in 1962. Mrs. Rackin was promoted to Assistant Professor as of July 1, 1964, for a three-year period and then was renewed by reappointment as of July 1, 1967 for one year. A further one year renewal was made for July 1, 1968 by the Provost Staff Conference on May 3, 1967. This proposal, accompanied by a letter from Associate Dean Welch, indicating that the Personnel Panel of the College had recommended an appointment as lecturer. In view of a letter from Mrs. Rackin, dated

March 23, 1967, saying she understood the extension did not involve tenure, the appointment was extended as assistant professor, from July 1, 1968 to June 30, 1969.

In the fall of 1968 the department again refused to recommend promotion but suggested reappointment for one year without tenure. Dr. Hornberger notes in his letter of December 9, 1968 that Mrs. Rackin understood the reasons for this reappointment and wrote a note confirming this. February 12, 1969 the Provost Staff Conference approved this reappointment, July 1, 1969 to June 30, 1970, and it was recorded as full affiliation, full salary, without tenure. Her position was changed later to part-time, partially salaried teaching so she could devote more time to her book. (PSC 7/17/69).

In the fall of 1969, the matter of possible promotion was considered by the English Department, and at a meeting on November 4, 1969 the tenured faculty voted 14 for promotion, 3 against, with 3 abstentions. The chairman recommended against promotion, the Personnel Panel reported unanimously against promotion. At a meeting of the Provost Staff Conference, February 4, 1970, the promotion was disapproved.

Additional information including student commendation was made available in April, and the additional material was sent to the Dean in early April with a negative recommendation from the Chairman.

At a meeting April 10, the tenured faculty of English met and voted to repeat the consideration of promotion for Mrs. Rackin. This group augmented by mail ballot, voted 14 to 12 against recommending promotion. The new material was submitted to a new Personnel Panel, which then recommended promotion.

I add my recommendation not to promote on the following grounds. I believe that we must strive for a faculty of high quality, both in teaching and in scholarship. I find the testimonials to Mrs. Rackin's excellent teaching to be convincing even though I have heard of occasional unfavorable reactions to Mrs. Rackin's teaching. On the other hand, the evidence for excellent scholarship and future potential seem at best divided. I rely more on the appraisal of Professors Frye, Hornberger, and Lumiansky that the papers, etc., are not adequate to the standards of the University.

I find somewhat disturbing also the suggestions of bad faith in the questioning Mrs. Rackin has made as to her tenure status. Consequently, I do not recommend the promotion of Mrs. Phyllis Rackin to Associate Professor and tenure.

William E. Stephens, Dean

• Except for the dean's reference to a letter from Dean Welch, there is no information in the record concerning a College personnel panel recommendation of a lecturership for Dr. Rackin.

• Dean Stephens does not indicate why he relies more heavily upon his colleagues in the English Department, none of whom were specialists in literary criticism, than upon outside authorities in Dr. Rackin's field.

• The Daily Pennsylvanian's insertion of three dots before the word "consequently" in its edition of the Rackin papers last December is one of the things that prompted women here to seek the originals, for it appeared that Dean Stephens' meaning had been distorted. The D.P. had simply made an error: there was no ellipsis, and this is the correct reading of the dean's statement.

An Appeal Wins her Tenure . . .

May 12, 1970

Dear Dean Stephens:

I am writing to request that you convene the College Committee on Academic Freedom and Responsibility to consider my claim that I have earned tenure under the regulations of the University of Pennsylvania and the American Association of University Professors and that the University has acted improperly in dealing with my case.

I am enclosing eight copies of a chronological summary of relevant events, and I request that you forward them to the members of the committee. I should also like an opportunity to meet personally with the committee, along with representatives of the AAUP. In view of the fact that it is now very late in the school year, I should appreciate your convening the committee as quickly as possible.

Phyllis Rackin

Attachment

THE RACKIN CHRONOLOGY

May 12, 1970

1. In January, 1962, I accepted M.A. Shaaber's offer of an instructorship in the University of Pennsylvania English Department, to begin with the academic year 1962-63. This was a fully affiliated appointment, and I arrived at the University with the Ph.D. in hand (See U. of P. *Handbook*, pp. 34-35).

2. In 1962-63 and 1963-64, I served as a fully affiliated instructor. The normal practice at that time was for new faculty members to serve as instructors for three years, but in June, 1964, Professor Allan Chester, who was then chairman, informed me that I was promoted to assistant professor, the promotion to take effect at the beginning of the academic year 1964-65. The appointment as a fully affiliated assistant professor was for three years (1964-65, 1965-66, 1966-67).

3. During the academic year 1965-66, Professor Robert Lumiansky arrived to take charge of the English Department. On March 15, 1966, I was reappointed assistant professor for one year, to take effect July 1, 1967 and extend through June, 1968. As far as I know, the department did not vote on me that year.

4. In March, 1967, Professor Lumiansky told me the department could not reach a clear-cut decision in my case and asked me to waive my right to tenure so they could have another year to decide. He dictated the waiver to me, I wrote and signed it, and I was given another one-year, fully affiliated appointment for the academic year 1968-69. I did not ask for the extension or propose the waiver: indeed, I had never heard of such an arrangement before Professor Lumiansky proposed it.*

5. June, 1968 was the end of my sixth fully affiliated year at the University of Pennsylvania, and the last date for the University to terminate my contract according to AAUP policy and principles, and also according to the University of Pennsylvania *Handbook*, pp. 34-35 and the University of Pennsylvania document "Procedures Concerning Tenure," p. 15.

6. In October 1968, the English Department met to decide on my promotion. I was told they were highly favorable but wanted to get an outside opinion on my scholarship in order to support their recommendation to the Dean. I was asked to submit offprints of my published articles and xerox copies of my work in progress. One of my articles, and the introductory chapter to my book, were sent to someone outside the university (I was not told who), and when the report came back there was a second meeting on my case. This meeting was sparsely attended, since there was a heavy snowfall that day. The report was ambivalent, and although it was based on a small proportion of my work, the members of the department who were present at that meeting voted to defer the decision on my promotion for another year, to give me time to publish more. Professor Hornberger, who was acting chairman during Professor Lumiansky's leave, asked me to sign another waiver, and I copied the wording of the first one. I was reappointed as a fully affiliated assistant professor for the academic year 1969-70. I asked Professor Hornberger for a leave to devote more time to my scholarship, and he told me that would not be possible. I then requested, and received, a reduced teaching load (two-thirds time), for which I agreed to accept a reduced salary (two-thirds salary). I do not know why I was not granted a leave, since other untenured members of the English Department, with fewer years of service to the University, have been granted leaves. I was also surprised to discover this year that several untenured people were granted reduced teaching loads without any reduction in salary, even though they did not hold administrative positions in the department.

7. On November 4, 1969, the tenured members of the English Department voted to promote me. I was told that the vote was 18 to 3 with 2 abstentions. In addition to the chairman, there are 26 tenured members of the department, and 2 were on leave. On February 5, 1970, Professor

• The waiver was in the form of a letter addressed to Dr. Lumiansky, reading as follows:

"I understand that the department is recommending an extension of my appointment as Assistant Professor through June 30, 1969, and that if the extension is granted the additional year does not commit the University to tenure in my case."

Phyllis Rackin"

Lumiansky sent me a handwritten note, reading as follows: "Dear Phyllis: I am sorry to have to report the Provost's Staff Conference's negative decision concerning your promotion to Associate Professor with Tenure." When I asked Professor Lumiansky for an explanation, he denied any knowledge of the reasons for or the source of the denial. Two weeks later, when Professor Lumiansky's secretary returned my offprints and MSS to me, I asked her if the reports on my case were back, and I asked if I could see them or at least find out the reasons my promotion had been denied. After checking with Professor Lumiansky, she informed me that that information was confidential.

8. During the second week in February, I asked the Provost for the reasons my promotion and tenure had been refused and the source of the refusal. He did not tell me the reasons, but he said that Professor Lumiansky, the Dean, and the Dean's committee had all opposed the department's recommendation for my promotion and that his own "hands were tied," even though he was, he said, sympathetic to my cause. He also said that three of the four outside experts to whom Professor Lumiansky had written for evaluations of my scholarly work to submit to the personnel committee had been highly enthusiastic and that the fourth was not unfavorable.

I pointed out to the Provost that I had never received any formal notice of termination (see "Procedures Concerning Tenure," pp. 16-17) and his only response was that it would be easier for me to get another position without one.

9. In March, 1970, students at the University, having heard that the English Department's recommendation for my promotion and tenure had been turned down, started a letter and petition drive, and at Professor Lumiansky's request, they wrote a brief outlining their reasons for protesting the administration's decision. In response to this brief, and to letters from students, alumni, and faculty members of the University, the administration announced in early April that my case was to be reopened. During all this time, I did not hear from any person in authority, and my only sources of information were random gossip and articles in the student newspaper. I was not asked, as I had been in October, to submit materials. On April 9, 1970, Professor Lumiansky called a new meeting of the tenured faculty, to be held the following day, which was not the regular day for meetings. A number of members were unable to attend. This time, the vote was taken by signed, secret ballots, this new procedure having been adopted after the initial open vote in my case, at the suggestion of Professor Robert Bamberg, Professor Lumiansky's assistant chairman. Contrary to the procedure in November, Professor Lumiansky did not inform me that the new vote was to take place, nor did he report its results to me. I do not know whether or not the department was shown the student brief and petitions, the letter signed by most of the untenured members of the English Department, or the many letters from present and former students, colleagues in other departments, alumni, and teachers at other institutions who were former students of mine although this new evidence was the ostensible reason for reopening my case.

10. On April 20, 1970, Professor Donald Rackin, representing me, visited Dean William Stephens to see if he could get any facts about the rather obscure processes by which Professor Lumiansky, the Dean, and the Dean's personnel committee had come to reverse the initial strong recommendation of the English Department that I be promoted and given tenure (the Provost had previously said that he was not responsible for the reversal and that in fact he was deeply concerned with the treatment of the women in the English Department in particular and the University in general, fearing that they were victims of discrimination). In this interview, the Dean made the following points:

A) He claimed that my appointment was terminal. When Professor Rackin asked him for evidence, he cited my reduced teaching load and claimed that I had requested the extensions and waivers of tenure.

1. I requested the reduced teaching load. The University was quite willing for me to teach full time this year.
2. At no time did I request an extension. Both waivers were instigated by the department.
3. I have never received any letter to the effect—nor have I ever been told orally—that any of my appointments have been terminal.
4. I suggest that the Dean be asked for model copies of letters sent to people who are truly on terminal appointment because he did not produce any such document for Professor Donald Rackin, and he was rather vague about official University procedure in cases of terminal appointments (See "Procedures Concerning Tenure" pp. 15, 16).

B) The Dean claimed, on the basis of my reduced teaching load this

year, that I am not now a fully affiliated member of the faculty. The Dean strongly emphasized this point, claiming that it was "official," and using it to refute Professor Rackin's argument that I had de facto tenure for my eight years of fully affiliated service at the University (See "Procedures Concerning Tenure," pp. 2, 17). Professor Rackin did not dispute this point, since he had not yet checked the matter with me.

1. I am a fully affiliated member of the faculty this year, and I have a letter to that effect from the Secretary of the Corporation, dated June 23, 1969 (See University of Pennsylvania *Handbook*, p. 37, on the distinction between "fully affiliated" and "fully salaried" faculty status).

C) The Dean acknowledged that the English Department vote of November 4, 1969, was 18 to 3 in favor of my promotion and tenure and that on April 10, 1970, the Department had once again voted for my promotion and tenure. However, he indicated that this new vote was "much closer" and he said that a poll of members absent from the meeting of April 10 was still in process.

D) Professor Rackin asked the Dean for some explanation of the irregularity of the procedures in reopening my case: (a) that the English Department, which had previously voted by a great majority for my promotion, was asked to reconsider its decision; (b) that the new vote was taken by a new procedure, i.e., secret ballot; (c) that there was only one day's notice of the meeting, which was not held at the ordinary time for department meetings. In answer to these questions, the Dean asked Professor Rackin how he would have arranged matters.

The Dean also indicated that members absent at the second meeting were being polled individually, but he denied that there was any irregularity or danger in such a procedure, even in such an exceptional case.

In addition, the Dean was rather vague about the process by which he ascertains the votes of departments other than depending entirely upon the reports of the chairmen. When Professor Rackin asked him to describe the standard practice he and the personnel committee employ in such cases, his answer was that there are "many ways."

11. On April 20, 1970, Professor Donald Rackin called to make an appointment with Jordan Kurland, Associate General Secretary of the American Association of University Professors about my case.

12. On April 21, 1970, I wrote and delivered the enclosed letter to Dean Stephens. [See April 21 letter above.]

13. On April 29, I delivered a second letter to the Dean (enclosed),* to inform him of a very favorable report on my most recent scholarly work from a member of the editorial board of *PMLA*, where it will be published shortly. I asked the Dean's secretary whether he had received my first letter, and she said that he had.

14. On May 1, I received the Dean's answer to my first letter. His answer was dated April 27, and it had been sent by intramural mail. He refused to give me the reasons for the adverse decision, although he had told Professor Rackin that I had a right to know them. Professor Lumiansky, on three separate occasions, told students that although in order to protect me he would not tell them the reasons for the adverse decision, I had a right to know them and he would tell me. However, on the two occasions when I had asked him the reasons he did not tell me. The first time he said that he did not yet know, and the second time he had his secretary tell me the information was confidential. [See April 27 letter above.]

15. On May 18, 1970, Professor Louise Shoemaker, President of the University chapter of the American Association of University Professors, and Professor James Freedman, of the University of Pennsylvania Law School, visited the Provost to inquire about my case. The Provost told them that my promotion and tenure would again be denied because, although the College personnel committee had now voted in favor of my promotion and tenure, the English Department had now voted against it, by a vote of 14 to 12. He also said that if I wished to pursue the matter further, I should bring it before the College Committee on Academic Freedom and Responsibility.

* See March 17, 1970 letter from Professor David Bevington (above).

Dr. Rackin's chronology concludes:

SUMMARY OF THE MAIN POINTS IN MY ARGUMENT

1. It is now my eighth fully affiliated year at the University of Pennsylvania.

2. I have never received any notice of termination or terminal appointment. The closest thing to it is the one-sentence handwritten note from Professor Lumiansky, dated February 5, 1970.

3. According to the statements on tenure in the University of Pennsylvania *Handbook* and the University "Procedures Concerning Tenure," p. 17, the University itself mandates notice of termination no later than the sixth year, to be conveyed in an official manner. Nowhere in either of these documents is there any mention of or provision for waivers of faculty members' rights to tenure, such as I was asked to sign.

4. There appear to be a number of irregularities in the handling of my case:

A) The secrecy surrounding the initial decision. Although the Dean told Professor Rackin, and Professor Lumiansky told the students, that I was entitled to know the reasons for the initial denial, none of my requests for those reasons has been granted.

B) The fact that when my case was reopened, officials of the University discussed it with students, and with representatives of the two student newspapers, but not with me.

C) The decision to return the vote to the English Department when the case was reopened, since

1. The students were petitioning for a reconsideration of the unfavorable decisions at higher levels which had reversed the English Department's initial strong vote in my favor.

2. No new negative evidence was presented. Therefore there was no reason to reconsider a highly affirmative vote. On the contrary, highly positive evidence was presented.

D) The irregular procedures in the second English Department vote:

1. There was less than 24 hours notice of the meeting.

2. The vote was taken by a new procedure, signed secret ballots.

3. I was not informed in advance that a vote was to be taken, nor was I asked to submit material.

4. I was not informed afterward of the results of the vote.

5. The Provost's figures for the second vote indicate that all of the many absent members were polled, including the two who were on leave (one of those two, I understand, spent his leave in France). I was told by one of the full professors that this is not normal procedure. Moreover, if the ostensible reason to have the English Department vote again was to enable them to consider the material submitted by the students, it is difficult to justify the extensive polling of absentee members. Were the long brief, the petitions, and all the letters shown to them?

E) The fact that the second English Department vote reversed the overwhelming majority that voted for my promotion and tenure in the Department meeting of November 4, 1969. This fact is difficult to reconcile with the alleged purpose of the new vote, i.e., to consider the new—entirely favorable—evidence that had been presented.

1. That I had been elected chairman of the Shakespeare section of the Northeastern Modern Language Association.

2. That I had had a long article on Renaissance poetic theory and Shakespeare's *Antony and Cleopatra* accepted for publication in *PMLA*, the leading journal in the field of literary scholarship.

3. The brief the students had compiled on my teaching and advising.

4. The letters from students, faculty, and alumni protesting the unfavorable decision.

REPORT OF THE COLLEGE COMMITTEE ON
ACADEMIC FREEDOM AND RESPONSIBILITY
IN THE CASE OF DR. PHYLLIS RACKIN

May 25, 1970

The members of the College Committee on Academic Freedom and Responsibility whose names appear at the conclusion of this report have met to consider certain grievances on the part of Dr. Phyllis Rackin, Assistant Professor of English. Dr. Rackin's grievances, as set forth in her letters and accompanying brief dated May 12, 1970 and addressed to Dean Stephens, are 1) her claim that she has earned tenure and 2) her allegation that "the University has acted improperly" in dealing with her case.

To the Committee, the primary issue in this case is Dr. Rackin's claim to tenure by virtue of length of service and we have addressed ourselves to that issue. A majority of the Committee (Goodenough, Robb and Nixon, with Professor Roach dissenting) are of the opinion that Dr. Rackin has qualified for tenure at her present rank on the basis of her eight years of full-affiliation with the University as Instructor and Assistant Professor, her written waivers of tenure rights notwithstanding. The majority base their conclusion on the clear and unqualified statement contained in the University's document on "Procedures Relating to Academic Tenure".

"It is important that term appointments not extend beyond the end of the seven year period of qualifying time unless affirmative action in favor of granting tenure has been formally taken by the faculty and by the University Committee on Appointments and Promotions."

We believe that this is a vital feature of the tenure policy and that circumvention of this principle through waiver of tenure rights or any other such procedure, however well intended and understood by the parties involved, can serve only to corrode the tenure system, to work to the detriment of the individual faculty member involved, and to undermine the objective of maintaining a faculty of the highest quality. We are of the firm opinion that it is incumbent upon all parties involved in tenure decisions to make unambiguous decisions for or against tenure within the probationary period provided for in our tenure policy.

The Committee is convinced that in Dr. Rackin's case, the Department, the Department Chairman and the Dean have all acted in good faith in the matter of the tenure waivers and that their objective was to provide Dr. Rackin with additional time in which to qualify for promotion. Nevertheless, the majority reaffirm that in their judgment the waiver action violates the tenure policy and should be rectified by recognizing tenure status for Dr. Rackin.

—Ward H. Goodenough

—William Roach

—David M. Robb

—Eugene R. Nixon, Acting Chairman

• Note that it was the committee and not Dr. Rackin who narrowed the consideration to the waiver issue. Dr. Rackin's May 12 complaint was addressed to the improprieties of the procedures in the second and third English Department votes in April 1970. If she had wished to claim de facto tenure by virtue of length of service, she could have filed a complaint in February 1970, when her tenure and promotion were first denied.

• On June 3, the Provost's Staff Conference considered the recommendations of the Committee on Academic Freedom but reported no decision. The following document from that Conference again emphasizes waiver-of-tenure over the other issues involved.

June 3, 1970

Dean William Stephens
116 College Hall

Dear Bill:

I want to thank you and Dave Goddard for permitting me to be present this morning at the meeting of the Provost's Staff Conference. In addition, I want to state for you—and for the other members of that Conference, if you think it appropriate—my reaction to a part of the discussion.

In my opinion, the advice given by John Hobstetter was good. I understood him to suggest two steps: (a) that the University should now deny tenure for Mrs. Rackin because tenure-waivers clearly have been and are a legitimate part of our procedure, and (b) that a full review of tenure-

waivers (or of whatever name John would give to this part of our past and present procedure) should be held in the Fall.

With one aspect of John's statement I differ. He said that he is of the opinion that the review will lead to abandoning tenure-waivers as a part of our procedure, and that Mrs. Rackin will therefore have to be reinstated retroactively. I am of the opinion that the review is likely to result in our retaining tenure-waivers as a part of our procedure, and that an irrelevant by-product of the review will be ratification of the denial of tenure for Mrs. Rackin. I believe that tenure-waivers will be retained because this aspect of our procedure is directly aimed at helping the young teacher-scholar. Thus I think almost all of our Assistant Professors will consequently support it, along with quite a number of older faculty members who consider it advantageous.

If the result of the review is to retain tenure-waivers as a part of our procedure, I believe (a) that in order to avoid future confusion this aspect of our procedure should be explicitly included in our official statements concerning tenure, and (b) that a standard form for the waivers—to be signed by all concerned—should be prepared for use in all instances.

I would greatly appreciate your sending me an airmail letter to tell me of the decision reached next Wednesday about Mrs. Rackin by the Provost's Staff Conference; Mrs. Lavelle will send Marian my address. There is no telephone in our beach-cottage; but I can telephone you, if you want me to do so, from one of the several telephones on the island and nearby.

As a parting word I would want to report my complete conviction that if Mrs. Rackin is allowed to remain on our faculty in any capacity—teaching full-time or part-time, or doing anything else—we shall have steady disruption as a result of her campaigns of one sort or another.

R. M. Lumiansky

• On July 27, Dr. Rackin was advised through a representative of the AAUP chapter that the Provost's Staff Conference on July 22 had ruled that she had tenure. She then requested an unpaid leave of absence for the 1970-71 academic year so that she could fulfill the commitment she had made to Beaver College, but continued to seek redress of the unresolved grievances listed in her complaint to the College Committee on Academic Freedom.

July 29, 1970

Dear Phyllis:

I understand from a telephone call from Stephen Goldstein that you are apparently disturbed about the University's action concerning your position. Let me assure you by this letter that in spite of your two letters of disclaimer of tenure the Provost's Staff Conference has ruled that you have tenure as Assistant Professor in the University of Pennsylvania. I want to make it clear to you that granting you a leave of absence for the year is done at your convenience and it does not imply that your position terminates at the end of that leave.

David R. Goddard

CC: Dr. William E. Stephens
Dr. Robert M. Lumiansky
Dr. Fred C. Ford

August 5, 1970

Dear Professor Goddard:

Thank you for your letter of July 27, 1970, informing me that I have been granted a leave of absence for the academic year 1970-71 for employment elsewhere and for your letter of July 29, 1970, stating that the Provost's Staff Conference has ruled that I have tenure as Assistant Professor in the University of Pennsylvania and that the leave of absence does not imply that my position terminates at the end of that leave.

As you requested, I shall see you during the first week in September to arrange for fringe benefits.

Phyllis Rackin

But There Are Other Methods

• When faculty members take leaves of absence, their names continue on the rolls and they receive such routine services as mail delivery. However in early August, Dr. Rackin learned that Dr. Lumiansky had ordered her name removed from her mailbox. By September 1, she had received only one book and one letter forwarded to her home address.

September 1, 1970

Dear Mrs. Rackin:

Joel Conarroe has told me that you called him this afternoon to ask that you be given a mail box in this building. Since you are not included in the budget of this Department, I see no reason for the Department to furnish you with a mail box. I would hope that you would have mail come to you at home or at the place of employment for which I am told you asked the Provost for a year's leave. Any mail that does come to this Department, however, will be forwarded to your home by the young ladies in our front office.

R.M. Lumiansky

• In September a colleague at another university forwarded to Dr. Rackin's home a letter returned from the English Department, marked "Return to Writer: Unclaimed."

September 23, 1970

Professor Robert M. Lumiansky
Chairman, Department of English
Philadelphia 19104, Pennsylvania

Dear Bob,

I'm sorry to bother you at what must be a very busy time, but I am rather puzzled by your letter of September 1. As you certainly must realize, any faculty member and scholar depends upon his departmental mailbox in all his work, and you also know of my responsibilities as a member of the MLA International Bibliography Committee and as chairman of the NEMLA Shakespeare Section.

What I can't understand in your letter is your statement that I am "not included in the budget of this Department." Obviously, I am not receiving a salary from Penn this year while I am on leave of absence. But as a tenured faculty member of the English Department, I surely must be included in your roster of Department members. So I'd appreciate your restoring my mailbox as quickly as possible.

One more thing—I'd like to receive notices of English Department meetings this year, since I think I'll be able to make it to some of them.

Phyllis Rackin

P.S. Thank you in advance for any trouble this may give you.

• Dr. Rackin also appealed at this time to President Meyerson.

September 26, 1970

President Martin Meyerson
University of Pennsylvania
Philadelphia 19104, Pennsylvania

Dear President Meyerson:

I have been informed that Dean Stephens discussed the issue of my tenure and promotion at a College Faculty meeting on Tuesday, Sep-

tember 22 in your presence. Unfortunately, although I am a member of the College Faculty, I received no notice of the meeting. Moreover, I have been unable to secure a copy of the Dean's report, so I have had to rely upon the memories of colleagues who were present on Tuesday. Their recollections of the Dean's report do not coincide with what actually happened last year, and therefore I am sending you a copy of the complaint I presented to the College Committee on Academic Freedom and Responsibility last spring and a copy of the Committee's report on my case, dated May 25, 1970.

I understand the Dean restricted his report to a summary and interpretation of these matters, and therefore I have not included an account of subsequent developments or difficulties that I have encountered since May 12, the date I submitted my complaint to the Committee. However, if you would like to see such an account, or documentary evidence and illustration of the items in my complaint of May 12, I shall be happy to send them to you.

If you wish to write to me, please send your letter to my home address (405 West Price Street, Philadelphia, 19144, Pennsylvania): Professor Lumiansky discontinued my mailbox in the English Department immediately after the Provost's Staff Conference ratified my tenure, and mail sent there does not seem to be getting through to me.

Phyllis Rackin

- *She never received an answer.*

-
- *No answer can be found to the following letter, either . . .*

October 1, 1970

Dr. David R. Goddard
Provost
University of Pennsylvania
102 College Hall

Dear Provost Goddard:

The Executive Board of the University Chapter of the American Association of University Professors wishes to register a protest with you regarding the apparent harassment of Dr. Phyllis Rackin. The most blatant form this has taken to date is the handling of her mail. It has come to our attention that mail addressed to her here at the University has been returned to the sender, rather than being held or forwarded to her.

Although Dr. Rackin has spoken to Dr. Lumiansky and you, she has no mailbox as other tenured persons have. She has missed important meetings because she has no place to receive mail or messages. We trust this matter can be attended to without further action on our part.

Louise Shoemaker, President
University of Pennsylvania Chapter of the
American Association of University Professors

-
- *Nor to this one:*

October 26, 1970

Professor Robert Lumiansky
Chairman, Department of English
Philadelphia 19104, Pennsylvania

Dear Bob,

I have received no reply to the letter I sent you on September 23. On the chance that it was lost in the mail, I am enclosing a copy and taking the extra precaution of sending this to you by registered mail.

Phyllis Rackin

- *Meanwhile, Dr. Lumiansky took a new initiative:*

September 25, 1970

Dean William Stephens
116 College Hall

Dear Bill:

Last May you asked me whether I would consider serving another term as Chairman of the Department of English, beginning July 1, 1971. Since then, my answer to you has been that I would want to serve another term (a) if the Rackin case were satisfactorily settled, and (b) if the members of the Department and the pertinent University officials wanted me to serve longer. I now find it necessary to spell out a more specific answer to your question.

If asked, I will serve as Chairman for another term if I am given your written assurance that Mrs. Rackin will not be included in the budget of the Department of English or in faculty listings of this Department, and that she will not be given courses to teach in this Department or an office or a mailbox in Bennett Hall. To put my statement another way, I will serve as Department Chairman, if asked, for another term if I am given your written assurance that, should Mrs. Rackin not resign before July 1, 1971, she will be put to employment or non-employment in another segment of the University than the Department of English.

Sending you this letter is for me a sad necessity because I believe that delivering an ultimatum is in general a poor way to do business. My certainty, however, that Mrs. Rackin lacks the moral and intellectual qualities for tenure in our Department, and my inability to comprehend (a) the seeming acceptance of Mrs. Rackin's rationalizing in defense of her repudiation of tenure-disclaimers, (b) the hasty and illogical decision concerning her tenure as an Assistant Professor by a minority of the College's Committee on Academic Freedom and Responsibility, (c) your acceptance of that decision as valid, and (d) the judgment whereby the Provost's Staff Conference allowed itself to be intimidated into granting tenure as an Assistant Professor in the University to Mrs. Rackin at the risk of causing serious damage to a major Department in this University, make it impossible for me to consider accepting administrative responsibility for Mrs. Rackin.

I want you to know that no other member of the Department of English was involved in my decision to send you this letter. Each of the Senior Members of the Department will receive a copy of the letter. I have not sent a copy to Mrs. Rackin or her lawyer, but I hope that you will do so.

Sending you this letter at this time seems to me necessary for an additional reason. You and the Department of English need a sufficient period—from now to July 1, 1971—to select another Chairman, in the event that you decide that such selection is the next step in this long drawn-out affair. I ask, with a real sense of urgency, that you write a clear-cut answer to my statement in the near future, so that there can be an orderly progression of events within our Department, whether I or someone else will be its Chairman.

—R. M. Lumiansky, Chairman

- *Dr. Rackin (see her complaint to the Academic Freedom Committee) had appealed all of the improper procedures involved in the denial of her promotion and tenure. It was the Academic Freedom Committee (see their report) that narrowed the issue to the tenure waivers and declared them invalid.*
- *The Academic Freedom Committee Report (see above) states that a majority recommended Dr. Rackin's tenure.*
- *Apparently, Dr. Lumiansky regarded administrative acceptance of the recommendations of a duly constituted faculty committee as bowing to intimidation.*
- *At this point, Dr. Rackin had not yet consulted an attorney. Perhaps Dr. Lumiansky was referring to Professor Goldstein of the Law School faculty, who had inquired into Dr. Rackin's case on behalf of the local AAUP chapter.*

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- *The following undated communication appeared about this time.*

Subject: The English Department and its Chairman

As tenured members of the Department of English, we express our wholehearted support for our chairman, Robert M. Lumiansky, and we see the most urgent and insistent need that he continue as chairman. Given his administrative abilities, his personal integrity, the fair and open

manner of his dealings, and his international reputation, we are convinced that his loss as chairman would deal the gravest blow to our department, in terms of a disastrous effect on morale, the probable loss of some professors to other universities, and the certain loss of prestige. We endorse his propositions, as stated in his letter to you dated September 25, as our own, and we stand behind him to a man.

(Signed) Roland Mushat Frye, Craig R. Thompson, James L. Rosier, T. P. Coffin, Robert A. Pratt, Jerre Mangione, Robert Y. Turner, Theodore Hornberger, Daniel Hoffman, Gerald Weales, Clyde de L. Ryals, Maurice Johnson, G. Malcolm Laws, Jr., T.E. M. Boll, James D. Gordon, J. Mark Longaker, Edward B. Irving, Jr., Robert F. Lucid, John Wideman, Arthur H. Scouten, Hennig Cohen, Herbert Howarth, Charles Lee.

• The phrase "to a man" was, of course, more than a figure of speech for the then-all-male tenured faculty in the English Department.

• There is no record of the decision to remove Dr. Rackin from the English Department or the process by which it was made and ratified, nor was Dr. Rackin informed that any such decision was under consideration. However, early in February, she received the following letter:

Dear Mrs. Rackin:

We are involved in arranging teaching assignments, and I am writing to let you know that if you return from your leave in the fall, I will ask you to teach two sections of General Honors Literature 10.

William E. Stephens, Dean

• Dr. Rackin then retained an attorney, who learned from Dean Stephens on February 22 that Dr. Rackin was no longer a member of the English Department but would be assigned to the General Honors Program instead. When Dr. Rackin's attorney protested this arrangement, which Dean Stephens admitted was "unique in the history of the University," Dean Stephens informed her that the questions she had raised would be referred to the University's lawyers.

• Unable to resolve the dispute before the end of her year's leave, Dr. Rackin regretfully decided to resign her position at Beaver College and return to the University.

April 14, 1971

Dr. Edward Gates, President
Beaver College

Dear Dr. Gates,

I am writing, as you requested, to confirm my telephone call to you last Thursday, in which I regretfully resigned my position at Beaver and expressed my gratitude to you for the kind treatment I have received here.

Phyllis Rackin

• We are all indebted to Dr. Rackin for this decision. She chose to resign an associate professorship in an English Department and an institution where she was well treated and where she taught several of the same advanced courses she had taught during her eight years here in favor of a lower-paying assistant professorship without regular departmental affiliation in an institution where she would be harassed and confined to teaching introductory courses to freshmen. However, if she had resigned from the University of Pennsylvania to avoid harassment, a dangerous precedent would have been established for every other faculty member here.

May 21, 1971

Dr. Phyllis Rackin
Beaver College

Dear Dr. Rackin:

This will formally acknowledge your letter resigning your position at Beaver at the close of the 1970-71 academic year. Your resignation is

accepted with regret. We do appreciate the fine service you have given to the college and extend to you our every good wish for your continuing success.

With kindest personal regards,

Edward D. Gates

• In the summer of 1971, Dr. Rackin filed a complaint with the Pennsylvania Human Relations Commission. During the 1971-72 academic year, the Commission investigated the complaint. Apparently in response to that investigation, members of the English Department faculty, many of whom had originally voted for Dr. Rackin's promotion and tenure, signed the following letter.

March 8, 1972

Dean William Stephens
116 College Hall

Dear Bill:

The undersigned tenured faculty members feel certain that Mrs. Phyllis Rackin does not legally have tenure in our University. Page 33 of the *Faculty Handbook* indicates beyond dispute that there is no way legally to attain tenure here except by action of the Provost's Staff Conference, endorsed by the President, and confirmed by the Board of Trustees. So far as we have been able to determine, no record exists of such procedure in the case of Mrs. Phyllis Rackin.

In view of this circumstance, we respectfully ask—as tenured members of the Departmental, College, and University Faculty—that you and the Provost separate Mrs. Phyllis Rackin from any connection with our University Faculty as of June 30, 1972. She was four times considered for tenure, and she was never in due process judged worthy of it. As we see the situation, the number of years she has managed to hang on here by dubious and irregular means has nothing to do with whether or not she legally has tenure.

We should in fairness make clear that if Mrs. Phyllis Rackin is not so separated we plan to ask the National AAUP, a law court, or other appropriate agencies to pass judgment on the extremely irregular procedure which our higher officials employed and are employing in dealing unfairly with us and other tenured College and University faculty members in the matter of Mrs. Phyllis Rackin.

We would of course appreciate your and the Provost's inviting our group and the University lawyer to College Hall to discuss this matter with you. Or—if you prefer—we would appreciate the three of you coming to Bennett Hall for such a discussion with us.

cc: President Meyerson, Provost Reitz, Mr. Owen, Professor James Freedman, Tenured Members of the English Department

(Signed) Daniel Hoffman, Theodore Hornberger, James L. Rosier, Clyde de L. Ryals, Robert F. Lucid, Roland M. Frye, Robert Y. Turner, Robert Regan, Paul J. Korshin, Gerald Weales, R. M. Lumiansky, G. Malcolm Laws, Jr., Jerre Mangione, James D. Gordon, Craig R. Thompson, Maurice Johnson, Charles Lee, T.P. Coffin, Arthur Scouten (A.L.), Hennig Cohen (A.L.), Frederick L. Jones (A.L.)

• This message from the gentleman scholars of the English Department seems to lack many of those elements of sound research and care in self-expression which should characterize their profession. To demand in effect that the Trustees of the University overturn the finding of an Academic Freedom Committee and undercut the given word of a Provost shows a possible lack of historical perspective as well.

THE RACKIN CASE TODAY

In November 1972, the Human Relations Commission presented its "finding of probable cause" for Dr. Rackin's complaint; but the University did not act on that finding to promote Dr. Rackin and reinstate her in the English Department.

On May 4, 1973, Dr. Rackin filed suit in federal district court against the University and thirteen of its members. The text of the complaint is available for inspection at the Women's Center, 112 Logan Hall. For information contact:

WEQUP

Carol E. Tracy, President
Women for Equal Opportunity at the University of Pennsylvania
c/o Houston Hall, University of Pennsylvania,
Philadelphia, Pa. 19174