

# *Society for Academic Freedom & Scholarship*

Number 15

NEWSLETTER

December 1996

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## **PURPOSES of SAFS**

- 1. Maintaining freedom in teaching, research and scholarship;**
- 2. Maintaining standards of excellence in decisions about students and faculty.**

## **ACADEMIC FREEDOM AND TENURE PART ONE: AN ACADEMIC GOOD, A SOCIETAL BENEFIT<sup>1</sup>**

*Michiel Horn  
York University*

That I am speaking here today is, I assume, because academic freedom and tenure are things we value, and because both may be seriously affected by the financial troubles facing universities.

Academic freedom is a complex concept with a long history. Richard Hofstadter has written that "academic freedom is a modern term for an ancient idea. Although the struggle for freedom in teaching can be traced at least as far back as Socrates' eloquent defense of himself against the charge of corrupting the youth of Athens, its continuous history is concurrent with the history of universities since the twelfth century."<sup>2</sup> More recently, Conrad Russell has traced its origins in England to the early thirteenth century, when academics sought to free themselves from external control.<sup>3</sup> In North America, the adaptation of the nineteenth century German idea of *Lehrfreiheit*, the freedom to teach, has had great influence (though not the concomitant notion of *Lernfreiheit*, the students' freedom to learn).

Since the middle ages, the struggle for academic freedom has involved more than the freedom to determine the content of instruction. It has embodied a more general effort to free academics from control by outside groups, and to validate a claim to the right of dissent.

## **1997 DUES**

Membership fees (\$20 regular; \$10 students and retired) are due at the beginning of the calendar year. SAFS dues cover a calendar year (January - December) so to gain the maximum benefit, early payment of dues is advised. Paid up membership is necessary to vote at the AGM and to receive newsletters, mailings and emails from SAFS.

Keeping up our membership strength is vital to achieving our goals. It saves us considerable expense and time if we can avoid having to send out reminder notices for the annual fees. So please take the time now to show your commitment by completing the enclosed form and mailing your cheque today.

***Register Now!  
Fourth Annual  
SAFS Conference and  
Annual General Meeting  
May 10, 1997  
Program Details on page 3***

Inherent in the idea of academic freedom is scepticism towards revealed or received truth and to authority founded in such truth.

On occasion professors have used the idea as the basis for a claim to increased participation in the governance of their institutions, or to justify an effort to create a self-governing profession. In the process, they have claimed a right to criticize the universities' administrative officers or governors. Even more controversially, they have invoked academic freedom to validate the right to participate in public life and express opinions on matters of public interest. The idea is fundamentally liberal. Although it is the case that, in Canada at any rate, most of the enemies of academic freedom have been identifiably

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Conservative in their politics, the enemy of academic freedom is *not* conservatism but illiberalism in all its forms.

Historically, the claim to academic freedom has usually been the rallying cry of the socially and economically vulnerable. Conrad Russell writes: "Academics, like clergy, depend for their daily bread and butter on the financial patronage of the outside world. For that reason, both groups have always needed a high degree of protection against importunate piper-payers, and therefore have felt the need to develop a very strong doctrine of legal and jurisdictional immunity."<sup>4</sup>

Their state of dependency and the social background of many of them in the comfortable classes has usually led most academics either to acquiesce in the way things are in the larger world or even to enthusiastically support it. A minority have not done so, however, and they have used the idea of academic freedom to justify their claim to independence of mind and of expression.

Society *needs* the activities and views of that minority. The reason is that disinterested inquiry and comment are essential if a society is not to become intellectually and ideologically hidebound. Most people cannot afford to assume a stance of disinterest. Whether they are self-employed or employees, the need to earn a living or the even more compelling need to provide for a family, added to a natural wish to stay out of trouble, often take precedence over the inclination to indulge their curiosity, to challenge authority, or to state the truth about some subject *as they see it*. (They may be mistaken, but that is another matter.)

Were academic freedom not to exist nor be entrenched by means of something like tenure, only the independently wealthy or those unconcerned about their financial and professional prospects would be able to pursue research whose duration and expense they cannot predict and whose payoff is uncertain, to challenge established authority, or to offer economic, social, political or other comment or advice that may prove unwelcome. Academic freedom means allowing professors the independence they need to fulfill these vital social functions.

People who seek to restrict the range of discussion in society, or to defend the existing distribution of power within society or the economy, take a dim view of academic freedom and particularly of any broad definition of it. Sometimes paying lip service to it in principle, in practice they often try to confine it narrowly. At various times, politicians, religious leaders, business and professional people, newspaper owners and editors, university administrators, members of governing boards, parents, students *and* professors themselves, have found the exercise of academic freedom offensive, inconvenient or excessively expensive, and have sought, often successfully, to curtail it. The method is predictable: there

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**FOURTH ANNUAL SAFS CONFERENCE AND  
ANNUAL GENERAL MEETING  
Saturday, 10 May 1997**

Except for the lunch and post-lunch talk by BARRY SMITH, sessions will be open to paid up SAFS members only. **(Be sure you have paid your membership dues!)** For lunch only, registration is \$20; full registration is \$25, if received before April 15, 1997. Registration fees after April 15 will be \$30 and \$35, respectively. A registration form is included with this newsletter, as is a membership form for those who have not yet renewed for 1997. Conference sessions will be held at the **University of Toronto, Room 2118, Sidney Smith Hall, 100 St. George Street, Toronto**. The lunch, which is open to the public, will be held in **Seeley Hall, Trinity College, 6 Hoskin Avenue**.

**PROGRAM**

9:00 - 10:00 a.m.

**Registration and Coffee -- Main Foyer**

10:00 - 10:15 a.m.

**Welcome and Introduction**

10:15 - 11:45 a.m.

**Session on UBC Developments**

Speakers to include Jack Granatstein (following April 15 conference in British Columbia on "Academic Freedom and the Inclusive University" where he is an invited speaker), and a representative from UBC.

12 noon - 2:00 p.m.

**Lunch with Keynote Address: The Open Society and Its New (Multiculturalist) Enemies**

Speaker: Barry Smith, President of New York Chapter, National Association of Scholars, and Professor of Philosophy, CUNY at Buffalo.

2:15 - 3:15 p.m.

**Annual General Meeting**

3:30 - 4:15 p.m.

**SAFS' Provincial, National and International Promotion and Defence of Academic Freedom and Scholarship -- An Update**

John J. Furedy to speak, followed by a discussion session.

4:15 - 5:15 p.m.

**Discussion Groups**

(Suggestions for topics are welcomed. Send them to Chris Furedy, SAFSN@PSYCH.UTORONTO.CA)

Enquiries at the SAFS office: (416) 978-7062, or by email: SAFSN@PSYCH.UTORONTO.CA

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are demands for restrictions and sanctions of some kind, and for the disciplining or even dismissal of professors who offend in some way. Usually such demands are accompanied by the claim either that academic freedom is not at issue or that the case in question is an abuse rather than an exercise of that freedom. This response reflects the belief, at least among educated people, that academic freedom is a "good thing" and that efforts to interfere with it are wrong. However, Russell writes, "the itch to be intolerant of something is very deep indeed..."<sup>5</sup>

Many people, not a few of them teaching in universities, find a threat in the unhindered discussion of ideas or the implications of *certain* lines of research. Such people wish to control or eliminate sources of intellectual or emotional discomfort, or to end the "waste" of money that is implied by the term "idle curiosity". Considerations that can come into play include the prevention of manifestations of anti-religious or anti-government sentiment, of bias against business, and, more recently, of racism or sexism, and avoidance of the harm that *may* befall a university if its professors express unpopular views or pursue impractical research. Those who wish to restrict academic freedom will warn that "excessive" freedom turns into licence, with harmful consequences for the university and the public. Why should professors enjoy the freedom to do ill?

Challenges to institutional authority present a different problem. Accustomed to working in hierarchies within which open disagreement with superiors is dangerous and criticism of "the organization" all but unthinkable, many people regard with lack of sympathy men and women who take issue with presidents or deans, or criticize the institutions within which they earn their bread. Why should professors be free to do something that is denied to other employees?

The answer to these questions is that academic freedom, though first and foremost an academic good, also benefits society. There is great value in the full examination of all ideas, even those that at first glance may seem useless or pernicious, and from allowing university teachers full freedom of expression and action so long as these are used within the law. The critical spirit is essential to the academic enterprise; to hobble that spirit when it touches on difficult subjects, or requires seemingly endless time and money for research with an uncertain payoff, or affects the governance of the university, is to threaten it everywhere. That, in turn, will harm not only the academy, but also society. All the same, in the larger world and in the university itself, some claims to academic freedom have generally met with scepticism and even outright hostility. That hostility may be growing stronger.

Academic freedom has limits, of course. Professors may not use academic freedom to justify defaming someone or to counsel insurrection, for example. Nor does academic freedom mean the freedom to teach whatever catches the professorial fancy. The subjects to be taught are properly determined and authorized by appropriate academic bodies, even if the way courses are taught is the concern of individual professors. Nor does academic freedom mean that the campus must necessarily be host to any and all behaviour short of the actually illegal. Good manners, far from constituting an unacceptable limit on academic freedom, may on occasion be its necessary condition. As for the "heckler's veto": it is *not* an exercise of academic freedom. Intended to prevent discussion, it is in fact its negation.

It is an abuse of academic freedom to bully junior colleagues or students, to tailor one's work in order to serve non-academic needs or purposes, or to use one's position in order to attach spurious weight to non-scholarly opinions.

In part two, I will review academic tenure which is often less well-understood, even by professors, than academic freedom. I have been told repeatedly that tenure was brought into existence in order to protect academic freedom. Now I happen to believe that tenure in its present form in Canada is the best defence yet devised for academic freedom. But the universities that first introduced tenure had another objective more prominently in mind. Tenure was intended to provide secure employment to highly-trained professional men who, once established in an academic career, lacked mobility, and who therefore sought out institutions that provided them with the security they needed for their work, especially scholarly research.

#### NOTES

1. This paper was delivered at the conference "Here Comes the Crunch: Forces Shaping the Future of Universities" sponsored by the University of Toronto Faculty Association, and held at University College, 25 January 1996.
2. Richard Hofstadter, "The Age of the College," in Hofstadter and Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia UP, 1955), 3.
3. Conrad Russell, *Academic Freedom* (London and New York: Routledge, 1993), 15-16.
4. *Ibid.*, 2.
5. *Ibid.*, 24.

(To be continued in next issue)

#### UNMASKING THE DREADED "L" WORD: THE POLITICAL CONTEXT OF THE EQUITY DEBATE

Deborah Cook  
University of Windsor

Some observers blanketly condemn employment equity and sexual harassment policies as inventions of the "Left", using the word "Left" as a term of opprobrium to designate groups and policies they don't happen to like. As Robert Hughes writes in *The Culture of Complaint*, American conservatives have had remarkable success in labelling as "left-wing" ordinary, ideologically neutral agendas. Their very success explains why they seldom feel the need to provide the names or the political credentials of the "lefties" in question. But, to add insult to injury, some supporters of the new policies claim to do so from the Left (though the vast majority of university professors consider themselves liberal, according to Hughes). Yet the fact that some self-styled left-wingers support these policies does not in and of itself make the latter left-wing.

In contrast to left-wing policies, which primarily champion economic and political equality, affirmative action and employment equity are liberal policies because their goal is social equality *under existing economic conditions* which make such equality little more than a pipe dream masking particular class interests -- largely the interests of a vocal white middle class minority. In fact, the ideal of equality to which the new policies appeal has long been fitfully allied with economic liberalism, with its concern for freedom. As problematic as this alliance has been, modern liberal democratic systems continue to promote both ideals. Still, the uneasiness of the alliance might prompt a neutral observer to characterise the current controversy over new social policies as a classical liberal debate between the defenders of equality and the defenders of freedom. Unfortunately, things are not quite that simple.

Those who contest the new equity and harassment policies are not rejecting any or all attempts to ensure that all people are treated equally, nor are they all simply arguing that equality is being enforced by authoritarian intervention (a traditional liberal argument against equality). To complicate matters, the policies' detractors themselves generally defend the liberal commitment to equality -- often passionately -- and they frequently celebrate the achievements of those who have struggled to realise in practice the equality which the modern nation

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#### **FOLLOWING UP ON THE TRI-COUNCIL CODE**

*Dick Henshel*  
*University of Western Ontario*

Since the last SAFS newsletter (No. 14, September 1996), the Tri-Council drafters of the now-infamous Draft Code of Ethics which will be applied to *any* applicant for *any* type of award at universities that accept federal

government grant funding *not just to* applicants for NSERC, SSHRC or MRC have backed down just a bit. The new deadline for comments that replaces the original ridiculous one is the soul of reasonableness. Please, please do not be misled by this concession.

The draft remains an example of ideology of the most ominous and abominable sort. The application of any main section of it would virtually destroy Canadian social science as it is now. In the words of John Furedy, it would make Canadian social science the laughing stock of the scientific world. I fear that its agenda is *so* bad that people will not take it seriously enough until too late, figuring that "cooler heads will prevail." We should know better than to be complacent. The drafters are not incompetents who merely need to be shown the error of their ways; they are people in the grip of ideas fundamentally hostile to history and social science, and they know exactly what they are doing. They cannot be convinced, they must be thwarted.

The thrust of my letter in the last newsletter has been demonstrated by the recent advisory from the Tri-Council: the "fix" is indeed "in". The drafters will give no genuine attention to the overwhelmingly hostile response they received from almost all quarters. This will be possible since, you may recall, they requested that all comments on the draft *be sent to them*. Instead, they will concentrate exclusively on those few commentaries that contain only perfunctory criticisms of a minor sort, thereby appearing to be "responsive" and "consultative".

It pains me considerably -- indeed it gores me -- to have to report that one such collaborative response has come from my own discipline, Sociology, in the form of the official response from the Committee on Professional Ethics (COPE) of the Canadian Sociology and Anthropology Association (CSAA). The CSAA's response is masterly in by-passing the main issues of the Tri-Council draft while appearing to be responsive by picking out minor flaws here and there: a clause that could have been better worded, a phrase with unfortunate wording, and so on. This response essentially gives a green light to the draft.

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state guarantees in theory. The very fact that the current debate does not pit one identifiable political group against another such group makes the debate both more difficult to sort out and more interesting.

In my view, the debate is taking place "betwixt and between" concerned individuals and organizations who are all championing liberal values. If there is polarisation, this actually occurs between those defenders of liberal values

energized by the moral panic of “biopolitics” (to borrow a phrase from John Fekete), who adopt a passive-aggressive stance towards their alleged status as victims, and those supporters of equality and freedom who refuse to accept the demands of the self-professed victims, calling rather for reflection about how to create more equitable social policies without authoritarianism and without the identity politics that discriminates and divides.

Moreover, despite their support for the liberal value of equality, advocates for the new policies have actually adopted authoritarian right-wing tactics and strategies in their defence. These take the form of surveillance techniques, like monitoring classes, and the regulatory social legislation which Max Weber thought signalled a crisis in the liberal rule of law. Couched in deformed legal language, with its blanket clauses and vague phrases like “reasonable” and “vexatious,” the new policies give wide discretionary powers to the quasi-judicial “courts” established by universities, allowing for the arbitrary decision-making which is glaringly evident today.

In an era where liberal values have been, and continue to be, threatened by the resurgence of authoritarianism (both the older para-military version and the newer para-legal, surveillance version), it is time to call for a more general discussion of the larger political context in which the debate about equality is taking place.

The noted historian, Eric Hobsbaum, broaches such a discussion when he warns against the “amalgam of slogans and emotions” that flourishes as the religions, ideologies, and institutions of the twentieth century decline. He believes this amalgam is characterised by xenophobia and identity politics -- a combination that helps to explain the repressive measures now enacted in law by governments and universities (especially in North America). As most of us have seen, the fervour of the self-proclaimed victims, with their appeals to sex, race and ethnicity, rivals that found in any fundamentalist religious movement and has, indeed, replaced religious faith for a number of its proponents. The debate about the new equity and harassment policies must be seen in this larger context of the demise of religions and ideologies -- it is hardly an isolated intra-university affair.

Those who want to solve the problems arising from authoritarian identity politics and law must themselves continue to defend liberal values of equality and freedom while recognising at the same time that these values do not exist in a vacuum. Unless and until political & economic conditions are created in which freedom and equality can be concretely realised, the defence of liberal values will remain apologetic. It will serve to protect the interests of particular groups against those of other groups, making a

mockery of the claim to universality which liberal ideas have always promised but never delivered.

#### REFERENCES

Hobsbaum, Eric. *Age of Extremes*. (London: Abacus, 1994) p. 567.  
Hughes, Robert. *Culture of Complaint*. (Oxford: Oxford University Press, 1993) pp. 58-59.

#### ADVERTISING THE HARASSMENT DOCUMENTATION CENTRE

In *Newsletter* No.12 (January 1996), we announced that Prof. Klatt is archivist for SAFS Documentation Centre for Harassment Charges. He would like SAFS chapter heads or other individual members in places where there are no chapters to endeavour to have the notice published in campus newspapers and similar publications. A few of these might accept such a notice without charge. If there is a charge, we would be grateful if the local SAFS chapters and members could chip in to meet the cost of publication. The original notice is reprinted here, with Prof. Klatt's contact addresses:

Many individuals in academic settings have been the target of charges of sexual or racial harassment, under guidelines adopted by most institutions of higher education in Canada. In order to document such cases, SAFS has established a Documentation Centre for Harassment Charges. The aim is to catalogue as many cases as possible, to make them available to the media and to others who have been accused (where the individuals involved have given permission for such publication and circulation), and to provide a research base for study.

Please send any material you have which is relevant, including even newspaper clippings, to the Centre's archivist:  
**Prof. Heinz Klatt, Box 27029, 60 North Centre Street,  
London, Ontario, Canada, N5X 3X5**  
Email contact: HKLATT@JULIAN.UWO.CA  
*All information will be held in strictest confidence unless and until the individual gives permission for release of info to others.*

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It seems to me that the only effective way to combat this crisis is to go outside the Tri-Council and speak either to the responsible ministries or directly to the mass media. In the last few weeks, I have asked the Canadian historians to do just that, contacting Peter Neary, Dean of Social Science at my university. I have also written to the CAUT, asking them to send their excellent condemnation (my term) to the responsible ministers (no reply yet).

Let me urge this course most emphatically for those readers who have already prepared a formal response to the original draft. It is worth emphasizing that *you have already done the hard part*, the intellectual effort, and this does not need to be repeated. All that *is* essential now is to insure that your hard work does not go in vain. Get it to an address where it will do some good!

I would also urge readers who have *not* made a formal criticism to write a very short letter to the responsible ministers, urging that they proceed most carefully on this matter in view of the major repercussions possible. I am cynical enough to believe that ministers simply have their staff total up the number of letters coming in on various topics, so a letter need not be a masterpiece -- although the detailed critiques should be.

Send your letters to:

**For SSHRC & NSERC:** Hon. John Manley, Minister of Industry, Confederation Bldg., Rm. 356, Ottawa, K1A 0A6

**For MRC:** Hon. David Dingwall, Minister of Health, Confederation Bldg., Rm. 607, Ottawa, K1A 0A6

#### SAFS AND SAFSN EMAIL AND FAX

It would be helpful to us if members take note of these differences:

**SAFSN@PSYCH.UTORONTO.CA** is for all matters to do with the *Newsletter*, or for communicating with Chris Furedy.

**SAFS@PSYCH.UTORONTO.CA** is the general email address and should *not* be used to communicate with the *Newsletter* editor.

The fax number is **416-978-4811** is that of the Psych. Dept. of the U. of Toronto, so a cover sheet for SAFS or SAFS *Newsletter* is needed. But, it is preferable to fax *Newsletter* items to **416-962-4253**. This # is private & confidential. No cover sheet is needed.

#### GUARANTEEING ACADEMIC FREEDOM

To: Hon. M. Harris, Premier of Ontario  
From: Ontario SAFS Board Members  
Re: Ontario Human Rights Commission  
Date: October 29, 1996

It is our understanding that your government proposes to make changes in the Ontario Human Rights Commission. We agree that changes are needed, and would like to address the issue of the propriety of charges laid either against institutions of higher learning, or against individuals in such institutions, in the course of carrying out their research and teaching activities.

Insofar as freedom of enquiry is guaranteed under the conditions of appointment of faculty at most Ontario universities, and since we regard such freedom as absolutely essential for the maintenance of a diversity of views in a democratic society, we urge the Premier to consider the following:

We suggest the introduction of changes in the Ontario Human Rights Commission which *preclude charges being laid against any instructor merely for discussing controversial issues in his/her courses, or for doing controversial research*. This specifically implies that, regardless of whether OHRC, the provincial government, a university administration, or students in a class agree with the position taken on an issue, such issues must be permitted open discussion without fear of reprisal. (Such a clause *ave* the effect of guaranteeing academic freedom in a guarantee which is unfortunately not explicit in provincial legislation.)

mit that discussion of unpopular views does not constitute harassment or discrimination, and should not be heard by OHRC. We suggest that actions of this kind are a waste of taxpayers' money.

also concerned that there are genuine cases of harassment and discrimination to be dealt with, and that the focus and the energy of the Commission should focus on

Kimura, Ph.D., F.R.S.C., *Past President*, SAFS  
Furedy, Ph.D., *President*, SAFS  
Katzstein, Ph.D., F.R.S.C., Murray Miles, Dr. Phil., Philip  
Ph.D., *Ontario Board members*, SAFS

## LETTERS TO THE EDITOR

**AA and Prostitution**

9 I am a SAFS member currently studying at Yale Law School in New Haven, Connecticut. I thought the following might be of interest to SAFS members:

On Thursday, Nov. 7, Clint Bolick came to speak at Yale. Bolick is the litigation director for the Washington, D.C.-based Institute for Justice. He is a leading advocate of using private school vouchers instead of affirmative action to solve the educational inequality problem in America. His speech was entitled "The California Civil Rights Initiative and the Future of Affirmative Action."

Bolick, who helped draft the CCRI, said that he had originally been quite pessimistic about the CCRI vote and had not expected the proposition to prevail. The CCRI prevailed *despite* a vicious smear TV campaign directed against the proposition (and despite Bob Dole's clumsy and counterproductive campaigning on CCRI's behalf).

Bolick described one TV ad denouncing the CCRI: a woman is shown wearing a doctor's uniform. A male voice instructs the woman to take off her stethoscope, take off her doctor's clothes -- "Take it all off" he concludes. A narrator then informs the TV audience that if the CCRI passes, women will be denied preferential treatment and, thus, the "oldest profession" will be the only profession available to them. This type of ad, says Bolick, is indicative of the type of smear campaign which was run against CCRI -- and yet CCRI still prevailed. Personally, I find it a little insulting that there are those who would suggest that preferential treatment is the only thing preventing women from flocking to prostitution in droves.

One other note: At Berkeley, a pro-affirmative action student group stole the entire press run of the Berkeley student newspaper -- 23,000 copies. The issue contained an editorial in support of the CCRI. It reminded me of an incident a couple of years ago at the University of Pennsylvania when a group of students destroyed a press run of the Upenn student newspaper because it contained a conservative column which some students disagreed with. At Upenn, the vandals were never punished (though, perversely, the columnist was accused of racial harassment). It might be a sign of the times that the Berkeley renegades *are* being disciplined for their actions.

**Jon Kay**  
Yale Law School

**CAUT - SWC Misinformed**

9 In the June 1996 issue of the CAUT Bulletin, letter writer Jim Clark points out that the figures presented by the Status of Women Committee (SWC) actually refute their contention that women face systemic discrimination in hiring at Canadian universities. (In recent years, women have earned 32% of Ph.Ds but account for fully 42% of entry-level positions.)

In reply, Jennifer Mather of the SWC unkindly accuses Professor Clark of bias in his interpretation of these facts. She badly asserts that "new Ph.Ds are not all the pool of potential candidates," and that "women progress slowly through the ranks and stay in [entry-level] positions much longer than men."

Professor Mather is demonstrably mistaken on both counts.

First: Since the proportion of Ph.Ds going to women has been steadily increasing over the past few decades, the proportion of women in the pool of potential entry-level candidates will *decrease* (not increase) on the assumption that entry-level jobs are going to candidates who earned their Ph.Ds in less recent years.

Second: According to Statistics Canada (*Teachers in Universities: 1990-91*, Catalogue No. 81-241, pp. 42f), the average age of male lecturers and assistant professors is an insignificant one year less than the average age of their female cohorts. This hardly supports the assertion that women stay in entry-level positions "*much longer than men*". Indeed, since the average age for male and female faculty differs by only one year at *every* level, the conclusion one must make is that they progress through the ranks at exactly the same pace.

It is unfortunate that members of the CAUT and SWC are so misinformed about the very subject it is their responsibility to know something about. Interested readers should consult the carefully reasoned study by Andrew Irvine in the journal of the Canadian Philosophical Association, *Dialogue*, Vol. 35 (1996), pp. 255-91.

**Grant A. Brown**  
University of Lethbridge

*(Submitted to CAUT Bulletin but not published)*

**ACADEMIC FREEDOM AND THE UBC  
ADMINISTRATORS: ERRORS OF JUDGMENT  
VS. PROFESSIONAL MISCONDUCT**

*John Furedy*



Recently, Sandra Martin, who has spent a year studying race and gender in the workplace on an Atkinson fellowship, published an analysis of the University of British Columbia's decision in June 1995 to suspend admissions to the graduate program of the political science department (*Globe and Mail*, September 28, 1996).

Martin's discussion is useful, especially for the details that it provides of the actions of various parties that led to the current unfortunate state of academic affairs at UBC. However, I want to suggest that she misleads when she states that "As always in this kind of debacle, individuals are blamed rather than faulty systems, policies, and legislation," if by this she meant to imply that no individuals *should* be blamed. On the contrary, it is appropriate to blame individuals who are in positions of power and responsibility, and who can, by their actions, strongly influence the outcome of events.

The individuals who merit blame in the academy are those who have adequate information about academic affairs, and also have sufficient power to make informed choices. High-level academic administrators (deans of faculties and above) are therefore candidates for blame, because they have both the power and the requisite academic qualifications and experience. Lower-level administrators do not have the power, while other people like equity officers and lawyers are ignorant in the technical sense of that term. Being inexperienced in academic functions like supervising doctoral research, they are unqualified to make final judgments about such matters as whether a particular supervisor-student research relationship was a harassing one, even though they may be capable of providing information about the general nature of sexual harassment or the legal ramifications of a particular case. So, the letter of July 4 that SAFS, as Martin put it, "fired off to President Strangway" did not criticize the report of lawyer Joan McEwen (leaving that for professional legal authorities), but rather targeted UBC's president for the action that he had deliberately and knowingly chosen to take. (See *Newsletter* number 11, July 1995.)

Individual actions can also be usefully distinguished in terms of whether they are merely errors in judgment or acts of professional misconduct. President Strangway's act of suspension fell clearly into the latter category. To those unfamiliar with academia, his action may have seemed moderate and balanced, as the jobs of the political science faculty members were not directly threatened. However, the action not only constituted an abuse of the academic freedom of both the faculty and students in that department, it was also a smear on the academic *reputations* of every individual faculty member (or at least those who are white and middle-aged males), because at least one interpretation of "racism and sexism" is that those

involved have discriminated in their evaluations of students' performance not on the basis of merit, but on the basis of grounds like sex and race, and this is indeed the worst crime that an academic evaluator (whether faculty or student) can perpetrate in higher education. The fact that, as the June, 1995 *Globe and Mail* editorial put it in a statement that has never been challenged, "in all the numbing reams of [McEwen's] report there is not one iota of solid proof that any UBC professor treated one student as inferior to another on the basis of race or sex" makes the president's smear of his faculty members all the more unjustified. And finally, the president's act of suspension also constitutes an attack on the *discipline* of political science, a field in which he, a geologist, is not a qualified expert. One can at least wonder whether the president would have been equally ready to suspend the graduate programme of the physics department on the basis of a report from someone as unqualified in graduate physics education as McEwen is in graduate political science.

It is also important to recognize that the president's act of suspension in June, 1995, damaging as it may have been, was not the last act of professional misconduct. There was a period of some three months during which time the president (along with the dean of the graduate school and the vice-president, academic) defended the suspension, characterizing it as not "serious" -- after all, no one had been fired.

Then, when the suspension was finally lifted in October, 1995, the president announced that the lifting was conditional on the department's "continuing to progress towards equity objectives". There was no hint of an administrative apology for the smearing of the faculty and students of the department, and the damage done to the reputation of the discipline of political science in Canada. The implication was that the charge of racism and sexism was justified, but, provided the department became less racist and sexist (as determined, presumably, by equity bureaucracies and lawyers ignorant both of graduate education and the discipline of political science), it would, once more, be allowed to admit students into its program.

Again, to those who are either unfamiliar with academic matters or are paying only cursory attention, it may seem as if the lifting of the suspension was a moderate and balanced "solution" to the problem. And it is true that many groups like the CAUT ceased their criticism once the suspension was lifted. SAFS was, to my knowledge, the only academic organization that, in a board letter to President Strangway, criticized the conditional lifting of the suspension in terms as strong as it had criticized the original suspension.

As the ultimate academic authority in the university, the

president deserves most of the blame for these acts of professional misconduct, but he was not alone. Professor Grace, the dean of the graduate school, recommended the suspension and its conditional lifting, and if anyone would be expected to be familiar with the nature of graduate education, he should be. As well, Professor Birch, vice-president academic, wrote an enthusiastic letter of support for the suspension to the *Globe and Mail* soon after the original suspension decision. For someone supposedly in charge of academic matters to support such an abuse of academic freedom is a clear case of professional misconduct. Members of the public unfamiliar with academia cannot but be confused when such senior administrators act in these anti-academic ways.

In contrast, the blame that attaches to Professor Marchak, dean of arts, is categorizable only as a set of errors of judgment, made, moreover, during the early stages of development of the fiasco, at a time when the consequences were not so easy to foresee. In hindsight, it is clear that she should not have supported bypassing normal channels for investigating sexual harassment, or appointed a feminist lawyer as a sole investigator of the issues. However, Dean Marchak was operating in the “culture-of-comfort” atmosphere that advocates of political correctness have successfully conjured up on Canadian campuses. Recall that on the same Thursday in November, 1993, the University of New Brunswick suspended a mathematics professor (and his class) on grounds which later turned out to be not only inadequate in terms of Canada’s anti-hate laws, but even in terms of the University’s own more stringent speech code; and McGill University’s administration not only allowed a public lecture arranged by its department of psychiatry to be broken up by some feminists who were made “uncomfortable” by the invited speaker, but also did nothing at all to re-schedule the lecture. Again, in 1994, on at least two Canadian campuses, faculty were either suspended or reprimanded for “sexual harassment” for having made statements in class that were considered “offensive” to some members of the class. It may even be the case that Dean Marchak’s desire to be supportive of women students may have clouded her judgment in the decision that she made at the early stages of the affair.

However, as soon as the McEwen report appeared, and the other high-level academic administrators had acted to support the suspension, Dean Marchak raised her voice in opposition and in defense of academic freedom. In her position, this required a considerable act of courage, for not only was she admitting to prior mistakes, but she was also going against the stated views of the administrative hierarchy that were either her peers (dean of the graduate school) or superiors (vice-president, academic and the president).

Although organizations like SAFS have begun to counter the pressure exercised by anti-academic, politically-correct interest groups on academic administrators, it will be some time before Canadian campuses no longer are describable as “islands of repression in a sea of freedom.” In the meantime, Canadian academic administrators will continue to make mistakes, and it will be important to distinguish between errors of judgment (which are often admitted to be such later) and professional misconduct (which is often never recognized as such by the individual administrative perpetrators).

Submitted to the *Globe & Mail*, Facts & Opinions, Oct. 18, 1996. Not published.

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### THE DISSERVICE OF ASCRIPTIVE HIRING

Dr. Phil Resnick, professor of political science and member of the Board of Governors of UBC, comments on the current advertisement for the position of president of the university, which includes the statement that applications are “especially encouraged from members of designated employment equity groups”:

*It is no service in the cause of the liberal university to introduce ascriptive categories into the hiring process: on the contrary, that risks turning universities into battlefields where gender, race, ethnicity and sexual orientation become the all-important distinguishing characteristics of candidates.*

*Nor is it any service to any would-be candidate from one of these categories who may be designated as the search committee’s choice for president. The suspicion will be there that the candidate was chosen not because of demonstrable superiority over other candidates, but on the basis of an uneven playing field, where candidates, such as white males, who did not fit into one of the designated groups were simply ruled out in advance.*

### SYMPOSIUM ON PC IN NEUROSCIENCE

Rita Zurcher

*National Association of Scholars, Princeton, New Jersey*

A symposium on “The Effects of North American Political Correctness on Neuroscientific Progress: Emerging Principles, Problems, and Priorities” stirred lively debate at the 26th Annual meeting of the Society for Neuroscience (SFN) in Washington, D.C. on 19 November.

Co-sponsored by SAFS and the National Association of Scholars (NAS), the well-attended symposium began with an overview of "The critical importance of total academic freedom in neuroscientific teaching and research" by the session moderator and SAFS president, John Furedy, professor of psychology at the University of Toronto. He noted that there is a serious decline of the *Eppur si muove* spirit of disinterestedness in neuroscientific research and that many scientists today acquiesce in a "culture of comfort" rather than the search for truth.

"Neuroscientific research in the pc-related topic of gender differences" was the next presentation by Sakire Pogun, a professor of physiology at Ege University in Turkey. She described, with the aid of a series of crisp slides, gathering statistical data about the type of neuroscientific work done and by whom. She found that studies in gender-related cognitive and behavioural sciences were, on the whole, too socially and politically controversial and "not okay" to do, especially for male researchers. She concluded that researchers should be more concerned with research integrity than their gender and life roles and stressed that scientific inquiry must remain gender neutral with grants awarded on the basis of merit -- not a politically correct agenda.

The theme of a politically correct agenda in research was also analysed by former SAFS president, Doreen Kimura, a professor of psychology from the University of Western Ontario, in her presentation on "Ethics codes as impediments to valid research". She analysed a recently proposed "Code of Conduct for Research Involving Humans" that has been put forward by a working group drawn from the three major research councils of Canada. The draft of this "tricouncil ethics code" was circulated in the summer of 1995, and contained some astounding proposals, given that it originated from scientific research organizations. Among the more ridiculous recommendations: the idea that subjects could withdraw their data if they did not approve of the researcher's hypotheses, and the notion that local university ethics boards (many of whose members would be ignorant of the disciplines to which the research proposal related) could make judgments not only of ethics, but also of experimental design. Citing sections of the proposed tricouncil code, Professor Kimura kept the members of the press in the audience busy taking notes, as she painted a vivid picture of the dangers facing disinterested and reasoned scientific research in Canada.

"Ideology and high fashion in anti-science" by Paul R. Gross, professor of life sciences, Emeritus, at the University of Virginia and visiting scholar at Harvard University, capped the evening's presentations. As co-author (with Norman Levitt) of *Higher Superstition: The Academic Left and Its Quarrels with Science* (The Johns Hopkins University Press, 1994), he gave an insider's view of the "science wars" and the pernicious effects of "science studies" on legitimate scientific inquiry. He also noted how anti-science attitudes are manifesting themselves, not only in society at-large, but within academe.

A feature of the symposium was that, although it was not "balanced" (all presenters were of one mind that "in science, knowledge must come first and comfort second,") the format provided ample time for audience input (both after each presentation, and during a final general discussion period). Most of the audience argued for positions that differed sharply from those of the presenters. So the symposium's stated aim to "discuss PC in a context that provides full audience participation" was realised.

The symposium successfully presented a glimpse of the diverse manifestations of political correctness facing science today. And, while not all attendees agreed that science is fast-sinking into the "culture of comfort" mire which is already besmirching the humanities, the issues raised by the distinguished panel of speakers will not soon be forgotten. Indeed, similar symposium panels discussing issues of political correctness within the sciences are a necessity if we are to alert the scientific community of its dangers.

### CAUGHT IN THE NET

■ The NAS Science News List (NASSNL) is an electronic resource that presents randomly- ordered topics reflecting the myriad of views held about science and technology in today's society and in academe. It is published on the internet by the National Association of Scholars (NAS) in the United States. For the issues beginning in September, the web site is: <http://www.nas.org/nassnl/3-11.htm>  
Search and find past issues at:  
<http://www.nas.org/nassnl/contents.htm>

■ David Buck of Classics at U. P. E. I. writes: You may be interested in an article by Randall Denley in the *Ottawa Citizen* of 22 May about the attempt by the administration to impose their definition of academic freedom in the Collective Agreement.

The column is on the net at:

<http://www.ottawacitizen.com>

■ The Academic Freedom network address is:  
[ACADFREE-L@BEAVER.Bemidji.MSUS.edu](mailto:ACADFREE-L@BEAVER.Bemidji.MSUS.edu)

■ The influential (in the USA) 1940 A.A.U.P. statement on academic freedom can be found at:

<http://www.igc.apc.org/aaup/1940stat.htm>

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### ACADEMIC FREEDOM IN PERSPECTIVE

A 2-day conference on "Academic Freedom in Perspective" will take place in Buffalo, New York on April 25-26, 1997. Barry Smith, president of the New York National Association of Scholars (and keynote speaker at SAFS' May 10 conference) is co-chair.

Speakers include John Furedy ("On the Significance of Academic Freedom and its Difference from Academic Power") and Phil Sullivan ("Relativism and Advocacy in Scholarship: The Irrationalism").

For further details, write to: Dr. Henry Clark, Department of History, Canisius College, 200 Main Street, Buffalo, New York, 14208-1098.

our brochure to distribute to those who may be interested in joining SAFS.

### to the SAFS Newsletter

news items, comments, readings, local chapter news, etc. in Word Perfect, or by email. Address: **Chris Furedy**, c/o Toronto, Toronto, Ontario, M5S 3G3. Fax: (416) 962-4253;