

SAFS Newsletter

Society for Academic Freedom and Scholarship

Maintaining freedom in teaching, research and scholarship
Maintaining standards of excellence in academic decisions about students and faculty

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CANADA'S BILLION-DOLLAR CONTROVERSY

Karen Irchard

When Laura Nilson, working as a postdoctoral student at Princeton University three years ago, accepted a position to set up her own laboratory in the biology department at McGill University, she discovered that the Montreal institution had also nominated her for a Canada Research Chair — part of a billion-dollar federal program to increase world-class research in Canadian universities.

"I was thrilled, especially when I got it," says Ms. Nilson, who was awarded a chair in genetics two weeks after arriving in Canada to become an assistant professor at the university. "There was also money available for graduate students in my lab, and that helped with their recruitment. ... I'm surprised it's not better known outside Canada."

The Canadian government hopes increased awareness of the program will attract more people like Ms. Nilson, and not only because of her stellar academic record.

The program, which started in 2000, was designed to reverse the country's brain drain, attract international researchers to Canada, and restore prestige to the nation's public universities by creating 2,000 research chairs. But those goals have been overshadowed by a more controversial outcome: Of the more than 1,000 chairs awarded so far, only 17 percent have gone to women, even though 26 percent of all full-time faculty members in Canada are female. That fact has angered female professors, and embarrassed universities.

"The numbers were a wake-up call," says Michèle Ollivier, an assistant professor of sociology at the University of Ottawa. It's not an attack against the

Conference Issue

SAFS²⁰⁰⁴

IN THIS ISSUE

4. **Aboriginal Admission Standards**
6. **Racial Preferences**
7. **Whites only Scholarships**
8. **Letters to the Editor**
10. **Swastika Tightrope**
13. **Hate Speech**
14. **Book Review**

**CONFERENCE INFORMATION
SEE INSERT**

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people who have received Canada Research Chairs. Many of the chairs have gone to brilliant researchers. But the hiring process was not transparent."

Last February, eight prominent female researchers from universities across Canada, Ms. Ollivier among them, filed a complaint with the Canadian Human Rights Commission, the government agency that enforces the country's antidiscrimination laws, asking for an investigation.

Although they believe old-boy networks are partly to blame for the situation, the researchers also argue that the program favors men in several ways, some of which touch on larger problems women face as they try to carve out academic careers. Most of the chairs are designated for the hard sciences and engineering, fields in which men vastly outnumber women. Fewer than one in four of the chairs are set aside for the social sciences and the humanities.

"The chairs, from the very beginning, have been skewed in favor of patentable research," says Wendy Robbins, a professor of English and women's studies at the University of New Brunswick and one of the researchers who filed the complaint. "It's shocking and a slap in the face that only 20 percent of the chairs are available in studies that involve 53 percent of the professors and students at Canadian universities."

Pointing Fingers

The complaint criticizes Industry Canada, the government agency that is financing the Canada Research Chairs Program. The professors argue that the paucity of women in the chairs filled so far — the government plans to fill all 2,000 chairs by 2005 — is proof that the government has failed to carry out its own antidiscrimination laws.

But government officials say that they simply approve

the appointments, and that the selection process is otherwise handled by the universities themselves. René Durocher, head of the program, is himself angry at how the selections have been made. "The universities must change their approach," he says. "The figures are just not acceptable."

Critics of the program say that conflicts were inevitable, given how it was set up. Each university was given the freedom to decide how to search for and nominate candidates. As a result, the process varies from institution to institution. Some universities advertised widely for the positions, while others relied on networking and nominations from faculty members, leading to charges of a boys-club approach to the process.

"The program is designed from the top down," says Ms. Robbins, currently a visiting scholar in gender issues at the Canadian Association of University Teachers, in Ottawa. "We don't have a critical mass of women in senior administration in Canadian universities."

The emphasis on hard sciences has also troubled some academics. "When the chairs were set up, I think it reflected a political feeling at the time that there was a need to do something to improve the sciences," says Doug Owsram, president of the Canadian Federation for the Social Sciences and Humanities. "But the low numbers of women scholars holding chairs is now a very active issue. Either the universities will start to correct the situation themselves or someone else will."

The eight complainants also argue that setting aside half of the chairs for full professors hurts women, as only 14 percent of full professors at Canadian universities are women. Further, they note that many universities took advantage of a loophole in the rules to give some of the chairs set aside for junior faculty members to full professors, further limiting opportunities for women. And they say that by limiting the junior-faculty chairs to those who received their doctorates within the past 10 years, the program discriminates against those women who have slowed down their careers to raise children.

Accepting Blame

University administrators say they didn't give the issue of gender balance much thought during the first rounds of appointments, but plan to try harder to recruit female applicants for the next rounds.

"We were certainly embarrassed," says Gregory Kealey, vice president for research at the University of New Brunswick, who has taken over responsibility for filling future Canada Research Chairs there. The university filled its initial 10 chairs (seven of which were in the hard sciences and engineering) with nine men and one woman. "We are now giving significant emphasis to finding women and doing the utmost to raise the percentage in the second half of the program," he says.

Mr. Kealey notes, however, that some administrators balk at the idea that women need special consideration if they are to win one of the prestigious chairs. He points to an early meeting of vice presidents for research from across the country to discuss the lack of women holding the chairs: "I said, 'I have no problem with an affirmative-action program,' to which several women vice presidents said that was demeaning."

Simon Fraser University, in Vancouver, has one of the worst records for filling the chairs with a balance of men and women, having appointed only one woman among 21 chairs to date. Now the university is actively looking for women for its future chairs. John Waterhouse, vice president for academics, says he is confident that "we'll be at the national average by the end."

He points out that the university, unlike many others, gives individual departments autonomy in recruiting their staffs. "It was more a question of each department working independently, resulting in a bad outcome with regards to gender," Mr. Waterhouse says. "It wasn't an old-boys network but a case of each acting in what they perceived to be the best interests of their departments."

Despite promises of reform, some critics remain skeptical of universities' willingness to deal with the issue.

After the chair program completed an independent review, in December 2002, showing that fewer than one in six chairs filled so far had gone to women, Mr. Durocher asked the universities to submit revamped strategies that explained how they were going to nominate more women in the future. He was less than impressed when a quarter of the universities missed the May 2003 deadline. He has since posted every university's plan on the program's Web site "so the process is now transparent," he says. "Faculty can

pressure their own university committee if there are objections."

Universities with better-than-average records in filling the chairs with women say they made an extra effort. At York University, in Toronto, 6 out of the 26 chairs filled so far — or 23 percent — are held by women. "But we want to do better," says President Lorna Marsden, who insists a file be kept detailing how every position is filled. "I read every file. The chairs situation has opened the old debate about minorities. ... I point out that it's not discrimination against white males but inclusion of all."

Some academics say that recruiting women is often enlightened self-interest, especially now that female students outnumber men at many universities. McMaster University's department of physics and astronomy has three Canada Research Chairs, two of which are filled by women.

John Berlinsky, the department head, says this is an area where women have been traditionally underrepresented. "We need to work hard to attract good women students, and having women faculty makes the hard sciences attractive to women students," he says.

Social Engineering?

The Association of Universities and Colleges of Canada organized a practical-strategy meeting in October, and one of the presentations came from Shirley Neuman, vice president and provost at the University of Toronto. Her university has been allocated the largest number of the research chairs in the country — 267. Of the 138 that have been filled so far, about 20 percent went to women. Ms. Neuman pointed out, however, that in some areas the university is not doing as well as it should be when it comes to appointing women.

She suggested that all universities that are serious about recruiting women adopt a six-pronged approach that includes making lists of highly qualified women, ensuring search committees actually read the work of female candidates, staying in contact with the most promising female undergraduates, and debunking the so-called availability myth.

"I have several times been told that a brilliant woman would be unavailable for a position because she had young children," said Ms. Neuman at the meeting.

"An approach to that woman turned up the information that the 'young' children were now in university. ... It pays to ask."

Ms. Neuman suggested that every university find money to pay for a "SWAT team" of respected senior academics, specially trained to counter the myths involved in recruiting women.

The academics who asked for the inquiry point out that they did not focus their concerns entirely on women.

"When we undertook the Human Rights complaint, we were clear that this was not just a gender issue but an equity issue," says Shree Mulay, director of the McGill Center for Research and Teaching on Women and an associate professor of medicine at the university. "The Canada Research Chairs do not ask for voluntary self-identification, so they do not know how they are doing with respect to all the protected groups such as people of color, disabilities, and aboriginal people. While we have not asked for affirmative action ... if the gap increases, affirmative action might be necessary."

Such talk riles those who think the research-chair program is in danger of becoming a victim of political correctness. "I haven't seen any hiring discrimination against women at Canadian schools — and I've been looking — since before the early '70s," says Clive Seligman, head of the Society for Academic Freedom and Scholarship and a professor of social psychology at the University of Western Ontario.

He says that academe does not need what he calls "social engineering," especially when there is no evidence of discrimination. "My argument is not that the world is perfect, but right now in Canada ... there is not a problem for women with Ph.D.'s getting jobs," he says. "They are in demand. I don't know anybody at a Canadian university who would stand for discrimination."

Mediation talks between the academics who filed the complaint and Industry Canada, under the auspices of the Human Rights Commission, broke down in mid-November. The complaint must now go through an investigation to determine whether the commission will look further into the charges. An investigator's report will recommend that the case proceed to a hearing or that it be dismissed.

"We're extremely disappointed with the failure of the

mediation process ... that there was no possibility of finding common ground," says Ms. Robbins. "We took the action because we wanted to do something to prevent a situation from getting worse. We wanted to level the playing field."

Whatever the outcome of the complaint, Mr. Durocher is optimistic that the second half of the program will bring about an improvement in the gender balance of the chairs. And he says that the program has had a positive effect on Canadian higher education over all.

"This has been a very bold thing for us to do," he says with a chuckle. "It's almost un-Canadian. We usually tend to do things by small steps first rather than taking such a big approach."

Ms. Neuman agrees, pointing out that the timing was important, given the chronic fiscal difficulties in Canadian higher education. "It's a wonderful program and it is having an enormous effect, a huge impact already, on universities," she says. "We've brought back scholars. We've hired international researchers. But the value of the CRC's will really show up in a few years' time."

The Chronicle of Higher Education, January 9, 2004. □

LOWERING THE BAR: QUEEN'S LOWERS ADMISSION STANDARDS TO BOOST ABORIGINAL ATTENDANCE

Heather Sokoloff

Queen's University, the country's most competitive undergraduate institution, is setting up a controversial separate application stream for First Nations students.

Less than 1% of the 8,000 undergraduates at the Kingston university identify themselves as Indian, Inuit or Metis. To boost this dismal aboriginal attendance rate, Queen's will waive the 85% cut-off mark for 10 aboriginal applicants to its undergraduate arts and science degree, starting with applications this fall.

The move is already being criticized by students, particularly minority students who fear they will be perceived as having benefited from affirmative action. "This puts a cloud over the whole admissions process,"

says Kasra Nejatian, a 21-year-old Iranian-born commerce student, and president of the Queen's Progressive Conservative Club. "It doesn't matter how noble the goals are, it's racism in its purest form."

Mr. Nejatian says there are other ways the university can help aboriginal students get into Queen's, such as offering tutoring to aboriginal high school students or sending Queen's professors to nearby native communities to act as mentors and career advisors.

"Admissions should be based on merit alone," he says. Most schools already reserve places for aboriginal applicants to medical, nursing and law programs, at the request of governments that hope the measures will encourage graduates to return to their communities and provide badly needed services.

The new Queen's undergraduate policy, for example, is modelled on the aboriginal applications procedure at Queen's medical school. Aboriginal students who want the special consideration will have to ask for it in a letter. They will need documents demonstrating their native heritage, as well as support from a band or community leader.

Some schools are more specific in their admissions criteria: Dalhousie Law School gives special consideration to Mi'kmaq and black people born and raised in Nova Scotia.

Others, such as the University of Windsor and the University of Toronto, accept a small number of adult students who may not have graduated from high school, providing them with a year of intense remedial instruction before they pursue a university degree.

The Queen's program will target high school graduates who are academically qualified, but do not quite have the marks to secure a spot in the regular, highly competitive admissions process, says Christine Overall, the associate dean of Queen's faculty of arts and science, and co-chair of the school's Aboriginal Council. "The kind of mark you need to get into Queen's is different from the kind of marks you need to succeed at Queen's," says Dr. Overall.

She dismisses claims the policy will stigmatize aboriginals, as well as other minority students. The choice for aboriginal students to identify their race is voluntary, she says, and many will continue to apply as regular applicants. "They are not going to be going around with a sign saying, 'I was admitted through the alternative process.'"

"It's a recognition of the special responsibility that we have to aboriginal people, given that aboriginal people are the first people of this country," says Dr. Overall.

The use of alternative admissions processes was recommended in a 2002 report commissioned by the Council of Ministers of Education to improve aboriginal post-secondary participation rates in Canada, which have lagged behind the United States and Australia.

By 2001, about 8% of non-reserve aboriginals aged 25 to 34 had completed university, up from 5% in 1996, Statistics Canada says.

The new policy will bring Queen's in line with most universities in Western Canada, where the requirements for aboriginal applicants are considerably lower than the cut-off marks for students in the general applicant pool.

The University of British Columbia and the University of Alberta, for example, admit aboriginal students who graduate high school with an overall average of 67%, provided students provide documents proving their aboriginal heritage. For other students, UBC requires marks of at least 82% to enter its arts program. At U of A, students must have an average of 72%.

Richard Vedan, director of UBC's First Nations House of Learning and a professor of social work, defends the admissions model, noting that a young aboriginal male has a 3% chance of completing post-secondary studies, compared with a 70% chance of ending up in a correctional institution.

"There is a direct link between quality of life, quality of health, socio-economic standing and your level of education," says Dr. Vedan. "If more aboriginal people are afforded an educational opportunity, there will be improvements in each of those areas."

But the more generous admissions policies have not always had the desired effect, in part because not enough aboriginal students are applying. "Our College of Engineering would be delighted to mentor aboriginal students, but they seldom get many students who are interested," says Marnie McNiven, manager of admissions at the University of Saskatchewan.

The situation is similar at the University of Alberta in Edmonton, where the university would like aboriginals to make up 5% of the undergraduate student body. So

far, aboriginal enrolment is about 3%, or 800 students.

Aboriginal attendance at UBC is also low, at only about 1%, though university officials say the real number is probably a bit higher, as self-identification is voluntary.

So many awards and scholarships created for aboriginal students were going unclaimed that UBC created a new recruitment tool two years ago: The Musqueam Soccer tournament for aboriginal families. Last June, the tournament attracted more than 600 participants.

"It gets people to come out and see a university campus first hand, and university becomes part of their vocabulary," says Dr. Vedan. "We hope to see some of those returns over the next decade."

The aim of the program is to get children thinking about university at a young age, as a motivation to stay in high school. Almost half drop out before obtaining their secondary school diploma, according to StatsCan, although the numbers are slowly improving.

He says aboriginal youth tend to be skeptical about universities, and fearful they will be assimilated if they live away from their families. "There is a good deal of cynicism and suspicion. People remember that in the 1920s, if you got an education, it was at the cost of losing your culture," said Dr. Vedan, who designs curriculum materials for aboriginal students.

Of all the provinces, Manitoba seems to have the most effective approach: For \$8.5-million, Manitoba enrolls 1,284 hand-picked students in a network of "Access" programs at the province's three universities and two community colleges. The program accepts adults, some of whom did not graduate from high school, and prepares them for careers in social work, nursing, business administration, engineering and medicine. The students get remedial instruction; they attend school through the summer and receive instruction from professors specializing in adult education.

"It's been tremendously successful," says Louise Gordon, executive director of the Manitoba Council on post-secondary education. "Most aboriginal engineers in this country are Access grads. Most aboriginal doctors in this country are Access grads."

National Post, February 11, 2004. □

RACIAL PREFERENCES MORE HARMFUL THAN LEGACY POLICIES IN COLLEGE ADMISSIONS

Jonah Goldberg

Since this is Black History Month, I thought it might make sense to take a look at the latest controversy surrounding affirmative action — that is affirmative action for rich white people. That's what opponents call legacy admissions, the practice of giving the relatives of alumni and other big boosters special consideration when they apply to a college.

With little public debate, the country is moving quickly to erase the practice from higher education, particularly at public universities. Sen. Ted Kennedy, a Harvard legacy, is pushing legislation requiring schools receiving federal money to disclose the race and income data of all legacy applicants. Kennedy's intent is to call attention to the fact that affluent white kids benefit from preferential treatment more than poor black kids do under conventional affirmative action programs.

This comes in the wake of Texas A&M's decision to cancel its legacy preferences last month. Since the school no longer offers special treatment to minorities, critics argued, it shouldn't offer special treatment to anybody.

Being the child or grandchild of an alum was worth up to four points out of a possible 100 points in the school's admissions system, according to the *Houston Chronicle*. In a given year around 2,000 applicants earned "legacy points," but the vast majority of these students didn't need them to qualify for admittance.

But a few did. In 2003, 312 white legacies were admitted who otherwise wouldn't have been without the family connection. The year before, 321 white legacies were admitted. The school was quick to point out that the legacy program also admits blacks and Hispanics at about the same percentage rates. In 2003, six blacks and 27 Hispanics were admitted as legacies who wouldn't have been accepted otherwise.

Texas State Rep. Lon Burnam is furious about the practice. He's been pushing a law to ban the practice for a while. He told the *Houston Chronicle* that it's a "program that reflects the past, meaning the institutional racism of the 20th century, rather than the

future, which will be majority African-American and Hispanic."

At the national level, rage at legacy policies has been running white hot for a while now, mostly as a way to deflect attacks at racial preferences that are typically more generous, pervasive and, needless to say, more popular among liberals.

John Edwards has made legacy programs one of the many things he's angry about (but in a rakishly good-looking way). He calls the policy "a birthright out of 18th-century British aristocracy, not 21st-century American democracy."

Now, personally, I don't care very much if schools drop their legacy policies. But let's be honest about what's really going on here and what isn't.

First of all, the ones who benefit most from legacy policies are the schools and the other non-rich students. The parents of legacies tend to be the biggest financial supporters of schools. If, all of the sudden, these boosters can't get their kids accepted, a major revenue stream will dry up or at least shrink. Millionaires, after all, are less likely to build libraries for schools that reject their kids. That means tuition will go up, disproportionately hurting poor and minority kids.

Meanwhile, the children of rich, well-connected people are going to be OK because, well, they're rich. But poor parents are going to have more trouble getting their kids the best education possible.

Fine. If we think the ideal of merit should reign supreme, by all means let's ban legacy preferences.

But this isn't about merit. After all, Ted Kennedy isn't proposing that we track the financial data of kids who benefit from racial preferences (an idea proposed by Peter Kirsanow, a Republican appointee to the U.S. Commission on Civil Rights, and championed by Stuart Taylor of the *National Journal*). If we did that, we'd discover that minorities benefit far more than legacies do and that racial preferences often go to upper-middle-class, not underprivileged, blacks.

Moreover, the logic supporting the anti-legacy case simply makes no sense. Most people mock the rich kids who get daddy's help. If legacy preferences are bad, how does that make preferences for blacks good?

You can't defend one bad policy by pointing out that there are other similarly bad policies.

Besides, and this is what we should remember during Black History Month, the two policies really aren't that similar. Race is different. America fought a Civil War largely over race. The civil rights movement, which we hear so much about this month and every other month, was morally compelling precisely because it said we should judge people by the content of their character not the color of their skin.

If schools want to have preferences for short people, gays or nerds that may be good or bad policy, but it's not "institutional racism." Assigning points based upon skin color is. At least in my book.

Jonah Goldberg is editor of *National Review* on line. From Townhall.com, February 13, 2004. □

NEW SCHOLARSHIP CREATED FOR WHITES ONLY

A student group at Roger Williams University is offering a new scholarship for which only white students are eligible, a move they say is designed to protest affirmative action.

The application for the \$250 award requires an essay on "why you are proud of your white heritage" and a recent picture to "confirm whiteness."

"Evidence of bleaching will disqualify applicants," says the application, issued by the university's College Republicans.

Jason Mattera, 20, who is president of the College Republicans, said the group is parodying minority scholarships.

"We think that if you want to treat someone according to character and how well they achieve academically, then skin color shouldn't really be an option," he said. "Many people think that coming from a white background you're automatically privileged, you're automatically rich and your parents pay full tuition. That's just not the case."

The stunt has angered some at the university, but the administration is staying out of the fray. The school's

provost said it is a student group's initiative and is not endorsed by Roger Williams.

Mattera, who is of Puerto Rican descent, is himself a recipient of a \$5,000 scholarship open only to a minority group.

"No matter what my ethnicity is, I'm making a statement that scholarships should be given out based on merit and need," Mattera told the *Providence Journal*.

His group took out a full-page ad in last week's issue of the university's student newspaper to tout the scholarship, which was for \$50 until two donors came forward to add \$100 each during the weekend, Mattera said.

It's not the first brush with controversy for the group. The school temporarily froze the Republicans' money in the fall during a fight over a series of articles published in its monthly newsletter. One article alleged that a gay-rights group indoctrinates students into homosexual-sex.

From CNN website Sunday, February 15, 2004. ▯

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LETTERS TO THE EDITOR

Wednesday, 21 January 2004

Dear Editor:

I was pleased to receive the SAFS newsletter for January, 2004.

Immediately I received it, I started reading UWO's Statement of Academic Freedom. I had thought academic freedom dead on Canadian campuses.

I continued reading, in some disbelief, asking myself "where's the catch?" There is always a catch in such documents. I had thought academic freedom dead.

Finally I came to Clause 8. In it I discovered that academic freedom is only "credible" when it is exercised according to an "obligation. . . [toward] an honest and ethical search for knowledge."

I take, from this cavil, that no research is done, nor opinion expressed, that has been deemed in advance "dishonest." Similarly, unethical, whatever that means.

I went on to read of the tortuous Advisory Panel on Research Ethics, its various agendas. Academic freedom, as suspected, is dead on Canadian campuses.

Walter Bruno

Walter is a SAFS member.

To the Editor,

The article by Peter Kirsanow in the January 2004 issue makes several telling arguments against the notion that attaining a "critical mass" of students from various races justifies preferential admissions policies. Here is one argument it misses:

The claim is that all students benefit from a diverse student body, which is one that contains a "critical mass" of students from as many different races as possible. A "critical mass," in turn, means "meaningful numbers of minorities — enough that they'll contribute in the classroom and won't feel isolated." A critical mass is achieved "at the point where there are enough minorities that they'd be comfortable participating in class without feeling as if they were spokesmen [sic!] for their respective races."

While generally reluctant to put precise numbers or percentages on what the critical mass might be, university administrators who support this argument for preferential admissions policies seem unanimously to agree that the numbers and percentages vary from race to race. Thus the critical mass of Native Americans is alleged to be only around 1%, for Hispanics it is about 5%, while for blacks it is between 11% and 17%.

Now, what could this possibly mean? Is a Native American student expected to feel comfortable participating in class without feeling isolated or having the weight of their race on their shoulders even if he or she is the only one in a class of 100; while a black student cannot be expected to feel the same comfort level even if he or she is surrounded by 9 other black students in a class of 100? The assumption seems to be that Native American students are made of much sturdier stuff than black students. How racist is that?

On the other hand, if the assumption is that the races are equal, then if it takes 15% for blacks to feel comfortable in the class, then likewise it should take 15% for Asians, Native Americans, Hispanics, whites, and every other identifiable group to reach the critical mass. Problem is, we can only accommodate at most 6 different groups feeling comfortable in class before someone necessarily starts to lose their critical mass. Should universities restrict their admissions to students of only 6 identifiable groups, then? That's some diversity.

It amazes me that the logically self-defeating "critical mass" argument survived all the way to the Supreme Court of the United States, which accepted it.

Sincerely,
Grant A. Brown, D.Phil., LL.B.
Barrister and Solicitor, Edmonton.

Grant is a member of SAFS Board of Directors.

To the Editor,

Support for same-sex marriage has become official policy at my alma mater, the University of Toronto, at least according to its president, Robert Birgeneau, who has issued a formal decree titled "Celebrating Sexual Diversity" that was published in both the U of T staff *Bulletin* (October 20, 2003) and the *Toronto Star*, Canada's largest selling newspaper (October 27, 2003). [SAFS NL, January 2004].

For those still unfamiliar with current campus politics, Dr. Birgeneau's position that the U of T has become a national "social leader" in promoting the contentious moral and public policy view that "society should both cherish and solemnize long-term, committed loving relationships between two people, whether of the same or the opposite sex" may seem rather presumptuous. His comparison of the struggle for the equality of all forms of sexual behaviour to the American "civil rights movement in the 1960s" will also not endear him to that large fraction of the Black community that has repeatedly rejected what they believe is a misplaced metaphor linking ascribed racial identity to voluntary erotic activity.

As a reflection of post-modern campus political ideology, however, his views make perfect sense. This is because the rallying cry of university leaders like Dr. Birgeneau has become "Our campus must be an inclusive and welcoming community." The result is that universities are now voyeuristically and narcissistically preoccupied with how people have sex with each other and how they and others feel about their sexuality. This means that all erotic practices must be accepted as worthy of equivalent amounts of praise and encouragement, regardless of their actual personal or societal sequelae.

Dr. Birgeneau is a physicist by training. But his dictum on sexual diversity forecloses any critical scientific discussion of the causes and consequences of diverse sexualities by arguing that the overriding issue for the university is, "Would a lesbian, gay, bisexual, transgendered, or queer (LGBTQ) student entering the University of Toronto this fall feel as comfortable 'out' as heterosexuals are about themselves?" Conversely, those who reject the notion of the equivalence of every possible or imaginable form of sexual expression are said to hold "inflexible positions" and "dissenting views" or are guilty of "homophobia" or "acts of exclusion."

What Dr. Birgeneau fails to appreciate is that the celebration of sexual diversity has come at the loss of the kind of diversity that used to be the hallmark of a liberal education - the intellectual clash of ideas. Thus my own conspicuously conservative position on marriage and human sexuality would earn me nothing but scorn at the U of T - as it has at my home institution, the University of Manitoba - even though it is based on my reading of the medical and cross-cultural literature rather than on allegedly outmoded religious or moral convictions.

President Birgeneau also proclaims that the U of T needs “to move beyond the institutional level of acceptance to broaden awareness and to celebrate sexual diversity on our campuses in much the same way that we celebrate our remarkable ethnic and cultural diversity.” Not only does this position spuriously conflate ethnicity (an immutable birth trait that marks an important part of a person’s public identity) with sexuality (a nebulous, often shifting, drive based on acquired forms of supposedly private behaviour), it insists that mere indifference to a person’s sexual habits is no longer acceptable. Now we must all think alike by celebrating each other’s dissimilar sexualities or suffer being vilified as old fashioned, bigoted, sexually repressed, homophobic, or fanatically religious.

This is why Dr. Birgeneau's claim that “The University of Toronto is about diversity in all of its dimensions” is so disingenuous because this diversity is narrowly limited to “creating a community of people with varied backgrounds” who “feel comfortable” about their behaviour.

How the encouragement and celebration of behavioural diversity based on a unitary policy of groupthink contributes to a higher education is left unstated. What is clear is that a policy of trying to make people feel comfortable about themselves represents a repudiation of the traditional (but apparently outmoded) mandate of higher education to challenge, even repudiate, comfortable ideas and established dogma. If it were not for the new group-

think, this would even include questioning the idea of sexual diversity, a notion based on the contestable idea that despite their obvious differences, all forms of carnal behaviour are equally natural, normal, and healthy, and hence equally deserving of celebration.

By shutting off debate about the nature of human sexuality, President Birgeneau has shown contempt for his role as the intellectual leader of Canada’s premier institution of higher learning. He has also marginalized dissenting alumni like me who hold different views about the human condition.

How inclusive is that?

Hymie Rubenstein.

Professor of Anthropology, University of Manitoba.

Hymie is a SAFS member.

Editor’s Note: We were pleased to receive letters in response to items in the last Newsletter and would like to encourage further input from our members – in the form of letters or the submission of articles. We would also appreciate hearing about books that we can have reviewed or reviews of books that you believe would be of interest to the membership. *NKI.* □

SWASTIKA TIGHTROPE

Peggy Curran

For Noah Joseph, a Concordia University student deeply troubled by a rash of anti-Semitic incidents on campus, the answer's simple. It's time Concordia declared itself a "swastika-free zone."

For the university, straddling a tightrope between freedom of expression and a spate of corrosive hate propaganda, Joseph's proposal is a no-win situation. You could practically hear the thud of dread at yesterday's board of governors meeting, as administrators shunted his motion on to the back burner for committee review, desperate to make it go away without ever coming to a vote.

Why? Because to vote for Joseph's motion is to admit there's a problem, one which is not being tackled adequately by existing rules. Vote against it, and

SUBMISSIONS TO THE SAFS NEWSLETTER

The editor welcomes short articles, case studies, news items, comments, readings, local chapter news, etc. Longer items are preferred on a 3.5" (MS-DOS) disk in Word Perfect or Word 95, or by e-mail attachment.

Mailing Address:

Dr. Nancy K. Innis
 Psychology Department
 University of Western Ontario
 London, Ontario, N6A 5C2
 Fax: (519) 661-3961
 E-mail: newsletter@safs.ca

Concordia not only has the makings of a public relations firestorm, it opens the floodgates for every nutbar with a grudge and a Magic Marker.

Not that posses of white supremacists are roaming the corridors of the Hall building. As one student noted yesterday, the rare swastika he's seen etched on a bathroom stall could be expunged with a little elbow grease.

But Joseph, former president of Concordia's Hillel society and a member of the board, insists the university must take a decisive stand in the wake of a batch of anti-Semitic incidents.

In June, a student panel dismissed a harassment complaint against activist Laith Marouf when he scrawled a swastika on an Israeli flag during a clash between pro-Palestinian and pro-Israeli students March 12. Marouf later claimed he had drawn "the Hindu circle of life, not the Nazi swastika," but said he knew some people would be deeply offended.

In the fall, five anti-Semitic pamphlets proclaimed a Zionist takeover, targeting Concordia officials who happen to be Jewish. Crude illustrations drew parallels between Concordia and a synagogue, Israel's security fence and the Nazi regime of Hitler's Third Reich; Concordia's crest was replaced by the Star of David. Inflammatory language accused Concordia of the "demonization of ethnic groups such as Germans and Arabs & the villification (sic) of White Protestant Males." Fliers also took swipes at Brian Mulroney, CanWest Global, Molson's and B'nai Brith. (A story I wrote was quoted as so-called evidence of "racial and social engineering" by McGill University's admissions office.)

Yesterday, Concordia rector Fred Lowy, branded in one pamphlet as "Chairman of the Concordia Kibbutz," said the university is caught between duelling principles: freedom of expression and openness to ideas, even loathsome ones, and the need to shield students, staff and the university's reputation from hateful slogans that go beyond the bounds of acceptable political speech. "We do not have a blanket restriction on use of the swastika," he said.

Several officials said Concordia already has policies to deal with hate crimes — as does Canada's Criminal Code. A university protocol bars displays that promote racism or stereotyping based on "race, colour, ethnic or national origin, sex, pregnancy, political convictions,

language, social condition (or) handicap."

Joseph agreed to bring his motion before a committee reviewing the university's code of rights. Yet he admits he was thrown off by the "mood and response."

"I find it disappointing to think anyone would suggest the swastika was an acceptable symbol of political expression. Clearly, Germany doesn't think so."

The Montreal Gazette, February 20, 2004.

Editor's Note: Harvey Shulman, a member of SAFS Board of Directors, sent the preceding article to Erich Wasserman, Executive Director of FIRE (Foundation for Individual Rights in Education) asking him if he would support the motion if he were on the Concordia Board of Governors. He received the following response.

Friday February 27, 2004

Dear Mr. Shulman,

Thank you for writing.

FIRE defends all students and faculty members on our nation's campuses who are the victims of overbroad or unlawful restrictions on expression and speech. FIRE does not differentiate between the messages propounded, unless those messages are actually prohibited by law, i.e. slander, libel, threats, obscenity, those restrictions falling under the heading of "time, place, and manner."

Notably, FIRE does not protect students who vandalize — defacing or otherwise tampering with public property is illegal. It appears that much of the conduct described in the article you sent could be properly addressed using statutes or regulations prohibiting such behavior, without even addressing the substance of the message. This being the case, what is the point of a speech code or attempts to quash expression?

Now, assuming that there exist peaceful political protests advocating this or that extreme message:

At almost every college and university, students are presented with long lists of offices to which they should submit charges of such verbal "harassment," with promises of "victim support," "confidentiality," and "understanding" when they file such complaints.

What an astonishing expectation to give to students: the belief that, if they belong to a protected category, they have the right to four years of never being offended. What an extraordinary power to give to administrators and tribunals: the prerogative to punish the free speech and expression of people to whom they choose to assign the guilt of historical oppression, while being free, themselves, to use whatever rhetoric they wish.

The essential purpose of a speech code is to repress speech. It serves other ends, of course, such as making its arbiters feel moral, powerful, or simply safe from the attacks of those who would criticize them. It also demonstrates, for all to observe, who controls the symbolic environment of a place — a heady feeling for the wielders of power, and a demonstration, of course, that also succeeds in silencing others.

John Stuart Mill said it best, in *On Liberty* (1859). Everyone, Mill noted, claims to believe in freedom of expression, but everyone draws his or her own boundaries at the obviously worthless, dangerous, and wrong. Why should we tolerate speech that offends our sense of essential value, security, and truth? Mill answered four compelling grounds for doing so: 1) the opinion might be true and "to deny this is to assume our own infallibility;" 2) the opinion, though erroneous, might, indeed, most probably would "contain a portion of truth," and because "prevailing opinion" is rarely, if ever, "the whole truth," censorship denies us that possible "remainder of the truth" that only might be gained by "the collision of adverse opinions;" 3) even if prevailing opinion were the whole truth, if it were not permitted to be contested — indeed, if it were not, in actual fact, "vigorously and earnestly contested," it will be believed by most not because of "its rational grounds," but only "in the manner of prejudice;" and 4) if we were not obliged to defend our belief, it would stand "in danger of being lost, or enfeebled, and deprived on its vital effect on the character and conduct," becoming a formula repeated by rote, "inefficacious for good . . . and preventing the growth of any real and heartfelt conviction, for reason or personal experience."

Mill also argued against using coercion to make sure that voices were "temperate" and "fair." As Mill noted, such "boundaries" are impossible to define, and surely would be drawn by all in a manner favorable to themselves. If one took the notion of "temperate" and "fair discussion" truly seriously, what ought to be

banned would be arguments that stigmatized one's opponents "as bad and immoral men." Mill argued presciently, given what has happened on our campuses, that the denunciation of "invective, sarcasm . . . and the like . . . would deserve more sympathy if it were ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion." Ultimately, Mill concluded, it should be left to public opinion, not to "law and authority," to determine the dishonesty, malignity, or intolerance of someone's "mode of advocacy." In short, it was "imperative that human beings should be free to form opinions, and to express their opinions without reserve." Mill has much to say about the struggle for liberty on American campuses.

The ultimate intention of the "marketplace of ideas," and of any society in which expression is unfettered, is that those ideas with merit will be accepted, and those without merit will be cast away. These students raise issues and opinions that exist whether or not we choose to acknowledge them or decide upon their merit. It is a far more advantageous scenario to know that these opinions exist and understand the methods by which they are disseminated than try, in vain, to selectively marginalize these opinions and attempt to punish the speakers. Truth will prevail. I hope that I have addressed your concerns. Please feel free to call, write, or email (ew@thefire.org) with any residual concerns, and we always welcome new supporters (www.thefire.org/support)!

Sincerely,

Erich Wasserman
Executive Director
Foundation for Individual Rights in Education (FIRE)
210 West Washington Square
Philadelphia, PA 19106. □

BEQUEST TO SAFS

Please consider remembering the Society in your will. Even small bequests can help us greatly in carrying on SAFS' work. In most cases, a bequest does not require rewriting your entire will, but can be done simply by adding a codicil. So please do give this some thought.

Thank you.

Clive Seligman, President.

SHOULD HATE SPEECH BE A CRIME?

Gabrielle Giroday and Steven Seligman

You know a public lecture is controversial when audience members rise from their seats to yell at the speaker giving the address.

On Wednesday night, the department of Jewish Studies presented the annual Rosen Lecture at Grant Hall. This year's speaker was Edward Greenspan, arguably one of Canada's best, and most controversial, criminal lawyers. As a defence lawyer, some of Greenspan's past clients include Robert Latimer and former Nova Scotia Premier Gerald Regan.

Greenspan has hosted television shows about legal justice on the CBC, as well as given speeches at the Empire Club of Canada, the zenith of Canadian public performance. His appearance at Queen's was heavily hyped and approximately 400 people filled Grant Hall to hear him speak about hate speech and the Canadian legal process. Greenspan was unambiguous in his stance.

"More freedom of speech is the weapon against hate-mongers, not less," he said.

Greenspan argued that the Canadian political climate is increasingly unable to distinguish between thought and action, and that many Canadians are oversensitive and too easily offended by mere words."

"Somehow, liberal means nice," he said. "That impression is, in my view, totally misguided." Greenspan denied the validity of the principle, "Thou shalt not hurt others with words."

"This principle is a mess," he argued.

While hate speech is despicable and hate-speakers should be shamed and despised, Greenspan said, hate speech laws actually prohibit freedom of speech and should be removed from the Criminal Code of Canada.

"I would take the Criminal Code of Canada and squish it down to half its size," he said.

Greenspan used examples from both international law and Canadian history to illustrate his point that laws designed to prevent hate speech can actually give the groups who perpetrate hate speech a higher profile, thus undermining the spirit of the law. By putting on

trial figures such as Ernst Zundel, an anti-Semite and a Holocaust denier, society is giving them a public platform on which to stand, instead of allowing them to languish in obscurity. A central question Greenspan sought to address was the process by which society separates fair beliefs from unfair ones. "How do we sort fair beliefs from lunatic ones?" he asked.

Greenspan proposed five possibilities: the fundamentalist view, which holds that some people have access to absolute truths; the egalitarian view, which holds that equality should be elevated above all else; the radical egalitarian view, which holds that there should be special treatment for historically disadvantaged groups; the humanitarian view, which holds that society should wish above all else to do no harm; and the liberal view, which holds that only free and open debate should decide what is right.

"I believe the last view is the only right one," Greenspan argued. "Hate speech is antithetical to notions of liberal democracy."

Greenspan argued that verbally causing hurt should not immediately be labeled a crime. Greenspan advocated that society adhere to a "moral obligation," postulating that individuals in a democracy have to be thick-skinned, and that individual liberty should not be sacrificed upon the altar of acceptable speech.

"I think I know something of the pain that the Zundels of the world have caused," Greenspan said, noting that he is Jewish and has several friends who lost relatives during the Holocaust.

Greenspan made clear he totally disagrees with the content of anti-Semitic views, branding Zundel as "filth of the lowest order." However, he lambasted the concept that by supporting free speech, individuals are also inadvertently supporting the views that are expressed by hate-mongering parties.

Instead, his argument was that hate speech laws can be too easily abused to harm the people they are meant to protect. He cited examples in Canada, such as a case in Quebec concerning French Canadians who were prosecuted for publishing satirical pamphlets. The pamphlets made fun of their own culture as a response to the English majority in the area. The French Canadians were persecuted because their beliefs were believed to incite hate. Greenspan endeavoured to show the limitations of the courtroom and trials that focused on proving whether a given history occurred

were useless as the resulting verdicts applied only to a given time and space. No one trial or guilty verdict will eliminate all hateful speech; the only safe guard is more free speech, he said.

Instead, he argued truth could be found in the faith that freedom will prevail. "Truth does not prevail as part of a prosecution of a hate crime," Greenspan said. "Truth can only be proven by living it out."

Using quotations from John Milton, Greenspan forwarded the idea that truth is not infallible, but that given a choice between laws that favour the power of the majority to determine what is acceptable or laws that favour freedom of speech for everyone — Greenspan believes we should choose the latter. Greenspan argued reasoned people must be allowed to freely expose themselves to hateful or disagreeable speech and decide for themselves whether the ideas are worth accepting.

"I read Mein Kampf; I did not become a Nazi," he said. "I read Das Kapital; I did not become a communist."

Queen's Journal Friday, January 23, 2004.

Gabrielle Giroday is Editorial Page Editor of the *Journal*.

Steven Seligman, *Journal* Features Co-Editor, is a SAFS member. □

BOOK REVIEW

Kenneth Westhues. *Administrative Mobbing at the University of Toronto: The Trial, Degradation, and Dismissal of a Professor During the Presidency of J. Robert S. Pritchard.* 483pp. Queenston, Ontario: Edwin Mellen Press, 2004.

J. Philippe Rushton

This book is a work of compassionate advocacy, a brief for the defense by a professor of sociology who has himself been convicted (later exonerated) by academic process run wild. In his detailed account of the dismissal of Herbert Richardson, Professor of Religious Studies at St. Michael's College in the University of Toronto on the charge of "gross misconduct" in 1994, Westhues charts and establishes a new field of sociological inquiry, "academic mobbing." Boxed text summarizes some 30 "compare

and contrast" case studies (including my own), plus an appendix of nine essay-length commentaries on the book (but unfortunately not including one from the prosecutor's side).

Academic Mobbing reads like a "who-dunnit," or rather, a "what-dunnit," because it is only on page 231 that we learn what Richardson is convicted of. In the eight-year build up, allegations included bad teaching, abuse of students, administrative neglect, plagiarism, scholarly misrepresentation, disloyalty to Catholic teaching (!), mis-using a four-month medical leave, and failing to disclose his activities in "Mellen Enterprises" — the Edwin Mellen Press (which his opponents labeled a "vanity press," and, it must be noted, published *Academic Mobbing*), and Mellen University (which, perhaps because it is chartered in the West Indies, accusers labeled a "diploma mill").

Prof. Richardson's biography is fascinating. Born in 1932 in Baltimore, Maryland, he was reared in Lakewood, Ohio, in a downwardly mobile but politically liberal WASP family. Forbidden by his father from joining any "Whites only" fraternity, Richardson became part of a racially mixed group of pre-theology students at Baldwin-Wallace College, outside of Cleveland. In 1955 he did graduate work at Boston University with Martin Luther King, Jr. as classmate. From 1956-62 he completed a doctorate at Harvard University Divinity School where he also served as Assistant Professor from 1962 to 1968.

In 1968, Richardson became the first Protestant theologian appointed to the Roman Catholic faculty of St. Michael's during the ecumenical euphoria with which he identified. Achievement-oriented, self-confident, hard-working, free-thinking, and entrepreneurial Westhues suggests Richardson's quintessentially American, Protestant, liberal personality was sure to create friction eventually.

According to Westhues, the trigger for the "mobbing" was theological differences. An example was Richardson's 1971 book on sexuality and women's issues, *Nun, Witch, Playmate: The Americanization of Sex* (Harper & Row). Then there was Rev. Sun Myung Moon's Unification Church, tagged by opponents as a "cult" which Richardson defended from 1976 to 1985, even testifying before the U.S. Senate on the legitimacy of religious conversion. More problematic was his 1974 founding of the Edwin Mellon Press in Lewiston, New York, building it into a 3 million dollar

a year publishing house, with four thousand titles by 2001.

Religious attendance had fallen dramatically. Theological careers were problematic. Ecumenism suffered as conservative Popes and administrators took power. By 1986, Richardson and St. Michael's were seriously at odds. Despite his stellar productivity — 20 books published (authored, edited, or translated); 25 Ph.D. dissertations and 30 Master's theses directed, many of them subsequently published; a distinguished teaching award; 100 invited talks at other universities and seminaries — his request for a year's leave of absence (without pay) was denied. His Dean wrote that the college would "not be destitute" if he decided his future lay elsewhere.

When Richardson refused to sign the theology bylaws the College demanded in 1989 as part of a new contract, saying they violated his academic freedom, each side engaged attorneys. In 1991 Richardson lost his temper in class, shouting at his assistant "Get Out! Get Out! Get Out!" Students complained, reporting their fear of "violent, abusive behavior." Another protested to six administrators that Richardson questioned the seriousness of the problem of violence against women on campus. (However, he usually got high teacher ratings.) The tribunal struck down the charges of bad teaching and poor scholarship.

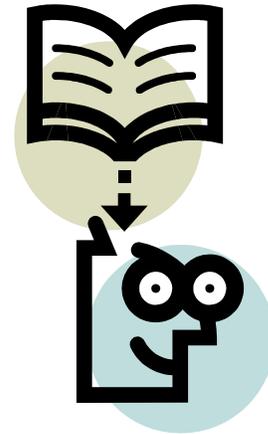
The charges sustained against Richardson centered on his non-disclosure of information about Mellen Press and Mellen University, alleged conflicts of interest, and the embarrassment caused, plus the charge of abusing a medical leave. Westhues succeeds admirably in his brief for Richardson's defense and also in documenting the mobbing phenomenon, although I thought he tap-danced around the creation of Mellen University, saying he found it less interesting to discuss. While I know of colleagues who have (very legitimately) started publishing houses and other businesses, I know of none who have started another university!

SAFS members will enjoy this book. Worthy of a screenplay, it will serve as an excellent source book for many years to come.

Kenneth Westhues, a SAFS member, is Professor of Sociology at the University of Waterloo.

J. Philippe Rushton, also a SAFS member, is professor of psychology at the University of Western Ontario.

He is author of *Race, Evolution, and Behavior*. □



TRUTH

"Honesty does not require posturing. In fact, the two things are incompatible. Nor does objectivity require neutrality... Objectivity refers to an honest seeking of the truth, whatever that truth may turn out to be and regardless of what its implications might be. Neutrality refers to a preconceived 'balance,' which subordinates the truth to this preconception... The truth is where you find it — and you don't find it with a preconceived 'balance' expressed in mealy mouth words." *Thomas Sowell*. □



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