

# 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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## GENDER FENDER-BENDER

*Ruth R. Wisse*

Last week, the president of Harvard, Lawrence H. Summers, inadvertently provided further evidence of the opposition to free inquiry that currently governs our institutions of higher learning. Invited to speculate off the record on the "underrepresentation" of women in science, President Summers threw out some hypotheses, including one about innate differentials in aptitude between men and women, that may account for the phenomenon. At this point in his remarks, an MIT female professor of science quit the room, declaring to the press that she couldn't breathe because "this kind of bias makes me physically ill."

"What better proof than she of Summers' thesis?" quipped a friend of mine -- and, indeed, what better evidence of underprofessionalism than a scientist who becomes nauseated at the mere hint of a theory that differs from hers? But this woman had artfully framed her outrage. Her claim of "bias" was intended not simply to discredit the male who had asked whether there may be substantive differences between men and women, but to define the permissible terms of discussion. Her show of outrage and the ensuing media attention it elicited were designed to reinforce the claim that "bias" alone is responsible for the situation President Summers addressed.

This accusation of bias, advanced by feminists and often accepted at face value by the academic community, attempts to transform guarantees of equal opportunity into a demand for equal outcome. Thus, a huge majority of female professors at Harvard recently formed a Caucus for Gender Equality to protest the drop in senior job offers to women since President Summers came into office. Offering no evidence of

*Conference Issue*

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discrimination in hiring and not a single example of a superior female applicant overlooked in favor of a less qualified male, the Caucus charged the president with having reduced "diversity" by failing to hire enough female professors. Although the university denied these unsubstantiated charges, it nonetheless instituted new rules for departmental searches that now require every committee to provide quantitative proof of how many women it has considered for a position at each stage of the screening and selection process.

Ironically, President Summers himself has on occasion advanced the view that affirmative-action procedures for women are necessary because of men's unconscious bias. That particular unsubstantiated assumption, however, satisfies feminist dogma, whereas there mere possibility of other differences between the sexes offends it. The true character of the campaign against President Summers was corroborated when the same Harvard women's group that is lobbying for more female professors reproached him for "speaking his mind as an individual" last week rather than toeing what they believe should be the university's party line. Lobbying for women in the name of greater diversity, they used the club of gender to silence diversity.

Shamefully, they appear to have succeeded. Sounding more like a prisoner in a Soviet show trial than the original thinker that he is, President Summers recanted his error, has apologized at least three times for his insensitivity, and will no doubt hasten to appoint and to promote as many females as he can. The casualties of this exercise are genuine discussion of why women excel faster in some fields than in others, and the kind of intellectual independence that universities were once expected to promote.

The slogan "gender equality" reduces diversity on campus still further by pretending that all women share

the same set of views. Protesting that there are currently only 85 tenured female professors at Harvard, about one-quarter of the faculty, the Women's Caucus boasts that almost all of them agree with its politics. Meanwhile, in a country that has just elected a Republican president and a Republican Congress, one could not find, among Harvard professors, a quarter of a quarter who hold conservative views. Divergent thinkers are driven out of the universities to the think tanks where intellectual initiatives are encouraged rather than suppressed. On the campus, intimidation; beyond the campus, the democratic arena where better ideas can contend and prevail.

Had he been allowed to go on speculating about gender differentiation in the academy, President Summers might have taken up related issues, such as the effects of seeking parity in a marketplace of unequal resources. Given the far lower number of women in the sciences, one unacknowledged consequence of female preference in hiring may be the compensatory pressure to hire and promote women in the humanities and social sciences. The "feminization" of some branches of these "soft" disciplines has been a palpable byproduct of this strategy -- feminization referring not just to the numbers but to what and how women who ostensibly share the ideological disposition of the Women's Caucus tend to teach. Does this not necessarily reshape the nature of higher learning in ways that we would be wise to scrutinize?

Unfortunately, the problem President Summers addressed will persist despite the attempts to silence him. No one doubts that women seeking careers in science face greater challenges than those in other academic and research fields. At a recent forum of Harvard graduate students, a succession of budding female scientists expressed their anxieties about having chosen careers that will conflict, more than most, with their no less strong desires to raise and nurture a family. More than one young woman present felt that a job with reduced pressure during her childbearing years might better suit her needs than competition at the very highest levels. The good news is that most of the young women acknowledged that their dilemma was one of choice rather than a product of discrimination against them.

The very notion of "underrepresentation," based as it is on the implicit goal of numerical parity, greatly prejudices our ability to understand why women make the choices that they do. If women gravitate to the hard

sciences less than to other fields, we ought to grant them the intelligence of sentient creatures, recognizing the potential loneliness of such choices while trying to understand why groups and individuals act as they do. It is not President Summers who owes women an apology; it is the complainers and agitators who owe both him and all of us an apology for trying to shut down discussion of an "inequality" that is not likely to disappear.

*Ruth Wisse* is the Martin Peretz Professor of Yiddish Literature and Professor of Comparative Literature at Harvard.

*Wall Street Journal* Online, January 21, 2005. □

## HYSTERIA TRUMPS ACADEMIC FREEDOM

*Doreen Kimura*

The recent suggestion by Larry Summers, Harvard University president, that one of the factors contributing to the lower representation of women in the sciences might be innate differences between the sexes has unleashed the predictable fury from feminists and their fellow ideologues. The responses to Summers indicate once again how little respect many in academia really have for the principles of academic freedom and rational discussion. Even had he been mistaken, the reaction should have been more moderate, but as it happens he was not.

Men and women do differ in their intellectual talents, and if by "innate" we mean influenced or determined before birth, then some of these differences are indeed innate. Differentiation between the sexes depends heavily on the difference between them in levels of sex hormones early in prenatal life. These hormone levels determine not only the physical differences, but also strongly influence many behaviours into adulthood. Those behaviours include the intellectual or cognitive pattern, hormonal influences being especially well documented for certain kinds of spatial ability, like being able to mentally rotate or manipulate visual objects.

Men are, on average, better on such spatial tasks and on mathematical reasoning tasks than are women. Women, in contrast are better, on average, on tasks requiring verbal memory (recalling word material), and also in recalling the position of objects presented in an

array. There are many other less striking differences.

Mathematical reasoning ability is especially important for physical sciences like physics and engineering, and since many more men than women score at the high end of math aptitude tests, it is reasonable to expect that more men will go into those professions. Note that boys and girls may not differ in their grades on math tests in school, but the same boys still excel on math aptitude tests, where the items are less rehearsed.

Spatial ability is also highly related to professional choices. Even when verbal intelligence is equal, those people with higher spatial and math ability (more of them men) gravitate towards the sciences, rather than law or medicine. Women are much more likely to choose and thrive in biological sciences than physical sciences, suggesting that general explanations like a "chilly climate" in the sciences are untenable. The appeal for women may be related to the fact that biology deals more with living things.

These are reliable findings that have been widely available in both scientific journals and popular media for several decades now, and many of the important researchers in this field are women. It is therefore ludicrous for MIT biologist Nancy Hopkins to claim that she was so shocked by Summers' remarks that she had to leave the meeting in order not to faint or throw up! What message about women's capacity to engage in dispassionate discussion does this send?

Other well-documented relevant factors that differ between men and women include the preference by women to choose more person-oriented occupations, rather than object-oriented fields. This holds even for women highly talented in math, who have entered math-intensive programmes and have had strong encouragement to continue in related fields. Another important factor in determining fields of advanced study for women is the preference for non-lab or less intensive research activities, where they can indulge the natural tendency to spend more time with their children. This is a legitimate choice with intrinsic rewards, but one should not then expect equal professional rewards.

That said, nothing in the findings on sex differences should be interpreted to mean that women (or men) should be discriminated against in any field except on the basis of individual ability and performance. Although the average differences between men and women on some abilities may be quite large, there is

always substantial overlap between the sexes. We should clearly allow individuals to pursue their own talents and interests, and women who excel in the physical sciences and math will succeed. BUT it is to be expected that there will be a different representation of men and women across many occupations, as people self-select themselves into jobs based on such talents and interests.

Lest some people think that women still suffer discrimination in hiring in academia, the research, in Canada at least, shows just the opposite. Several studies have shown that women are favoured over men in university faculty hiring, including my own survey of hiring at two major British Columbia universities. Women's groups have been sadly effective at crying victim, to the point where men have become disadvantaged.

Dr. Summers has now disappointed all serious academics by his subsequent apology and retraction, bowing to pressures originating, not from thoughtful critiques of his remarks, but from hysterical reactions of special interest groups. His response is mirrored in too many university and research grant administrations, where the tired refrain is that women still suffer "serious obstacles", at best only vaguely defined, to success in science.

*Doreen Kimura* is a visiting professor at Simon Fraser University and former SAFS President.

*Vancouver Sun*, February 1, 2005. □

### SUBMISSIONS TO THE SAFS NEWSLETTER

The acting 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.

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## LETTER TO SAFS EDITOR

*Re: The Best of Biopolitics*

22 February, 2005

The best of biopolitics is illustrated by the latest statistics on the CRC program as described by Karen Birchard (Women make gains in Canada Research Chairs following uproar over gender disparity, *SAFS Newsletter*, January 2005). Ms. Birchard concludes,

"The universities are apparently getting the message. For example, Simon Fraser University, in British Columbia, was among the institutions with the fewest female chair holders. In the latest round, four out of five chairs at Simon Fraser went to women. The program's managers say they are receiving record numbers of nominations for women, so more rounds of appointments like this one are likely."

Yes, the Universities are getting the message that they must hire females or lose CRC positions. CRC searches have been stalled or cancelled because there were no qualified female candidates. Others have been reassigned to accommodate previously identified female candidates. Strangely, none of the advertisements for these positions said, "males need not apply."

Readers of *SAFS Newsletter* hardly need to be reminded of the implications of such aggressive affirmative action. In the CRC context, two implications stand out for me.

First is the obvious (but vigorously denied by university administrators) result that average quality of appointed candidates is reduced by selecting qualified (or perhaps less than qualified) female candidates over better qualified male candidates. Also, it seems likely that the quality of the candidate pool is degraded because qualified candidates are put off by the biased process and choose not to apply. Women of CRC calibre want to be selected as the best candidate, not the best female candidate. And, men don't want to suffer the inconvenience and indignity of applying in good faith for falsely advertised positions. Everybody loses with affirmative action.

The second implication is that biopolitics has taken first priority over strategic distribution of research

funding. The human rights complaint raised by Wendy Robbins and seven other women is spurious. Whatever, one thinks about the distribution of CRC funding among the disciplines, that distribution has nothing to do with gender discrimination in hiring. Yet, the Human Rights Commission agreed to hear the complaint and, although the commission has yet to rule on the case, NSERC pleaded guilty and promised with great fanfare to do better. "Better", means unofficial gender quotas, so university administrations are scrambling to appoint female candidates.

Nevertheless, my sense is that many administrators would much prefer hiring policies that are untarnished by biopolitics. The unfortunate reality is that they feel compelled to comply with the dictates of the ideological left. Rather than develop sound defensive arguments and strategies to ensure merit based hiring, administrators plead guilty to false charges of inequity and then scramble to appoint females while maintaining a façade of merit based selection. That doesn't look like leadership to me.

What to do? For starters, we need to be clear that Ontario human rights legislation allows but does not require affirmative action during the selection process. It is essential to ensure that position postings are very accessible to potential candidates from all designated groups; I think everyone can and should support that. But, there is no and should not be any requirement to apply affirmative action during the selection process. Accordingly, one strategy to help ensure merit based selection is to insist on a transparent selection process. Yes, that's easier said than done, but I'd like to open a "how to" discussion. Some suggestions follow.

(1) Look for opportunities to make public statements in support of merit based selection. The campus news paper is a good place to do this. If anyone is interested, I'd be happy to forward a copy of a letter that I submitted to our campus newspaper.

(2) When a faculty hiring is being considered in your department remind the appropriate administrators that affirmative action measures must be limited to creation of the applicant pool. During the selection process, nothing counts but merit.

(3) If you are involved in administrative committees that influence hiring strategies, make suggestions to help ensure that hiring practices and intentions are transparent. For example, if it is clear that your department or college intends to appoint a female,

suggest that the position should be advertised for females only.

(4) If you are participating on a selection committee, make it clear in writing at the outset to the committee and relevant administrators that you will insist on merit based selection. If you find yourself removed from the committee, make a public statement explaining why that happened.

(5) Faculty members may be able to positively influence hiring protocols through the university faculty association. If the association has opportunity to meet with candidates, it could also advise candidates who are not members of designated groups to write the committee chair and ask for assurance that the selection process will not be influenced by ethnic or biological factors.

Overall, my sense is that the success of bio-politicians is mainly due to publicity associated with ungrounded human rights complaints. Accordingly, the best way to push back is to expose opaque selection processes.

*Art Hill*, University of Guelph, is a SAFS member. □

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## PAYING THE PRICE

*Jack Miller*

College administrators make decisions every day, so dealing with the consequences of unpopular ones is nothing new. Often those decisions are private, and even if their consequences are large, their visibility is relatively limited. But once in awhile, a decision has to be made on an issue that has tremendous public visibility and broad consequences. I recently had to make just such a decision.

As of 6 p.m. on February 1, I had never heard the name Ward Churchill. That evening, returning on a plane from Atlanta after several alumni visits, I read a news article about a scheduled presentation by Churchill at Hamilton College in New York. As my eyes briefly glanced over the page, I remember feeling compassion for Joan Hinde Stewart, Hamilton's president, and the agony she must have felt over canceling his lecture there. I noted the threats, the security issues, the alumni concerns, and I remember thinking to myself, That is a no-win situation.

The next morning I opened my e-mail and read the headlines from *The Chronicle*. Once again the name of Ward Churchill crossed my path. Ten minutes later, sifting through several days of correspondence, I saw a poster announcing four speakers for Native Pride Week at my Wisconsin university. To my surprise, Churchill was among them.

Instantly I knew it was one of those situations that would have a dicey outcome. No matter what decision was made and no matter how carefully, there would be a price to pay. The only question was how great.

At that point I had yet to fully comprehend that the four weeks leading up to Churchill's presentation, scheduled for March 1, would make February such a riveting month. But I had enough of an inkling that I called together the student leaders organizing the event to talk privately with them about the nature of the invitation, and what they knew about the speaker. Their insistence that Churchill was an integral part of the four-speaker series impressed me.

Next we held a meeting with a range of campus groups including our police department, academic and student services, the dean of the sponsoring college, and several student organizations. I told everyone that

within a few days I would decide whether to rescind the invitation to Churchill. We discussed a number of the issues that were involved, including security, the First Amendment, and alternative points of view. We then issued a news release saying that a decision would be made within a week.

In the meantime Churchill found his speaking invitations cancelled by a succession of institutions: Eastern Washington University, Wheaton College of Massachusetts, the University of Oregon, and the University of Colorado at Boulder, the latter of which was Churchill's employer. All of them cited security issues, although Oregon officials said they felt that the presence of such a highly visible speaker would overwhelm the general purpose of their conference. Colorado later changed its position and went ahead with his talk, saying, among other things, that the security threats had been exaggerated.

I began to read as much of Churchill's writing as I could in a relatively brief period of time. It was obvious that his views did not coincide with mine, and his rhetoric in some instances was highly inflammatory.

Communications started pouring in. They came via telephone calls, e-mail messages, written letters, and some less-civilized forms of communication. Things were yelled at me from around corners in restrooms and from passing vehicles as I walked down the street.

By and large, the comments at this point were evenly divided between people advocating continuing the invitation as supporters of First Amendment rights, and people wanting the invitation canceled who viewed the speaker as having engaged in "hate speech." I believe the communications were evenly balanced at this point because a decision had not yet been reached. The real firestorm was yet to come.

I consulted with some individuals from other campuses that had either retracted their invitations or were dealing with security-related fallout for planning to go ahead with his talk.

On February 10 I made the final decision to allow Churchill to speak on our campus. I did so based on a series of stipulations, including that I remained convinced that we could maintain the safety and security of our campus, that no state money would be

used, and that no one would be required by assignment to be in the audience.

One of the things that I have learned about decisions that involve so much passion is that people on both sides believe that the decision is simple -- a no-brainer -- even while the conclusions they reach are polar opposites. It was a no-brainer to vigorously defend the First Amendment. It was a no-brainer to cancel a forum for hate speech.

I was reminded of several other controversial calls on our campus in recent years. On one occasion I strongly defended several faculty members who were under siege for making remarks in the wake of September 11 that some alumni and donors considered anti-American. On another occasion numerous people had demanded that I dismiss a student who had appeared briefly in blackface during a homecoming skit. I did not. Some of the same people who lauded the first decision decried the second, and vice versa.

Once I made my final decision about Churchill's talk, the rhetoric in the communications I received began to heat up, and it switched from evenly divided to about 80 percent in opposition. I think that was to be expected, given that those who had wanted me to rescind the invitation were on the losing side. It was all the more imperative for them to express their opinions. I respect and understand their objections.

The news media became more and more actively involved in the process, and in fairly rapid succession, bloggers generated a torrent of e-mail messages, many of which lacked civility, and a handful of which were threatening, to both Churchill and myself. Many of those people engaged in the same type of hostile communication for which they excoriated Churchill. They asked how he could viciously condemn people he didn't even know, while they were doing exactly the same to me.

It soon became obvious that the negative reactions were largely from people unconnected with the university. They often demonstrated little firsthand knowledge of the actual content of Churchill's writings. I found it odd that a person who had lectured with virtually no attention since September 11 at numerous universities -- including Arizona State, Brown, Michigan State, and Syracuse -- was now becoming the object of widespread public wrath.

As the pounding kept up, it was joined by an area

legislator who introduced a resolution into the state legislature, both condemning Churchill for hate speech and requesting that the president of the University of Wisconsin System and its governing board direct me to disinvite him. The resolution passed the Assembly, 67 to 31. Interestingly, the content of the e-mail messages sent to me started switching to "Why can't I get a ticket?"

I was gratified to receive full support from our system president. In the meantime, people on the campus swung into action in a way in which I am most proud. The university police and event-security officials created easy access for those who wished to protest, and offered them a physical presence in a secure environment. Similarly, the police worked to create adequate security for the event itself, taking steps beyond those we had ever had to use for speakers. Students continued with their plans for Native Pride Week, and state and national news media continued to drive unprecedented visibility of the lecture.

On March 2 both the first and the second speakers in Whitewater's third annual Native Pride Week made their presentations. Ada Deer, the first Native American woman to head the U.S. Bureau of Indian Affairs, spoke first, followed later that day by Churchill. The first talk attracted an appreciative but quiet crowd of about 100 people; the second generated 112 media credentials, 440 sold tickets, and more than 300 people in two protests.

The university and the community responded as I expected they would. We learned that we have nothing to fear in words. In fact, controversial issues are best handled by giving them an outlet, and then allowing people to draw their own conclusions.

Was there a price to be paid? Most definitely. Among the numerous people who expressed their disdain for me personally over the course of the month were some who stated they would withdraw their support of the university in the future.

To date there have been well over 1,000 e-mail messages from members of the public, and numerous additional letters and phone calls. As of a few days ago, there were more than 230 communications from people who identified themselves as alumni. More than 80 of them said that they would make no further donations to the university. Clearly, that is a price to be paid.

Of those people who said they would give no further, only 14 had made a donation the previous year. Our annual phonathon was going on during this time, and 55 individuals who had given to the campus said they would no longer do so. Together those two groups represent about \$7,000 in annual contributions.

To date no major contributors to the institution have withdrawn their support for a capital campaign to support a new business building. Nevertheless, I am quite certain some of them are greatly disappointed with me and the institution for going ahead with the speech.

There has been a political cost, an alumni cost, and an energy cost for the decision. Nonetheless, it was based on the belief that we could maintain security. Most importantly, although some critics have mocked this, I believe that the First Amendment issues were real. I don't believe that academe should be forced to make popular or politically correct decisions -- regardless of how this particular speaker's future unfolds at his employing institution.

On a more personal note, I do decry the insensitive comments that Churchill made that were deliberately hurtful to families of deceased, innocent victims. My heart goes out to all of them. There are connections, too, with our Midwestern university. One of our most esteemed alumni is the chief executive of a corporation that lost 176 people in the World Trade Center. Supporting Churchill's appearance on our campus, even when it was advocated appropriately by student organizations, and financed without state tax dollars, was still something that was difficult for me.

If, as a president, you find yourself in such a difficult situation, what I would first advise is that you have a transparent communication process. Don't explain yourself time after time to reporter after reporter. Make your decision for the right reasons. Recognize the consequences, and stick with what you believe is right. In the final analysis, there will be a price to be paid either way. It is easier to pay that price knowing that you believe deeply in your decision.

*Jack Miller* has been chancellor at the University of Wisconsin at Whitewater since 1999. He will begin a new job as president of Central Connecticut State University in July.

*The Chronicle of Higher Education*, March 21, 2005. □

## ACADEMIC FREEDOM FOR SOME

*David French*

When it comes to the basic protections of due process and academic freedom, it often appears that students and professors live in two worlds - one world for those who follow the current academic political orthodoxy and another for those who dissent. Take for example, two untenured professors at major universities, Joseph Massad of Columbia and Thomas Klocek of Depaul.

Many FrontPage readers are undoubtedly familiar with Professor Massad. Extensively discussed in the documentary "Columbia Unbecoming" and in national media reports, Professor Massad has been quoted as comparing Israelis to Nazis and Prime Minister Sharon's cultural views to those of Joseph Goebbels. He has reportedly refused to allow students to dispute his allegations of Israeli atrocities in class. At a lecture at Oxford University, Massad once declared: "The Jews are not a nation. The Jewish state is a racist state that does not have the right to exist." Perhaps the most notorious allegation against Massad involves a claim that (at an off-campus event) he refused to answer a question from an Israeli student unless that student told Massad how many Palestinians he had killed.

Let me introduce you to the second professor in this tale, Thomas Klocek. Professor Klocek's problems began during a recent Student Activities Fair at Depaul. He walked by Students for Justice in Palestine's table and took issue with some of the controversial and provocative statements in their literature. A heated argument ensued, and there is no question that both sides argued aggressively. The SJP students compared Israeli treatment of Palestinians to Hitler's treatment of Jews, and Professor Klocek, among other things, disputed Palestinian claims to a distinct national identity. He also referred to an article by Abdel Rahman Al-Rashed, the general manager of the Al-Arabiya news channel that began: "It is a certain fact that not all Muslims are terrorists, but it is equally certain, and exceptionally painful, that almost all terrorists are Muslims." The encounter ended when professor Klocek "thumbed his chin" at the students - a gesture that he believes means "I'm outta here," and the students interpreted as being obscene.

If you look closely at the two stories, you will note some substantial differences. One of the professors has been accused of actual unethical conduct in a

classroom setting (refusing to permit a student to dissent from his teaching). This professor has also repeated his "offensive" comments in class, in public lectures, and in writing. The other professor has never been accused of classroom misconduct, and his "offensive" comments were made in the context of a one-time encounter in a setting where the students involved were inviting discussion by handing out literature. Yet it is the second professor who has been punished, not the first.

In the immediate aftermath of his encounter with the students, Professor Klocek was publicly accused of racism (by students who claimed they were "hurt" or "crushed" by his comments), ordered not to talk to the DePaul university newspaper (when the accusing students were encouraged to tell their side of the story), and then suspended without a hearing. And what of Professor Massad? He is being investigated, certainly, but by a committee that is stacked with friends and colleagues - in closed meetings with no recording of the proceedings. In other words, not only is Professor Massad receiving due process, his "process" is coming in front of a tribunal that is facially stacked in his favor and insulated from effective public oversight.

It is just this kind of disparate treatment that makes so many people deeply cynical about the culture of modern higher education. This week, 199 Colorado University professors signed a statement protesting any investigation into Ward Churchill's work, including investigations into allegations of academic fraud and resume fraud. Where were those defenders of free speech when the university censored the College Republicans' "affirmative action bake sale" last year? Some of them, no doubt, were eager to see the university take action against so-called "hate speech." When Hamilton College wrapped itself in the cloak of academic freedom after it hired a convicted terrorist and invited Ward Churchill to address its students, did anyone notice that this liberty-loving institution also had a speech code?

It is time to put a stop to the obsession with victimization and offense. Speech codes and ideological uniformity lead inevitably to naked abuses of power and double standards. A campus culture that for twenty-five years (at least) has used its intellectual energy to suppress dissent now finds itself under unprecedented national scrutiny, and the conduct that once spawned chuckles in the faculty lounge now leads to headlines and appearances on Fox News. Simply

put, free speech needs room to breathe. So free Thomas Klocek from his suspension, and restrict any "investigation" of Massad to only those allegations involving actual violations of student academic freedom. Let us restore truly free debate to our institutions of higher education - and may the best ideas win.

*David French* is the president of the Foundation for Individual Rights in Education.

*FrontPageMagazine.com*, March 4, 2005. □

## **FIRE'S GUIDE TO FREE SPEECH ON CAMPUS**

*David A. French, Greg Lukianoff, and  
Harvey A. Silvergate*

*Review by Charles Mitchell*

It's difficult to imagine representatives from The Heritage Foundation, the ACLU, Harvard Law School, and the Intercollegiate Studies Institute agreeing on even what day it is. But with FIRE's Guide to Free Speech on Campus, the Philadelphia-based Foundation for Individual Rights in Education (FIRE) has put together a crucial tome praised – and even edited – by Heritage's Ed Meese, ACLU President Nadine Strossen, Harvard Law professor Alan Dershowitz, and ISI President Ken Cribb.

Believe it or not, when it comes to the plight of free speech on today's campuses, two ex-Reagan Administration staffers are on precisely the same page as the liberal lawyer who likened the Clinton impeachment to "the forces of evil." FIRE regularly defends students and professors whose rights have become an endangered species – none less than free speech, which explains why the just-published Guide to Free Speech on Campus is the flagship of FIRE's series.

FIRE's Guide to Free Speech on Campus is laid out very similarly to the others in FIRE's series. It is essentially a primer on the legal and moral doctrines behind free speech – but that's not all. The Guide also provides a historical narrative of free speech controversies throughout U.S. history, ending with the very recent outbreak of politically correct repression on contemporary campuses. And, perhaps most importantly, the Guide includes advice on how

students should respond if their free speech rights come under fire from the PC Police.

Perhaps the most nefarious threat to individual rights that FIRE has exposed is the omnipresent campus phenomenon known as the speech code. According to the Guide, “FIRE defines a speech code as any campus regulation that punishes, forbids, heavily regulates, or restricts a substantial amount of protected speech” (emphasis in original). “Protected” in this case means protected by the First Amendment, the Constitution’s famous guarantor of free speech, which binds public universities since they are part of the state.

But FIRE’s Guide is not just for public schools – it also discusses private universities like my own. The three crack lawyers who wrote it – FIRE staffers David French and Greg Lukianoff and co-founder Harvey Silverglate – argue that if a private university publicly commits itself to free speech and then delivers censorship, it is committing fraud. This, of course, is precisely what most schools do: their course catalogs and admission materials trumpet academic freedom and the impartial pursuit of truth, but once the tuition dollars have arrived, their students instead receive only selective repression of unpopular viewpoints.

In today’s academy, the authors observe, the viewpoints targeted by censors are overwhelmingly (but not exclusively) conservative and Christian. Such behavior should be opposed out of principle – witness the stance taken by non-Christian liberals such as Silverglate, Strossen, and Dershowitz. But failing that, they note, self-interest ought to play a role. In American history, groups as disparate as abolitionists, Jeffersonians, and communists have all had their free speech rights infringed; censorship knows no ideological bounds. The Left has not always dominated universities, and there is no reason to believe it always will; eventually, the pendulum will swing the other way, and if those in power do not act now, they may be treated as they treat their opponents today.

In the Guide’s remarkable third section, French, Lukianoff, and Silverglate give real-life examples of what is happening in higher education. Just to pick a few: at Tufts University, a Collegiate Network conservative newspaper was charged with sexual harassment for publishing a cartoon some feminist activists found “offensive.” At the Wilmington campus of the University of North Carolina, Townhall.com columnist Mike Adams was charged with libel for

civily disagreeing with an email that was sent to him regarding the September 11 terrorist attacks. And at UNC - Chapel Hill, Christian groups were threatened with dissolution for daring to actually require that their members be Christians!

After reading the Guide’s exposition of the Supreme Court’s definition of free speech, readers will understand completely why all such restrictions are inappropriate. Speech does not become a crime simply because someone’s feelings are hurt; some of the most important ideas in history were “offensive” at one time or another, such as the now-accepted postulate that the planets revolve around the sun and not vice versa. As FIRE declares, echoing Justice Louis Brandeis, “Sunlight is the best disinfectant.” The best way to address ideas one finds offensive is with more speech, not by forcing them to hide beneath the surface where they are not subject to questioning.

Unfortunately, the children of the Sixties who run today’s so-called “institutions of higher learning” have forgotten this simple lesson. FIRE does us all a great service, both with this Guide and otherwise, by reminding school administrators of the crucial importance of the individual rights on which our liberty is based.

Interested readers can download FIRE’s Guide to Free Speech on Campus for free ([http://www.thefire.org/pdfs/5063\\_3523.pdf](http://www.thefire.org/pdfs/5063_3523.pdf)). College students can order free copies (<http://www.thefire.org/guides.order.php>).

*Charles Mitchell* is a senior at Bucknell University and Executive Editor of *The Counterweight*, Bucknell’s conservative magazine. He interned at Townhall.com during the summer of 2004 and at FIRE the preceding summer.

Posted at *Townhall.com*, February 12, 2005. □

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Please give notification of attendance by **MAY 9<sup>th</sup>**, so that we can arrange appropriate catering. Addresses given below.  
Thank you!

## SAFS ANNUAL GENERAL MEETING 2005

University of Western Ontario, Somerville House, London, Ontario

**Saturday, May 14, 2005, from 9:00 am – 4:00 pm**

Location: Somerville House, Room 3317

9:00 – 9:30 am	Registration and refreshments, meet other members
9:30 – 9:45 am	President's introductory remarks ( <i>Clive Seligman</i> )
9:45 – 10:15 am	Tribute to John and Chris Furedy <u>Chair:</u> Doreen Kimura <u>Speakers:</u> <i>Clive Seligman, Phil Sullivan, John Furedy</i>
10:15 – noon	Controversy at Harvard: Academic Freedom and Sex Differences <u>Chair:</u> Peter Cain <u>Speakers:</u> <i>Elizabeth Hampson; Peter Ossenkopp, Clive Seligman</i>
noon – 1:00 pm	Buffet lunch (In Somerville House, 3320)
1:00 – 2:15pm	<b>Keynote Speaker</b>  <b><u>Dr. Stephen Balch, President</u></b> National Association of Scholars
	<b>REOPENING THE INTELLECTUAL MARKETPLACE IN ACADEME</b>
2:15 – 3:45 pm	Annual Business Meeting (members only) (Somerville 3317)

► **REGISTRATION FEES:** \$30.00 per person, pay at the door. Members must have paid their dues. (Registration includes coffee and lunch, but not parking)

► **GETTING THERE:** From the 401, take Wellington Road north to end, then jog one block west to Richmond Street, go north to University gates (on your left), just north of Huron Street. On campus, follow this road over the bridge, turn left at the light and continue to traffic circle. Visitor parking is on your right next to Alumni Hall once you are almost around the circle. Rate: \$4.00 flat rate. From Highway 7, take Highway 4 south (it becomes Richmond Street). At the fork after Fanshawe, you can either stay left on Richmond to University gates (now on Richmond Street) as above, or stay right and go down Western Road, turn left at 3<sup>rd</sup> light (Lambton Drive). Visitor parking is on your right as you enter traffic circle. Somerville House is across the traffic circle, 2<sup>nd</sup> building on Oxford Drive. [On Saturday there is usually no one at the Information booths, but check SAFS website: [www.safs.ca](http://www.safs.ca) /annual meeting for a campus map.]

► **ACCOMMODATION:** On-campus rooms at Essex Hall are \$44.00 per night including breakfast. A modern, air-conditioned residence, situated at the corner of Western Road and Sarnia Road. (1-519-661-3476). The Station Park Inn on Richmond north at Pall Mall (1-800-561-4574) and Windermere Manor (1-519-858-1414) have UWO rates at under \$100.00 per night.

► **TO CONFIRM ATTENDANCE AND FOR FURTHER INFORMATION:** E-mail: [safs@safs.ca](mailto:safs@safs.ca), or write to SAFS, 1673 Richmond Street, #344, London, ON, N6G 2N3. For further info contact: Daniella Chirila, e-mail: [dchirila@uwo.ca](mailto:dchirila@uwo.ca), or (519-661-2111, ext. 84690).



*See you at the SAFS Conference!*

## SMOTHERING FREE EXPRESSION

### Student editors' suspensions reveal a worrisome mindset

#### Editorial

Those who defend press freedom do not always get to choose their battlefields. And, sadly, the University of Calgary's Gauntlet saga -- in which an ill-advised decision to publish a sexually explicit picture led to the suspension of two of the newspaper's staff -- is a silly business.

Editor Ben Li allowed publication of full frontal nudity to illustrate an article with the excruciatingly bland headline, "Staying abreast of sexual awareness." It was gratuitous and in bad taste and the angry reaction was to be expected. But should he have expected suspension? And should the Gauntlet itself expect the semi-serious attempts made upon its life by groups demanding the Students' Union withdraw funding?

The university press is like any other newspaper, but writ small. They and the most well-established names in journalism confront the same issues, deal with the same dilemmas.

There is the same public interest in a press that asks tough questions those in authority don't want voiced, never mind answered.

So, what great public interest did the Gauntlet serve with its intimate image of Honey Houston?

None, unfortunately. But it easily could have. After all, what was the Students' Union doing by hiring strippers for its Sexual Awareness Week, if not engaging in gratuitous bad taste?

So, it was too bad Gauntlet news editor Dale Miller's story began, "Performers for the Sexual Health Awareness Show discovered assless chaps are, in fact, not allowed in MacEwan Student Centre . . ."

Had he led off, "You trusted your Students' Union with your money, and here's what they're doing with it . . ." he'd have had a valid point of considerable interest to the student body, the picture would have been relevant, and it would be the SU in the hot seat right now, not him and Li. Instead of informing, the Gauntlet merely offended. But, there is something deeply worrisome about the campus response. Universities are

supposed to be bastions of tolerance and free thinking.

Yet, when somebody is offended, it's "off with their heads," close down that rag, and have the student government suspend the editors, as though free expression is available only to those with acceptable thoughts.

Will future editors be disciplined if they offend feminists? Gays? Straights? Muslims? Jews? For reporting the words of a campus speaker who offends all of them in one speech?

Those who presume to muzzle newspapers and establish themselves as arbiters of acceptable speech should consider how ideas fall in and out of favour: They may be in the saddle today, under the horses' hooves tomorrow, with only the right to free expression to break their fall.

Li and Miller have a thing or two to learn about newspapering. But, they're probably teachable.

For the sake of the country's future, and against all the evidence, we'd like to believe the same of the people now howling for their blood.

*Calgary Herald*, Wednesday, March 16, 2005.

### LECTURE CAUSES DISPUTE UNLV accused of limiting free speech

*Richard Lake*

A UNLV professor under fire for comments he made about homosexuals during a class lecture last year demanded Friday that the university stop threatening to punish him. "I have done absolutely nothing wrong," said the professor, Hans Hoppe, a conservative libertarian economist with almost 20 years teaching experience at the University of Nevada, Las Vegas.

The American Civil Liberties Union of Nevada, on Hoppe's behalf, sent a letter to UNLV officials alleging that the university violated Hoppe's free speech rights and his right to academic freedom. "The charge against professor Hoppe is totally specious and without merit," reads the letter from ACLU attorney Allen Lichtenstein. He said they would sue the university if necessary, though they hope to avoid it.

UNLV officials would not comment on the case, saying they cannot talk publicly about personnel matters.

Hoppe, 55, a world-renowned economist, author and speaker, said he was giving a lecture to his money and banking class in March when the incident occurred. The subject of the lecture was economic planning for the future. Hoppe said he gave several examples to the class of about 30 upper-level undergraduate students on groups who tend to plan for the future and groups who do not. Very young and very old people, for example, tend not to plan for the future, he said. Couples with children tend to plan more than couples without.

As in all social sciences, he said, he was speaking in generalities. Another example he gave the class was that homosexuals tend to plan less for the future than heterosexuals. Reasons for the phenomenon include the fact that homosexuals tend not to have children, he said. They also tend to live riskier lifestyles than heterosexuals, Hoppe said.

He said there is a belief among some economists that one of the 20th century's most influential economists, John Maynard Keynes, was influenced in his beliefs by his homosexuality. Keynes espoused a "spend it now" philosophy to keep an economy strong, much as President Bush did after the Sept. 11, 2001, terrorist attacks. Hoppe said the portion of the lecture on homosexuals lasted perhaps 90 seconds, while the entire lecture took up his 75-minute class. There were no questions or any discussion from the students about the homosexual comments, he said.

"I have given lectures like this for 18 years," said Hoppe, a native of Germany who joined UNLV's faculty in 1986. "I have given this lecture all over the world and never had any complaints about it." But within days of the lecture, he was notified by school officials that a student had lodged an informal complaint. The student said Hoppe's comments offended him. A series of formal hearings ensued.

Hoppe said that, at the request of university officials, he clarified in his next class that he was speaking in generalities only and did not mean to offend anyone. As an example of what he meant, he offered this: Italians tend to eat more spaghetti than Germans, and Germans tend to eat more sauerkraut than Italians. It is not universally true, he said, but it is generally true. The student then filed a formal complaint, Hoppe said,

alleging that Hoppe did not take the complaint seriously.

He said university officials first said they would issue him a letter of reprimand and dock him a week's pay. That option was rejected by Hoppe's dean and by the university provost, Hoppe said. More hearings ensued, he said. In the end, the university gave him until Friday to accept its latest offer of punishment: It would issue him a letter of reprimand and he would give up his next pay increase.

Hoppe, a tenured full professor, contacted the ACLU on the recommendation of an attorney friend of his. Hoppe is now their client. "I felt like I was the victim," he said, "not the student." ACLU officials said the validity of Hoppe's economic theories does not matter. It is his right to espouse them in class. "We don't subscribe to Hans' theories and certainly understand why some students find them offensive," said Gary Peck, the ACLU of Nevada's executive director. "But academic freedom means nothing if it doesn't protect the right of professors to present scholarly ideas that are relevant to their curricula, even if they are controversial and rub people the wrong way."

Hoppe said he is dumbfounded by the university's response to the student's complaint. It is not his job, he said, to consider how a student might feel about economic theories. "Our task is to teach what we consider to be right," he said. The offended student, he said, should have been told to "grow up."

Hoppe protested that university officials declined to speak to other students in the class to find out what actually happened and even rejected letters he solicited from a half-dozen students. UNLV's general counsel, Richard Linstrom, would not talk about Hoppe's case, but said the university values free speech.

"The administration of UNLV is fully committed to academic freedom in all respects," he said. Linstrom said he was in a Board of Regents meeting most of Friday and had not seen the ACLU's letter.

Lichtenstein, the ACLU lawyer, said the university's response to Hoppe's situation might stifle free speech on the campus. "If he can be silenced, that's going to create self-censorship among other faculty members who won't say anything controversial," he said. "Who's going to lose in all this? The students."

*Las Vegas Review-Journal*, Saturday, Feb. 5, 2005. □

## ACADEMIC FREEDOM IS UNDER ATTACK

*Barbara Kay*

Canadian students in the arts and social science departments of our universities are being recruited to the hyperorthodoxies of multiculturalism, feminism, Marxism, postmodernism and bio-politics. Proponents of these ideologies prefer social engineering and the subversion of Western values to the advancement of learning and respect for Western achievements.

Furthermore, today's welfare campus fosters a culture of comfort/grievance for women, aboriginals, other visibly distinct races and all sexual orientations: for everyone, that is, except Americans, Israel-sympathizers and heterosexual men of European descent.

Last month I posed a series of questions about ideological harassment in academia. I asked students if it is still possible to get a classic, broadening education in public universities today. The vast majority of the 100-odd respondents to my unscientific poll say no. More than 90% agree that campus political correctness generates a frosty anti-intellectual climate hostile to academic freedom.

Out of 500,000 university students in Canada, 100 responses is a picayune representation. Yet every anecdote reflects an opinion or behaviour exposed to a classroom of between 20 and 300 students. Multiply that figure by every class the same instructor offers per semester, and then factor in a lifetime of teaching.

Consider how many students are actually affected when an individual student reports that:

- Comparative Politics teachers wouldn't admit The Economist (in one case) or Fraser Institute reports (in another) as source material because of their "right wing, biased writers";
- An International Relations professor pronounced political realism as a method of inquiry "dead" and inadmissible in argumentation;
- Political Science students taught by a feminist were not permitted to use statistics to bolster an argument because "mathematics is a male construct for a male-dominated world";
- A professor in a course on terrorism said: "No educated person can support Israel ... educated people don't have those kinds of views."

- A feminist teacher in a school of nursing insisted that her male students participate in a "Montreal Massacre" commemoration. When one refused (on the grounds that he is no more responsible for Marc LePine's sins than his teacher is for Karla Homolka's), he was made to submit to corrective counselling.

My poll tells me that students are no longer offered "the best which has been thought and said in the world," the traditional mantra of humanities professors. Left-wing ideologies have turned all but the hard sciences into hustings for the social empowerment of collectivities rather than groves of academic freedom, where individual students are owed -- with scholars hired on merit to teach -- a liberal education.

I didn't hear only from students. Ideological harassment is a two-way street. Several academics wrote with harrowing tales of university careers derailed or ended by well-coached (and anonymous) student grievance collectors, and some even by their colleagues and/or university administrators. Graham L. Smith, a geography professor at the University of Western Ontario, won an award for excellence in undergrad teaching, yet, "I have had my course grades changed arbitrarily, been accused of being a fascist and been told I am brain-washing students, all because I present a dynamic perspective that challenges the hegemony of the present paradigm."

The "present paradigm" is bound to blunt the ambitions of any young academic striving to meet a traditional ideal of ideological neutrality. Last semester a McGill student took "Canadian-American Relations since 1939." Her instructor, a PhD candidate, was "the most gifted teacher I've encountered at McGill ... I haven't the faintest idea where he stands politically.... and that's exactly how it should be.... he received outstanding evaluations." She goes on to say that he was replaced this semester by a "more qualified" teacher who said all Canadian-American relations since 1939 would be viewed "through a gay/lesbian/transsexual lens" and that they would devote part of the course to "lesbians who are claiming refugee status in Canada after Bush's re-election." How long will it be before the "gifted" teacher gives up, and abandons -- or is pushed -- from academic life?

Parents of students wrote to remind me that indoctrination begins well ahead of university, citing instances of secondary school aggression their children are ill-equipped to resist. In one case, a mother of a Grade 12 student sent me a copy of a simplistic

questionnaire her son's class was made to fill out to assess their respective stances on social issues: "[B]ased on the answers to 10 or 12 questions [they] were categorized as to their political sympathies. [My son] was humiliated when the teacher publicly labelled him a Nazi for having a conservative viewpoint."

In a recent Post column, Susan Martinuk quoted Abraham Lincoln: "The philosophy of the schoolroom in one generation will be the philosophy of governance in the next." Not a comforting thought in the age of political correctness, but my job isn't to comfort. I will be returning to this subject in future columns.

*National Post*, Wednesday, January 12, 2005.

## LEFTIST PROFESSORS? WHAT A SURPRISE

*John Moore*

Trough diligent work, National Post columnist Barbara Kay has finally revealed that North America's education system is a masterfully orchestrated brainwashing operation. She has torn the pale, bespectacled smiley face away to reveal the tweedy, Prius driving, bookish evil that is transforming the next generation into a liberal droid army just as Dr. Seuss's Star Bellied Sneech machine slapped stars on the bellies of Sneeches.

Of course Kay's evidence is entirely anecdotal. She invited readers to submit their stories of leftist academic oppression and they did. Based on this same method I can confirm that Canadian winters are much colder than they used to be. The residents at my grandmother's retirement home in Sudbury are unanimous on this.

In her first column on the subject, Kay raised the allegedly alarming statistic that an overwhelming majority of academics self identify as liberals. Does this seem surprising in a sector where people who hold PhD's in medieval poetry spend their days debating the difference between meaning and understanding? Political parity -- if such a thing even need exist -- is not going to be found in every field of employment. There aren't a lot of Marxists on Bay Street. At least Kay has collapsed the parameters of her probe down to the more easily proven case that this cabal exerts its force over what is traditionally called the Arts and Sciences. Even the most polemic of right wing thinkers concede that tomorrow's dentists are not

being taught that cavities are caused by corporate oppression. Nor have any music students been compelled to play Stalinist tone poems in place of the national anthem.

So we're left with a few dozen tales of Social Science professors who don't like Israel, or who have declared certain publications, interest groups or in one case statistics themselves to be verboten in their classrooms. In a population of tens of thousands of people whose obsessions include Sylvia Plath and factory administration methods in Tsarist Russia, we've managed to find a few genuine nutters.

A handful of academics also wrote in offering their tales of woe. Apparently several were plotted against by their colleagues which is about as surprising as going to a weekend with Angela Landsbury's Jessica Fletcher and having a murder break out. One professor complained that he was called a fascist because he presents "a dynamic perspective that challenges the hegemony of the present paradigm." The real pity is that he neglects to challenge the established academic practice of stringing large words into meaningless sentences.

The evidence is hardly overwhelming. Not to mention that much of this debate is moot (or mute as even university educated people curiously say these days) owing to the fact that much of today's post secondary learning is the stuff of yesterday's grade school. Most professors are too busy trying to teach their students to read, write and spell to bring about unanimity on welfare economics, man hating and native healing circles.

What angers the right (when it's not busy being indignant) is that by definition you have to be a pretty smart person to be an academic. These people have spent years thinking and have meaningful letters after

their names. How can so many smart people not automatically recognize the inherent superiority of conservative thinking?

Neo-conservatives in the United States dominate every branch of government and will soon overwhelm the judiciary. The Sixties rabble who grew their hair, made love and picketed the Vietnam War now wage war while cutting taxes and banning gay marriage. It's a neo-con trifecta but the right still fumes about the fact that some smarty pants academics dare question the correctness of their deeds and thinking.

In an almost Freudian way, the right still desperately needs the approval of all those bookish geeks from high school who ignored the clarion call of Darwinian capitalism and instead opted to spend their days trying to elevate our universities beyond vocational schools for future phone centre operators.

Quoting from Lincoln, columnist Kay warns that the governance of tomorrow is shaped by the education system of today. And therein lies the fatal flaw of the right's longstanding gripe against academia; the brainwashing doesn't seem to be taking. If 30 years of namby pamby Sixties radicalism and Eighties political correctness has alternately lured and coerced students to the elitist dark side of Liberalism, why is North America lurching rightward?

At least the Star Bellied Sneech machine produced Star Bellied Sneeches.

*John Moore* is the host of The John Moore Show on CFRB Radio in Toronto and a successful brainwashing victim of The School of Community and Public Affairs in Montreal.

*National Post*, Saturday, January 22, 2005. □

## RESEARCH ETHICS REGULATIONS

*Patrick O'Neill*

As Canada's Panel on Research Ethics is reviewing ethical rules and procedures, so in the U.S. there is a major re-examination of ethics regulation. Our neighbour's experience may be instructive.

I am just back from the annual meeting of the Council of Graduate Departments of Psychology (COGDOP) where regulation of research ethics via Institutional Research Boards (IRBs) was a major focus. Many of the developments were viewed by Psychology Chairs with considerable alarm.

Like our REBs, the IRBs also have scholars as members – people who are supposed to understand the problems and pitfalls of research and be somewhat sympathetic to applicants. However, a recent study of the composition of IRBs looked askance at the supposed "conflict of interest" involved in having active researchers judging applications from their peers. They proposed, instead, that IRBs be made up of

50% non-researchers (professors of Philosophy, English and the like) and 50% members of the public. Among other things, COGDOP members noted that the difficulty getting members of the public to IRB meetings would slow the process to a crawl.

Review of ethics proposals is already found to be extremely time-consuming. One Chair said that his program has given up including empirical research in honours theses, because the length of time it takes to review proposals from honours students makes it impossible for them to graduate on time.

Many issues that have come up in the five year history of the Tri-council Policy Statement and its implementation are echoed in the States. Psychology Chairs complained about the application of a bio-medical model to the social sciences. As one Chair said, "we keep having to explain to IRBs that psycho-social research doesn't kill people!"

In the absence of real risk of harm, IRB members tend to cast about for something dangerous in otherwise innocuous proposals. One IRB declared boring research to be unethical. Another IRB, unfamiliar with the subject-matter of a proposal, nevertheless questioned its "internal validity" and ultimately rejected it on the basis that its supposedly poor design would make subjects' participation a waste of time. One IRB was concerned about the suicide question on the Beck Depression Inventory – as issue that has also come up in Canada. The applicant was asked, "Can you guarantee us that someone reading this question will not then go up to the roof and throw himself off?" The researcher could not make any such guarantee, and the IRB required the question be removed – at possible cost to the validity of the test.

There was a time when it was thought that IRBs would proliferate on campuses, with different IRBs attuned to the concerns of different disciplines. But instead there is a tendency to centralize. The University of Illinois, for instance, now has one campus-wide IRB replacing its previous 13. This centralizing tendency arises from budgetary cutbacks and fear of litigation.

As time has gone on, IRBs have become more and more cautious, and increasingly concerned about litigation – although there have been few if any actual lawsuits over adverse incidents from university research. The relationship between IRBs and the research community in some institutions is now openly

hostile. It was described various as a "reign of terror" and a "climate of fear." Some Chairs noted that the whole system of research review costs the research community a lot of money, and there is no reason to think that it works. There is virtually no empirical data that would provide feedback on how well ethics regulation is achieving its purpose. In fact, there is some doubt about what that purpose is. As some Chairs pointed out, the purpose is not to protect subjects from harm, it is to protect institutions from legal liability.

*Patrick O'Neill*, Ph.D., is Executive Director, Canadian Council of Departments of Psychology.

### **ACCOMMODATING ETHICAL REVIEW: RESPONSE TO BOSK AND DE VRIES**

*Kevin D. Haggerty*

There are few signs that the ethics review process for academic research will become less controversial in the coming years (Gunsalus 2002). In their recent *Annals* article "Bureaucracies of Mass Deception," Bosk and De Vries (2004) articulate the familiar view that with respect to the social and behavioral sciences that Institutional Review Boards (IRBs) do little "to protect subjects from harm or guarantee ethical conduct from researchers" and that the review process "may impose more harm than benefit" (11). The question then becomes how we should respond to a system that is clearly wanting and often highly resented? While many social scientists continue to demand that these boards be eliminated, the authors advocate a more accommodating position that recognizes the inevitability of prospective review and the need to work within the existing structure to reform its most glaring problems.

Having served for four years as a member of a Research Ethics Board (the Canadian equivalent of an IRB) I probably come very close to their characterization of someone who has had to accommodate this system. Nonetheless, my sympathies lie with some of the most strident critics of this bureaucracy. Consequently, I think it is important to question some of Bosk and De Vries' assumptions about the inevitability of the current structure and the likely unintended consequences of their own reform proposals. I conclude by offering some very brief words in support of the most extreme critics of the research ethics structure.

As they note, a common rhetorical strategy of the critics of the research ethics bureaucracy is to compare the situation relating to the ethical oversight of academic research with that of journalistic investigations (Nelson 2004). Notwithstanding the fact that journalists routinely produce knowledge using procedures that resemble basic academic methodologies (Haggerty 2004b), journalists are not subject to ethical scrutiny. Bosk and De Vries advance several reasons why such comparisons with journalism are inappropriate, focusing on differences between the academy and journalism. However, things are not as clear-cut as they imply, as is evident by the fact that the implications of their arguments would seem to lead them to positions diametrically opposed to the ones they advance.

First, they point out that journalists, unlike academics, are not professionals. Unfortunately, they do not follow the implications of this distinction to its logical conclusion. They ignore the fact that professionals typically have levels of training and expertise not evident in non-professional occupations that justify their greater discretionary latitude. Bosk and De Vries end up in the curious position of suggesting that the heightened ethical oversight of academic knowledge production is justified precisely because academics are professionals. Second, they note that journalism, unlike the academy, is a commercial enterprise. Again, they do not explore the implications of this difference for how knowledge production should be policed in journalism and the academy. Hence, the less commercial nature of the academy as opposed to journalism would lend itself to an argument that academics require significantly less ethical vetting than journalists. Such a case would be particularly compelling given the social importance of journalistic knowledge which is now the dominant factor shaping public debate, election results and policy development (Haggerty 2004a), and the way in which commercial interests can bias the production of such knowledge. So, while the authors stress that journalists and academics are different, the differences they identify can paradoxically serve as justifications for why academics should be subject to less ethical scrutiny than journalists.

Ultimately, the comparison with journalism is important because of how it is invoked to accentuate the claim that IRBs infringe on the right of freedom of expression in a way that would be intolerable in other contexts. Bosk and De Vries, however, are unconvinced. They point out that as academics are not

journalists “we have no reason to expect the same rules to apply” (7) to these different institutions. In fact, from a constitutional perspective, I would expect that we have every reason to start from the assumption that the same rules pertaining to freedom of expressions should apply to journalists, academics and anyone else. Freedom of speech is not exclusively a journalistic right, but one that is guaranteed to all citizens. Certainly, as the authors also point out, free speech is not absolute and the Supreme Court has allowed reasonable constraints on this important right (Fish 1994). However, simply pointing this out does not justify the constraints on scholarly research, but only pushes the matter back a level to whether these limitations are reasonable. This is ultimately the heart of the matter, and I suspect that many of the individuals demanding that IRBs be eliminated are, in their own way, positing that the restrictions on speech inherent in the IRB structure are often quite unreasonable.

For the review process to be deemed reasonable one would have to demonstrate that: (1) IRBs are required to serve an important social purpose, and (2) that this purpose cannot be achieved in a less onerous fashion. Plausible arguments can be fashioned that neither of these criteria are met in the current operation of IRBs. It is unclear, for example, that there was ever any demonstrated ‘need’ for a formal bureaucratic system of ethical oversight for social scientific research. As Wax (1985) has noted, the origins of research ethics oversight for the social sciences in the United States do not resemble anything approaching a careful consideration of the objective requirements for such a system. Instead, the behavioral sciences were included almost as an afterthought to a ethics regulatory system that was being fashioned for biomedical research.

Moreover, I suspect that the socially desirable aim of protecting social scientific research participants can be achieved without the current ethics review structure through a combination of measures that are both less constitutionally objectionable and bureaucratically onerous. These could include such things as mandatory ethics training for graduate students, ethics accreditation for researchers, the re-invigoration of discipline-specific codes of research ethics, and exemptions for broad fields of research that pose few ethical concerns.

The authors are curious about why social scientists, particularly ethnographers, continue to complain about

the research ethics system and demand that it be eliminated, whereas medical scientists have adopted “a policy of weary, self-resigned compliance coupled with minor or major evasion.” In practice, I suspect that the majority of social scientists have adopted the latter position. That said, it is probably not very difficult to explain the greater degree of animosity directed towards these boards by social scientists. The difference is likely due to the extreme contrast in the risks that these different fields of inquiry typically pose to research participants. Given the litany of documented ethical abuses that have been produced by the medical and biological sciences which risked or harmed the physical well-being of research participants (Beecher 1966; Goliszek 2003), it is not surprising that the medical community seems more resigned to the inevitability of ethical review. In contrast, the risks of social scientific research appear to be of an entirely lower level of magnitude. It is this difference in the perceived levels of potential harms posed by the respective styles of research which I suspect accounts for the greater stridency among the social scientific opponents of the ethical review structure.

While it is unclear if Bosk and De Vries are actually advocating that social scientists employ a series of “minor or major evasions” to the ethics structure, I believe that this is indeed already occurring and it is a troubling development. The problem is not that such evasions necessarily result in unethical conduct – indeed, I suspect that these forms of everyday resistance are most common in those situations where ethically unproblematic research does not fit easily into the formal research ethics structure. Instead, I am concerned that as such evasions become routine it sets the stage for a capricious form of governance; one where the violation of rules is common, but where the individuals who are singled out for punishment will tend to be the most vulnerable or marginal members of the academy. Such a dynamic is inherent in any regulatory system where large groups of individuals routinely ignore a set of rules they perceive to be unnecessary or illegitimate.

In lieu of vociferously demanding the elimination of IRBs, Bosk and De Vries advocate a strategy of working with the system to rectify its glaring problems. They offer a series of proposals typical of such a reformist approach that are, on their face, unobjectionable. That said, how one relates to the specifics of such proposals is ultimately animated by your particular fears about these bureaucracies. In my

own case, I am worried about an expanding and intensifying research ethics bureaucracy that seems poised to continue to proliferate, becoming more onerous and unwieldy in the process. When the reform proposals of Bosk and De Vries are scrutinized in light of such concerns it is clear that they also contain the possibility of some unintended undesirable consequences.

For example, the authors call for greater training of IRB members, which would undeniably be a welcome development. Board members are routinely unfamiliar with the research ethics guidelines when they start working on these committees, and often know very little about the practicalities of research beyond their own narrow specializations. However, introducing mandatory training for IRB members would also add an additional layer of bureaucracy to this system and would formalize what is now a largely voluntary arrangement working on the good will of all involved.

Assignments to these boards are temporary and made on the basis of administrative convenience. Membership typically involves a considerable expenditure of time and energy better devoted to other tasks. If membership starts to necessitate anything approaching a serious training regime the question arises of who would allow themselves to be coerced into such a committee? Certainly there is a good chance that many PhD qualified researchers would see such training as time-consuming, pointless and patronizing.

Moreover, the formalization of training would contribute to the greater entrenchment of a cadre of university officials whose career trajectories increasingly revolve around the internal dynamics of the research ethics bureaucracy itself. The authors also call for a better system for appealing IRB decisions. This, again, is perfectly reasonable. In Canada, one of the glaring problems with the ethical review system is that across the country – and sometimes even within the same university – different research ethics boards make contradictory decisions. Occasionally, some of these verdicts are patently absurd. A better appeals process would go a long way towards rectifying these problems. At the same time, an appeals structure would add yet another unwelcome layer of bureaucracy and legal formality to the existing system.

Bosk and De Vries' position is ultimately that 'What is not open is whether a prospective review of research will exist' (8). They concede too much too readily.

Certainly, in the history of bureaucratic regulation more dramatic developments have transpired than the elimination or radical restructuring of the research ethics bureaucracy. In demanding the impossible (or highly improbable) the more strident critics serve the important function of shifting debate away from the consensus assumptions of the existing research ethics bureaucracy. They force officials to try and justify the system's existence, while demanding answers to difficult and important questions about whether the current system accomplishes any of its professed goals, what legal and bureaucratic factors are truly driving this system, whether its social and economic costs can be justified, and, most importantly, if it is possible to promote ethical research through a radically different structure of governance. Any fundamental changes in that direction are not likely to derive from an exclusively accommodationist, reform-oriented strategy.

### References

- Beecher, H.E. 1966. "Ethics and Clinical Research." *New England Journal of Medicine* 274:1354-1360.
- Bosk, Charles L., and Raymond G. DeVries. 2004. "Bureaucracies of Mass Deception: Institutional Review Boards and the Ethics of Ethnographic Research." *Annals, AAPSS*:1-15.
- Fish, Stanley. 1994. *There's No Such Thing as Free Speech and it's a Good Thing Too*. New York: Oxford University Press.
- Goliszek, Andrew. 2003. *In the Name of Science*. New York: St. Martin's.
- Gunsalus, C.K. 2002. "Rethinking Protections for Human Subjects." *Chronicle of Higher Education* November:15.
- Haggerty, Kevin D. 2004a. "Displaced Expertise: Three Constraints on the Policy Relevance of Criminological Thought." *Theoretical Criminology* 8:211-231. Haggerty, Kevin D. 2004b. "Ethics Creep: Governing Social Science Research in the Name of Ethics." *Qualitative Sociology* 27.
- Nelson, Cary. 2004. "The Brave New World of Research Surveillance." *Qualitative Inquiry* 10:207-218.
- Wax, Murray L. 1985. "Human Rights and Human Subjects." *Sociological Inquiry* 55:423-424.

*Discussion Forum*: The American Academy of Political and Social Science, 2005, URL is: <http://www.aapss.org/section.cfm/1058>.

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