

# 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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## QUEEN'S NEW 'DIALOGUE' MONITORS: UNIVERSITY HIRES STUDENTS TO FACILITATE DISCUSSIONS ON SOCIAL JUSTICE

*Joseph Brean*

Queen's University in Kingston, Ont., has hired six students whose jobs as "dialogue facilitators" will involve intervening in conversations among students in dining halls and common rooms to encourage discussion of such social justice issues as race, ethnicity, gender, sexual orientation, ability and social class.

"If there's a teachable moment, we'll take it," said assistant dean of student affairs Arig Girgrah, who runs the program. "A lot of community building happens around food and dining."

She gave the example of a conversation about a gay character on television as a good example of such a moment.

"It is all about creating opportunities to dialogue and reflect on issues of social identity," Ms. Girgrah said. "This is not about preaching. It's not about advice giving. It's about hearing where students are at."

Jason Laker, dean of student affairs, said their activities will also include formal discussion sessions, perhaps after controversial incidents in residence, and open discussions of topical books or movies.

"They're not disciplinarians. They're called facilitators for a reason," he said, adding that such a program is of particular value now that so much communication by young people happens over the Internet.

"It's not trying to stifle something. It's trying to foster something," he said. "We're not trying to be parental."

Like dons, who serve as student authorities in residence, the six facilitators will receive full room and

board and a stipend for the full-year commitment, and will receive regular training.

Ms. Girgrah said they represent a broad spectrum of social identities and are all upper-year or graduate students who live in university residences – a small minority at a school where most students move into rental housing after their first year. Ms. Girgrah said this status will give the facilitators "a little bit of credibility and perhaps some respect."

Daniel Hayward, a 46-year-old Master's of Divinity student, applied to be a facilitator believing the role would offer him an opportunity to connect with many different students.

"It's an opportunity to interact with lots of people, hear their stories, about the experiences they've had, hear the questions they're asking," he said in an interview yesterday.

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"It's not like we roam around the halls looking for people having conversations. If somebody is yelling something across the dining hall that's a racial slur, yes, we will intervene in that situation.

"We are trained to interrupt behaviour in a non-blameful and non-judgmental manner, so it's not like we're pulling someone aside and reprimanding them about their behaviour. It is honestly trying to get to the root of what they're trying to say - seeing if that can be said in a different manner."

Touting the Intergroup Dialogue Program as "unique among Canadian universities," but modelled on programs in the United States, an administration newsletter says it will promote "a lasting experience of inclusive community and shared humanity."

It is just one of many recent efforts to promote diversity – such as gender-neutral washrooms, prayer space, and halal and kosher food service – at a school that is still smarting from a report on systemic racism two years ago that criticized its "culture of whiteness." The editorial board of the student newspaper, the Queen's Journal, acknowledged the good intentions of this latest effort, but was skeptical of a program that "seems to be an inadequate, lackluster attempt to deal with social inequalities."

"It's unlikely six facilitators in a crowd of thousands will have much impact on fostering dialogue in residences," they write, adding that the facilitators could face "hostility" from students who feel they have been "cornered" or had their privacy violated.

*National Post*, with files from Katie Rook, November 19, 2008. □

## BE FRIENDLY, NON-JUDGMENTAL, QUEEN'S UNIVERSITY'S 'DIALOGUE FACILITATORS' TOLD

Sample guidelines for the facilitators in the Intergroup Dialogue program at Queen's University: "A derogatory term is posted on a floor, or is expressed in an interaction or while a joke is being told. The intergroup facilitator (IF) identifies the student who used the offending term and prepares to visit with the resident. The IF approaches the student in a friendly, non-confrontational, non-judgmental and open manner. After introductions, the IF broaches the topic with the resident and asks if they can chat about the incident. The IF might share their impact and inquire about the perspective of the student with respect to the use of the term. The two would ideally engage in a respectful and educational dialogue and the IF would gently challenge thinking if necessary. The IF will ask questions and use their communication skills to help the individual relate to the experience of marginalization or exclusion that comes from being the target of such derogatory terminology. The IF will end the conversation on a positive note or with an open invitation to discuss further."

*National Post*, November 19, 2008. □

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## ANNUAL GENERAL MEETING

May 16, 2009

### Advance Notice

SAFS Annual General Meeting will be held at the University of Western Ontario on May 16, 2009.

We are happy to announce that *Barbara Kay of the National Post* has agreed to be our keynote speaker.

Further program details will be provided later. Suggestions for presentations, panel discussion, symposia, and the like are encouraged. Members wishing to participate as speakers at the AGM should contact the President.

### SAFS LETTER TO PATRICK DEANE, VICE-PRINCIPAL, QUEEN'S UNIVERSITY

December 5, 2008

Dear Dr. Deane:

Re: Dialogue Facilitators

I am writing to you on behalf of the Society for Academic Freedom and Scholarship. Our society is committed to defending academic freedom in research and teaching and the merit principle in decisions about faculty and students. You can learn more about our organization at our website: [www.safs.ca](http://www.safs.ca)

According to many media reports in the last two weeks, Queen's University has introduced a program to improve intergroup understanding by hiring several students to act as dialogue facilitators. Although the goal of having civil relationships among students, especially of different backgrounds, is worthy, we have serious reservations about the method Queen's has chosen to bring about that goal.

As we understand it, facilitators will be on the alert for offensive comments made by fellow students, mostly in student residences. The facilitator's job is then to try to engage the so-called offending students in a

dialogue so that it becomes clear that the targeted remarks were inappropriate. We appreciate that the facilitators will try to intervene in a sensitive and measured manner. However, in addition to the essential question of whether it is proper for the university to take on the responsibility to teach manners to students engaged in private conversations, we have several other objections:

First, students are entitled to privacy in their personal conversations. We wonder at the potential damage that would be done to private life by being constantly on the lookout for professional eavesdroppers.

Second, it is very arrogant of the administration to assign to the facilitators the task of deciding when someone else has violated perceived norms. On what basis can the facilitator claim to be more sensitive or knowledgeable than the students directly involved in their own conversation? Given the role that irony, sarcasm, and context play in language, it is not even clear that the facilitator will correctly interpret the presumed offending remarks.

Third, and most important from our society's perspective, sending a message that some types of evaluations or language use are more appropriate than others will necessarily lead to self-censorship. It is hard to imagine that the facilitators, no matter how well trained or well intentioned, will not have biases in their own world views. We wonder whether the types of comments that will trigger an intervention will fall equally across value preferences, e.g., will anti-American slurs be noted to the same extent as anti-Muslim slurs, will advocates of abortion receive the same attention as opponents of abortion, will conversations favoring same-sex marriage receive the same scrutiny as ones opposing it, and so on. Over time, what will be taught will be so-called correct views and not simply polite language usage.

In our opinion, the downsides of the Dialogue Facilitators' program far exceed the potential gains, and we urge you end it.

We are pleased that the feedback Queen's has received has led you to strike a committee that will advise you on the future course of this program. We hope that the committee will respond with alternative suggestions to this intrusive program, for example, holding voluntary workshops, debates, and panel sessions and letting the

students participate in and react as they would to any other learning opportunity.

We hope we will hear from you, and, if so, we will post your unedited reply along with our letter on our website.

Sincerely,  
Clive Seligman, President. □

### **LETTER FROM PATRICK DEANE, VICE-PRINCIPAL, QUEENS UNIVERSITY**

*January 5, 2009*

Dear Mr. Seligman,

Thank you for taking the time to express your views on Queen's intergroup dialogue program. I would like to refer you to the statement below that was posted on Queen's main webpage on Tuesday, November 25, 2008. The statement has the support of Queen's student and administrative leaders, and summarizes the current status of the program and its path forward.

#### **Statement regarding the Intergroup Dialogue Program Tuesday, November 25, 2008**

At the beginning of this academic year, Queen's University began a pilot Intergroup Dialogue program as part of its ongoing efforts to foster constructive dialogue between students on difficult issues such as race, religion, sexual orientation and ethnicity.

Over the past week, the pilot program has received extensive media coverage and has generated a great deal of feedback from students, alumni, media and the general public.

We regret that the program has been inaccurately characterized as intrusive and in conflict with the right of freedom of expression. It was not intended to be so, nor in the three months of its operation has any student complained that the program has interfered with individual rights or freedom of speech.

However, in the constructive and self-critical spirit of the program, and in light of the importance of the concerns that have been raised, the University has

decided to conduct an early assessment of the program.

A review panel, consisting of the Rector, a senior academic and a member of Queen's alumni, will be established immediately and will report to me in early January 2009 on the program as it relates to our existing and planned measures to enhance diversity and inclusiveness on campus.

Patrick Deane, Vice-Principal (Academic). □

### **FREEDOM OF SPEECH SHOULD TRUMP DISCOMFORT AT UNIVERSITY OF CALGARY**

*Barry Cooper, Tom Flanagan, Marco Navarro-Genie  
and Mark Milke*

At the beginning of a university education, students are often and properly reminded to keep an open mind about their existing prejudices. If, after four years of education, an 18-year-old should leave with the same perspective with which she entered, chances are her biases have only been re-affirmed and her mind not opened.

Inculcating an open mind becomes more difficult when university administrations fail to defend freedom of expression, or worse, discourage it, as happened this week at the University of Calgary.

As most readers will know, the University of Calgary's student pro-life club, as on five previous occasions, set up a display that features several graphic pictures.

The display includes images of Holocaust victims, of black Americans lynched by the Ku Klux Klan, of those who died in the Rwandan genocide, and images of abortion. The exhibit is an attempt to equate the latter with all of the former.

To understate the matter, linking abortion to the Holocaust will provoke a wide variety of reactions.

But that's not the issue.

Freedom of expression is the issue.

Instead of defending that right, the university administration has (at various points leading up to this

week's display) threatened some of our students with expulsion, trespassing charges, fines and arrest, if the pro-life display went ahead as planned, with its graphic images turned outward instead of inward. In October, when the university met with the pro-life club, it brought along seven police officers.

The university overreacted then and now.

Such tactics intend to intimidate and undermine free inquiry on campus. In addition, the student pro-life club has been subject to a higher standard than any other group on campus.

The university would never order an activist animal rights group that might display pictures of animals bleeding, suffering or dead to turn its pictures inward. Nor would the university censor or threaten antiwar activists for posting pictures of those burnt alive in Hiroshima or Dresden by Allied bombs.

The more likely response would be that such images show the end results of past personal and political decisions. The university would likely argue such depictions might make some uncomfortable, but that's the point of a university: to question, analyze and debate about one's own assumptions and morality, as well as that of others.

The university administration is not wrong in its desire to maintain some control over university grounds. Property rights matter and a university has the right to limit some student activities.

However, the decision on such matters rest on important distinctions – peaceful pro-lifers are not biker gangs congregating on campus for illegal purposes.

The university administration initially argued pro-life students would be trespassing if they disobeyed the administration's instructions; the university also claimed it was concerned about violence.

The trespassing threat does not hold up.

As the club's lawyer, John Carpay from the Canadian Constitutional Foundation argues in a recent letter to the university, on four of the five occasions when students erected their pro-life display in the past, the university erected signs on campus to state the display

was protected by the freedom of expression guarantee of the Canadian Charter of Rights and Freedoms.

Also, Carpay notes that such expression is guaranteed by Alberta's post-secondary Learning Act, and by Canadian legal precedent in, for example, *R. v. Whatcott* in 2002. In that case, a court upheld a University of Regina student's right to distribute pro-life flyers on campus. On the concern over violence, the university's position is indefensible.

The only history of violence surrounding the pro-life display occurred in 2005, and from students that were opposed to the pro-life display. Those opposed to the display did the attacking, after the university failed to provide security.

The proper response by university officials to the threat of violence is not to clamp down on the freedom of expression of those who are threatened, it is to ensure that students' rights to engage in open discourse is protected.

The university administration has gone overboard in this matter by seeking to restrict students' freedom of speech.

The university's mission is to encourage, not discourage critical thinking. Any university interested in free thinking should not look for an excuse to censor; it should look for reasons not to limit student speech.

The administration should cease the constant harassment of students every time this issue arises on campus. Administration should instead provide security, promote tolerance of diverse opinions, and provide space for the pro-life students without the double-standards and restrictions on speech.

Barry Cooper, Tom Flanagan and Mark Milke teach Political Science at The University of Calgary. Marco Navarro-Genie teaches political science and history at St. Mary's University College and at The University of Calgary.

*The Calgary Herald*, November 28, 2008. □

**SAFS LETTER TO HARVEY P. WEINGARTEN,  
PRESIDENT, UNIVERSITY OF CALGARY**

*December 5, 2008*

Dear President Weingarten:

*Re: Censorship at University of Calgary*

We are a national organization of scholars and interested others whose main goals are the protection of academic freedom and the merit principle in higher education (see [www.saf.ca](http://www.saf.ca) for further information).

I am writing to you to express our opposition to recent attempts by your administration to censor legitimate protest on your campus. According to numerous media reports, a Campus Pro-Life club has faced considerable obstacles in their attempt to hold an on-campus protest against abortion. We take no stand on the issue of abortion, but we are frankly appalled by your administration's tactics, including threats of fines, suspension, expulsions, and even arrests, to try to control the abortion protest. These tactics are all the more surprising, because we understand that these protests have occurred in previous years without incident.

We are gratified, however, that the university ultimately decided to reverse its decision and last week allowed the club to hold its protest for two days, despite threats from others to disrupt the protest. We commend you for standing up to threats of violence against the protesters. Nonetheless, we continue to be concerned by reports that you directed your security personnel to record the names, addresses, and identification numbers of the student members of the club. We can think of no reason to do so other than intimidation.

Clearly, students and faculty have the academic freedom to debate controversial issues, so long as they do so in a lawful and non-violent manner; we have read no reports indicating that this protest was anything other than lawful and non-violent.

Thus, we believe you owe the broader academic community an explanation of why the Campus Pro-Life club continues to face harassment in expressing its views. We would also urge you to destroy the identification information you have collected regarding

members of this club, and to promise to treat those club members in the same manner as you would other students by guaranteeing their academic right to express their opinions on contentious issues.

We look forward to your response. We will post your unedited reply along with our letter on our website.

Sincerely, Clive Seligman, President. □

**LAKEHEAD STUDENT UNION BARS CLUBS  
FROM 'NEGATIVE' MESSAGING**

*Charles Lewis*

Clubs at Lakehead University must make their messages "positive," cannot be seen to be offensive or disparaging and they are not allowed to impose their views on anyone else, new amendments to the student union constitution say.

Richard Longtin, the president of the Lakehead University Student Union, in Thunder Bay, Ont., said the new rules are designed to create a more civil atmosphere in which students respect one another.

For example, he said the campus NDP club could put literature about why the NDP is the best political party without disparaging the Liberals or Conservatives. There is no point, he said, for one party to attack another.

"The purpose of a political party is to explain their point of view," he said, "not to disparage other points of view."

Under the new rules a club can set up a booth during club days but is not allowed to approach a student with its material. Rather, Mr. Longtin said, the student must approach the booth. That would avoid, he said, having someone try to impose their views on someone else.

Any student that is offended by the material of any club can bring their complaint to the student union and the issue would be reviewed, Mr. Longtin said.

But a campus anti-abortion group, which has been trying to gain official status since 2007, believes the new rules make it impossible for them to ever spread

their message effectively — even if they ever did get club status.

“[The student union is] working to create a simple happy world, where expressing a single critical thought that may upset anyone is banned, and where [student union] will be the final arbiter of what is acceptable,” said a release from Lakehead Life Support this week.

Francisco Gomez, president of Lakehead Life Support, said they could still attempt to become a club, but it would be pointless.

“We could be a club but we would have all these restrictions. I believe anything we’d do would come back to these restrictions and we would be penalized,” said Mr. Gomez.

“So we can say ‘adoption is a loving option’ but we can’t say abortion kills a human being, which is what we believe.”

In effect, Mr. Gomez said, the club would have to be pro-choice — which is actually the official position of the student union. The new amendments state:

“Campaigns must be positive in nature and cannot slander the opposing stance of the campaign.”  
 “All club publications shall not have content that may be deemed as offensive or in bad taste to any identifiable group.”

“Members of the club are not allowed to impose belief(s) or practice(s) of the club to anyone who does not give them consent to outside of the club’s meetings.”

Mr. Longtin denied that the new rules are aimed at the pro-life group.

He also added that the new rules do not interfere with normal political discourse but only prevents the imposition of views on others.

The pro-choice stance of the student union, Mr. Longtin said, is actually a “neutral position” not in favour of any side in the debate.

Since last summer, a number of universities have been embroiled over the issue of free speech, particularly as

it applies to anti-abortion groups. At the University of Guelph, York University and the University of Victoria, just to name a view, anti-abortion groups have been denied status because the official policies of the student associations are pro-choice.

*National Post*, December 3, 2008. □

### **NEW RELEASE: CAJ DEMANDS END TO TRIBUNALS' INTERFERENCE IN FREE PRESS**

The Canadian Association of Journalists says it's time for human rights tribunals to stop the anti-democratic practice of investigating journalists for doing their jobs.

Yet another complaint against the media, this time involving Maclean's magazine, was dismissed late last week by the B.C. Human Rights Tribunal. The CAJ, however, maintains the process is an affront to freedom of speech and the press in this country.

"This decision does nothing to solve the real problem, which is that such tribunals shouldn't be taking on these cases in the first place," said CAJ president Mary Agnes Welch.

"Tomorrow, someone else unhappy with what they've read somewhere can lodge another complaint with these human rights bodies and start another time-consuming, expensive, bureaucratic process that, in the end, serves to chill freedom of expression."

"Since the state picks up the tab for investigating such complaints, and for any hearings held to discuss them, there is no cost to the complainant," she said. "Those accused, however, must pay to defend themselves. As a result, the fear of being embroiled in a human rights complaint may influence some writers and publications to censor themselves," said Welch.

Government-appointed human rights bodies are also not bound by strict rules of evidence found in a court of law, unlike cases involving the legitimate curbs on free speech found in the Criminal Code, such as libel and hate speech.

In the B.C. case, the tribunal was ruling on an article

by Mark Steyn published in Maclean's in October, 2006 that discussed Islam, demographics and falling birth rates in the West.

"The idea that it's okay for these bureaucrats to sit in judgement of what should and should not be printed in a Canadian magazine is deeply offensive," said Welch. "We renew our calls for politicians to act to amend human rights legislation to end these witch hunts."

Last winter, the CAJ sharply criticized the dangers of allowing state-backed agencies the ability to censor speech based on subjective perceptions of offensiveness. Maclean's magazine and Ezra Levant, who faced two complaints in Alberta for his decision to publish the Danish cartoons of the Islamic prophet Muhammad, have prevailed in recent decisions. Both, however, have had to pay significant legal expenses to defend themselves.

The CAJ intervened in the B.C. case against Maclean's. The CAJ was represented in the case by Vancouver media lawyer Jason Gratl.

The CAJ is Canada's largest professional organization for journalists from all media, with about 1,400 members across Canada. The CAJ's primary roles are to provide high-quality professional development for its members and public-interest advocacy.

*The Canadian Association of Journalists*, October 16, 2008. □

**RICHARD MOON'S REPORT** to the Canadian Human Rights Commission concerning Section 13 of the Canadian Human Rights Act and the Regulation of Hate Speech on the Internet, October 8, 2008.

The first recommendation is that section 13 of the Canadian Human Rights Act (CHRA) would no longer deal with hate speech, in particular, hate speech on the Internet.

You can access the full report at: [http://www.chrc-ccdp.ca/publications/report\\_moon\\_rapport/toc\\_tdm-en.asp](http://www.chrc-ccdp.ca/publications/report_moon_rapport/toc_tdm-en.asp)

## CENSORSHIP, PRESS COUNCILS AND HATE SPEECH: THREE OBSERVATIONS ON RICHARD MOON'S CHRC REPORT

*Jonathan Kay*

Lots of knowledgeable people have already weighed in on Richard Moon's report to the Canadian Human Rights Commission on the regulation of hate speech — including Ezra Levant in the pages of today's *National Post*. Most of these commentaries have focused on Moon's welcome call for the repeal of Section 13 of the Human Rights Act, which authorizes the CHRC to act as the nation's politically correct censor-at-large. But aside from that marquee conclusion, the report also contains some other interesting nuggets, a few of which I'd like to touch on here:

(1) **Give Richard Moon credit: He is the first person (to my knowledge) who has properly articulated the fundamental tension between the concept of human rights and the regulation of hate speech.** He does so in Section 4(b) of his report, which I would urge readers to peruse carefully — especially this part: *"The principal recommendation of this report is that section 13 be repealed so that the censorship of Internet hate speech is dealt with exclusively by the criminal law. A narrowly drawn ban on hate speech that focuses on expression that is tied to violence does not fit easily or simply into a human rights law that takes an expansive view of discrimination and seeks to advance the goal of social equality through education and conciliation. For reasons discussed in the next part of this section, the process established in the Canadian Human Rights Acts (CHRA) for receiving and investigating complaints of discrimination is poorly suited to section 13 complaints. More generally, there is a tension between the general purpose or ethos of the CHRA and the narrow definition of hate speech adopted by the CHRT and, with some refinement, supported in this report."*

This is an important insight, and one that critics of the CHRC (such as me) would do well to appreciate. As Moon writes (in not so many words), the CHRA is a touchy-feely document designed to address every imaginable psychic threat to minority communities. It is therefore understandable that bureaucrats tasked with upholding the CHRA would bring this all-encompassing mission to every aspect of their labours — including censorship. The result, Moon notes, is "a tension between the general purpose or ethos of the

CHRA, and the narrow definition of hate speech adopted by [Moon himself]."

This, more than anything else, explains why Section 13 can't be fixed with tweaks: It is not the statute *per se* that is the problem, but rather the conflict between Canada's free-speech constitutional tradition and a CHRC bureaucracy whose mission in life is statutorily guided by bleeding-heart political correctness.

Upshot: As a law professor, Moon clearly understands the importance of free speech, and its preeminence over other lofty principles.

Or so I thought until I got to the section on press councils ...

**(2) Richard Moon's suggestion that media be forced to join press councils smacks of the totalitarian attitudes he disparages elsewhere in his report.** In Section 5(b), Moon writes: *"The familiar refrain of those who oppose the censorship of hate speech or group defamation is that the answer to bad speech should be "more speech" – hate speech should be answered, not censored. But if we are serious about the "more speech" answer, then we must think about the real opportunities individuals and groups have to participate in public discourse and respond to speech that is unfair and discriminatory ... To advance this end, all major print publications should belong to a provincial or regional press council that has the authority to receive a complaint that the publication has depicted an identifiable group in an unfair or discriminatory manner and, if it decides that the complaint is well-founded, to order the publication to print its decision. A decision by the council that its code of conduct has been breached results not in censorship but in "more speech" – the publication of a statement that the newspaper breached the code and, more particularly in this context, that it published material that unfairly represented the members of an identifiable group. If the major publications in the country are not all willing to join a press council, then the establishment of a national press council with statutory authority and compulsory membership should once again be given serious consideration. A newspaper is not simply a private participant in public discourse; it is an important part of the public sphere where discussion about the affairs of the community takes place. As such, it carries a responsibility not to defame or stereotype identifiable groups within the Canadian community."*

The word "press council" sounds warmer and cuddlier than "government commission." But if these councils have the coercive power of the state behind them, then there really is no difference. Moreover, forced speech is just as offensive to our free-speech traditions as gagged speech. Recall that the whole legal fight between *Maclean's* magazine and the Canadian Islamic Congress began when the magazine's editor refused the CIC's demands to prominently publish a lengthy rebuttal to Mark Steyn's hit-job on Muslim radicalism. If *Maclean's* had the right to say no to the CIC, why should it have to say *yes* to a press council?

There is another flaw with the press-council idea: In coming years, many — perhaps most — of the complaints that can be expected to be filed under Section 13 of the CHRA will stem from spicy commentary published on personal web sites, blogs and Facebook pages. Are all of these fleeting electronic media supposed to join press councils, too — and pay dues, and be bound by their bureaucratic dictates and forced publication edicts? If Mr. Moon's answer is no (which I suspect it is, since his report makes mention only of "major publications") then his press-council idea will be pointless. If the answer is yes, then it will be completely unworkable.

Upshot: As a law professor, Moon doesn't seem to have a perfect grasp on how the media actually works.

**(3) Moon's proposal to strip Canada's hate-speech law of its Attorney-General sign-off requirement is a bad idea.** As I do, Moon thinks that the best way to regulate truly extreme forms of hate speech is through our criminal law, not our human rights commissions. In this regard, he points to [Section 319](#) of the criminal code, which covers anyone who "willfully promotes hatred against any identifiable group" — but which also notes: "No proceeding for an offence ... shall be instituted without the consent of the Attorney General."

In Section 4(b) of his report, Moon argues that government should consider doing away with this hurdle, because some fear that Section 319 prosecutions might be red-lighted "for political reasons." As I see it, though, the involvement of a politically accountable official is one of the great virtues of Section 319. It ensures that when a media outlet or pundit gets spuriously prosecuted for hate speech, elected politicians won't be able to wash their hands of it.

Which is to say: The government will have to take ownership of the act of censorship, rather than simply hide behind unelected bureaucrats working behind closed doors — as is now the case under Section 13 of the CHRA.

Final upshot: Moon's basic idea to get rid of Section 13 is admirable. But one wishes that he had stopped there, instead of adding in all sorts of unfortunate *ands*, *buts* and *howevers*. □

## AN AUTHORITATIVE WORD ON ACADEMIC FREEDOM

*Stanley Fish*

More than a few times in these columns I have tried to deflate the balloon of academic freedom by arguing that it was not an absolute right or a hallowed principle, but a practical and limited response to the particular nature of intellectual work.

Now, in a new book - "For the Common Good: Principles of American Academic Freedom," to be published in 2009 - two distinguished scholars of constitutional law, Matthew W. Finkin and Robert C. Post, study the history and present shape of the concept and come to conclusions that support and deepen what I have been saying in these columns and elsewhere.

The authors' most important conclusion is presented early on in their introduction: "We argue that the concept of Academic freedom . . . differs fundamentally from the individual First Amendment rights that present themselves so vividly to the contemporary mind." The difference is that while free speech rights are grounded in the constitution, academic freedom rights are "grounded . . . in a substantive account of the purposes of higher education and in the special conditions necessary for faculty to fulfill those purposes."

In short, academic freedom, rather than being a philosophical or moral imperative, is a piece of policy that makes practical sense in the context of the specific task academics are charged to perform. It follows that the scope of academic freedom is determined first by specifying what that task is and then by figuring out

what degree of latitude those who are engaged in it require in order to do their jobs.

If the mission of the enterprise is, as Finkin and Post say, "to promote new knowledge and model independent thought," the "special conditions" necessary to the realization of that mission must include protection from the forces and influences that would subvert newness and independence by either anointing or demonizing avenues of inquiry in advance. Those forces and influences would include trustees, parents, donors, legislatures and the general run of "public opinion," and the device that provides the necessary protection is called academic freedom. (It would be better if it had a name less resonant with large significances, but I can't think of one.)

It does not, however, protect faculty members from the censure or discipline that might follow upon the judgment of their peers that professional standards have either been ignored or violated. There is, Finkin and Post insist, "a fundamental distinction between holding faculty accountable to professional norms and holding them accountable to public opinion. The former exemplifies academic freedom: the latter undermines it."

Holding faculty accountable to public opinion undermines academic freedom because it restricts teaching and research to what is already known or generally accepted.

Holding faculty accountable to professional norms exemplifies academic freedom because it highlights the narrow scope of that freedom, which does not include the right of faculty "to research and publish in any manner they personally see fit."

Indeed, to emphasize the "personal" is to mistake the nature of academic freedom, which belongs, Finkin and Post declare, to the enterprise, not to the individual. If academic freedom were "reconceptualized as an individual right," it would make no sense - why should workers in this enterprise have enlarged rights denied to others? - and support for it "would vanish" because that support, insofar as it exists, is for the project and its promise (the production of new knowledge) and not for those who labor within it. Academics do not have a general liberty, only "the liberty to practice the scholarly profession" and that

liberty is hedged about by professional norms and responsibilities.

I find this all very congenial. Were Finkin and Post's analysis internalized by all faculty members, the academic world would be a better place, if only because there would be fewer instances of irresponsible or overreaching teachers invoking academic freedom as a cover for their excesses.

I do, however, have a quarrel with the authors when they turn to the question of what teachers are free or not free to do in the classroom.

Finkin and Post are correct when they reject the neo-conservative criticism of professors who bring into a class materials from disciplines other than the ones they were trained in. The standard, they say, should be "whether material from a seemingly foreign field of study illuminates the subject matter under scrutiny."

Just so. If I'm teaching poetry and feel that economic or mathematical models might provide a helpful perspective on a poem or body of poems, there is no good pedagogical reason for limiting me to models that belong properly to literary criticism. (I could of course be criticized for not understanding the models I imported, but that would be another issue; a challenge to my competence, not to my morality.)

But of course what the neo-conservative critics of the academy are worried about is not professors who stray from their narrowly defined areas of expertise; they are worried about professors who do so in order to sneak in their partisan preferences under the cover of providing students with supplementary materials. That, I think, is a genuine concern, and one Finkin and Post do not take seriously enough.

Responding to an expressed concern that liberal faculty too often go on about the Iraq War in a course on an entirely unrelated subject, Finkin and Post maintain that there is nothing wrong, for example, with an instructor in English history "who seeks to interest students by suggesting parallels between King George III's conduct of the Revolutionary War and Bush's conduct of the war in Iraq."

But we only have to imagine the class discussion generated by this parallel to see what is in fact wrong with introducing it. Bush, rather than King George,

would immediately become the primary reference point of the parallel, and the effort to understand the monarch's conduct of his war would become subsidiary to the effort to find fault with Bush's conduct of his war. Indeed, that would be immediately seen by the students as the whole point of the exercise. Why else introduce a contemporary political figure known to be anathema to most academics if you were not inviting students to pile it on, especially in the context of the knowledge that this particular king was out of his mind?

Sure, getting students to be interested in the past is a good thing, but there are plenty of ways to do that without taking the risk (no doubt being courted) that intellectual inquiry will give way to partisan venting. Finkin and Post are right to say that "educational relevance is to be determined . . . by the heuristic purposes and consequences of a pedagogical intervention"; but this intervention has almost no chance of remaining pedagogical; its consequences are predictable, and its purposes are suspect

Still, this is the only part of the book's argument I am unable to buy. The rest of it is right on target. And you just have to love a book - O.K., I just have to love a book - that declares that while faculty must "respect students as persons," they are under no obligation to respect the "ideas held by students." Way to go!

*New York Times*, November 28, 2008. □

## **WILL ON FISH:**

### **FREE RIDE FOR THE CAMPUS LEFT**

*George Will*

WASHINGTON -- In 1892, a Massachusetts court ruled that a policeman's speech rights had not been violated by a law forbidding certain political activities by officers. State Judge Oliver Wendell Holmes wrote: "The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman."

That thought is germane to the controversy -- a hardy perennial -- about the rights and duties of college professors. Concerning which, Stanley Fish has written

an often intelligent but ultimately sly and evasive book, "Save the World on Your Own Time."

A former dean, and currently law professor at Florida International University, Fish is an intellectual provocateur with a taste for safe targets. While arguing against an obviously indefensible facet of the politicization of higher education, he suggests that a much larger facet is either nonexistent or unimportant.

Some academics, he says, either do not know what their job is or prefer to do something else. He recommends a "narrow sense" of the academic vocation that precludes saving the world, a mission for which academics have no special qualifications. Universities talk about making students sensitive, compassionate, tolerant, democratic, etc., but those bland adjectives often are packed with political agendas. The "focused" academic vocation that Fish favors is spacious enough for actual academic skills involving "the transmission of knowledge and the conferring of analytical skills."

Fish's "deflationary" definition of the scholar's function denies radical professors the frisson of considering themselves "transformative" – because "transgressive" – "agents of change." But he insists that his definition would exclude no topic from the curriculum. Any topic, however pertinent to political controversies, can, he says, be "academicized." It can be detached "from the context of its real world urgency" and made the subject of inquiry concerning its history and philosophic implications.

Suggesting bravery on his part, Fish says his views are those of an excoriated academic minority. Actually, it is doubtful that a majority of professors claim a right and duty to explicitly indoctrinate students. But if they do, Fish should be neither surprised nor scandalized -- he is both – that support for public universities has declined.

Fish's advocacy of a banal proscription – of explicit political preaching in classrooms – may have made him anathema to academia's infantile left. The shrewder left will, however, welcome his book because it denies or defends other politicizations of academia that are less blatant but more prevalent and consequential -- those concerning hiring and curricula.

Fish does not dispute the fact that large majorities of

humanities and social science professors are on the left. But about the causes and consequences of this, he airily says: It is all "too complicated" to tell in his book, other than to say that the G.I. Bill began the inclusion of "hitherto underrepresented and therefore politically active" groups.

Then, promiscuously skewering straw men, he says, "these were not planned events" and universities do not "resolve" to hire liberals and there is no "vast left-wing conspiracy" and inquiring into a job applicant's politics is not "allowed" and "the fact of a predominantly liberal faculty says nothing necessarily about what the faculty teaches."

Note Fish's obfuscating "necessarily."

The question is not whether the fact "necessarily" says something about teaching but whether the fact really does have pedagogic consequences. About the proliferation of race and gender courses, programs and even departments, Fish says there are two relevant questions: Are there programs "with those names that are more political than academic?" And do such programs "have to be more political than academic?" He says the answer to the first is "yes," to the second "no."

But again, note his slippery language: "have to be," which he uses like "necessarily." The political nature of such curricula is *why* they often are set apart from established, and more academically rigorous, departments of sociology, history, etc. This political nature may not "have to" influence -- may not "necessarily" influence -- teaching. But does it? Fish, who enjoys seeming to be naughty, tamely opts for dogmatic denial.

Genuflecting before today's academic altar, he asserts what no one denies: Race and gender are "worthy of serious study." He concedes that "many of these programs gained a place in the academy through political activism." But he says that does not mean that political activism "need be" prominent in the teaching.

Gliding from "necessarily" to "have to be" to "need be," Fish, a timid iconoclast, spares academia's most sacred icons. People who tell you they are brave usually are not.

*Real Clear Politics*, November 27, 2008. □

## NOMINATION FOR SAFS BOARD OF DIRECTORS

**2009-2010**

The Nominations Committee consisted of Clive Seligman (President), Doreen Kimura (Past-President), and Albert Katz (UWO) and Natalie Allen (UWO) as two SAFS members not currently on the Board.

The six nominated current Directors are: **Andrew Irvine, Tom Flanagan, Steve Lukper, John Mueller, Clive Seligman, and Peter Suedfeld.**

Two of our Board Members are stepping down after many years of service. We thank **Grant Brown and Marty Wall** for all they have done for SAFS. We greatly appreciate their dedication and counsel.

Two new nominees are:

**Rodney A. Clifton**, B.Ed., M.Ed. (Alberta), Ph.D. (Toronto), Fil. Dr. (Stockholm) specializes in sociology of education, post-secondary education, and educational policy. He is a Professor in the Faculty of Education and a Senior Fellow at St. John's College, University of Manitoba. Over the last 35 years he has published over 150 articles and written or co-written 6 books including *Socioeconomic Status, Attitudes, and Educational Performances: A Comparison of Students in England and New Zealand*, *Authority in Classrooms*, *Crosscurrents: Contemporary Canadian Educational Issues*, and *Recent Social Trends in Canada, 1960-2000*. In addition he has been awarded a Spencer Fellowship from the International Association for the Evaluation of Educational Achievement, a Rh. Award from the University of Manitoba, a R.W.B. Jackson Research Award from the Canadian Educational Researchers' Association, and both an Edward Sheffield and a Distinguished Research Award from the Canadian Society for the Study of Higher Education.

**Mark Mercer** is an Associate Professor in the Department of Philosophy at Saint Mary's University. He received his doctorate in 1991 from the University of Toronto.

Dr Mercer works mainly in metaphysics and the philosophy of mind. About three years ago, he began writing opinion pieces, often on the topic of freedom of expression, for newspapers and magazines. Dr Mercer now writes a weekly column for the Saint Mary's student paper as The Cranky Professor.

*Any member of SAFS may nominate individuals for election as Director. These nominations must be received at the SAFS Office by April 15, 2009. Each member nomination shall contain the following information: (1) the signature of the person nominating and the signatures of two (2) seconders; (ii) the full name and address of the person nominated; (iii) a statement of the status and attributes of the person nominated, showing each person's qualifications to be a director; (iv) a written consent signed by the person nominated agreeing to be nominated for election and serve, if elected. □*

### DAVID HOROWITZ DOES THE MLA

*Scot Jaschik*

SAN FRANCISCO — It's not standard practice at meetings of the Modern Language Association to have visible security or a roped-off divide between the dais for speakers and the audience. But it's not every MLA meeting that features David Horowitz, who has spent years attacking the group.

Amid rumors that the Radical Caucus of the MLA might try to disrupt the Horowitz talk here Monday, the MLA had arranged for Horowitz and fellow panelists — if disrupted — to appear at an undisclosed location and to be broadcast back into the room where the audience gathered. While the Radical Caucus did distribute a written attack on the decision to invite Horowitz, it did not disrupt the event, and the audience saw Horowitz and his fellow panelists in person. Things got a bit frosty when a few members of the audience didn't wait for the moderator to tell Horowitz his speaking time was up (time was carefully negotiated in advance) and shouted at him to sit down.

Horowitz appeared on the panel with three literary scholars — one of whom backed some of Horowitz's views — to debate the state of academic freedom.

Horowitz didn't break new ground in his critiques of academe — nor did Horowitz's critics in their analysis of him.

In some ways what was most notable was that Horowitz praised the MLA for the invitation, which officially came from the organizing committee of the association's Delegate Assembly.

More than five years have passed since Horowitz first proposed his Academic Bill of Rights — which he says would protect students and which many professors say would intrude on their rights. References to faculty members providing a range of views have left many professors fearful that they would be unable to present strong points of view or controversial work. Horowitz said that the MLA is the first disciplinary group to invite him to speak in that time.

He said that while many academic groups have condemned him and that many professors have compared him to Joseph McCarthy (and worse), few have engaged him in discussion. He said it was significant that the MLA has done so. (He almost spoke at the annual meeting this year of the National Communication Association, but that possibility fell apart, with some of that association's members questioning the wisdom of inviting him.)

Horowitz said that he believed most professors were not inappropriately trying to indoctrinate students, but that significant portions were doing so, especially in women's studies. He repeatedly criticized the concept of the social construction of gender, which he said should not be taught as reality but as a feminist theory. Horowitz also linked the perception of professors to their economic well being.

Noting the recent decline in the number of jobs for English professors, he said that there may be a link between the disappearing jobs and the "perception that English is a politicized field." He said that English professors would be respected if they stuck to their fields. "If you want to teach about global warming or imperialism, become climatologists or political scientists," he said.

While Horowitz made his points with characteristic rhetorical flourishes, others who spoke here endorsed some of his views — or the legitimacy of considering them — but did so with notably mellow tones.

Mark Bauerlein, a professor of English at Emory University, questioned some of the rhetoric that has been used to attack Horowitz, and said that some of the rhetoric used to describe the good work of professors goes too far. He noted that Horowitz's goals have been compared to those of totalitarian governments and questioned the fairness of framing the debate in that way.

Bauerlein said that academic ideals are sometimes "sacrificed to department politics, personalities in the room, cronyism, identity politics" and other inappropriate factors. This is especially the case, he said, when departments are "insulated" from much of American society and become "more self-involved." Ultimately, Bauerlein said, academe should acknowledge that infringements on academic freedom are coming from professors, not from David Horowitz.

Gerald Graff, a professor of English at the University of Illinois at Chicago and president of the MLA, said that he agreed with Horowitz and Bauerlein that "we should show more curiosity" about the critique of academe as being hostile to certain views and ideas. "There is a question of fact — what is actually going on in classrooms?" he said.

While Graff argued for a discussion of the substance of Horowitz's criticisms, others questioned why Horowitz was even invited.

The Radical Caucus released a letter to those arriving at the session that said Horowitz should not have been invited. "The reason why we in the Radical Caucus oppose Horowitz's invited presence at the MLA, however, is not simply that he espouses views many people find troublesome, even repugnant. It is that he consistently misrepresents the views of academics whom he wishes to discredit. He is not a scholar but a liar of the Goebbels school." The caucus cited Horowitz's descriptions of scholars in his 2006 book, *The Professors: The 101 Most Dangerous Academics in America*, as unfair and inaccurate.

During the question period, many of the questions were directed as much toward the program organizers as to Horowitz.

"Did you do your homework before you invited him?" Barbara Foley, a professor of English at Rutgers University at Newark, asked to applause. She asked if MLA officials were aware of the "racist trash" on

Horowitz's Web sites or his "hit list" of professors. Horowitz then commented about not being able to answer all of the "Bolsheviks" in the audience.

Cary Nelson, president of the American Association of University Professors and an English professor at the University of Illinois at Urbana-Champaign, disputed Horowitz on numerous points — although they united, prior to the start of the program, by mutually agreeing that they would not evacuate if a protest started, and would face any disruptions from the room together.

Nelson told Horowitz that he was wrong about the social construction of gender and about what goes on in classrooms generally. Nelson said that politics aren't much discussed in most courses, and that only the smallest fraction of professors — liberals and conservatives alike — abuse their positions to pressure students to take some political stance. Horowitz noted, however, that numerous studies have found that college students aren't swayed by their professors' politics or particularly offended that faculty members have views that may differ from their own. In his classes, Nelson said (to Horowitz's approval), he gives extra credit to students who disagree with him, since the disagreement enlivens discussion.

There is no evidence, Nelson said, to justify the Academic Bill of Rights, which would be "a new political enforcement mechanism."

Another panelist — Norma E. Cantú, a professor of English at the University of Texas at San Antonio — took a different approach. While she stressed that she respected the views of students and their right to think as they wish, she said there was nothing wrong with a professor hoping to shape a student.

"Are we radicalizing students? I hope so. Why would you read a book except to be informed and to grow," she said. "I hope all of us are about change."

The original story and user comments can be viewed online at <http://insidehighered.com/news/2008/12/30/horowitz> □

### 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*

## SPEAK UP FOR CANADIAN FREEDOM

*Salim Mansur*

In a crowded year for news such as 2008, there was one subject of vital importance for Canadians that did not receive sufficient media and public attention.

This is the grassroots campaign supporting freedom of speech unconstrained by the coercive arm of the state — the federal and provincial Human Rights Commissions (HRC). It is truly bizarre that in the 21st century such a campaign has to be organized in one of the oldest liberal democracies.

It is also bizarre that so many Canadians remain unconcerned that the foundational principle of liberal democracy — freedom of speech — has been assaulted systematically in their country in the name of tolerance.

And then making matters worse, the Canadian state armed the federal HRC — provincial governments have followed Ottawa — with section 13 in the Canadian Human Rights Act to penalize speech if it is "likely" to expose someone to contempt or hatred even though it might not be proven in court.

What might now seem a long time ago to Canadian legislators and bureaucrats of the HRCs, J.S. Mill, writing in *On Liberty*, observed some eight years before the Dominion of Canada was established that "unless the reasons (for free speech) are good for an extreme case, they are not good for any case."

Going back further by more than two centuries, the English poet John Milton laid out the argument against censoring free speech in his tract titled *Areopagitica*. Milton contended — and Mill returned to it — that truth does not need the aid of censor's coercive powers to prevail.

Milton famously wrote, "Let her (truth) and falsehood grapple; who ever knew truth put to the worse, in a free and open encounter?"

Individuals speaking confidently armed with reasons stand on their own without requiring state support against opponents. And those appealing to censors in making their arguments do so because their case is weak, or false.

Our politicians have lost sight of how, through hard and bloody skirmishes, the principle of free speech was advanced to give strength, virtue and purpose to liberal democracy that we take for granted with so little thought.

In this campaign to keep free speech free Ezra Levant, lawyer, journalist, publisher, *bon vivant*, having experienced the Canadian version of HRC inquisition, has become the leader. He has emerged as Canada's Emile Zola, marshalling the arguments and eloquently making the case in his blog – Ezra's blog is a must read on this subject – of how the HRC censors ignominiously subvert Canadian democracy.

A just cause rallies free individuals and Ezra Levant stands at their head as a growing cadre of bloggers make this cause of keeping free speech free in Canada their own.

There are individuals such as Kathy Shaidle. Her little book on the subject, *The Tyranny of Nice*, has become an underground hot item across North America.

And then there is the inimitable Mark Steyn, a Canadian voice for uninhibited and critical discourse on politics and culture, gone global rallying his resources behind this cause.

Many of these individuals are without deep pockets – such as Mark and Connie Fournier operating the online forum Free Dominion – and while harassed by the HRCs have stepped into the breach defending free speech in Canada.

The big shameful question remains where are the politicians?

*Sun media*, January 24, 2009. □

#### SUBMISSIONS TO THE SAFS NEWSLETTER

The acting editor welcomes articles, case studies, news items, comments, readings, local chapter news, etc. Please send your submission by e-mail attachment.

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## 2009: A YEAR TO DEFEND FREE SPEECH Or lose it

*Geert Wilders & Robert Spencer*

Wednesday, January 21, was a black day for freedom, and the beginning of an all-out assault on free speech in the Netherlands. The Amsterdam Court of Appeals ordered the prosecution of Geert Wilders (one of this article's co-authors) for his statements about Islam. To participate in public debate is now a dangerous activity. This is the Netherlands today—and it could be the entire Western world tomorrow.

The prosecution of Wilders was unexpected, though in retrospect one can see that something like it has been in the offing for a while. The year 2008 marked 60 years since the United Nations first promulgated its Universal Declaration of Human Rights. Yet instead of celebrating this notable anniversary by reaffirming human rights, the world in 2008 saw certain fundamentally important human rights nearly disappear under intense pressure from Islamic countries that oppose freedom of speech, freedom of conscience, and the equality of all people before the law. Islamic efforts to create exceptional privileges for Muslims in the area of human rights have been advancing for quite some time, and they made great strides in 2008. Now, with the Amsterdam court's judgment, we see the outcome of such efforts.

The Islamic bloc has been on record for two decades as opposing free speech. In 1990, foreign ministers of the 57 member states of the Organization of the Islamic Conference (OIC), currently the largest voting bloc in the United Nations, adopted the Cairo Declaration on Human Rights in Islam. It states clearly that Islamic law—sharia—is the only true source of human rights. Few analysts in 1990 understood that this was tantamount to declaring the legitimacy of institutionalized discrimination against women and non-Muslims, and signing the death warrant of freedom of speech and freedom of conscience as well. And not just in Muslim lands: The OIC and allied organizations have been aggressively pursuing efforts to extend elements of sharia into the West, though few people realize it even today.

Due to the relentless efforts of the OIC, passage of a resolution on combating defamation of religions is now a yearly ritual in the United Nations. First introduced

in the General Assembly in 2005, the resolution has been adopted with landslide votes every year since. While this resolution is non-binding, the OIC has declared its intention to seek a binding resolution—one that would require UN member states to criminalize criticism of Islam, as the OIC defines such criticism. This is a clear indication of the progressing Islamization of the United Nations.

On March 28 of last year, the UN hit rock bottom. Its Human Rights Council—whose members include such stalwart defenders of freedom as China, Cuba, Angola, and Saudi Arabia—adopted a resolution that severely modified the mandate of the Special Rapporteur on Freedom of Expression. Instead of simply reporting on cases in which the right to free expression is being violated, the special rapporteur will now also have to report on cases in which that right is being “abused”—including when individuals use their freedom of speech to criticize Islam, or the particular elements of Islam that jihadists use to justify violence and Islamic supremacism. In essence, this means that the function of the special rapporteur has changed 180 degrees—from safeguarding the rights of individuals who hold unpopular or controversial ideas, to trying to limit the freedom of individuals to express such ideas.

As the Canadian delegation noted, “instead of promoting freedom of expression the Special Rapporteur would be policing its exercise.” This is fundamentally inconsistent with the very foundation of the human-rights tradition, as are measures combating “defamation of religions.” Such measures aim to protect institutions and ideas from criticism, instead of protecting individuals from the consequences of criticizing them. The very concept of freedom of speech has thereby been turned on its head.

Now the full force of this initiative has been directed against those who are sounding the alarm about the Islamization of the West. How could this have happened? Where was the opposition from Western nations? The silence in Europe has been deafening. Only recently did the French ambassador finally speak out, on behalf of the European Union, against the UN initiative to outlaw defamation of religions. He stated that the EU would not accept integration of the notion of defamation of religions into the framework of human rights, since the primary purpose of human rights is to protect people, not religions.

Still, talk is cheap. If we want to preserve our universal

human rights, we have to show determination in 2009 to defend them from the OIC’s attempts to erode them. The Amsterdam Appeals Court decision only indicates how urgently needed this action is today. But opposing the OIC would require strong, positive acts, which would be a departure from the current pattern. In the case of the resolution on the mandate of the special rapporteur, European countries did nothing but abstain from voting on the resolution. Even Canada, which spoke out strongly against the resolution, abstained rather than voting against it. The United States also abstained; in fact, no nation voted against the resolution at all.

This was an absolute disgrace. The free nations of the world should have voted with their feet instead and resigned from the Human Rights Council immediately. Civilized states have no business participating in a forum that has been hijacked by the Islamic-supremacist agenda to replace fundamental human rights with the barbaric strictures of sharia.

They should also boycott the 2009 Durban Review Conference (Durban II), because there is every indication that this “UN World Conference Against Racism” will be turned into an anti-Israeli and pro-Islamic platform under the direction of the OIC and will end up actually *promoting* racism and intolerance. In October 2008, the Second Preparatory Session of the 20-state Preparatory Committee for Durban II convened in Geneva, with Libya, that paragon of human rights, as chair, and Pakistan and Iran among the vice-chairs. This Preparatory Session produced a “Draft Outcome Document for the Durban Review Conference 2009,” recommending that UN member states make “defamation of Islam”—not just of “religion,” but of Islam in particular—a criminal offense on the local, national, and international levels. This “defamation,” the document declared, must no longer enjoy the protection that it has up to now under the “pretext” of “freedom of expression, counter terrorism or national security.” In other words, the Durban II Preparatory Session wants to criminalize investigations of the ideology, beliefs, motives, and goals of Islamic jihad terrorists, so that effectively the only people linking Islam with violence will be the jihadists themselves, and the Free World will be mute and defenseless before their advance.

If Geert Wilders is silenced, all those who oppose attempts to impose Islamic legal norms upon the West will be silenced also. European nations and the United

States should stop appeasing Islam and start fighting together against the rapidly increasing Islamization of Europe. This is a struggle for human rights and human dignity, and for the great heritage of Western civilization that has given so many things to the world, yet whose children and heirs seem curiously embarrassed and reluctant to defend it.

Enough is enough. We must defend our freedom, or we will most certainly lose it.

*Geert Wilders is a Dutch parliamentarian, leader of the Party of Freedom, and maker of the film Fitna. Robert Spencer is the director of Jihad Watch and author of the bestsellers The Politically Incorrect Guide to Islam (and the Crusades) and The Truth about Muhammad.*

*National Review Online, January 26, 2009. □*

## LETTER TO CAUT BULLETIN EDITOR

### Discrimination or Gender Differences?

*Philip Sullivan*

The September issue of the Bulletin depicts as "Reminiscent of McCarthyism" the U.S. National Association of Scholars' (NAS) plans to identify university programs peddling ideology masking as knowledge. But it is ironic that this issue also contains an article justifying NAS concerns. The accumulating evidence notwithstanding, the article ("Women Still Lagging & Losing in Sciences") insists on portraying the continuing so-called "under-representation" of women amongst physical sciences and engineering faculty as a consequence of discrimination. That this persistent pattern cannot be rationally discussed was spectacularly demonstrated by the resignation of Harvard's president Lawrence Summers, following the brouhaha caused by his merely raising the idea that factors other than discrimination might be considered.

Yet evidence that other factors may play a role has been available for decades. To cite just one example, the work of Canada's internationally respected Doreen Kimura strongly supports the idea that there are biology-related subtle differences in the cognitive abilities of males and females, with these becoming significant at the high end of ability scales.

Furthermore such evidence also suggests that even those women possessing the requisite skills for success in the hard sciences tend to prefer "people-oriented" over "object-oriented" disciplines.

I have observed these patterns in my four decades of involvement with the University of Toronto's Engineering Science program. Originally an exclusive male preserve, from the 1990's we actively recruited women, and I taught mathematics to many of these very talented individuals. But at the end of the second year, when the students select a specialty program or major, it was obvious that women tended prefer those specialties emphasising disciplines which could be considered more people-oriented.

Feminist cant appearing in the CAUT Bulletin was a factor in my decision to be a sometime member of NAS, and to support the Canadian equivalent, the Society for Academic Freedom and Scholarship.

*CAUT Bulletin, November, 2008. □*

## UNIVERSITIES IN \$450M 'HOLE'

*Joanne Laucius*

Ontario universities face \$185-million in lost revenue next year after millions evaporated from endowment funds, says the president of the Council of Ontario Universities.

The money would have been generated by investments and interest on the hundreds of millions of dollars in the endowment funds of the province's 19 universities. But in recent weeks, it has not been unusual for universities to report losing a quarter of the value of those funds. Operating grants for universities have flatlined, while costs increased by \$270-million.

Between that shortfall and the endowment crash, universities are in a \$455-million "hole."

"We are facing grave pressures," said Paul Genest, who addressed the province's finance committee yesterday in Ottawa asking for \$270-million in one-time relief to protect jobs at universities, as well as a \$500-million quick infusion of cash for infrastructure renewal as part of the province's economic stimulus package, and another \$2-billion over the next two years for new construction to generate sustained

stimulus and protect the growth of innovation at universities.

He also points out that Ontario universities have a backlog of deferred maintenance adding up to \$1.6-billion, and almost two-thirds of useable space on campuses is more than 30 years old.

Mr. Genest declined to give the total amount of losses on the province's university endowment funds, but said the Council of Ontario Universities has been crunching the numbers for the past four weeks.

Meanwhile, the struggles of the endowments pale in comparison to the issue of paying for the universities' pension obligations after pension funds also took a beating. The council is asking the province for regulatory relief.

"The situation is so grave that several of our institutions would literally become insolvent if they are required to obey the letter of the law under the Ontario Pension Benefits Act," said Mr. Genest. "They would close their doors."

As of Oct. 31, if an actuarial assessment has been performed for all of the province's universities, annual pension obligations would add up to \$564-million a year.

The annual provincial operating grants for all of the universities adds up to \$3-billion a year.

It would mean diverting money from classrooms and cutting jobs, said Mr. Genest, who added that Quebec and Alberta have already had regulatory relief from their province governments.

"We're asking for a holiday on special payments, waiting for the markets to stabilize. We also feel that universities are being treated like businesses. They're being treated like entities that could go out of existence."

Reports of heavy losses to endowment funds have trickled out from Ontario's 19 universities. Queen's University has lost about \$100-million.

Earlier this month, faculty and staff at the University of Toronto were warned the "protective cushion" on an endowment fund expected to generate \$62-million next year had disappeared.

In Toronto, the president of York University circulated a statement indicating the value of its endowment fund had dropped by 19% or \$55-million, which would put the squeeze on new hiring and make it difficult to meet operating expenses and demand for student aid.

In the beginning of this fiscal year in May 2007, the University of Ottawa's endowment funds were worth about \$142-million. They are currently worth about \$137-million, but the university doesn't plan to take similar measures, said Victor Simon, the vice-president of resources.

Duncan Watt, Carleton University's vice-president of finance and administration, said endowment funds at Carleton have dropped by about a quarter from October 2007 to October 2008, from \$230-million to \$176-million.

Despite the pressures, the university sector acknowledges the investments made by both the provincial and federal governments in recent years, said Mr. Genest.

"There has been tremendous momentum to making universities internationally competitive," he said. "This is the wrong time to lose that momentum."

*National Post*, December 20, 2008. □

#### **OFFICIALS IN WALES ACCIDENTALLY PRINT OUT-OF-OFFICE E-MAIL ON ROAD SIGN**

Officials in Wales mistakenly erected a road sign that read "I am not in the office at the moment" in Welsh after a translation mix-up. The sign originally said in English, "No entry for heavy goods vehicles. Residential site only," but when Swansea Council officials sent it to be translated, they received an automated e-mail written in Welsh that read: "I am not in the office at the moment. Please send any work to be translated." Unaware of the actual meaning of the e-mail, officials had the sign printed and put up near a supermarket, only realizing their mistake when Welsh speakers pointed it out. All road signs in Wales are required to be written in English and Welsh. "Our attention was drawn to the mistranslation of a sign at the junction of Clase Road and Pant-y-Blawd Road," a Swansea Council spokesman said. "We took it down as soon as we were made aware of it and a correct sign will be installed as soon as possible."

*Agence France-Presse National Post*, November 3, 2008. □

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