

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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UNIVERSITY OF CALGARY CONTINUES WAR ON FREE SPEECH

The Canadian Constitution Foundation (CCF) is representing students who are being prosecuted by the University of Calgary for “non-academic misconduct” in regards to a pro-life display which they set up on campus on April 8, 2010.

“The Canadian Constitution Foundation takes no position on abortion, but we defend free speech for all Canadians, especially on the campus of a taxpayer-funded university,” states lawyer and CCF Executive Director John Carpay.

University of Calgary students Alanna Campbell, Leah Hallman, Cristina Perri, Ryan Wilson, Cameron Wilson, Peter Csillag, and Asia Strezynski stand charged with “non-academic misconduct” for having refused the University’s demand that they turn their pro-life display’s signs inwards such that no passersby could see the signs.

The U of C has informed these students that their conduct is a “Major Violation” in the same category with theft, vandalism, fraud, sexual assault, firearms misuse, and selling drugs.

The students face penalties which include expulsion from the university.

Last year the U of C charged its own students with trespassing for having set up their pro-life display on campus. But the Crown Prosecutor’s Office stayed the charges rather than choosing to go ahead with the trial.

The students have been setting up their Genocide Awareness Project display on campus four days per year since 2006, all without incident.

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Alberta taxpayers provide the majority of the U of C's funding each year. The U of C also receives funding from the federal government.

If the U of C were truly a private institution, it should be allowed to censor whichever views it chooses to censor.

But until the U of C turns down hundreds of millions of dollars in annual funding from taxpayers, it should allow the peaceful expression of all views on campus, without discrimination.

CCF Press Release, April 19, 2010. □

SUBMISSIONS TO THE SAFS NEWSLETTER

The 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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CHOOSE WHICH KIND OF UNIVERSITY YOU WANT

Mark Mercer

There are two conceptions of what a university should be, and the differences between them are mostly about respect.

In the first conception, members of a university community are to respect each other as individuals, as persons.

On the second conception, they are to respect each other's values or beliefs or cultures or experiences -- whatever it is that makes up a person's identity.

On the first conception, professors and students are to be treated as autonomous agents brought together in a community so that they might more effectively and more pleasantly pursue their inquiries into the ways of the world.

Respecting each other consists in applying no pressures other than those of argument and evidence. Members of the community may believe or value whatever they wish, study whatever they wish however they wish, and say whatever they wish, with no fear of censure or ostracism.

This is the conception according to which a university community is a community of intellectuals.

On the second conception, professors and students are to be valued and celebrated for the groups to which they belong.

Respecting each other consists in helping each to appreciate her identity and the identities of others, and the struggles and accomplishments associated with them. Members of the community have come together in order to discover how from within their own tradition they might best contribute to a diverse society.

This is the conception according to which a university community is one of appreciation and validation.

Now, a community of intellectuals is a community of criticism and controversy. No idea and no value is exempt from being roughed up, not even the ideas or values on which the community is founded.

Of course, this means that in this community feelings will get hurt, as people often quite naturally take personally attacks on the ideas and values that define who they are.

Moreover, people being people, their attacks on ideas and values will sometimes, though not inevitably, in fact be personal. That argument and evidence are the only appropriate critical tools doesn't mean that they are the only tools that will get used.

But because members of the community recognize the ideal, they will attempt to live up to it. And, with luck, they will also grow fairly thick skins.

A community of appreciation and validation cannot be one of criticism or controversy, at least not one in which the ideas or values of any member may be criticized. Rules will have to be in place about the targets and nature of criticism, and there will have to be policies to deal with violations. The administration will have to devise and enforce codes of conduct for students, professors, and visitors to the university. Whereas at a university of intellectuals, professors and students will form societies at will and invite to campus whomever they want, at a university of validation a committee will vet society applications and proposed campus events for both content and format.

The attractions of a university of validation are easy enough to see. It's not pleasant to think one's identity is under attack or being neglected, and it can be difficult to learn in an unpleasant atmosphere. But it's also easy to see, people being people, that such a university might often be a place of rancour and enmity, where anything said could be perceived by someone as a slight, or as insensitivity.

There's no reason a university of validation couldn't produce good research and train students well, though there's some reason to think a university of intellectuals will do better. Universities with religious charters and missions, for instance, though they lack the diversity that characterizes the secular kind, are universities of validation, in which certain topics, methods, and conclusions are out of bounds, and yet such universities have added to the growth of understanding and have prepared countless young adults for careers and life.

A preference for one conception of university community over another, then, cannot primarily have to do with the research and teaching missions of a university. It has to do mainly with the sorts of experience available at each, the sort of community one enjoys, the sort of person one wants to be.

Right now in Canada most, maybe all, universities embody both conceptions. All style themselves places of critical discussion, yet all state firmly that they are safe spaces, "safe" in the sense of non-threatening to one's identity, as the term was used in the discussion of Ann Coulter's aborted appearance at the University of Ottawa.

Administrators have tried, with some success, to find workable compromises between the two conceptions. At my university, for instance, a memo from the academic vice-president distinguished between the inside and the outside of the classroom. What is unacceptable outside the classroom can be acceptable within it.

In the end, of course, compromise is impossible, as any concession to the university of validation must restrict our conduct as intellectuals.

Now I know which conception of university community I prefer (and which conception I roundly despise). But though I can't see how the two conceptions could be reconciled, I don't see any reason why Canada cannot be home to both. Community at some universities could be intellectual, at other universities validating.

Partisans of validation would disagree. Not only can critical discussion put people at risk of psychological harm, they say, but it also can easily lead to the destruction of laws and institutions we hold dear. Critical discussion of abortion, for instance, not only disturbs and hurts, but threatens a woman's right to choose.

But why not try it anyway? Let's have professors and students voice their preference, and then shift people around accordingly. One venerable reason for having lots of universities rather than a few large ones, after all, is to provide people with options.

No starker or more consequential choice exists than that between a university of intellectuals and a

university of validation.

Mark Mercer is a professor in the department of philosophy at Saint Mary's University. [He is also a member of SAFS Board of Directors]

The Ottawa Citizen, April 2, 2010. □

THE POLITICALLY CORRECT UNIVERSITY: PROBLEMS, SCOPE, AND REFORMS

*edited by Robert Maranto, Richard E. Redding, and
Frederick M. Hess*

AEI Press: Washington, DC, 2009

Reviewed by Kenneth H.W. Hilborn

In 1980, when Ronald Reagan won the U.S. presidency in a 44-state landslide, academics at Dartmouth College were so incensed by the electorate's perceived misconduct that a faculty meeting passed a formal motion condemning it.

Though not mentioned in the book under review, this absurd incident exemplifies the problem with which it deals. Indeed, the book contains evidence that since the 1980s the ideological imbalance in American universities has increased, giving liberals -- along with those left of liberal -- an overwhelming numerical advantage over conservatives. The imbalance is especially extreme in such departments as history, psychology, sociology and English literature. In one survey more than a quarter of the respondents in sociology classified themselves as "Marxists," as did more than 17 per cent in the social sciences as a whole. Departments of economics appear to be intellectually more diverse, but not sufficiently so for advocates of a free market to achieve anything close to parity.

In this environment, even academics who portray themselves in surveys as "middle of the road" or "right of centre" may be giving the terms a meaning different from those attached to them in normal political discourse. In the opening chapter, Larry Summers (treasury secretary under Bill Clinton) is quoted as saying that in Washington he was on "the right half of the left," whereas at Harvard -- where his term as

president was cut short by controversy -- he was on "the right half of the right." In the eyes of those who regard the legitimate political spectrum as extending from Karl Marx on one side to Barack Obama on the other -- Summers now serves in the Obama Administration -- true conservatives may be relegated to a frightening zone of darkness, the habitat of imagined monsters.

Problems of political terminology are only one of many complexities with which contributors to this book must contend. The sixteen chapters -- the work of various authors or teams of co-authors -- focus on topics ranging from the damage inflicted on particular disciplines (history, English and political science, the last of which has apparently suffered least) to an argument that trustees and alumni can and should prevent repressive professors from improperly exploiting their academic freedom to curtail the academic freedom of students and dissident colleagues.

In Chapter 7, Peter Wood -- president of the National Association of Scholars -- examines the threat posed to "diversity of ideas" by the "idea of diversity," which he calls "an aggressive ideology that stigmatizes and attempts to drive out anyone who does not actively support it." Diversity in this sense -- meaning collective entitlements for "victim" groups -- is a logical consequence of liberal thought. The author might have cited Kenneth R. Minogue's book *The Liberal Mind* (published in 1963). Writing before the current obsession with "diversity" developed, Minogue pointed out that ideological liberals (like Marxists) divide society into suffering "victim" classes on the one hand and "oppressors" on the other. Moreover, if they belong to perceived "oppressor" classes, such as the white race, liberals experience a sense of shared guilt that impels them to do something to make amends, and to separate themselves from the "guilty entities." Thus the underlying motivation for "diversity" may be less to assist the favoured minorities than to make the enforcers of group preferences feel better about themselves -- a possibility raised explicitly by William O'Donohue and Richard E. Redding in Chapter 6 of the volume under review.

Why have liberals and the far left been able to achieve such supremacy? In Chapter 3, by Matthew Woessner and April Kelly-Woessner, we find evidence that the academic performance of conservative students is very similar to that of liberals, while "moderates" do less

well than either. But, although there appears to be a correlation between political commitment and greater academic ability, conservatives are less likely than either liberals or moderates to seek the doctoral degree normally required for an academic career. Conservatives seem to have other priorities, such as starting a family and making money. To some extent, therefore, the paucity of conservative professors may result from self-exclusion rather than discrimination; but that explanation is less than fully adequate. In Chapter 6, for example, we are told that "conservative students may feel alienated when few (often none) of their professors share or respect their views and when conservative perspectives are excluded from pedagogy."

Moreover, conservatives may have realistic fears that the "groupthink" examined in Chapter 5 (by Daniel B. Klein and Charlotta Stern) would impair their prospects for success in the academic job market; the authors explain how the principle of majority rule within departments enables a small ideological majority to become over time a larger majority, simply by hiring only (or mostly) those who share the dominant orthodoxy.

It is not exclusively in universities that left-of-centre opinion prevails to an extent far exceeding its support among the public. American conservatives have long made the same complaint about other "elites" -- those of Hollywood and the "mainstream" media. It would have been interesting to see an essay placing the political leanings of the academic world in this wider context. It might also have been desirable in places for authors to use a livelier literary style, more appealing to the general reader. In Chapter 6, for instance, we read that some of the people who claim to be "offended" by something or other "may be psychologically constituted in problematic ways." I think this means that they may have psychological problems, or (more colloquially) that they may need to have their heads examined -- an impression confirmed by the unattractive "personality disorders" that O'Donohue and Redding go on to describe.

One further criticism: Supporters of the Foundation for Individual Rights in Education (www.thefire.org) may be disappointed by the book's failure to recognize the value of FIRE's efforts, through publicity and actual or threatened legal action, to defeat "speech codes" and other repressive manifestations of the

"politically correct" mentality. The admirable American Council of Trustees and Alumni (www.goacta.org) is treated more fairly, since its president, Anne D. Neal, is the author of Chapter 14.

These are relatively minor points. The book makes an important contribution to our understanding of what has gone wrong in higher education. Some chapters include proposals for reform, such as the creation of new academic units outside the control of entrenched departmental majorities, to pursue the study of "politically incorrect" subjects like Western civilization and the institutions associated with political and economic freedom. In a few universities units of this kind have already been successfully established, but the road to comprehensive reform will clearly be long and difficult.

Kenneth H.W. Hilborn, a professor emeritus of history at the University of Western Ontario, is a former member of the University Senate and of the SAFS Board of Directors. □

THE ANTI-RACISM BOOM

Robert Fulford

Racism is dangerous and harmful, but attempts to pass rules against it can sometimes do more harm than good. As Exhibit A, consider the appalling report of the Task Force on Campus Racism, published last week by the Ontario section of the Canadian Federation of Students. It's one more tyrannical attempt to legislate decency by increasing bureaucracy.

Far from pointing us toward a racism-free world, the task force contributes to the culture of accusation that has encouraged a mean, fearful atmosphere in Canadian universities. The text, just 48 pages long but with 79 recommendations, expresses the views of nine people, professors and students, who are obviously far more interested in the dogmas of "diversity" and "equity" than teaching and studying.

Their research, all purely anecdotal, violates basic standards of academic work. The witnesses they quote are self-selected, students who appeared at task force meetings to complain that something they saw (or maybe something they just sort of felt) appeared racist.

That's a social scientist's nightmare, no more meaningful than interviews picked up on the street by a TV reporter.

The task force then translated these impressions into an indictment of universities for "systemic" racism, requiring a cure through an elaborate set of regulations.

The report feels suspiciously like an exercise in job creation. Most of the authors have been involved in dealing with racism in universities as teachers, consultants and facilitators. Their report implies that universities should hire more people just like themselves to make changes in admissions, curricula and the choice of faculty.

They recommend, for instance, that all faculty and staff in universities be required to take "anti-oppression training." And who would be more appropriate trainers than members of the task force? Their names on the report will now certify them as experts in the burgeoning anti-racism industry, if they weren't already. Unfortunately, there's no provision for aid to students and teachers who feel themselves oppressed by the anti-oppression rules.

The task force members favour an increase in courses on critical theory and equity studies, areas in which they will be at home. They also like the idea of departmental review committees to spot and remedy inappropriate "Eurocentrism" in the curriculum. A nice gig, by the sound of it.

The association apparently chose the nine authors for their well-known and uniform opinions. From the start, each of them apparently held the same views as all the others. Meetings must have been uncommonly amiable. The former rep from the National Students of Colour probably had few arguments with the woman who worked for 17 years at the Ontario Human Rights Commission, who in turn likely found plenty of agreement with the guy who represents the Canadian Union of Public Employees and the Canadian Peace Alliance.

No doubt, they all listened closely to their senior member, Frances Henry, Canada's No. 1 racism-spotter. Since the 1970s, she's been producing a series of disheartening reports, usually titled something like *The Colour of Democracy: Racism in Canadian*

Society. She's dependable. Wherever she goes, she finds racism.

Collectively, the report's writers show no signs of reflective intelligence and no interest in true intellectual inquiry. They believe in racial diversity, but not diversity of opinion. In their minds, questions of context do not exist. They don't compare one kind of racism with another or try to determine whether it's worse now than in the past. They know only that racism is bad (true), it's pervasive (dubious) and that we must resist it with every institutional tool that comes to mind (highly dubious).

Harold Macmillan, prime minister of Britain from 1957 to 1963, used to quote the opinion of his classics tutor at Oxford: "Nothing you will learn in the course of your studies will be of the slightest possible use to you in after life, save only this: That if you work hard and diligently you should be able to detect when a man is talking rot. And that, in my view, is the main, if not the sole purpose of education."

Put another way, a university should teach students an ardent aversion to "the higher nonsense," the reigning clichés of the moment. Robin Barrow, professor of the philosophy of education at Simon Fraser University, has written that Canadian universities are not only unable to nurture this ability, "they are themselves rapidly becoming repositories of the 'higher nonsense.'"

This way of thinking is obviously alien to everyone connected to the task force. The most horrible part is that university administrators and provincial governments must pretend to take this nonsense seriously, or risk being labelled racist themselves.

The National Post, April 3, 2010. □

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.

Elive Seligman, President

SAMENESS AND 'DIVERSITY' ON CAMPUS

William McGurn

If ever you wonder why those thumping loudest for tolerance and diversity produce so much sameness, look no further than this little exchange on public television about an important case now before the Supreme Court. The dean is Leo Martinez of the University of California Hastings College of the Law. Here he is defending the school policy at issue, which requires the Christian Legal Society (CLS) to admit non-Christians and gays if it wants to be an official student group:

Question: "Would a student chapter of, say, B'nai B'rith, a Jewish Anti-Defamation League, have to admit Muslims?"

Mr. Martinez: "The short answer is 'yes.'"

Question: "A black group would have to admit white supremacists?"

Mr. Martinez: "It would."

Question: "Even if it means a black student organization is going to have to admit members of the Ku Klux Klan?"

Mr. Martinez: "Yes."

Question: "You can see where that might cause some consternation?"

Certainly there was some consternation yesterday at the Supreme Court. Justice Antonin Scalia found the idea of forcing a campus Republican club to admit Democrats "weird." Meanwhile, Justice Sonia Sotomayor worried whether allowing CLS to set its own rules would mean more discrimination against women and minorities.

But let's give Dean Martinez credit: He does not shy away from the logic of where his school's policy leads. His remarks help explain two facts. The first is why a Christian student organization has found strong allies among other faith groups. These include everyone from Agudath Israel of America and the American Islamic Congress to the Catholic bishops and the Sikh American Legal Defense and Education Fund.

The larger fact is the way that Hastings-style "tolerance" and "diversity" are actually making our campuses less tolerant and less diverse. Dean Martinez helps us see why. If every college group must admit even those who are hostile to its mission and beliefs, the result is nonsense and conformity.

At first blush, Hastings looks to be another example of the "culture wars," and where you stand on this case depends on what you believe about Christianity or traditional Christian teaching about homosexuality. Certainly Hastings tells us something about our culture wars. What it shows is how these kind of cultural skirmishes escalate into full-fledged wars when state approval or state money is involved.

Were Hastings a private institution, the same right of association now claimed by the Christian Legal Society would give the law school broader rights to set more narrow rules for students and faculty. When a handful of Orthodox Jews sued Yale in the late 1990s over the university's insistence that they live in co-ed dormitories, for example, Yale prevailed—largely because Yale is a private university. And there was no larger religious war.

Even those of us who believe a university that prides itself on its tolerance could have shown a little more accommodation toward those Jewish students do not question Yale's right to set rules that define the Yale experience. When government is involved, however, the stakes become higher and passions more excited. When a public university makes a decision, it's not simply a policy dispute. It's a public institution using your tax dollars to put a state imprimatur about who is and who is not fit for the public square.

That's a much more serious proposition than a simple disagreement with some private organization. That public/private distinction helps explain why CLS has also found allies in the libertarian Cato Institute and Gays & Lesbians for Individual Liberty. In their own brief, this latter group stresses that it was the ability of gay Americans to form gay associations—whose membership rules they defined for themselves—that gave them a collective voice in the face of an often hostile majority.

Presumably Gays & Lesbians for Individual Liberty do not share the CLS view of human sexuality. But they understand exactly where Dean Martinez's logic is taking us.

"Under Hastings' forced membership policy, only majority viewpoints (or those viewpoints too banal to interest the majority) are actually assured a voice in Hastings' forum," argues their brief. "That is a patently unreasonable way to 'promote a *diversity* of viewpoints.'"

Exactly. Traditionally the American contribution to diversity has been the encouragement of thriving—and competing—private institutions and associations. Unfortunately, on American campuses today we see the opposite: an expanding government role in everything from research to how schools are accredited and how student loans are administered. One unintended consequence is that our culture wars are going to escalate as our courts are forced to take up a great many more cases like Hastings.

It may end up, of course, that Dean Martinez prevails, and we get more of his idea of tolerance and diversity. Let's not pretend to be surprised, however, when it all comes out looking the same.

The Wall Street Journal, April 20, 2010. □

BIAS INCIDENTS ROIL UNIVERSITY OF CALIFORNIA

Christina Hoag

LOS ANGELES – Swastikas, nooses, a KKK hood, graffiti, epithets and jeers.

An ugly spate of bias incidents has crossed several University of California campuses over the past month, causing consternation, outcry and fear that bigotry is alive among the young and educated.

Students have protested and administrators have condemned, but the question remains of what lies behind the sudden parade of prejudice — a growing climate of insensitivity on campuses or a bunch of immature kids yearning for peer acceptance and attention.

"My guess is some of all of those things," said interim UC Provost Lawrence H. Pitts. "I'd like to believe it's really an extreme minority. It does suggest there's

some underlying feeling of intolerance in our community."

The incidents have roiled several campuses in the 175,000-student state university system, which is one of the nation's most respected and diverse.

At UC San Diego, black students were offended by an off-campus "Compton Cookout" party that mocked ghetto stereotypes, a noose and KKK-style hood found on campus and a student making racially derogatory remarks on a student-run TV station.

At UC Davis, swastikas cropped up and the gay and lesbian center was vandalized with graffiti. At UC Santa Cruz, a picture of a noose was scrawled. On the Irvine campus, the Israeli ambassador was heckled to the extent that he was forced to end a speech early.

The acts were particularly shocking because they occurred on university campuses — usually considered centers of intellectual enlightenment above acts commonly associated with ignorance.

But experts note that universities are microcosms of society at large, and that includes hatemongers. Upticks in hate crimes are often seen in times of economic malaise as people seek scapegoats, noted Jack Levin, a Northeastern University sociologist who has studied hate.

Still, surveys show that prejudice among today's young people is at a low and interracial and interethnic marriages are at an all-time high, said Tom Smith, director of the general social survey at the National Opinion Research Center. Studies have also long found that education increases tolerance of different groups, he added.

"College students, as a group, are quite liberal on this issue," Smith said.

Minority students said that's why they're galled that fellow students today would even think that something like hanging a noose in a library is funny or acceptable. The school paper later published a letter of apology from a female student who wrote that she had only been playing with a rope, accidentally left in the library and did not mean to offend.

"Part of the problem is that people don't realize it's

insensitive," said Joelle Gamble, a student at the University of California, Los Angeles. "They see it as free speech."

Free speech is a buzzword on college campuses, which tend to be regarded as "marketplaces of ideas" where students are encouraged to express opinions freely, said Brian Levin, director of Center for the Study of Hate and Extremism at California State University, San Bernardino.

But sometimes opinions can cross into offensiveness.

In 2007, a UCLA fraternity member sent out invitations to a Mexican-themed "Fiesta Friday" party. But administrators received complaints that the event appeared to stereotype Mexican-Americans and the party was quickly canceled, said Eamon Reilly, a member of the fraternity's board of directors at the time.

"It's a very fine line between what is insensitive and what is sensitive," Reilly said. "A lot of people have a hard time drawing that line."

At UC Irvine, pro-Palestinian students saw the jeering of the Israeli Ambassador Michael Oren as a political statement, but administrators saw it as intolerance, albeit of a political viewpoint. Eleven students were arrested.

"This is a place where we would like to expose students to as wide a spectrum of the world as we can construct," Provost Pitts said. "We have a very broad curve of human belief here. It's a huge place. So it's hurtful that this comes up."

Experts point out that some racist incidents are likely sophomoric pranks as students cross the bridge from adolescence to adulthood.

Although students are expected to behave as adults, some still possess a teenager's impulsiveness and desire to impress peers which can lead to boorish behavior. Then there are the copycats who enjoy the ensuing uproar and media attention. "It's the jackass phenomenon," Cal State's Levin said. "Most are not hard-core bigots, but some are."

Levin and others note that bias incidents occur on campuses all over the country, and college hate crimes are likely vastly underreported.

UC Davis psychologist Gregory Herek said gay and lesbian students tell him they are regularly harassed. "The truth is there are many acts of intolerance," he said. "This is a day-to-day experience."

Whatever lies behind the bias incidents, university officials are stepping up efforts to make underrepresented groups feel more included on campus. UC San Diego, for one, is working with the Black Student Union to establish diversity curriculum requirements and recruit more minority students and faculty.

On Friday, UC President Mark Yudoff appointed a special adviser to assist UC San Diego on tolerance issues.

Pitts said chancellors will be evaluated on increases of student-body diversity. "This is a reminder," he said, "this is a battle that's never won."

Associated Press, March 7, 2010. □

THE DANGEROUS EVOLUTION OF HUMAN RIGHTS LEGISLATION

Ian Hunter

Journalists like Ezra Levant and Mark Steyn don't need persuading about the totalitarian tendencies of Canadian human rights commissions; they bear personal scars as proof. But anyone, lawyer or layman, who reads even part of the sorry record of jurisprudence emanating from our commissions — the bullying, condescending persecution of anyone who dares to question human rights orthodoxy — will be troubled. The attacks by human rights commissions on what are otherwise considered "fundamental freedoms" — e.g. freedom of religion in the Trinity Western, Boissoin and Christian Horizons cases; freedom of expression in the Brockie and Kempling cases — is alarming.

Some critics blame the zealots employed at the commissions; Ottawa Citizen columnist David Warren recently called them "drivelling, humourless, sub-literate twits," which is probably about right. But the problem lies deeper; it is (to use a human rights term) systemic. The problem originates in the totalitarian evolution of Canadian human rights legislation.

The first comprehensive legislation was the Ontario Human Rights Code, 1962. It was proclaimed in force on June 15, 1962 deliberately — if ironically, as things have turned out — on the 749th anniversary of Magna Carta. The code consolidated much hitherto piecemeal legislation, and it created the first government-appointed commission to enforce it.

The purpose of the original legislation was equality of opportunity. It sought to achieve this by prohibiting discriminatory practices on the basis of defined factors — race or colour. In other words, it forbade practices in hiring, renting, etc., that placed one individual at a competitive disadvantage to another because of some innate factor like colour over which the individual had no control. Such was the original equality-of-opportunity model.

Two decades later, the-equality-of-opportunity model gave way to an equality-of-treatment model. The objective here was to identify, and eliminate, structural barriers to equality; it was contended that human rights commissions must superintend not just opportunity but all subsequent consequences, to ensure that social benefits were equitably distributed.

In employment, for example, equal opportunity required that applicants receive fair, unbiased consideration. Equal treatment expanded this to require that employees receive parity: in salary, benefits, working conditions.

Equal treatment required more intrusive state action in the workplace. Under this model, the Canadian Human Rights Commission compared the salaries of telephone operators with those of linemen, and ordered millions of dollars in compensation for what was called “constructive” discrimination.

Contemporary human rights legislation has evolved again; now it reflects an equality-of-results model. What good is equality of opportunity or treatment, this view says, if nothing much changes? If those who are disadvantaged by race, colour or sex compete no more successfully after human rights legislation than they did before, what use is it? An equality-of-results model embraces “affirmative action,” “quotas” and “reverse discrimination” to achieve outcomes considered desirable by the commission.

The spread of the idea that an appropriate response to

inequality is not to prohibit but to encourage the drawing of distinctions based upon race or colour or sex has been all-embracing. Decisions that were once required to be colour- or gender-blind, are now, by affirmative action, required to be based precisely on these factors. I well remember a university dean chortling to me about how he had just hired a “twofer” — a black female. The alchemy which transmuted what had formerly been an illegal act of bigotry into a socially encouraged exercise in affirmative action was simply the decision of a government agency that the result was socially desirable. The damage caused to passed-over candidates — passed over, be it noted, for factors over which they had no control — didn’t matter.

Meanwhile, new groups — the old, the disabled, the mentally challenged, homosexuals — began to clamour for group rights claimed not in spite of but because of personal characteristics, and the scope of human rights legislation was constantly expanded. Human rights commissions were then given more intrusive enforcement powers.

Indeed, another danger comes from the swollen human rights bureaucracy itself. The 1962 Ontario Human Rights Commission, the granddaddy of them all, consisted of one person (Dr. Daniel G. Hill) and a part-time secretary. Today Canadian human rights commissions directly employ hundreds of people, and generate work for thousands more; for lawyers, HR personnel, grievance officers, equity consultants, adjudicators, etc. One practical impediment to shutting down these Orwellian creatures is the sudden unemployment that would thereby be caused.

Why do Canadian legislators invest human rights commissions with powers they would entrust to no other government agency, including the police? Why are human rights commissions allowed to undermine fundamental rights?

These are large questions, and I have space for only one short answer: Democracies always prefer equality to freedom. I learned that lesson from reading Alexis de Tocqueville; writing more than a century ago (in *Democracy in America*) he put it this way: “Democratic communities have a natural taste for freedom; left to themselves, they will seek it, cherish it and view any privation of it with regret. But for Equality, their passion is ardent, insatiable, incessant,

invincible: they call for equality in freedom; and if they cannot obtain that, they still call for equality in slavery.”

Ian Hunter is professor emeritus in the Faculty of Law at the University of Western Ontario.

National Post, February 18, 2010. □

PLEASE DON'T CALL IT 'HUMAN RIGHTS'

Rex Murphy

Too bad Pierre Trudeau wasn't a little broader in his famous maxim. We could have used a second line: "The state has no business in the comedy clubs of the nation."

There's a trial going on in B.C. right now, under the insanely diluted and degraded understanding of the once-noble concept of "human rights," giving full anguished adjudication -- complete with lawyers and a tribunal chairman -- over a heckling spat, already three years old, at a Vancouver supper/comedy club called, surely by the gods of irony, Zesty's.

The good old days, when all a comedian had to worry about was flop-sweat, bad timing and where his or her next joke was coming from, are long gone. Nowadays, thanks to the infinitely expanding reach of bureaucratic commissions, a couple of bad-tempered moments at Zesty's have summoned up the Mr. McGoos of the B.C. Human Rights Commission. It is currently determining whether a lesbian patron's human rights were violated by a journeyman comic's obnoxious heckling of her -- brought on, he says, by her equally obnoxious heckling of him. The comic in question is Guy Earle.

It's a case remarkably similar--in its gutting of common sense, its ability to bring on a puzzled frown from anyone who first hears of it -- to that of the owner of a St. Catharines, Ont., fitness club. He recently was taken before the Ontario Human Rights Commission by a prospective member who, while awaiting "gender reassignment surgery," claimed the right to undress in the club's women's locker room. The women objected. The owner denied. The member filed a complaint. That case, after much financial injury and anguish, was

summarily dropped. No apology, no redress, no nothing for the owner.

Is Canada a serious country? Do we staff close to a dozen offices, provincial and federal, spend nearly \$200-million across the great expanse of the country, to explore the human rights implications of rude heckling in comedy clubs? Or, the human right to undress in the locker room of your choice? For this, did the great armies of the West storm the beaches of Normandy? For this, did Solzhenitsyn and Sharansky endure their endless nights of hell in the gulag?

By some crude osmosis, or just from the luxuriant carelessness of our pampered lives, we have overturned one of the great concepts of all human law. The concept of human rights, as experience and history inform us, is protection from the state's power, not oversight, interference and punishment by the state's power.

The core concept of human rights is the protection of the irreducible safety and dignity of the individual from the massive and arbitrary power of the state. Not, the state wandering in, with its apparatus and procedures, its boards and tribunals into the doings, or speech, of the individual. This is what the Guy Earle case, in its triviality -- it's about heckling, remember -- upends. It perverts the name of "human rights," earned in blood and suffering in circumstances of utter consequence and unspeakable misery.

In a just Canada, or a Canada with some regard for its dignity as a nation, there would be another and real human rights commission -- a sort of meta-human-rights-commission--looking into what we currently know as human rights commissions.

Are they, the latter, fair? No. They leverage the complainant and certain favoured minority group to a status, legal and financial, superior to the person complained about. They take forever to get on, force the hiring of lawyers, impose fines, have their own vague rules, allow complainants to step out of the process when the mood strikes--as in the case of the St. Catharines fitness club -- ripping individual lives or business to smithereens, all under the concept -- mediated by Orwell and Kafka, assisted by Lewis Carroll--of human rights.

Meantime, real cases of human rights violation,

individuals genuinely stranded and deprived of their rights as citizens, such as the couple in Caledonia, Ont., who've lived through a multi-year siege by local First Nations gangs, unaided by the Ontario government or the police--noiselessly pass by.

Where was the mighty Ontario Human Rights Commission during all of this? Adjudicating the locker room rights of a St. Catharines fitness club.

If we go out into the other world, the world that doesn't have quite as many comedy clubs, we see what real human rights are.

A man standing alone in front of a tank in Tiananmen Square -- there's a human rights moment. The multitudinous horror of ethnic cleansing, raging warfare in the Congo, the nightmare of North Korea, the acid-tossing at schoolgirls by the Taliban -- there are people all over this world trembling at the might of the state, seeing their lives foreshortened or ruined, subject to unspeakable horrors at the hands of warlords and tyrants and revengeful dictatorships -- these are the fields of real human-rights violations.

As Canadians, we should be embarrassed that the "right to undress" with "other" women while waiting for a sex-change operation owns the same vocabulary as these. We should be embarrassed, too, that what was most likely a bad-tempered, ill-handled exchange late at night in a place called Zesty's, mutual heckling, is under review by the state as a violation of human rights.

None of this is new, unfortunately. It is an issue that has had more than a few years' ventilation. Yet from our leadership, Mr. Harper and Mr. Ignatieff in particular, we hear so little about so fundamental a concept. Public opinion, in my judgment, has long ago had it with the wilder operations of Canada's human rights commissions. But Harper and Ignatieff have so little courage on this. (So also, let it be noted, do our 10 premiers.)

We did have this week news of some Senators announcing an inquiry. Political cover, to walk past the issue for the next election? Perhaps. I genuinely hope not. But there is no need for an inquiry into matters that have had such extended demonstration -- from Ezra Levant's purgatory to the Guy Earle fiasco.

Mr. Harper and Mr. Ignatieff should declare themselves on this issue. So should the premiers. But, in this demoralized and mediocre period of Canadian political leadership, do not hold your breath waiting for them to do so. One of the overlooked reasons why Canadian politics is a matter of disinterest and apathy for so many is that our leaders, almost all of them, on a real issue like human rights, give us so much, by tactical omission and the calculations of electoral cowardice, to be apathetic about.

-Rex Murphy offers commentary weekly on CBC TV's *The National*, and is host of CBC Radio's *Cross Country Checkup*.

National Post, April 3, 2010. ▮

LAWS SHOULD PROTECT AGAINST HATE, NOT AGAINST BEING OFFENDED

John Ivison

Dean Steacy is an investigator charged with upholding the Canadian Human Rights Act, drafted 30 years ago to ensure everyone can live free from discrimination. Yet Mr. Steacy and his employer, the Canadian Human Rights Commission, seem to think the law gives every Canadian the right to live without ever being offended.

Mr. Steacy has been enthusiastic in pursuit of what he sees as the CHRC's mandate. In one case, he testified that he and his colleagues regularly used aliases to log on to far-right websites and exchange messages, presumably with the intention of inciting users to new heights of bigotry.

In another case, he said "freedom of speech is an American concept, so I don't give it any value" (a commission spokesperson said this quote has been taken out of context and that if the question had been about freedom of expression, one of the freedoms guaranteed in the Charter, the answer would have been different).

Doug Finley, the Conservative Party campaign manager who was appointed to the Senate last year, disagrees with Mr. Steacy. "Freedom of speech is as Canadian as maple syrup, hockey and the Northern Lights," he said in the Senate last week, when he

called for an inquiry into what he sees as an erosion of the right to speak out.

Outraged by the scenes of mob rule at the University of Ottawa, where American political provocateur Ann Coulter was intimidated into cancelling her speech, Mr. Finley believes the time is right for parliamentarians to take another look at the laws on “hate messages” and their prosecution by the commission.

“It was the most un-Canadian display I’ve seen in years, an embarrassing moment for Canada,” he said.

Mr. Finley’s call for an inquiry into the Human Rights Act -- specifically, into Section 13, which makes it discriminatory to communicate messages that could expose a person to hatred or contempt -- was supported in the Senate by a number of his colleagues, including fellow Conservatives Pamela Wallin and Mike Duffy.

Justice Minister Rob Nicholson has not committed to any such inquiry, though it would be a popular move among Conservatives, who voted unanimously at their last policy convention to kill Section 13. It would also receive some cross-party support — Keith Martin, a Liberal MP from British Columbia, has put forth a private member’s bill calling for the same thing.

What the Coulter case made clear is that the issue of freedom of speech is back on the political agenda.

Modernizing the law would bring it into step with the reality on the ground. Last September, a Canadian Human Rights Tribunal member ruled that Section 13 unreasonably limits Charter rights to free expression and is unconstitutional. Even a report commissioned by the CHRC itself recommended that Section 13 be repealed and that hate speech on the Internet be left to the criminal courts (the CHRC downplayed the report as “only one step in a comprehensive review”).

Yet it is hard to argue that rights commissions have not exceeded their mandates when it comes to cases against former *Western Standard* publisher Ezra Levant and *Maclean’s* magazine for publishing material that offended some Muslims.

Speech is already limited by legal prohibitions on hate speech, slander and libel. Those provisions at least require a fair process for the accused -- something

absent from the human rights provisions, where there is no requirement for an intent to foment hatred and no defence for truth or responsible belief.

Mr. Finley should be commended for pushing to get rid of the censorship provision. There are laws that protect against hate, but there should be none that shield people from being offended. As Mr. Finley pointed out, “political correctness on steroids” creates a climate in which everyone could potentially complain to the commission that their rights have been breached.

“If I had a dime for every ad that featured a fake Scots accent and made jokes about being cheap,” he said, half in jest.

National Post, April 02, 2010. □

ALBERTA SHOULD FOLLOW SASKATCHEWAN AND ABOLISH RIGHTS TRIBUNALS

Editorial

In a bold move, the Saskatchewan government is considering doing away with that province's human rights tribunals and sending all unresolved human rights disputes directly to court. This is where they rightly belong. The move would speed up the complaint process and increase the perception of fairness, according to Don Morgan, the province's justice minister. The recommendation to streamline the process came from none other than Saskatchewan's chief human rights commissioner, Judge David Arnot.

Alberta's government should follow suit. We have long argued that human rights tribunals lack due process. Unlike a proper trial, for instance, quasi-judicial human rights tribunals are not obliged to follow normal rules of evidence. For proof of how flawed the tribunal process can be, one need only read the Dec. 3, 2009, decision by Alberta Court of Queen's Bench Justice Earl Wilson that overturned an Alberta human rights tribunal finding against Red Deer youth pastor Stephen Boissoin.

Boissoin made disparaging remarks about homosexuals in a letter to the Red Deer Advocate eight

years ago when same-sex marriage was a hot-button issue. Calgary professor Darren Lund filed a human rights complaint against Boissoin, who was found guilty by an Alberta human rights tribunal and fined. Justice Wilson ruled that the tribunal overstepped its constitutional bounds and took significant procedural liberties that would have never been permitted in a real court.

Human rights tribunals work independently of human rights commissions, which do valuable work ensuring that people are protected against discrimination where they are employed, or when they are refused access to accommodation or government services. Commissions resolve the majority of such disputes and only send cases to tribunals when they cannot be mediated.

In 2008-09, the Alberta Human Rights Commission closed 668 files, most dealing with physical disability and gender issues. The vast majority -- 646 files, or 97 per cent -- were dealt with through the commission's complaint resolution processes. The remaining 22 cases, or three per cent, went to a tribunal hearing, only 16 of which proceeded.

It would be much more efficient, and fair, if these small number of cases were referred directly to court. Complainants would not be deterred from seeking redress because the government could still fund the complainant's lawyer, as Saskatchewan's justice minister has suggested.

Reforms are also being called for at the federal level. Conservative Senator Doug Finley recently led a call to scrap a problematic section of Canada's Human Rights Act that he and other senators say is being used to stifle free speech in Canada. "Despite our 400-year tradition of free speech, the tyrannical instinct to censor still exists," Finley said. This paper has called for a similar section to be struck from Alberta's human rights legislation.

Alberta's human rights commission is involved in valuable initiatives such as the Alberta Hate Crime Committee, and the Calgary Urban Aboriginal Initiative. Its resolution process seems to be working well and its work should continue.

But for those cases that cannot be settled by the commission, they belong in a proper court of law, rather than before a tribunal of mostly laypersons

whose decisions often end up in court anyway, on appeal.

Calgary Herald, April 21, 2010. □

SAFS LETTER TO PRESIDENT SHOUKRI

March 3, 2010

Dr. Mamdouh Shoukri
President and Vice-Chancellor
York University

Dear President Shoukri:

As president of the Society for Academic Freedom and Scholarship, a national organization of scholars whose goals are the defence of academic freedom and the merit principle in institutions of higher education, I am writing to express profound concern and disappointment with the situation described in an op-ed article that appeared in the *National Post* this past Saturday.

In the article, "Something's seriously wrong at York University," David Frum gives several examples of how York University appears to have taken sides in the Middle East conflict, effectively favoring an anti-Israel group over a pro-Israel one. Taking sides in a political controversy is clearly something that a university must not do. Rather a university's role must be to provide a forum in which controversial ideas can be debated. That is, a university's role is to protect and promote the academic freedom and free speech of all of its members. It appears that York University has failed in this regard.

More specifically, Mr. Frum has noted that anti-Israel groups are allowed to express their views on the York campus without bearing any of the cost of their security, whereas pro-Israel groups have been assessed security expenses they could not afford, thereby silencing them. Furthermore, according to his report, the rationale given by one of your officials for the extra security costs was fear that opponents of the pro-Israel group might resort to violence. Effectively, this means that thugs now have the veto over debate at York.

On March 1, you posted a statement on the president's webpage, presumably in answer to David Frum's allegations. Incredibly, in that statement you claim "The University's priority is that discourse on the Middle East and other contentious issues be freely conducted... Freedom of speech is for everyone, or it is for no one...The University is firmly committed to protecting the safety and security of all members of the community." Yet, as Provost Monahan confirmed in a letter to the editor of the National Post (March 2), York University requires that the costs of hiring extra security be borne by the group against whom violence might be committed. In what way, then, can it be said that York University is "protecting the safety and security of all members of the community?"

York University must do more in response to these serious allegations than post motherhood statements that are belied by events on its own campus. We urge you to begin a serious investigation of the university's policies dealing with academic freedom and free speech and whether they are effectively being implemented.

Sincerely,
Clive Seligman, President

CC: Patrick Monahan, Provost and VP Academic
Paul Cantor, Chair of the Board of Governors
Zahir Janmohamed, Vice-Chair of the Board of Governors. □

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RESPONSE FROM YORK UNIVERSITY TO SAFS LETTER OF MARCH 3, 2010

March 15, 2010

*Sent on behalf of Harriet Lewis, University Secretary
& General Counsel*

Dear Dr Seligman,

Thank you for contacting me with your concerns.

York University is a community that prides itself on free inquiry, open and civil discourse, and respect for points of view that may differ from our own. We are also firmly committed to the fair application of procedures for the booking of space that allows different groups to express themselves, while ensuring appropriate security procedures are in place.

The first week of March has become a time where issues and events in the Middle East are discussed and debated at university campuses around the country. Yet as you know, events associated with Israeli Apartheid Week are not unique to the York University campus and, indeed, take place on campuses across North America. That being said, the IAW events that are took place on the York campus last week were conducted in an orderly and civil manner; they were also located in venues that ensured that students who did not wish to take part in the discussions were not required to do so.

It is also the case that a variety of events on the York campus were organized by pro-Israeli student groups, including Christians United For Israel (CUFI), Hillel and Hasbara. These events also took place in an orderly manner, without disruption, and without any extra charges or costs associated with security.

You have made particular mention of an event that was planned by CUFI and which ultimately did not proceed. You may have seen the letter to the editor of the National Post published in the March 2, 2010 edition from Vice President Academic and Provost Patrick Monahan, which attempts to correct a number of inaccuracies in an article published in the Post over the weekend. I might also add that the York University policy of charging for additional costs associated with policing when it is required for high profile events is one that is followed at many other universities, including those in the Greater Toronto area. Moreover, it has been applied here at York not just in relation to

this particular event, but in relation to events organized by other student groups from differing political perspectives. In this case, the student group had initially agreed to fund the security/policing cost of approximately \$1200, but ultimately decided that they did not wish to proceed and, instead, elected to hold events on campus.

The fact that this particular event did not proceed in no way suggests that the campus is not open to a variety of political perspectives on the Middle East. Indeed, as I have noted above, a number of pro-Israeli events took place last week without the necessity for special security (and thus no additional costs) and without incident.

I regret very much that inaccurate and misleading media accounts regarding an event that did not take place has led a number of individuals to form a misleading impression of York's policies in relation to events on campus. I want to take this opportunity to clarify York's position when it comes to free speech and free inquiry:

The University's priority is that discourse on the Middle East and other contentious issues be freely conducted without infringing on the rights of others and without disrupting the academic functioning of the University.

It is the right of any community member to express his or her view within the law and without fear of intimidation or harassment. By the same token, members of the community must respect the rights of others to express views that differ from their own. Freedom of speech is for everyone, or it is for no one.

Political activism is no excuse for racism, intimidation or hatred of any kind.

The University is firmly committed to protecting the safety and security of all members of the community in a fair, balanced and equal way. The University's policies on the use of space are well understood and accepted by all student groups on campus. No group — regardless of belief or affiliation, enjoys special rights or privileges.

Universities exist for the free exchange of ideas, and sometimes this can feel uncomfortable. But ideas can only flourish in an atmosphere free of intolerance, hatred and harassment.

Thank you again for writing.

Sincerely,

Harriet Lewis
University Secretary & General Counsel
York University. □

UNIVERSITY OF OTTAWA'S LETTER TO ANN COULTER

Dear Ms. Coulter,

I understand that you have been invited by University of Ottawa Campus Conservatives to speak at the University of Ottawa this coming Tuesday. We are, of course, always delighted to welcome speakers on our campus and hope that they will contribute positively to the meaningful exchange of ideas that is the hallmark of a great university campus. We have a great respect for freedom of expression in Canada, as well as on our campus, and view it as a fundamental freedom, as recognized by our Canadian Charter of Rights and Freedoms.

I would, however, like to inform you, or perhaps remind you, that our domestic laws, both provincial and federal, delineate freedom of expression (or "free speech") in a manner that is somewhat different than the approach taken in the United States. I therefore encourage you to educate yourself, if need be, as to what is acceptable in Canada and to do so before your planned visit here.

You will realize that Canadian law puts reasonable limits on the freedom of expression. For example, promoting hatred against any identifiable group would not only be considered inappropriate, but could in fact lead to criminal charges. Outside of the criminal realm, Canadian defamation laws also limit freedom of expression and may differ somewhat from those to which you are accustomed. I therefore ask you, while you are a guest on our campus, to weigh your words with respect and civility in mind.

There is a strong tradition in Canada, including at this university, of restraint, respect and consideration in expressing even provocative and controversial

opinions and urge you to respect that Canadian tradition while on our campus. Hopefully, you will understand and agree that what may, at first glance, seem like unnecessary restrictions to freedom of expression do, in fact, lead not only to a more civilized discussion, but to a more meaningful, reasoned and intelligent one as well.

I hope you will enjoy your stay in our beautiful country, city and campus.

Sincerely,
Francois Houle,
Vice-President Academic and Provost, University of
Ottawa

National Post, March 22, 2010. □

WOULD - BE PRIOR RESTRAINT

Editorial

The actions of François Houle, the University of Ottawa's vice-president academic and provost, who has attempted to impose self-censorship on Ann Coulter, a U.S. conservative talking head, are an affront to his claim that the university welcomes "meaningful exchanges of ideas." Mr. Houle's e-mail warning, in advance of her scheduled talk last night, is offensive on any number of levels, not least for the national platform it has given Ms. Coulter.

Mr. Houle's outline of possible legal ramifications, the worrying implication that free speech in Canada is carefully circumscribed, in effect government-regulated, and his finger-wagging admonition to maintain "respect and civility," militate against the sanctity of free expression in places of higher learning and serve to embarrass his institution.

Ms. Coulter responded with good humour, mocking Mr. Houle by alleging he had targeted her as a member of an identifiable group, suggesting she had been made into a victim of a hate crime and therefore would be filing a complaint with the Ontario or Canadian human rights commission alleging as much. "I'm sure the human rights commission will get to the bottom of it," she said to a cheering audience in London, Ontario, the

night before her scheduled Ottawa appearance.

It is unlikely, however, Mr. Houle will see anything amusing in this. And if she actually follows through with her threat, it could mean that Canadians will be seeing and hearing a lot more from Ms. Coulter as she wages her campaign to bestow free speech on a grateful nation. We will have only Mr. Houle to thank.

The idea that the Mounted Police might be sent in pursuit of Ms. Coulter over her overwrought brand of conservative oratory is, of course, silly. What is not is the fact that Mr. Houle has evidently taken it upon himself to serve as the arbiter of what constitutes "civilized discussion" in a university. These are awesome powers to invest in an academic bureaucrat, which raises worrying questions about limitations on thought and expression at his institution.

Globe and Mail, March 24, 2010. □

UNIVERSITY of OTTAWA 'BUSH LEAGUE': ANN COULTER

Justin Sadler and Doug Hempstead

It's just the thing conservative author, commentator and self-described polemicist Ann Coulter is known for: Dividing her audiences.

Coulter was scheduled to speak before an audience gathered at the University of Ottawa's Marion Hall Tuesday evening.

Instead, security concerns raised by the university kept the Republican firebrand from speaking.

Organizers pulled the plug on the speaking engagement because there were just too many people — too many of whom were just too rowdy.

"At a university, instead of free speech, censorship," said Ezra Levant, a Canadian conservative writer, lawyer and blogger who was scheduled to introduce Coulter.

Coulter was at the university for the second stop of her Canadian speaking tour to dish on political correctness,

media bias and freedom of speech.

The announcement was greeted with shouts of "Shame" and "We want Ann" from about 100 people who had managed to get into the hall. Outside, other students celebrated: Nananana, nanana, Goodbye Ann Coulter."

Coulter expressed her outrage at the unfolding of events in Ottawa in interviews with the U.S. media.

"This has never happened before," she told *The Washington Times* Tuesday night. "I go to the best schools, Harvard, the Ivy League and those kids are too intellectually proud to threaten speakers."

Calling the University of Ottawa a "bush league" institution, Coulter said "their IQ points-to-teeth ratio must be about 1-to-1."

Police were called by the university to assist after students of all political stripes descended upon the auditorium to hear the talk — some of them lining up for more than two hours in the rain — only for it to be cancelled a half-hour after it was due to begin.

More than 2,000 people tried to get into the event, several times the capacity of the venue.

"We were called to ensure the crowd left in an orderly fashion," said Ottawa police Sgt. Rob Gilchrist. No arrests were made and no injuries were reported.

Hundreds of people pooled into the lobby in an attempt to get into the auditorium. Organizers, who turned away those who didn't register ahead of time, had allowed about 200 people into the auditorium when the fire alarm was pulled minutes before the talk was set to start.

The cancellation is regarded as a victory among those who showed up to protest the presence of Coulter, who is known for her inflammatory comments. She has been quoted as saying, among other things, Muslims shouldn't be allowed to travel in airplanes and should use flying carpets instead.

Groups gathered outside the building chanting "This is what free speech looks like" while the crowd inside could be heard chanting "We want Ann" after it was announced the event was cancelled at 8:15 p.m.

Organizers painted the cancellation as disgraceful. "Francois Houle got his wish," Levant said of the University's provost and vice president. "He telegraphed to the community that University of Ottawa is not a place for free debate."

Houle had earlier sent Coulter a letter suggesting she brush up on the limits of free speech in Canada, adding that promoting hatred could lead to criminal charges. Coulter reacted angrily to the letter, saying Houle had threatened to charge her with a crime.

The university's student federation also vehemently opposed Coulter's appearance, banning posters advertising the talk from the University Centre building.

The event followed her Monday visit to London, Ont. where little of her speech touched on Canadian issues. Instead, she verbally attacked gay rights activists, the mainstream media and the Barack Obama administration.

Her Canadian tour will wrap up at the University of Calgary on Thursday.

With files from *The Canadian Press*, *Ottawa Sun*, March 24, 2010. □

GENDER BIAS BUNK

Christina Hoff Sommers

Over the past decade the National Science Foundation has funneled \$135 million into a "gender bias program" called Advance. Its stated purpose: to advance women in science. In practice it does little to help women, but its potential to inflict lasting damage on fields that drive the American economy--engineering, physics and computer technology--is enormous.

Virginia Valian, a feminist psychologist at Hunter College, is credited with providing Advance with its "conceptual tools." With the help of a \$3.9 million NSF grant, she and her colleagues developed the Gender Equity Project, which sponsors workshops aimed at transforming American laboratory culture.

According to Valian, the compulsive work habits, single-minded dedication and "intense desire for achievement" that typify elite scientists not only marginalize women but also compromise good science. She says, "If we continue to emphasize and reward always being on the job, we will never find out whether leading a balanced life leads to equally good or better scientific work." A world where women (and resocialized men) earn Nobel Prizes on flextime has no basis in reality. But the Advance program is not about reality.

For many years NSF has sponsored admirable programs that truly help and encourage women scientists. But a 1999 MIT report alleging pervasive sexism persuaded NSF officials that encouragement was not enough: The culture of American science had to change. Scholars in the National Council for Research on Women were ready with an avalanche of advocacy research describing the "hostile environment" women face in the laboratory. One NCRW author lashed out at the "manliness of the scientific enterprise" with its obsessive single-mindedness, competitiveness and antagonism to family life. By 2006 former Clinton Administration official Donna Shalala would testify at a congressional hearing that gender bias in the laboratory was a national "crisis" requiring dramatic federal action. "Our nation's future depends on it."

But evidence for bias against women in science is weak. In a 2009 collection I edited, *The Science on Women and Science*, distinguished scholars such as Simon Baron-Cohen, Jerre Levy and David Geary point to data that suggest men and women, on average, have different career interests and propensities. Women are underrepresented in engineering but more than hold their own in sociology and biology Ph.D. programs. Is this because engineering departments discriminate against women while biology departments do not? Or is it because more women choose not to spend their lives with inanimate objects?

In another recent book, *The Mathematics of Sex*, Cornell researchers Stephen Ceci and Wendy Williams politely demolish studies that are presented in NSF workshops as settled science. They note, for example, that the MIT report that inspired Advance was based on data never made public. Data from a much-quoted 1997 Swedish study "proving" sexism in peer review have somehow gone missing. The NSF itself

sponsored a study in 2009 that admitted "that, at many critical transition points in their academic careers (e.g., hiring for tenure-track and tenured positions and promotions), women appear to have fared as well as or better than men."

There are brilliant women working in all areas of American science, and there is a need for reasonable and sound initiatives to help them succeed. But these efforts must be respectful, not contemptuous of the culture of American science. They should take into account the true state of the research on gender and science--not just the assertions of impassioned activists.

Advance marches on. Now any engineering, physics, math or computer-technology program that moves too slowly toward gender parity is inviting a government investigation and loss of funding. The nation's leading programs are under pressure to adopt gender quotas and to rein in their competitive, hard-driven, meritocratic culture--a culture that has made American science the mightiest in the world.

*Christina Hoff Sommers is a resident scholar at the American Enterprise Institute. She has written and edited several books, including *The Science on Women and Science* (AEI Press, 2009).*

Forbes.com, March 1, 2010. □

MBA GENDER WAGE-GAP

The economists Marianne Bertrand (Chicago), Claudia Goldin (Harvard), and Lawrence Katz (Harvard) analyzed the gender wage-gap by analyzing the career outcomes of more than 2,000 male and female MBAs from the University of Chicago.

Their conclusion: while gender discrimination may be a minor contributor to the male-female wage differential, it is desire -- or the lack thereof -- that accounts for most of the wage gap. The economists identified three main factors:

1. Women have slightly lower GPAs than men and, perhaps more important, they take fewer finance courses. All else being equal, there is a strong correlation between a finance background and career

earnings.

2. Over the first fifteen years of their careers, women work fewer hours than men, 52 per week versus 58. Over fifteen years, that six-hour difference adds up to six months' less experience.

3. Women take more career interruptions than men. After ten years in the workforce, only 10% of male MBAs went for six months or more without working, compared with 40% of female MBAs.

The big issue seems to be that many women, even those with MBAs, love kids. The average female MBA with no children works only 3% fewer hours than the average male MBA. But female MBAs with children work 24% less. "The pecuniary penalties from shorter hours and any job discontinuity among MBAs are enormous," the three economists write. "It appears that many MBA mothers, especially those with well-off spouses, decided to slow down within a few years following their first birth."

mjperry.blogspot.com (via *Freckonomics* blog), January 23, 2010. □

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