

# 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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## LIBERAL EDUCATION REQUIRES FREEDOM OF EXPRESSION

*Mark Mercer*

Pretty nearly all the students in my second-year philosophy class agreed that the Saint Mary's University Students' Association (SMUSA) should not have banned the gaming society's poster. The poster featured a Nintendo Zapper and was intended to advertise a night at the pub.

I told the class that Michael MacDonell, a SMUSA Vice-President, had justified the decision by explaining that "a picture depicting or making light of gun violence is something that we as an association are not willing to endorse."

The gun, my students replied, was obviously a plastic toy, and couldn't possibly be taken by anyone to be depicting or making light of gun violence.

I told them MacDonell also explained that SMUSA has to ensure that postings don't damage the reputation of Saint Mary's. To this, some of my students responded that it should have been obvious that banning the poster would do far greater damage to our reputation, as indeed it has.

Yet when I asked whether SMUSA should have the power to vet and reject posters, many of my students, maybe the majority, indicated that they thought it should. SMUSA should be able to say no to posters, according to many of them—it just shouldn't say no without a good reason.

The idea my students expressed is not just that people shouldn't put up posters that depict or make light of gun violence, or celebrate sexist attitudes or mock a religion, or question a woman's right to an abortion, or damage the reputation of the university. The idea my students offered is that people shouldn't be allowed to

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put up offensive posters because the campus needs to be a pleasant, hospitable place to everyone. A photograph of a dismembered fetus might upset a young woman who just had an abortion. A drawing of Mohammed will hurt Muslims. Being upset or hurt will affect their studies. The university won't, for them, be a place at which to learn.

Students and professors at Saint Mary's belong to all sorts of cultures, said these students, and they all deserve a respectful atmosphere in which to learn. In order to ensure that they can learn well and take their place in their careers and in society, someone has to oversee campus goings-on, someone with the authority to intervene to prevent students from suffering harm to their sense of self-worth. Otherwise, the university is not equally their university.

I think this view is fundamentally wrong headed. But before I explain why, I want to voice a criticism of it that I think should resonate even with those sympathetic to the pro-censorship view.

The criticism is that we cannot trust that our overseer will use her powers well. In fact, we can be fairly confident that she won't. Give a person who wants it the power to censor things, and she will use it. Soon enough, for no good reason, and in the face of ridicule, the censor will ban Nintendo Zappers from posters. Soon enough, she will censor anything any group on campus doesn't like—out of conviction, out of a desire to be even-handed, or out of cowardice. Soon enough, she will come after your own sincere expressions of opinion or emotion.

This argument has much to recommend it, but I think there's a much stronger one to consider.

The pro-censorship argument notes that people on campus come from all sorts of cultures. That's true. But it's a mistake to infer from that truth that a university campus is a multicultural place. It isn't. A university is as monocultural as any institution could be. University culture is that of intellectuals—of researchers and scholars, interpreters of literature and life, of teachers and learners. Our culture is that of free and fearless inquiry into the ways things are. University culture is welcoming to people of all sorts of backgrounds, yes, but it has its own strong and particular identity.

Central to the identity of intellectuals is the desire not to be swayed, and not to sway others, by anything other than evidence and cogent argument. Not only do we want to have true beliefs and sound values, we want to come to those beliefs and values for our own good reasons, and not as a result of ignorance or pressure.

One of a professor's tasks as a teacher is to help her students to become dispassionate inquirers, to live, that is, as intellectuals. Campus censorship undermines their work. It reinforces in a professor's students the idea that there are some things better not confronted intellectually. Campus censorship prevents them from using their own judgement and reacting with criticism, and thereby prevents them from acquiring judgement and the habit of criticism.

Campus censorship is inconsistent with university culture, with the intellectual's way of encountering the world.

Not many of my students much like this argument, I'm sad to say. I suspect that that is because they do not think of themselves as aspiring intellectuals. They come to university for training and credentials so that they can embark on careers. They don't actually have a taste for intellectual community.

Then again, neither do many professors or administrators, at least at Saint Mary's. Much more troubling than my students' easy acceptance of censorship in their lives is the indifference of deans, vice-presidents, and presidents to this acceptance, for their indifference will ensure that my students remain uneducated, whatever degrees they win.

*Canadian Centre for Ethics in Public Affairs, ADMIN,*  
October 14, 2012. □

## REPORT VINDICATES QUEEN'S PROF, CALLS FOR APOLOGY

In a report released last month, a CAUT investigatory committee fully vindicated history professor Michael Mason against actions taken by the Queen's University administration.

In October 2011 his history class (HIST 283, Making of the Third World) was cancelled and the course subsequently reassigned to another faculty member after Mason was accused of racism for quotes he included in his lectures from historical documents he felt showed the persistence of colonial attitudes in contemporary times.

The committee unambiguously supported Mason's teaching and specifically noted that: "Mason discharged his duties diligently and in keeping with both disciplinary conventions and professional standards," the Sept. 20 report says.

The committee also found the administration violated the academic freedom of Mason and acted "callously and irresponsibly" in how it handled complaints about his teaching. "It is our conclusion that administrative employees and officers of Queen's University abused their power and acted in disregard of the wellbeing of one of their teaching employees. We find further, that Professor Mason was denied basic rights, and that academic freedom, both as commonly understood and as defined in the collective agreement between Queen's University Faculty Association and Queen's University, was seriously violated."

The committee has called on the university to issue a letter of apology to Mason and that the letter be placed in his file and published in the university newspaper. The committee has also recommended that, to offset damage to Mason's four-decade career as a historian, Queen's history department establish a \$4,000 bursary in his name.

"The report vindicates professor Mason and makes useful recommendations to remedy the situation," said CAUT executive director James Turk. "We urge the university administrators to implement the recommendations out of a sense of fairness to Mason and in order to prevent a similar situation befalling any other faculty member at Queen's."

*CAUT Bulletin*, October, 2012. □

## PROFESSORS SIGN LETTER CRITICIZING QUEEN'S UNIVERSITY

*James Bradshaw*

Professors at Queen's University have written an open letter apologizing to former adjunct history professor Michael Mason over the school's handling of accusations that he used racist and sexist language while teaching last year.

The letter follows a September report from the Canadian Association of University Teachers alleging Queen's administrators acted "callously and irresponsibly" and violated Prof. Mason's academic freedom in the way it addressed complaints from students and teaching assistants about remarks he made inside and outside the classroom.

Queen's administrators have disputed the CAUT's findings, and have declined to apologize to Prof. Mason, as the report recommends. In response, several Queen's professors penned the open letter, released to the media on Monday, that claims the school's administration "cannot and does not represent Queen's," and that is signed by 150 members of the Queen's community so far.

"Queen's consists of Queen's academic staff, Queen's non-academic staff, Queen's alumni, and Queen's students. As Queen's University, authorizing ourselves as per article 14.6 of the Collective Agreement, WE apologize to you, Professor Mason," the letter concludes.

Prof. Mason, who has 40 years' experience teaching at universities, says he was quoting the words of others from historical documents when he used racial epithets and that he did so to illustrate and criticize widespread racism after the Second World War. He also said a remark that he hoped students would become "masters and mistresses" of the course material wasn't intended to be sexist.

The CAUT report claims Queen's made procedural mistakes in questioning Prof. Mason about the allegations without advance warning and without advising him of his right to seek advice from the Queen's University Faculty Association, which has since endorsed CAUT's conclusions.

Queen's maintains its response is bound by confidenci-

ality rules, but principal Daniel Woolf said in a statement Monday that CAUT's findings "are incomplete, inaccurate, and based on a portion of the facts in this case."

"Academic freedom is of the utmost importance to Queen's University," Dr. Woolf said. "However, this is fundamentally not about academic freedom. It is about behaviour in the classroom that was reported to have created a hostile and unsafe learning environment for students."

*The Globe and Mail*, November 19, 2012. □

## HOW FREE SPEECH DIED ON CAMPUS

### A young activist describes how universities became the most authoritarian institutions in America

*Sohrab Ahmari*

At Yale University, you can be prevented from putting an F. Scott Fitzgerald quote on your T-shirt. At Tufts, you can be censured for quoting certain passages from the Quran. Welcome to the most authoritarian institution in America: the modern university—"a bizarre, parallel dimension," as Greg Lukianoff, president of the Foundation for Individual Rights in Education, calls it.

Mr. Lukianoff, a 38-year-old Stanford Law grad, has spent the past decade fighting free-speech battles on college campuses. The latest was last week at Fordham University, where President Joseph McShane scolded College Republicans for the sin of inviting Ann Coulter to speak.

"To say that I am disappointed with the judgment and maturity of the College Republicans . . . would be a tremendous understatement," Mr. McShane said in a Nov. 9 statement condemning the club's invitation to the caustic conservative pundit. He vowed to "hold out great contempt for anyone who would intentionally inflict pain on another human being because of their race, gender, sexual orientation, or creed."

To be clear, Mr. McShane didn't block Ms. Coulter's

speech, but he said that her presence would serve as a "test" for Fordham. A day later, the students disinvented Ms. Coulter. Mr. McShane then praised them for having taken "responsibility for their decisions" and expressing "their regrets sincerely and eloquently."

Mr. Lukianoff says that the Fordham-Coulter affair took campus censorship to a new level: "This was the longest, strongest condemnation of a speaker that I've ever seen in which a university president also tried to claim that he was defending freedom of speech."

I caught up with Mr. Lukianoff at New York University in downtown Manhattan, where he was once targeted by the same speech restrictions that he has built a career exposing. Six years ago, a student group at the university invited him to participate in a panel discussion about the Danish cartoons depicting the Prophet Muhammad that had sparked violent rioting by Muslims across the world.

When Muslim students protested the event, NYU threatened to close the panel to the public if the offending cartoons were displayed. The discussion went on—without the cartoons. Instead, the student hosts displayed a blank easel, registering their own protest.

"The people who believe that colleges and universities are places where we want less freedom of speech have won," Mr. Lukianoff says. "If anything, there should be even greater freedom of speech on college campuses. But now things have been turned around to give campus communities the expectation that if someone's feelings are hurt by something that is said, the university will protect that person. As soon as you allow something as vague as Big Brother protecting your feelings, anything and everything can be punished."

You might say Greg Lukianoff was born to fight college censorship. With his unruly red hair and a voice given to booming, he certainly looks and sounds the part. His ethnically Irish, British-born mother moved to America during the 1960s British-nanny fad, while his Russian father came from Yugoslavia to study at the University of Wisconsin. Russian history, Mr. Lukianoff says, "taught me about the worst things that can happen with good intentions."

Growing up in an immigrant neighborhood in Danbury

Conn., sharpened his views. When "you had so many people from so many different backgrounds, free speech made intuitive sense," Mr. Lukianoff recalls. "In every genuinely diverse community I've ever lived in, freedom of speech had to be the rule. . . . I find it deeply ironic that on college campuses diversity is used as an argument against unbridled freedom of speech."

After graduating from Stanford, where he specialized in First Amendment law, he joined the Foundation for Individual Rights in Education, an organization co-founded in 1999 by civil-rights lawyer Harvey Silverglate and Alan Charles Kors, a history professor at the University of Pennsylvania, to counter the growing but often hidden threats to free speech in academia. FIRE's tactics include waging publicity campaigns intended to embarrass college administrators into dropping speech-related disciplinary charges against individual students, or reversing speech-restricting policies. When that fails, FIRE often takes its cases to court, where it tends to prevail.

In his new book, "Unlearning Liberty," Mr. Lukianoff notes that baby-boom Americans who remember the student protests of the 1960s tend to assume that U.S. colleges are still some of the freest places on earth. But that idealized university no longer exists. It was wiped out in the 1990s by administrators, diversity hustlers and liability-management professionals, who were often abetted by professors committed to political agendas.

"What's disappointing and rightfully scorned," Mr. Lukianoff says, "is that in some cases the very professors who were benefiting from the free-speech movement turned around to advocate speech codes and speech zones in the 1980s and '90s."

Today, university bureaucrats suppress debate with anti-harassment policies that function as de facto speech codes. FIRE maintains a database of such policies on its website, and Mr. Lukianoff's book offers an eye-opening sampling. What they share is a view of "harassment" so broad and so removed from its legal definition that, Mr. Lukianoff says, "literally every student on campus is already guilty."

At Western Michigan University, it is considered harassment to hold a "condescending sex-based

attitude." That just about sums up the line "I think of all Harvard men as sissies" (from F. Scott Fitzgerald's 1920 novel "This Side of Paradise"), a quote that was banned at Yale when students put it on a T-shirt. Tufts University in Boston proscribes the holding of "sexist attitudes," and a student newspaper there was found guilty of harassment in 2007 for printing violent passages from the Quran and facts about the status of women in Saudi Arabia during the school's "Islamic Awareness Week."

At California State University in Chico, it was prohibited until recently to engage in "continual use of generic masculine terms such as to refer to people of both sexes or references to both men and women as necessarily heterosexual." Luckily, there is no need to try to figure out what the school was talking about—the prohibition was removed earlier this year after FIRE named it as one of its two "Speech Codes of the Year" in 2011.

At Northeastern University, where I went to law school, it is a violation of the Internet-usage policy to transmit any message "which in the sole judgment" of administrators is "annoying."

Conservatives and libertarians are especially vulnerable to such charges of harassment. Even though Mr. Lukianoff's efforts might aid those censorship victims, he hardly counts himself as one of them: He says that he is a lifelong Democrat and a "passionate believer" in gay marriage and abortion rights. And free speech. "If you're going to get in trouble for an opinion on campus, it's more likely for a socially conservative opinion."

Consider the two students at Colorado College who were punished in 2008 for satirizing a gender-studies newsletter. The newsletter had included boisterous references to "male castration," "feminist porn" and other unprintable matters. The satire, published by the "Coalition of Some Dudes," tamely discussed "chainsaw etiquette" ("your chainsaw is not an indoor toy") and offered quotations from Teddy Roosevelt and menshealth.com. The college found the student satirists guilty of "the juxtaposition of weaponry and sexuality."

"Even when we win our cases," says Mr. Lukianoff, "the universities almost never apologize to the students they hurt or the faculty they drag through the mud."

Brandeis University has yet to withdraw a 2007 finding of racial harassment against Prof. Paul Hindley for explaining the origins of "wetback" in a Latin-American Studies course. Indiana University-Purdue University Indianapolis apologized to a janitor found guilty of harassment—for reading a book celebrating the defeat of the Ku Klux Klan in the presence of two black colleagues—but only after protests by FIRE and an op-ed in these pages by Dorothy Rabinowitz.

What motivates college administrators to act so viciously? "It's both self-interest and ideological commitment," Mr. Lukianoff says. On the ideological front, "it's almost like you flip a switch, and these administrators, who talk so much about treating every student with dignity and compassion, suddenly come to see one student as a caricature of societal evil."

Administrative self-interest is also at work. "There's been this huge expansion in the bureaucratic class at universities," Mr. Lukianoff explains. "They passed the number of people involved in instruction sometime around 2006. So you get this ever-renewing crop of administrators, and their jobs aren't instruction but to police student behavior. In the worst cases, they see it as their duty to intervene on students' deepest beliefs."

Consider the University of Delaware, which in fall 2007 instituted an ideological orientation for freshmen. The "treatment," as the administrators called it, included personal interviews that probed students' private lives with such questions as: "When did you discover your sexual identity?" Students were taught in group sessions that the term racist "applies to all white people" while "people of color cannot be racists." Once FIRE spotlighted it, the university dismantled the program.

Yet in March 2012, Kathleen Kerr, the architect of the Delaware program, was elected vice president of the American College Personnel Association, the professional group of university administrators.

A 2010 survey by the American Association of Colleges and Universities found that of 24,000 college students, only 35.6% strongly agreed that "it is safe to hold unpopular views on campus." When the question was asked of 9,000 campus professionals—who are more familiar with the enforcement end of the censorship rules—only 18.8% strongly agreed.

Mr. Lukianoff thinks all of this should alarm students, parents and alumni enough to demand change: "If just a handful more students came in knowing what administrators are doing at orientation programs, with harassment codes, or free-speech zones—if students knew this was wrong—we could really change things." The trouble is that students are usually intimidated into submission. "The startling majority of students don't bother. They're too concerned about their careers, too concerned about their grades, to bother fighting back," he says. Parents and alumni dismiss free-speech restrictions as something that only happens to conservatives, or that will never affect their own children.

"I make the point that this is happening, and even if it's happening to people you don't like, it's a fundamental violation of what the university means," says Mr. Lukianoff. "Free speech is about protecting minority rights. Free speech is about admitting you don't know everything. Free speech is about protecting oddballs. It means protecting dissenters."

It even means letting Ann Coulter speak.

*Mr. Ahmari is an assistant books editor at the Journal. The Wall Street Journal, November 16, 2012. □*

## COLLEGES AND THE TYRANNY OF GOOD INTENTIONS

*Michael Barone*

In 1902, journalist Lincoln Steffens wrote a book called *The Shame of the Cities*. At the time, Americans took pride in big cities, with their towering skyscrapers, productive factories, and prominent cultural institutions.

Steffens showed there were some rotten things underneath the gleaming veneers — corrupt local governments and political machines, aided and abetted by business leaders.

In recent weeks, two books have appeared about another of America's gleaming institutions, our colleges and universities. Either of them could be subtitled "The Shame of the Universities."

In *Mismatch*, law professor Richard Sander and journalist Stuart Taylor expose, in the words of their subtitle, *How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It*. In *Unlearning Liberty*, Greg Lukianoff, president of the Foundation for Individual Rights in Education (FIRE), describes how university speech codes create, as his subtitle puts it, *Campus Censorship and the End of American Debate*.

*Mismatch* is a story of good intentions gone terribly awry. Sander and Taylor document beyond disagreement how university admissions offices' racial quotas and preferences systematically put black and Hispanic students in schools where they are far less well prepared than others.

As a result, they tend to get low grades, withdraw from science and math courses, and drop out without graduating. The effect is particularly notable in law schools, where large numbers of blacks and Hispanics either drop out or fail to pass the bar exam.

This happens, Sander and Taylor argue, not because these students lack ability, but because they've been thrown in with students of exceptional ability — the “mismatch” of the authors' title. At schools where everyone has similar test scores and levels of preparation, these students do much better. And they don't suffer the heartache of failure.

That was shown when California's state universities temporarily obeyed a 1996 referendum banning racial quotas and preferences. UCLA Law School had fewer black students but just as many black graduates. The university system as a whole produced more black and Hispanic graduates.

Similarly, black students interested in math and science tend to get degrees in those subjects in historically black colleges, while those in schools with a mismatch switch to easier majors because the math instruction is pitched to classmates with better preparation.

University admissions officers nevertheless maintain what Taylor calls “an enormous, pervasive and carefully concealed system of racial preferences,” even while claiming they aren't actually doing so. The willingness to lie systematically seems to be a requirement for such jobs.

The willingness to lie systematically is also a requirement for administrators who profess a love of free speech while imposing speech codes and penalizing students for violations.

All of which provides plenty of business for Lukianoff's FIRE, which opposes speech codes and brings lawsuits on behalf of students — usually, but not always, conservatives — who are penalized.

Those who graduated from college before the late 1980s may not realize that speech codes have become, in Lukianoff's words, “the rule rather than the exception” on American campuses.

They are typically vague and all-encompassing. One school prohibits “actions or attitudes that threaten the welfare” of others. Another bans e-mails that “harass, annoy or otherwise inconvenience others.” Others ban “insensitive” communication, “inappropriate jokes,” and “patronizing remarks.”

“Speech codes can only survive,” Lukianoff writes, “through selective enforcement.” Conservatives and religious students are typically targeted. But so are critics of administrators, like the student expelled for a Facebook posting critical of a proposed \$30 million parking garage.

Students get the message: Keep your mouth shut. An Association of American Colleges and Universities survey of 24,000 students found that only 40 percent of freshmen thought it was “safe to hold unpopular views on campus.” An even lower 30 percent of seniors agreed.

So institutions that once prided themselves as arenas for the free exchange of ideas — and still advertise themselves as such — have become the least free part of our society.

How? One answer is that university personnel almost all share the same liberal-left beliefs. Many feel that contrary views and criticism are evil and should be stamped out.

It also helps to follow the money. Government student-loan programs have pumped huge sums into colleges and universities that have been raising tuition and fees far faster than inflation.

The result is administrative bloat. Since 2005,

universities have employed more administrators than teachers.

There are signs that what instapundit.com's Glenn Reynolds calls the higher-education bubble is about to burst. And perhaps people are waking up to the rottenness beneath the universities' gleaming veneer.

*Michael Barone is senior political analyst for The Washington Examiner.*

*National Review Online, November 29, 2012. □*

### **PRO-CHOICE STUDENT UNION'S BANNING OF ANTI-ABORTION CLUB CALLED MORE UNIVERSITY 'CENSORSHIP'**

*Sarah Boesveld*

A university student in British Columbia is preparing to take his student union to court after it refused to let him start a campus anti-abortion club because it conflicts with its pro-choice position.

Agriculture student Oliver Capko filed a notice of intent to the Kwantlen Student Association late last week, which warned the student union it has until Thursday to give his group, *Protectores Vitae*, official club status or he will seek a court order that the student government "cease from its illegal discrimination" on the basis of belief.

Canada's pro-life community is rallying around the 18-year-old — who sought to start the club after he arrived on Kwantlen Polytechnic University campus in Langley, B.C., to find there was no group espousing his views — saying this is yet another case of a university trying to censor the activities of pro-lifers.

"Here we have almost a textbook example of exactly the type of attitude that is so prevalent in the mindsets of student politicians that have been elected to student unions," said the president of the Justice Centre for Constitutional Freedoms, John Carpay, who is representing Mr. Capko pro-bono. "This is a good opportunity to try to stop this arrogance and censorship in its tracks while it's happening, and that makes it quite different from other cases [we're aware of]."

Mr. Carpay, whose organization recently gave a failing grade to Canadian student unions on freedom of speech, said many universities across Canada unfairly target pro-life groups as their student governments take pro-choice positions.

The National Campus Life Network has also helped boost Mr. Capko's cause, as it has done with the legal battles of pro-life students at other schools, including at the University of Calgary.

Mr. Capko first applied for club status with the Kwantlen Student Association on Oct 12, and learned more than a month later that his request was rejected.

"I was very disappointed to say the least," he said. "[The student union] pretty much ... demanded that our club adhere to the Kwantlen Student Association's policy that says they support a woman's right to choose."

Then he asked for clarification as to whether the rules about student club creation have to align with the student union's policies and positions on social issues. On Oct. 26, the student union's executive committee amended its rules so its policies and stance on social issues applies to clubs (it didn't previously).

This change had nothing to do with Mr. Capko's application, said chairperson of the KSA executive committee, Christopher Girodat.

The student union is a "pro-choice organization" and his group is mandated to spend money in ways that supports that vision — because *Protectores Vitae* would get funding as a registered club, it didn't meet student union's standards, he said.

But Mr. Capko's club could qualify as a "recognized group" on Kwantlen campus, he said. They get access to room bookings and advertising through the student union but receive no funding.

If *Protectores Vitae* wanted this status, which other political, religious or otherwise controversial groups at Kwantlen hold, "my instinct is that yes it would be approved," Mr. Girodat said. "We do recognize the right to assemble on campus and to voice their views to the student body which is why we have recognized groups as a category of campus groups."

The student union has asked Mr. Carpay to extend his deadline to Dec. 7, when the executive will have the results of a review of Mr. Capko's complaint.

"I hope it can avoid a court action, I hope they will give the club its status on or before Thursday," Mr. Carpay said. "But we will file a court action Friday morning if that is not done."

*National Post*, November 27, 2012. □

### B.C. STUDENT UNION AGREES TO FUND ANTI-ABORTION GROUP

*Sarah Boesveld*

A B.C. university student union will recognize and fund an anti-abortion group that threatened to sue for discrimination if it wasn't granted official club status.

The Kwantlen Student Association board granted Wednesday full club status to *Protectores Vitae*, a group of Kwantlen Polytechnic University students who want to discuss "bio-ethics" issues around abortion. The vote was a reversal of its Nov. 9 decision to deny recognition because the group's philosophy conflicts with the student government's pro-choice position.

Oliver Capko of *Protectores Vitae* declined the KSA's offer of "recognized group" status, an unfunded category given to political and religious groups.

Mr. Capko has dropped plans for a lawsuit. The first-year agriculture student said, "I've been working on it for the whole semester, to get this club going, so it's really nice to see that it's coming to reality."

Chairman Christopher Girodat said the board wanted to avoid legal action and will revise its policies on how groups are categorized and funded.

"There really was no appetite to spend student fees on litigation over this issue," he said. "We'd indicated from the beginning that he was more than welcome to express his views on campus, and then unfortunately it looks like it came down to funding."

*National Post*, December 7, 2012. □

### NOMINATION FOR SAFS BOARD OF DIRECTORS

**2012-2013**

The Nomination Committee consisted of Clive Seligman (President), Doreen Kimura (Past-President), Rick Goffin (University of Western Ontario), and Phil Sullivan (University of Toronto) as two SAFS members not currently on the Board.

The current board is being re-nominated. The Directors are: **Rodney Clifton, Andrew Irvine, Tom Flanagan, Steve Lupker, Mark Mercer, John Mueller, Clive Seligman, and Peter Suedfeld.**

Any member of SAFS may nominate individuals for election as Director. These nominations must be received at the SAFS Office by April 15, 2013. Each member nomination shall contain the following information: (i) the signature of the person nominating and the signature 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.

#### SAFS BOARD OF DIRECTORS

**2011-2013**

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#### Past Presidents

Doreen Kimura, Ph.D. FRSC (SFU)  
 John Furedy, Ph.D. (U. Toronto)

## **SAFS ANNUAL GENERAL MEETING**

**MAY 11<sup>th</sup>, 2013**

**UNIVERSITY OF WESTERN ONTARIO**

**Sommerville House, Room 3317**

### **Preliminary Program:**

#### Morning Sessions

#### **Mark Mercer**

*(Saint Mary's University)*

Update of Canadian cases of free speech and academic freedom

#### **Frances Widdowson**

*(Mount Royal University)*

Diversity, merit, and academic freedom: Deciphering the Orwellian doublespeak

#### Afternoon Sessions

#### **Keynote Speaker: Peter Wood**

*(President, National Association of Scholars)*

What does Bowdoin teach? An examination of the current content of a liberal arts college

#### **Business Meeting**

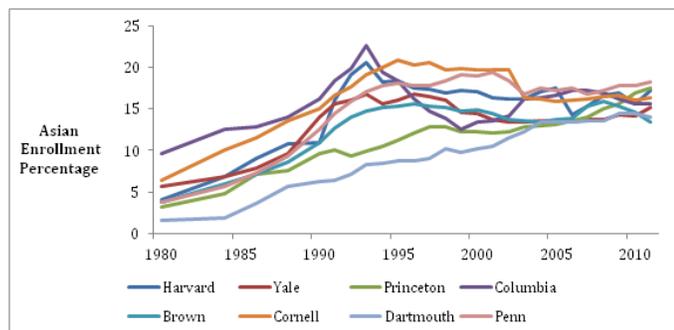
## AT THE IVIES, ASIANS ARE THE NEW JEWS

*Charles Murray*

It has been documented for some time that Asian applicants to the Ivies face a stiff test-score penalty in the admissions process—Asians have to get higher SAT scores than members of other races to have an equal chance of admission. But it's one thing to have a higher bar for Asians. It's still worse to have an Asian quota.

Ron Unz took the evidence of discrimination against Asians to a new level in a long article in the current issue of *American Conservative*, "The Myth of American Meritocracy." As Steve Sailer has noted, Unz's findings have received astonishingly little coverage. "Astonishingly," because Unz has documented what looks very much like a tacitly common policy on the part of the Ivies to cap Asian admissions at about 16% of undergraduates, give or take a few percentage points, no matter what the quality of Asian applicants might be. That's a strong statement, but consider the data that Unz has assembled.

From 1980 through the early 1990s, Asian enrollment increased at all the Ivy League colleges. It subsequently continued to rise at the schools with the lowest Asian enrollment, Dartmouth and Princeton. Elsewhere, Asian enrollment hit its peak in 1993 for Columbia and Harvard, 1995 for Cornell, 1996 for Brown and Yale, and 2001 for Penn. What's more, Asian representation at all eight of the Ivies has converged on a narrow range. In the most recent five years, the average percentage of Asians in the eight Ivies has been 15.7%, and the difference between the highest and lowest percentage of Asians in the eight Ivies has averaged just 3.7 percentage points. Call it the 16±2% solution. The convergence of the Ivies is vividly shown in this figure, using Unz's data.



We can be sure that the reason for the convergence on the 16±2% solution does not reflect a plateau in Asian applications. As Unz notes, America's Asian population has more than doubled since 1993. In *The Power of Privilege*, Joseph Soares documented that Asians are about twice as likely to apply to elite schools as students from other races. It is certain that the Ivies have seen skyrocketing Asian applications over the last twenty years. Not only that, they have been swamped with more and more superbly qualified Asian applicants. A sampling of the data Unz presents:

National Merit Scholarship (NMS) semifinalists represent about the top half of one percent of a given state's scores on the PSAT, the short version of the SAT. In 2010 in Texas, Asians were 3.8% of the population but more than a quarter of all NMS semifinalists; in New York, Asians were 7.3% of the population and more than a third of NMS semifinalists; in California, Asians were 11% of the high school students and more than 60% of NMS semifinalists. Nationwide, Unz estimates that 25–30% of NMS semifinalists in 2010 were Asians, far higher than their enrollment in the Ivies.

In the US Math Olympiad, Asians have grown from 10% of the winners during the 1980s to 58% in the 2000s. In the computing Olympiad, Asians have grown from 20% of the winners in the 1990's to 50% in 2009–2010 and 75% in 2011–2012. Among the Science Talent Search finalists, Asians were 22% of the total in the 1980's, 29% in the 1990's, 36% in the 2000's, and 64% in the last two years.

There's much more in Unz's article (and the eight online appendixes that go with it), but consider just these two final comparisons. Caltech is acknowledged to have the most strictly meritocratic admissions criteria in the country. During the same period from the mid 1990's when the Ivies converged on the 16±2% solution, Asians at Caltech rose from 28% to 39% of the student body. If Caltech is too narrowly science-oriented for you, consider the comparison between Stanford, which uses the same "holistic" admissions procedures as the Ivies ("holistic" means considering the whole applicant, not merely academic achievement) and Berkeley, the most elite of California's public universities, which is required by law to have a transparent set of criteria for admission. Stanford's Asian enrollment averaged 23% from 1995–2011. Berkeley's Asian enrollment averaged

41% during the same period—almost double Stanford's.

The Ivies would have us believe that their holistic admissions policies limit Asian admissions because Asian applicants tend to be one-dimensional, obsessed with academics to the exclusion of all those wonderful other personal experiences that the Ivies value so highly. I submit that this is nonsense. An abundance of Asian applicants have punched all the right extracurricular and community-service tickets to go along with their sensational academic credentials, and there's no reason to think that Asian young people are, on average, any less compassionate, charming, industrious, or otherwise of good character than applicants of other races.

I propose this challenge to any Ivy League school that denies it has a de facto quota for Asian admissions. Let a third party—any number of highly respected research organizations could handle this task—randomly select a large sample of applications from which the 2012 entering class was selected. Delete all material identifying race or ethnicity. Then, *applying the criteria and the weighting system that the university claims to be using*, have expert judges make simulated admissions decisions. Let's see what percentage of Asians get in under race-blind conditions. I'm betting 25% at least, with 30–40% as more probable.

None of the Ivies will take me up on it, of course. The people in their admissions offices know that their incoming classes are not supposed to have “too many” Asian faces, and part of their job is to make sure that they don't. I just want them to admit publicly what they're doing, and state their rationale, which presumably goes something like this: The Ivies are not supposed to be strict academic meritocracies. They need students with a variety of strengths and personality types. And even 16% Asian students is more than three times the Asian proportion of the American population.

I don't have a problem with the need for a student body with diverse strengths and personality types. Harvard is a better place because it does not select a class consisting exclusively of applicants with perfect SAT scores. But a candid statement of the rationale that has led to the 16±2% solution can't stop there. It needs to say that apart from the need for a variety of strengths and personality types, the Ivies have decided

that they just don't want too many epicanthic folds in their student bodies. Because there's no getting past the naked fact that students from an ethnic minority are now being turned down because they have the wrong ethnicity. It is exactly the same thing that Ivy League admissions officers did to Jewish applicants in the 1920s, when it was decided that too many Jews were getting into their schools. They too had a rationale for putting a quota on Jews that they too believed was justified. What I don't understand is this: Why do we all accept that what the Ivies did to limit Jewish enrollment was racist and un-American, while what they're doing to limit Asian enrollment is not even considered newsworthy?

*AEI Ideas: The Public Blog of the American Enterprise Institute*, December 11, 2012. □

## EDITORIAL

### AFFIRMATIVE ACTION AND THE LAW

Does the Constitution bar voters from doing away with racial preferences? We don't think so.

As the Supreme Court mulls whether the U.S. Constitution prohibits state universities from taking race into account in admissions decisions, a federal appeals court has moved in a very different direction. It recently held that, far from forbidding affirmative action, the Constitution prevents a state's voters from doing away with it.

The case, decided this month by the U.S. 6th Circuit Court of Appeals, was filed after Michigan voters approved Proposal 2, barring state and local governments as well as public universities from giving preferential treatment on the basis of race, sex, color, ethnicity or national origin. That proposal had been championed by Ward Connerly, the former University of California regent who had helped persuade voters here to approve a similar measure, Proposition 209, in 1996.

In theory, we would be pleased to see the end of affirmative action bans such as Proposition 209 and Proposal 2. This page strongly opposed Proposition 209 when it was on the ballot. We continue to believe

that affirmative action is a reasonable, fair and effective way to redress past harms and promote diversity at public universities. We hope that the Supreme Court, which is currently hearing a different case involving affirmative action, reaffirms its constitutionality.

But though we support affirmative action, we also believe that voters have a right to ban it. And while we looked with favor on a constitutional challenge to Proposition 209 in the late 1990s, we do not agree with the 6th Circuit's decision. It's ingenious, but ultimately mistaken.

The decision is rooted in the 14th Amendment's guarantee of "equal protection of the laws." But Judge Guy Cole Jr.'s majority opinion focused not on the fairness (or unfairness) of racial preferences in admissions, but rather on the fact that the Michigan ballot initiative "reorders the political process in Michigan to place special burdens on minority interests." As a result, he said, minorities who would benefit from affirmative action were deprived of "equal access to the tools of political change."

He offered this illustration:

"A student seeking to have her family's alumni connections considered in her application to one of Michigan's esteemed public universities could do one of four things to have the school adopt a legacy-conscious admissions policy: she could lobby the admissions committee, she could petition the leadership of the university, she could seek to influence the school's governing board, or, as a measure of last resort, she could initiate a statewide campaign to alter the state's constitution. The same cannot be said for a black student seeking the adoption of a constitutionally permissible race-conscious admissions policy. That student could do only one thing to effect change: she could attempt to amend the Michigan Constitution — a lengthy, expensive, and arduous process — to repeal the consequences of Proposal 2."

Cole cited two Supreme Court decisions for his conclusion that equal protection of the laws is a guarantee that "minority groups may meaningfully participate in the process of creating ... laws and the majority may not manipulate the channels of change so as to place unique burdens on issues of importance to

them." In 1969, the high court overturned a city charter amendment in Akron, Ohio, that required that any ordinance prohibiting housing discrimination be approved in a citywide referendum. In 1982, it struck down an initiative approved by voters in Washington state that barred school districts from busing children to distant schools for the purpose of racial integration.

But in a dissenting opinion, Judge Julia Smith Gibbons effectively distinguished those cases from the Michigan affirmative action measure. For example, she noted that the charter amendment that was overturned in Akron had made it difficult to enact laws guaranteeing "equal treatment" in housing, not preferential treatment. A similar point was made by the U.S. 9th Circuit Court of Appeals 15 years ago in rejecting a constitutional challenge to Proposition 209 — a ruling that was recently reaffirmed. That court wrote: "It is one thing to say that individuals have equal protection rights against political obstructions to equal treatment; it is quite another to say that individuals have equal protection rights against political obstructions to preferential treatment."

That holding, which the conservative majority on the Supreme Court is likely to prefer to the 6th Circuit's reading of the Constitution, makes legal sense. But it also places the debate about the wisdom of racial preferences in public education where it belongs: in the political sphere. Instead of asking courts to roll back unfavorable referendums, advocates of affirmative action in Michigan, California and elsewhere need to make their case to the public the way Ward Connerly and his allies made theirs. When they do, they'll have our support.

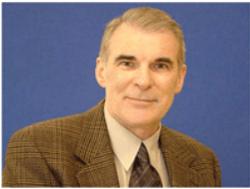
*Los Angeles Times*, November 30, 2012. □

#### 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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## OBITUARY

**Dr. Philippe Rushton**  
1943-2012

*Albert Katz*

John Philippe (“Phil”) Rushton, age 68, passed away on October 2, 2012 after a courageous battle with cancer, characteristically publishing papers even during his illness. Phil was born in Bournemouth, England but lived his early years and took his early education in several countries including Canada. Returning to England in the 1960s, he earned a B.Sc. in psychology from the University of London in 1970 and a Ph.D. (1973) from the London School of Economics. After a post-doctoral fellowship at Oxford, Phil returned to Canada, teaching at York University (1974-1976) and the University of Toronto until 1977, in which year he accepted an appointment in the Psychology Department at the University of Western Ontario where he remained until his death. He was promoted to full professor in 1985. Phil published more than 200 articles, six books, including a co-authored introductory psychology textbook and was a Fellow of the John Simon Guggenheim Memorial Foundation (1988).

Phil’s early work followed from his PhD dissertation on altruism in children, resulting in highly cited papers based on social learning theory, and a well-received book, “Altruism, socialization and society (1980)”. Phil had wide interests centered on the understanding of individual differences. In addition to his research on altruism, he worked on personality traits, such as those expressed by professors in the classroom and by community health volunteers, he published on scientific excellence and on mainline methodological issues, such as data aggregation.

However, Phil’s career to a large extent was defined by work that first hit the news in 1989, in a paper he gave to a meeting of the American Association for the Advancement of Science. By this time, Phil had started to consider biological explanations for altruistic behaviors, such as genetic similarity theory and arguments popularized by E.O. Wilson’s 1975 book on Sociobiology. In his AAAS talk and subsequently, Phil argued that racial groups systematically differed on a set of personality and intellectual characteristics and he claimed that these differences were genetically based.

These ideas were immediately criticized and led to a firestorm of opposition both across Canada and worldwide. Phil persevered always in defending and elaborating on those controversial ideas, including in his 1995 book, “Race, Evolution, and Behavior”. He was to the end willing to engage his critics, often by looking for additional supportive evidence of his theory.

It is not the place in an obituary to debate the logic, methodology or data Phil presented. That is the place and domain of the scientific community. What did become clear in 1989 and beyond was that the discussion of race from a biological perspective in which some groups were ranked lower on intellectual and moral dimensions was repugnant to many and would not be constrained nor contained in scholarly journals or debates.

Phil’s ideas posed a challenge to the basic tenets of academic freedom and led to debate at Western and beyond. Community groups, politicians (including the then-Premier of Ontario, David Peterson), and students who perceived the work as scientific racism voiced their opposition, often calling for his dismissal from the university. The Ontario Provincial Police conducted an investigation to see if there were grounds for charges (there were not), and 19 individuals initiated human rights violation cases with the Ontario Human Rights Commission (but after years of stress for Phil, these cases were considered abandoned when the complainants failed to respond). There were demonstrations that disrupted Phil’s classes, and vandalized parts of the psychology department. Distressingly, many interested parties, even faculty members themselves, seemed oblivious to the essential role that academic freedom plays in the life of scholarly work in general. As noted by the Canadian Association of University Teachers, academic freedom is the “right to teach, learn, study and publish free of orthodoxy or threat of reprisal and discrimination”, calling it “the life blood of the modern university”. Ultimately, in defiance of the barrage of criticism that Western was facing- and showcasing the university at its best—the President of the University of Western Ontario (George Pederson) came out with a strong statement in defense of the precedence of upholding the concept of academic freedom. Although these events led to his isolation and reclusiveness within the Western professoriate, Phil Rushton remained at Western, continued to submit his papers to peer-

reviewed journals and allowed his ideas to face the crucible of the scientific community.

J. Philippe Rushton is survived by his children Stephen and Katherine, granddaughters Jasmine and Aundrea and great-granddaughter Paige. Also survived by his brother Peter. Those wishing to make a donation in memory of Phil are asked to consider the London Regional Cancer Program - Research.

*Albert Katz is Chair of the Psychology Department at The University of Western Ontario, and a SAFS member.*

## OBITUARY

### **Philippe Rushton, professor who pushed limits with race studies, dead at 68**

*John Allemang*

Race is a dangerous and difficult topic to broach in academic circles, and there was always a suspicion that Philippe Rushton was attracted to a subject most wise people avoid precisely because of the do-not-enter signs an egalitarian society placed in his path.

“I do enjoy intellectual excitement,” he confessed to a colleague, who questioned whether Rushton actively sought the sensationalism that came his way after he unveiled his theories of racial differences at a major American science conference in 1989. They ended up being denounced by Ontario Premier David Peterson, investigated by the Ontario Provincial Police, derided by geneticist David Suzuki in a public debate, and booed as a guest on the *Geraldo* tabloid-TV show.

But for the studiously formal and emotionally controlled psychology professor at Western University, who has died of cancer at the age of 68, the motivation for ranking racial groups by methods that presented blacks as intellectually inferior and sexually unrestrained came from the purer intentions of science: to take the evidence of research to its most logical and unavoidable conclusion.

“If the differences between groups are not just cultural but somehow hooked up to biological factors,” says Danish researcher Helmuth Nyborg, a long-time friend, “then we are talking against nature if we say

everybody’s equal. It tried his patience to see people arguing against Darwinism by means of ideology – that’s not a fair match, he would say.”

Rushton saw himself as a lonely empiricist in a world of mental make-believe: Data determined his views, or so he maintained. His less charitable critics suggested that he went searching far and wide for studies that would support his thesis – his investigations into the race-based variability of cranium size and penis length prompted then Ontario attorney-general Ian Scott to declare that his theories were “loony but not criminal.” He was censured by Western for conducting a paid survey at Toronto’s Eaton Centre mall on sexual matters without getting permission from the university’s ethics board.

For Rushton, it was all part of pushing the limits of an academic discourse that he found to be too polite and sentimental.

“Rushton knew a great deal about human intelligence and he made his case by marshalling rational arguments based on empirical data,” says Eric Turkheimer, professor of psychology at University of Virginia. “His knowledge and his empiricism earned him a legitimate place at the scientific table. He was no crank. Nevertheless, there is no escaping the fact that the case he made was literally racist, and in my view no appeal to empirical data can rescue his hypotheses from their dubious origins and destructive consequences.”

His research provided source material for white-pride groups and supplied academic heft to the racially charged culture wars that erupted in the United States in the 1990s. The authors of the controversial 1994 book, *The Bell Curve*, were heavily influenced by Rushton’s work on the genetic determination of intelligence in their assertion that social programs and political correctness cannot resolve inequalities bequeathed by heredity.

His earliest academic work was on altruism among children, which surprised his antagonists, who wondered whether this interest was evidence of a gentler side that was later repressed. The mature Rushton prided himself on a tough-minded willingness to see truths that a soft-hearted world ignored for reasons he thought were more political than scientific.

A dogged devotee of Darwin who was fascinated by

theories of scientific eminence, he hoped that his wide-ranging synthesis of behavioural genetics, evolutionary psychology, studies of group differences and measurements of intelligence would place him among the world's great discoverers. His supporters thought he deserved a Nobel Prize for his willingness to abandon the prevailing scientific view on the universality of the human species to describe the ways human groups were designed to diverge, divide and seek out their "own kind."

What made Rushton stand out from his peers was the utter confidence with which he talked about huge differences he said had arisen among Asians, whites and blacks in a very short period of evolutionary history. Most scientists would hesitate and equivocate at every stage of his argument, denying the existence of race as he defines it, quarrelling with his arbitrary creation of three groupings, questioning his capacity to draw socially divisive conclusions from apparent genetic differences among groups that are not yet understood by experts in the field.

"The field of modern genetics is really exciting but you have to proceed with caution," says Fred Weizmann, a psychology professor at York University. "It's so far removed from this crude genetic reductionism. There are genetic differences between groups, so you might have Ashkenazi Jews more subject to a variety of genetic diseases. But that's not enough to define a race."

Rushton's views on racial differences achieved notoriety in part because he seemed like such a throwback, a 19th-century cranium-measurer who invoked the charged language of racial superiority and eugenics in a culture that had taught itself not to hear such views. Yet he was also a reminder that race-based judgments remain inescapable in the modern world: His research gave them legitimacy through the revolution in DNA studies that suddenly made arguments for genetic determinism look more credible. Science supplied much of his confidence – the data don't-lie serenity that deflected almost any attack.

"Phil was wonderful for TV," says Prof. Weizmann. "He was cool and dispassionate and steady."

He was often compared to Clark Kent, with the understanding that the glasses, formal dress sense and carefully composed manner hid a different Philippe

Rushton underneath. Many colleagues found him to be aloof and private, and his isolation became more acute after the 1989 controversy when his academic freedom was under attack and defenders weren't exactly rallying round. He essentially stopped teaching, buying out his classroom time with grants from the controversial Pioneer Fund, a backer of race-based research which he headed from 2002 to his death.

But he didn't hide or shy away from his subject matter even after he was investigated by the Ontario police and the Ontario Human Rights Commission. In 1995, he published *Race, Evolution and Behaviour*, which linked racial differences in parental care to degrees of evolutionary development, placing blacks and Asians at the two extremes of the continuum. In 2000, he brought out an abridged version intended for a wider audience.

It says something about Rushton's bravado that he accepted an invitation from The Globe's Jan Wong to have an on-the-record lunch that year. He chose the Royal Canadian Military Institute in Toronto as the venue, an old-fashioned private club that suited his blue blazer, grey flannels and polished loafers better than Wong's journalistic backpack. She described him as charming, offered him a ruler so he could measure his own penis in the interests of celebrity-profile science, and persuaded him to admit that his three wives were all white-skinned, contrary to rumours that even he had heard.

Rushton took it surprisingly well. When asked for his reactions by The Globe a year later, he declared that "Jan Wong was like an ungovernable teenager." He liked her opinionated side, while suggesting impishly that she shared many of his views. He even supplied his own Lunch With riposte: "Every now and again, Jan would delicately skewer a morsel of food on the end of her fork, flutter it in a refined manner and demurely throw out a softly curved question. Some seemed contrived to throw me off-balance, as when she asked what I liked sexually or temperamentally in a wife. Nonetheless, I think she overstated it when she characterized me as a man of 'unlimited paranoia.' When it was time to leave, I felt I hadn't done so badly. She seemed slightly more worn out than I was."

The indefatigable Philippe (pronounced "Philip") Rushton was born in 1943 in Bournemouth, England, where his building-contractor father was repairing

Spitfire planes that had been damaged in dogfights. In an interview with Nyborg, he made it sound like his contrarian career was preordained.

Most of his ancestors were dissenters and anti-establishment types, he said. The most famous ancestor he knew of was Samuel Crompton, inventor of a spinning machine that transformed the English textile industry but threatened the original Luddites – workers who smashed new inventions because they preferred the existing order. Crompton, Rushton noted, was ultimately hailed as a benefactor.

The election of the Labour Party in 1945, Rushton said, made the family's future look bleak – a small businessman such as his father couldn't compete in a nationalized economy with state-run housing projects. So they moved to South Africa in 1948, only to return to Britain. In 1956, his father found his dream job as a designer for the CBC in Toronto, where Rushton continued his education before returning to Britain for university studies in the 1960s.

Even as a teenager, he was actively reading psychology books written by Hans Eysenck, an eminent but controversial academic commentator who linked race and IQ levels and was famously beaten up by angry demonstrators during a lecture at the London School of Economics in 1973. Rushton, then a 29-year-old researcher studying generosity in children, was in the audience.

The visceral nature of the attack heightened Rushton's perception of a lingering Luddite society where scientific truths were taboo – and only hard-nosed thinkers could withstand the official fantasies of social harmony and equality.

The publication a few years later of E.O. Wilson's book *Sociobiology* supplied a theoretical template for his shifting worldview by describing the biological roots of behaviours previously thought to be determined by cultural influences. In any analysis of life forms, evolution now became the beginning of understanding. Well-meant social programs, in this deterministic analysis, weren't likely to change or challenge more deep-seated genetic influences.

Rushton became fascinated with the idea of genetic causation, even though he recognized the race-related dangers that went with the theory. In 1981, he met

educational psychologist Arthur Jensen, another eminent controversialist on the race/IQ connection, and as he describes it, "we hit it off." Jensen exerted a powerful influence on his Canadian protégé for the rest of his career: He was nicknamed "Jensen's bulldog" for his willingness to argue anyone, anywhere.

This is the Philippe Rushton that emerged in the 1989 controversy. But there was once a different Philippe Rushton, to judge from blog entries and photos posted by a girlfriend from his London days and now being recirculated by his amazed supporters: A 1970s rocker, hair down to his shoulders, fringed hippie bag brushing against his bell-bottomed trousers as he poses amid the tourists in St. Mark's Square.

In those far-off student days, Rushton had been living in near-poverty and was raising his son on his own after a breakup. "He was incredibly romantic," wrote the blogger. "...The love between father and son, the caring, was amazing."

What the blogger may not have known, and what Rushton's colleagues were surprised to find out at his funeral, was that he also had a daughter, who'd been taken back to Canada by her mother, only to disappear into the foster care and adoption systems. Because of a name change, she remained out of touch from her father for decades: The two only reconnected in 2001.

Rushton, when accused of racism, always maintained that he wasn't talking about individuals, only groups. Any one person could be quite different from the preconceptions associated with them. The outspoken Philippe Rushton somehow contrived to remain enigmatic to the end.

*The Globe and Mail*, November 2, 2012.

#### 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*

## REMEMBERING PHIL RUSHTON'S CONTRIBUTION TO ACADEMIC FREEDOM

*John J. Furedy*

When I took over from SAFS' founding president, Doreen Kimura in 1993, there were many occasions when I reflected on the indirect, but important, role that Phil Rushton played in SAFS' development. Phil, I think, was a significant catalyst in the formation of SAFS in 1992, because his case at the University of Western Ontario (UWO) alerted at least some of its faculty members to the importance of defending academic freedom.

Even those who disagreed with Phil's ideas on the relation of race to intelligence and crime could recognize that the comment by the premier of Ontario, David Peterson in 1989, following Phil's presentation of his views on race differences at the annual meeting of the Association for the American Association for the Advancement of Science in January 1989, was a significant potential threat to the academic freedom of all Canadian faculty and students. The premier said that, while he was in favor of academic freedom, nevertheless, if he had the power, he would fire Rushton.

The president of UWO, George Pederson, strongly upheld academic freedom throughout the controversy, dismissed external calls for Rushton to be fired, maintained that the university should operate free of public pressures, and that Rushton should be allowed to continue his research and teaching. The stance of the top administrators of the university was important in explaining the concept of academic freedom to the wider public, as well as stimulating discussion of academic freedom in Canadian universities.

And at least some students were led to think about academic freedom. I was interested to read after Phil's death an article by Tod Pettigrew (now associate professor of English at Cape Breton U.) who entered UWO the year after the controversy erupted. He recalls the atmosphere vividly:

Immediately, I was troubled by the atmosphere around the debate, for, frequently, it was barely a *debate* at all. Indeed, it often devolved into little more than shouting matches—or would have if Rushton had been shouting back. I recall people saying quite seriously that

Rushton's words were as bad or worse than physical violence, that his rights to free speech did not extend to the "slander" of millions of people, or that, if it did, Western was not bound to give him a "platform" for his hateful views. Tempers flared at public meetings.

In his piece entitled '*A hated professor's lesson in academic freedom.*'

<http://oncampus.macleans.ca/education/2012/10/16/a-hated-professors-lesson-in-academic-freedom/>)

Pettigrew says that the treatment of Rushton was his induction into caring about academic freedom.

But there was an action within the psychology department to penalize Phil and damage his academic reputation. The committee that decided on merit increases gave him a zero percent merit raise for the following academic year, and rated his research performance as "unsatisfactory". Ironically, this was the same year that Phil was made a fellow of the prestigious John Simon Guggenheim Society.

Rushton's publications (in the area of developmental psychology, with altruism as his main focus of interest) had yielded annual merit increases that were above the departmental average over a period of years. The UWO was known to base its merit increases on the relatively objective criteria of number of publications in refereed journals (in contrast to more subjective, expert-based, criteria). Moreover, the zero-increase decision was not only a financial and reputational penalty. It was also a significant signal because UWO had a policy that three consecutive zero annual merit increases were sufficient grounds for firing even a tenured faculty member. (This was part of UWO's policy of getting rid of tenured "deadwood" who, following the granting of tenure, retired from research).

It seems to me that this decision was designed to pressure Phil to give up research on race differences. Beyond the particular case, once this (confidential) decision leaked out, it may have sent a negative message to those academics who wished to exercise their academic freedom to assert unpopular or "offensive" views. However, Rushton appealed (twice) to higher grievance committees, and the unfair rating was overturned. (For Phil's account of moves against him, without and within the university, see <http://chechar.wordpress.com/category/philippe-rushton/>)

It is worth mentioning, though, as Clive Seligman has recently reminded me, that attacks on Rushton did not comprise all the discussion at the university: "There were also months of good debate in the pages of the weekly *Western News*, debating the issues and not just Rushton's character."

I recall that quite early in the controversy, one could get a measure of how vehemently many intellectuals and students were against him during the televised debate between him and the David Suzuki at the UWO in February 1989. (see <http://www.youtube.com/watch?v=i9FGHtfnYWY>).

It is a debate which clearly illustrates the difference between *ad res* and *ad hominem* modes of argument. David Suzuki called Rushton's ideas 'monstrous' and argued that academic freedom should not protect him, that he should not be permitted and funded to do any of his research, and indeed, that his position "must be terminated at this university". "There will always be Rushtons," he said emphatically, "and we must be prepared to root them out and not hide behind academic freedom." (The audience enthusiastically applauded this).

Perhaps Phil's English academic background played a part in his usual coolness under fire, which contrasts with the heat shown by his opponent. It may also have helped that, at least in those days, Rushton bore a striking resemblance to the mild-mannered Clark Kent.

The concept of "academic mobbing" researched by another member of SAFS, University of Waterloo emeritus professor of sociology, Ken Westhues (see, e.g., <http://arts.uwaterloo.ca/~kwesthue/mobbing.htm>), is appropriate here. I think that anyone who watches this 1989 debate at UWO, whether or not he or she agrees with Rushton's views, will agree that Suzuki was an instigator of such academic mobbing during this debate.

Phil himself, of course, did not back away in the face of mobbing, but rather continued to offend until the end of his life. He continued to publish in top flight journals, and to be a fellow of several psychological associations.

One can get a feeling for how important the academic freedom implications of 'the Philippe Rushton case' were to SAFS by noting the number of references to it

in SAFS' newsletters in the 1990s onwards—by the SAFS' board, and individuals such as Ken Westhues, Ken Hilborn, Jack Granastein, John Mueller and others.

The continuing harassment of Phil and protests against his views led me personally to think closely about the distinction between acts and opinions (see, e.g., <http://www.psych.utoronto.ca/users/furedy/Papers/af/Academic%20Freedom.doc>) which I think is fundamental for understanding academic freedom and freedom of speech in general.

Phil Sullivan, professor of Aerospace Studies at University of Toronto, a SAFS member, and I, tried to educate readers of *The Toronto Star* on the difference between overall scientific status and the validity of a particular scientific theory (see [http://www.psych.utoronto.ca/users/furedy/Papers/ra/Race\\_stud\\_ra.doc](http://www.psych.utoronto.ca/users/furedy/Papers/ra/Race_stud_ra.doc)), responding to criticisms of Rushton's book *Race Evolution and Behaviour*. But I fear our arguments made little impact at the time.

As to Phil Ruston himself, I think he was committed to psychology as a scientific endeavour. He saw himself as an empiricist and answered arguments put to him thoughtfully, an *ad res* debater, as against the *ad hominem* approach of many who denounced him. He was a courteous and determined person, who bore the sustained vituperation against him with calmness and dignity. We welcomed his participation in SAFS' meetings and regret his premature death.

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