

SAFS Newsletter

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Maintaining standards of excellence in academic decisions about students and faculty

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TWO WAYS OF THINKING ABOUT ACADEMIC FREEDOM

Mark Mercer

Academic freedom protects researchers so that they might discover the truth and tell it to the world. It protects teachers so that they might find and use effective ways of instructing their students. And it protects professors critical of goings on at their universities so that they might help their universities to remain sound institutions of higher learning.

The discovery of truth, the dissemination of knowledge, and the care of the university are the central elements in what appears currently to be the most widespread understanding of academic freedom.

According to this understanding, because we value truth, knowledge, and the university's mission to promote both, we should value academic freedom.

For my part, though, I prefer a different understanding of the nature and value of academic freedom, one that begins from a particular conception of the nature and value of the university itself. Although, on this other understanding, academic freedom continues to protect truth, knowledge, and the care of the university, none of the three is the root value that academic freedom serves.

The understanding I favour conceives of the university as a community in which individuals enjoy, or aspire to enjoy, full intellectual autonomy. They enjoy, or aspire to enjoy, intellectual autonomy for themselves, but they are also committed to ensuring that the other members of the community can enjoy it along with them. The purpose of academic freedom, then, is to promote and maintain a community in which people enjoy full intellectual autonomy.

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We enjoy intellectual autonomy when we believe what we believe and value what we value for our own considered reasons. We are less than fully autonomous intellectually when our reasons for believing and valuing are opaque to us or are merely the causes of our mental states. The reasons why we believe or value as we do are merely causes when they consist in the pressures of punishment or reward. Suppose, for instance, that we believe that species evolve by means of natural selection. If we believe that they do because we don't wish to appear ignorant or stupid, or because we crave acceptance by our peers, then we believe they do in indifference to whether in fact they do; we don't actually care to understand the origin of species; we care, rather, not to appear ignorant or stupid. To believe something in indifference to its truth is to lack intellectual autonomy.

Academic freedom prevents those who think or value differently from us from shutting us up or denying us resources. Academic freedom, then, functions to limit the pressures on our believing and valuing minds, save the pressures of evidence and argument. Since evidence and argument bear on the truth of belief and the soundness of values, those who value intellectual autonomy are keen to collect evidence and to follow the arguments. But they wish to allow only evidence and argument to influence their cognitive and affective minds.

A university, one might hope, is a place at which people who value intellectual autonomy congregate so that they may pursue enquiry and study together. They wish to pursue enquiry and study together first of all because it's pleasant and stimulating to enquire into the world alongside others, especially others who share

one's love of intellectual autonomy. But people congregate in universities also because they appreciate the benefits of constructive criticism. They recognize that by expressing one's thoughts to others, one comes to understand those thoughts better, both their weaknesses and their strengths. They desire to believe truly and to value soundly, and see criticism as useful in attaining what they desire.

A university in which academic freedom is valued as essential for intellectual autonomy will be a freer place, certainly, than a university in which academic freedom is valued solely for its role in discovering truth, disseminating knowledge, and caring for the university. This is because while academic freedom is essential to intellectual autonomy, it is merely useful to discovery, dissemination, and care. Indeed, as many have argued, the interests of discovery, dissemination, and care can sometimes best be furthered by limiting the freedom of members of the university community.

Fruitless research, they note, does not help in the discovery of truth, while error and falsehood impede the dissemination of knowledge. Bad teaching wastes students' time and money. As for the care of the university, when professors say stupid things or reveal to the world the woes besetting their institutions, they do more harm than good to their universities.

Those who would limit the freedom of members of the university community in the interests of truth, knowledge, and the university think there is a sound principle by which they can draw limits around freedom without violating it. Academics, they say, are experts and professionals; the principle is that as experts and professionals, academics may properly be held accountable to the expert and professional standards relevant to their endeavours. They propose that the state of each discipline implies norms that one cannot violate without ceasing to be an expert in that discipline. A biologist committed to intelligent design, then, has given up real biology and, thereby, the academic freedom university biologists enjoy to pursue truth and to disseminate knowledge. Likewise, a teacher who violates in his classroom what his peers recognize as best practices should face sanctions if he doesn't reform his ways. An engineering professor who says publicly that few women study engineering because women are not as good as men in math is not speaking as an engineer but as an unaccredited cognitive psychologist; because she is not speaking

about engineering, she may be directed by her dean to speak only the explanation approved by the faculty of engineering or keep quiet.

If, though, we value academic freedom as essential to a university community centred on intellectual autonomy, we cannot cite expert or professional standards or norms in responding to the ID biologists, unconventional graders, and offending engineers in our midst. At a university given to promoting intellectual autonomy, all these types and more would be enabled by academic freedom to continue as they wish.

Of course, a university is a sort of business, trading in money, power, and status. It collects money from students, governments, industry, and alumni, and pays professors to pursue research and to teach. It rewards students with degrees and professors with acknowledgements and promotions. How can it do all that properly when wide academic freedom would remove accountability from professors? How in a university marked by wide academic freedom is order and discipline to be maintained?

The answer is: through open critical discussion. If we keep alive at our institutions critical discussion of research, teaching, and the university, we will offer our colleagues all the care and stimulation they need to correct themselves should they go off track. If intelligent design is nonsense, that it is nonsense can be made known to the biology professor. If the unorthodox grading system is flawed, then its flaws can be made known to the professor who uses it. Of course, there's no guarantee that attitudes and practices will be changed by mere discussion, but among people concerned to understand the world and to teach others to understand the world, there's reason to believe that often enough they will. (We should at least be suspicious of the idea that requiring a professor to act against her better judgement will make her a better professor.)

I've compared and contrasted two accounts of the nature and purpose of academic freedom, and I declared that I prefer the one according to which academic freedom removes the pressures that can prevent us from believing and valuing for our own good reasons. I've expressed my contention that in a university organized around intellectual autonomy, critical discussion rather than oversight and control will do all that's needed to be done to ensure good

research and teaching. I've said nothing, though, that might answer the question whether our culture is one in which universities dedicated to fostering intellectual autonomy might find public support.

Mark Mercer is a professor and chair of philosophy at Saint Mary's University and also a member of the Board of Directors of SAFS. □

RESPONSE TO MERCER'S "TWO WAYS"

David White

Mark Mercer argues that academic freedom is valuable because it promotes the generation of new knowledge through academic research and assists with spreading knowledge through educating students. Because academic freedom is essential to both the production and dissemination of knowledge, universities have a strong obligation to protect and promote it. So far we are in complete agreement. But Mercer goes further to argue for the intrinsic value of academic freedom and that such value provides universities with a stronger obligation to protect it. On this point, we disagree.

Mercer argues for a conception of the university as one comprised of people who value free inquiry not just for its good effects, but for its own sake. Intellectual autonomy, he argues, has value over and above how it contributes to the production and dissemination of knowledge. There are two problems with this perspective, however. Firstly, I see no reason to think that all or even most academics do value academic freedom for intrinsic reasons. If most or even just many academics only value academic freedom because they value creating and spreading knowledge, then it is hard to see why a university should have an obligation to protect that freedom for reasons of intrinsic value.

Secondly, even if he is right that all academics value freedom because they regard it as having intrinsic value it still provides the university no compelling reason to protect it. There are a lot of things that academics might regard as having intrinsic value. Participating in sports and listening to good music might be two such things. But the fact that members of the university community value those things intrinsically gives the institution no obligation to

provide opportunities to participate in sports or to listen to music. It is not the job of the university as an institution to provide academics with things they enjoy. The university has a specific mandate to create knowledge and to educate students and so it is only the instrumental value of academic freedom that gives it an obligation to protect it.

Mercer has one additional worry about only valuing academic freedom for instrumental reasons. He argues that in cases where we might judge that by limiting academic freedom we will actually help the production and spread of knowledge (say, by stopping research or teaching that seems to promote bigotry) viewing academic freedom only instrumentally provides a basis for limiting it in some cases. While I agree that arguments like this are sometimes made, I disagree with the idea that they are ever sound arguments.

History teaches us well that ideas that were once regarded as obviously false and even pernicious have come to be viewed as true today. The earth does in fact revolve around the sun. Homosexuals are not in fact morally depraved and mentally ill. History teaches us that the ideas it might seem obviously beneficial to suppress today could well turn out to be found to be true tomorrow. Just as in the judicial system we believe it better that ten guilty people go free than one innocent person be convicted, in the pursuit of knowledge it is better that some pernicious ideas be allowed to be defended than to silence some truths we have yet to discover.

If some academics value the academic life for intrinsic reasons, then that is good for them. But it gives the university no additional reason to promote academic freedom. The instrumental value that such freedom provides is more than enough justification for a complete defense of full academic freedom without exception.

David White is a graduate student in philosophy at the University of Calgary. □

SAFS ANNUAL GENERAL MEETING

MAY 9th, 2015

AT

UNIVERSITY OF WESTERN ONTARIO

Advance Notice

We are pleased to announce that **Dr. Janice Fiamengo, Professor of English at the University of Ottawa**, will be our keynote speaker.

The title of her keynote talk is: *“From Micro-Aggression to BDS: Can Humanities Education Be Saved from Social Justice?”*

Details to follow shortly on the SAFS Website, www.safs.ca □

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COMMENTS ON MARK MERCER'S "TWO WAYS OF THINKING ABOUT ACADEMIC FREEDOM"

Marc Ramsay

Mark Mercer holds that an instrumental model treats academic freedom as a tool for the "discovery of truth, the dissemination of knowledge, and the care of the university." In contrast, his intrinsic model "conceives of the university as a community in which individuals enjoy, or aspire to enjoy, full intellectual autonomy." Mercer sees the instrumental model's commitment to academic freedom as unduly contingent—because one can argue that knowledge production might be enhanced by some limits on freedom, the instrumental view seems open, at least in principle, to extensive administrative regulation of teaching and research. His intrinsic model, on the other hand, recommends a community in which all members think and work by their own intellectual lights. It does not value freedom for the sake of some other good.

Not surprisingly, this contrast is mirrored in debates about the more general value of freedom of expression. J.S. Mill's faith that an unregulated marketplace of ideas provides the most efficient means of pursuing truth is questioned even by those sympathetic to his political conclusions about speech. Does absolute free speech for all persons really provide the most effective means of pursuing the truth? Another approach holds that free expression makes a crucial intrinsic contribution to the life of each person—free expression is necessary if we are to live authentic lives. On this model, we are less inclined to ask empirical questions about the "pay off" of free speech, and it is easier to see why (assuming a commitment to human equality) each person should enjoy the same freedom to express him/herself.

In my view, a problem emerges if we attempt to extend the intrinsic argument for general free expression to academic freedom. Even if we achieve a society in which all persons have the opportunity to attend university, the gold-standard of academic freedom, tenured professorships, will never be widely available. Academic freedom might support so-called fully autonomous lives, but only for a select group of persons. Access to these lives is not determined by lottery; candidates compete for coveted tenure-stream positions. Moreover, even successful candidates do not

avoid the pressures of external evaluation—they must prove themselves in order to achieve tenure, promotion, research funding, and professional prestige¹.

I am not denying that professors do (and should) enjoy a particularly satisfying form of freedom, but I doubt that the intrinsic model can account for traditional elements of that freedom's distribution and regulation.

What seems crucial to academic freedom is that university administrators should, in comparison to other workplace supervisors, wield very limited managerial control. They should not be permitted to supervise our research (certainly not on anything like a daily basis) and their own assessments of our research (its quality and direction) should have very limited, if any, weight². Instead, we should be given large spans of discretionary time to prove ourselves to broader communities of assessment that are supported by, but independent of, our workplace supervisors. Likewise, these communities of assessment are supposed to enjoy a powerful role in determining who is selected for academic positions. But why should this institution of additional freedom for a few be socially maintained and supported through taxation? It seems to me that the justification must be instrumental—we must defend the idea that academic freedom produces and maintains knowledge that would be lost or under-produced in its absence. The fact that academic life is intrinsically rewarding for its participants is not enough.

¹ Points emphasized by colleagues Ian Wilks and Peter Williams after a presentation by Mark Mercer.

² I emphasize research because the extension of academic freedom to teaching raises important questions about the rights of students that I cannot address here.

Marc Ramsay is a professor of Philosophy at Acadia University. □

BEQUEST to SAFS

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

Thank you.

Clive Seligman, President

JUSTIFYING ACADEMIC FREEDOM

Andrew David Irvine

Is academic freedom best justified on the basis of the *Millian view*, the view, due largely to John Stuart Mill, that academic freedom is necessary for the advancement of knowledge? Or is academic freedom best justified on the basis of the *Dworkin-Mercer view*, the view, due largely to Ronald Dworkin and Mark Mercer, that academic freedom is necessary for the advancement of intellectual autonomy? How we choose to answer these questions turns out to be of more than theoretical interest.

Academic freedom is the freedom scholars, researchers, artists, librarians, archivists and students have to go about their work unencumbered by non-academic interference. It protects professors, students, staff and alumni from having to accept any form of ‘party line.’ It gives universities the independence they need to establish academic programs as they see fit. It gives people within universities the right to advance popular and unpopular ideas, free from the threat of discrimination or reprisal, whether from government officials or from their own university administrators. Academic freedom gives people the right to have their work evaluated according to academic, rather than non-academic, criteria. It is what gives academics and academic institutions the independence they need to carry out their work.

Academic freedom is thus an instrumental rather than a non-instrumental good. It exists to help academics do what is expected of them. In this sense, it is more like a *civil right* than a *human right*. Human rights, such as the right to life, are often best thought of as intrinsic goods. They are not conditional on any particular goal or purpose. They protect things that are good in and of themselves. Civil rights, in contrast, are the rights we need *qua* citizen. They are the rights people need for citizens and governments to stand in the proper relationship to one another. In the absence of the institution of government, there would be little need for the right to vote.

This distinction can sometimes become muddled if we fail to notice that some rights have more than one underlying justification. Free speech, for example, turns out to be a *human right* since it is an intrinsic good, a good in and of itself. It also turns out to be a

civil right, since it is essential, practically speaking, for the selection of democratic governments. But in addition, it also turns out to be an *academic right*, since it is also essential, practically speaking, for the advancement of academic goals and objectives.

It follows that if academic freedom is an instrumental good, we need to become clear about which academic goals and objectives we are hoping to advance. Put another way, we need to become clear about the university’s main mission. We need to know why taxpayers, granting agencies, students and parents all fund universities as they do. Or at least why they *should* do so.

The advantages of the Millian line – that the main mission of the university is to advance knowledge – are twofold. First, knowledge is largely accepted as an uncontroversial good. Whether in medicine, engineering or the humanities, advances in knowledge are widely understood to be of benefit to all humankind. The second advantage is that knowledge – especially scientific knowledge – is largely understood to be something objective, something that governments and other paymasters can measure and quantify, at least to some modest degree. If so, the only point of controversy will be over how much knowledge we can afford. The only questions of public policy will be about budgets.

In contrast, the advantages of the Dworkin-Mercer line – that the main mission of the university is to encourage intellectual autonomy – may be less familiar to many of us. Increased intellectual autonomy often leads to a greater diversity of ideas. Sometimes this diversity of ideas leads to new intellectual discoveries. But just as often, it is this diversity of viewpoints that seems to lead to entrenched social differences. Reasonable people, after considering complex social or religious issues, often simply end up agreeing to disagree.

Advances in genuine intellectual autonomy are also harder to measure. While the Millian view focuses on measurable increases in knowledge, the Dworkin-Mercer view focuses on the scholar or student as agent. Philosophers from Aristotle to Kant have believed this leads, in the long run, not only to increased knowledge, but also to better, more fulfilling lives. Democrats from Socrates to Locke have believed that this also leads to more stable, peaceful societies. But who

among us is willing to wait for the long run? Quite reasonably, the taxpayer may ask, how are we to know whether we are getting our money's worth?

Perhaps not surprisingly, it is for these reasons that it has been the Millian view that has captured most often the attention of the scholar and the taxpayer alike. It has also been the Millian view that has motivated the huge shift in resources away from the humanities and towards the sciences over the past century.

Even so, for those of us who want to assert that both goals are worth pursuing, there may be some good that results from tragic events such as the recent shootings at the *Charlie Hebdo* offices in Paris. Such events may motivate us to seek a greater balance between these two aspects of the university's mission, between the advancing of objective, mostly scientific, knowledge on the one hand, and the kind of individual, intellectual autonomy most often associated with the study of the humanities on the other.

As citizens and governments around the world begin to ask themselves what it is that distinguishes the West from other, less peaceful and less tolerant parts of the world, we should remind ourselves of the importance of those aspects of Western society that are most often associated with the goal of promoting individual intellectual autonomy in our students and in our citizens. These include a universal franchise, the separation of church and state, the rule of law, free markets and, something not unrelated to each of these, academic freedom within the university.

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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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FREEDOM CREEP

Colleen Flaherty

Professors and students are usually the biggest defenders of academic freedom and free speech on their campuses. But a pair of new books argues that students and faculty members themselves are degrading those values. Professors, one book says, are increasingly adopting notions of academic freedom that are too expansive, leaving the academy open to criticism from without. Students, meanwhile -- says a second book -- are increasingly trying to clip speech with which they feel uncomfortable, threatening free speech over all.

In *Versions of Academic Freedom: From Professionalism to Revolution* (University of Chicago Press), Stanley Fish, the Davidson-Kahn Distinguished Professor of Law and the Humanities at Florida International University, argues that there's been a slow but undeniable academic freedom "creep" spanning his career. That is, where the term's emphasis was once on "academic," he argues, it's now on "freedom," promoting a kind of mythical notion of the professor as revolutionary. That creep helps explain what Fish sees as various "schools" of academic freedom, for which he creates a taxonomy in *Versions*.

The first school, of which Fish is a member (and possibly the only member, he jokes), is called, "It's just a job." Fish says the school rests on a "deflationary" view of higher education, one in which higher education is a service offering "knowledge and skills to students who wish to receive them." So being a professor here isn't a "holy calling" or responsibility to advance world peace, Fish argues. Rather, it's the responsibility to educate students and advance knowledge "by contract and by the course catalog" -- no more, no less. And only work to advance those goals should be protected by academic freedom.

This definition will be familiar to followers of Fish, who in his books on academy politics and in regular commentary for *The New York Times* has argued that academic freedom doesn't exist beyond one's disciplinary expertise. It sounds limited, and it is. (Although it may be more inclusive than it first sounds: Fish said in an interview that he couldn't "count the ways" in which the University of Illinois at Urbana-Champaign had "botched" the retracted

appointment of Steven Salaita earlier this year, including by violating his academic freedom. Since Salaita, the controversial American Indian studies scholar, was making his offensive tweets outside of class, Fish said, the university had no case for punishing him.) But Fish argues that this version of academic freedom is the strongest, in that it best preserves free inquiry.

“In the debates about academic freedom, one point goes largely uncontroverted,” Fish says. “Inquiry the conclusion of which is ordained before it begins is not academic; it is something else, and because it is something else it does not deserve the protection of academic freedom.”

Fish says this definition also stands up to common criticism from legislators and others outside academe who say academic work has become too political, and who use that as a reason to continue to disinvest in higher education. Professors have the obligation to “get it right,” and that means bringing politics into the classroom only when they’ll advance learning – not stifle it before it starts, Fish says. This protects the academy.

To prove his point, Fish spends much of the book describing and then critiquing four other schools of thought on academic freedom. The second, which he calls the “For the common good” school, is most similar to the American Association of University Professors’ definition, as articulated in its 1915 Declaration of Principles. It also shares many principles with the “It’s just a job” school – such as that instruction should be based on fact, not personal opinion. But this second school claims a connection to democracy, Fish says, in that it is the academy’s job, in part, to “train the democracy” by making public opinion “more self-critical and more circumspect.”

The third, “Academic exceptionalism or uncommon beings” school builds on that idea, maintaining that men and women of high moral and intellectual character within the academy aren’t necessarily subject to the same rules and regulations as everyone else. Case in point? The *Urofsky v. Gilmore* U.S. Fourth Circuit court case of 2000, in which a group of professors employed at Virginia institutions argued that their academic freedom was being violated by a state law that barred public employees from looking at sexually explicit material on their work computers.

While a lower court sided with the professors, the circuit court overturned that ruling to uphold the state’s right to ban its employees from looking at pornography at work.

In Fish’s fourth school, “Academic freedom as a critique,” adherents understand the academy as “protection for dissent,” including dissent against the higher education’s current boundaries. Academic freedom here is a necessary “engine of social progress,” which makes it closely related to the fifth and final school in Fish’s taxonomy: “Academic freedom as a revolution.” In this school, the status quo reflects the “corrupt values of a corrupt neoliberal society,” and professors must work to change it. Fish names Denis Rancourt, a former physics professor at the University of Ottawa who practices “academic squatting” – hijacking a course with a given syllabus and turning it into a workshop for revolutionary activity – the “poster boy” for this last and most extreme vision of academic freedom.

Most everyone else falls somewhere between Rancourt and Fish, the author says. He attributed in an interview the academic freedom “creep” to some of the displaced hopes professors who were students in the 1960s still have for society, in that they’re using their classrooms as places to effect the kind of change that proved illusory in their youth. Fish sees evidence of that in the current Israeli academic boycott movement, which he opposes, and the numerous court cases involving academic freedom he dissects throughout the book. In most cases, he said, courts adopt his view that academic freedom is limited to one’s immediate teaching and research.

Challenging that is not only foolhardy but detrimental to the academic enterprise over all, Fish said, noting there are no real political “payoffs” for academic work. “In the other schools, especially [the last two], you make the university vulnerable to political forces that either wish to defund or control it, and that will be so much easier if university faculty attack their causes in ways that are blatantly political. Someone can reason that if the faculty is acting political in the classroom, then why can’t you react to them politically?”

'Freedom From Speech'

Fish and Greg Lukianoff, president of the Foundation for Individual Rights in Education, haven’t always been on the same side of free speech and academic

freedom cases. But in his new broadside, *Freedom from Speech* (Encounter Books), Lukianoff describes what he sees another troubling “creep” in higher education: increasing demands for censorship of potentially uncomfortable material. Lukianoff says he is particularly troubled by this trend since it’s driven mostly by students -- whom he’s defended in free speech cases for most of his career.

“This year has been really distressing to me because we’ve been at odds with students,” Lukianoff said in interview. “I like working with students and so to see them on the other side of the table kind of breaks my heart.”

The First Amendment lawyer and author of several earlier works on free speech says the recent, student-driven censorship phenomenon is a natural extension of the desire to be comfortable. But while being physically secure on college campuses is necessary for learning to take place, Lukianoff says, sometimes being intellectually uncomfortable is also necessary. In other words, enforcing intellectual comfort is fundamentally at odds with the goals of higher education.

“The increased calls for sensitivity-based censorship represent the dark side of what are otherwise several positive developments for human civilization,” he says. “I believe that we are not passing through some temporary phase in which an out-of-touch and hypersensitive elite attempts – and often fails – to impose its speech-restrictive norms on society. It’s worse than that: people all over the globe are coming to expect emotional and intellectual comfort as though it were a right.”

Lukianoff continues: “This is precisely what you get when you train a generation to believe that they have a right not to be offended. Eventually they stop demanding freedom of speech and start demanding freedom from speech.”

Some of the most troubling censorship demands are what Lukianoff calls “disinvitations” of controversial speakers to college campuses amid student protests. FIRE has counted some 257 such disinvitation efforts since 2000. More than half have happened since 2009.

In all, 111 of the efforts were successful – meaning the speaker did not give his or speech. Some 75 of those

canceled speeches were due to universities revoking their invitations, as the University of Michigan did last year to Alice Walker, who has been a vocal critic of Israel.

Lukianoff said such revocations are especially concerning because they mean that universities are giving in to students’ demands. Instead, he said, universities should encourage students to attend such speeches and further engage topics about which they are passionate.

Similarly troubling to Lukianoff is the recent push for trigger warnings in course syllabuses, to alert students ahead of time to potentially sensitive material. In the book, Lukianoff traces the origins of trigger warnings to the internet, where bloggers have used disclaimers to alert their readers to sensitive discussions, such as those about rape. Now students have begun to expect them in their courses, Lukianoff said, infringing on the academic freedom of faculty members who may not want to use them, and potentially shielding students from valuable educational experiences. Lukianoff cited a proposed but tabled voluntary trigger warning policy from Oberlin College that named Chinua Achebe’s classic *Things Fall Apart* as a potentially triggering book.

Lukianoff said he’s hopeful that the censorship trend will die down, but that he’s concerned about its long-term implications for higher education, and the country.

“Ultimately, when you have an environment where [it’s allowed], people clump together in self-affirming cliques and that adds to the polarization,” he said. “It undermines campuses’ abilities to deal with serious societal issues.”

InsideHigherEd, October 3, 2014. □

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THREE REASONS TO AFFIRM FREE SPEECH

KEYNOTE ADDRESS AT FIRE'S 15TH ANNIVERSARY DINNER

Steven Pinker

A few years ago I wrote a chapter on taboo language which began, "It's no coincidence that freedom of speech is enshrined in the first of the ten amendments to the Constitution that make up the Bill of Rights, because freedom of speech is the foundation of democracy." It didn't take long for a historian to write to me, saying, "Actually, it *is* a coincidence." Originally, the framers had framed twelve amendments, of which the one guaranteeing free speech was third. The first two, which dealt with how congressmen were paid and other housekeeping issues, failed to pass, resulting in the third amendment being promoted to first.

It serves me right for assuming that history provides us with neat symbolism that makes for cute chapter openings. Still, I could have written, "It's *fitting* that the constitutional guarantee of free speech is the first of the ten amendments," because free speech is indeed the foundation of democracy—and, as I hope to remind you this evening, much else that is worthwhile in life.

Persuading this audience that free speech is a good thing is a bit like Mitt Romney preaching to a certain musical ensemble in Salt Lake City. But the value of free speech is still very much worth affirming. There are good reasons why the people in this room fetishize free speech, and we should have the reasons at our fingertips when we are called upon to justify this fetish. Tonight I'd like to remind you of three of them.

First, free speech is the only way to acquire knowledge about the world. Perhaps the greatest discovery in human history—one that is logically prior to every other discovery—is that all of our traditional sources of belief are in fact generators of error and should be dismissed as sources of knowledge. These include faith, revelation, dogma, authority, charisma, augury, prophesy, intuition, clairvoyance, conventional wisdom, and the warm glow of subjective certainty.

How, then, can we know? Other than by proving mathematical and logical theorems, which are not about the material world, the answer is the process that

Karl Popper called *conjecture and refutation*. We come up with ideas about the nature of reality, and test them against that reality, allowing the world to falsify the mistaken ones. The "conjecture" part of this formula, of course, presupposes the exercise of free speech. We offer conjectures without any prior assurance they are correct. It is only by bruited ideas and seeing which ones withstand attempts to refute them that we acquire knowledge.

Once this realization sank in during the Scientific Revolution, the Age of Reason, and the Enlightenment, the traditional understanding of the world was decimated. Everyone knows that the discovery that the Earth revolves around the sun rather than vice-versa had to overcome fierce resistance from common sense and ecclesiastical authority. But the Copernican revolution was just the first event in an cataclysm that would make our current understanding of the world unrecognizable to our ancestors.

We now know that the belief systems of all the world's traditional religions and cultures—their theories of the origins of life, humans, and societies—are factually mistaken. We know, but our ancestors did not, that humans belong to a single species of African primate that developed agriculture, government, and writing late in its history. We know that our species is a tiny twig of a genealogical tree that embraces all living things and that emerged from prebiotic chemicals almost four billion years ago. We know that we live on a planet that revolves around one of a hundred billion stars in our galaxy, which is one of a hundred billion galaxies in a 13.8-billion-year-old universe, possibly one of a vast number of universes. We know that our intuitions about space, time, matter, and causation are incommensurable with the nature of reality on scales that are very large and very small. We know that the laws governing the physical world (including accidents, disease, and other misfortunes) have no goals that pertain to human well-being. There is no such thing as fate, providence, karma, spells, curses, augury, divine retribution, or answered prayers—though the discrepancy between the laws of probability and the workings of cognition may explain why people believe there are. And we know that we did not always know these things, that the beloved convictions of every time and culture may be decisively falsified, doubtless including some we hold today.

Free speech was not just central to the development of

knowledge in the history of humanity; it may be central to the development of knowledge in any intelligent species. In his brilliant book *The Beginning of Infinity*, the physicist David Deutsch argues that conjecture and refutation is the only way, in principle, that knowledge can be acquired. If he is right, we can rule out that staple of science fiction, the advanced race of extraterrestrials with a higher form of intelligence. There is only one form of intelligence, Deutsch argues, and modern humans have it: a combination of the ability to conjecture hypotheses, which is part of our evolved cognitive makeup, and the willingness to let the world refute them, which is an accomplishment of the scientific revolution and the Enlightenment. If so, the freedom to advance ideas is not just a parochial ideal of *Homo sapiens* on Planet Earth; it is an ideal of all intelligent beings.

The second reason that free speech is foundational to human flourishing is that it is essential to democracy and a bulwark against tyranny. The most pressing historical question of the twentieth century is how monstrous totalitarian regimes, particularly those of Stalin, Hitler, Mao, and Imperial Japan, came into existence. There are a number of conjectures, such as the popular libertarian hypothesis that societies with extensive social welfare systems and copious government regulation are likely to slide down a slippery slope into totalitarianism. It's an interesting hypothesis with a major flaw: nothing of the sort has ever happened.

Instead, fascist and communist regimes come to power through violent intimidation. In every case, groups of armed fanatics used violence to silence or intimidate their critics and adversaries. (Even the apparently democratic election of the Nazis in 1933 was preceded by years of intimidation, murder, and violent mayhem.) And once in power, totalitarians criminalize any criticism of the regime.

There's a systematic reason why dictators brook no dissent. The immiserated subjects of a tyrannical regime are not deluded that they are happy. And if tens of millions of disaffected citizens act together, no regime has the brute force to resist them. The reason that citizens don't resist their overlords en masse is that they lack what logicians call *common knowledge*—the knowledge that everyone else shares their knowledge. Common knowledge is a prerequisite to coordinating behavior for mutual benefit: two friends will show up

at the same café at a given time only if each knows that the other knows that both know about the appointment. In the case of civil resistance, people will expose themselves to the risk of reprisal by a despotic regime only if they know that others are exposing themselves to that risk at the same time.

Common knowledge is created by public information, such as a broadcasted statement. The story of the Emperor's New Clothes illustrates the logic. When the little boy shouted that the emperor was naked, he was not telling them anything they didn't already know, anything they could not see with their own eyes. But he was changing the state of their knowledge nonetheless, because now everyone knew that everyone *else* knew that the emperor was naked. And that common knowledge emboldened them to challenge the emperor's authority with their laughter.

In his computer simulations of artificial societies, the sociologist Michael Macy has shown that open channels of communication are essential in preventing unpopular beliefs—those that no one believes but no one dares deny—from becoming entrenched. If true believers can punish skeptics, then a minority view can take over. But if skeptics can sample the beliefs of their compatriots, the collective delusions can unravel.

It may seem outlandish to link American campus freedom—which by historical and global standards is still admirably high—to the world's brutal regimes. But I'm here to tell you that the connection is not that far-fetched. This morning I woke up in Oslo, after having addressed the Oslo Freedom Forum, a kind of TED for political dissidents. I met people who escaped from North Korea by walking across the Gobi desert in winter; people who were jailed for a single tweet; people whose families were thrown in prison because of their own political activity. These stories put the relatively minor restrictions on campus speech in perspective. But the American commitment to unfettered speech, unrivaled even by our democratic allies in Europe, stands as a beacon of inspiration to the world's dissidents, one of the few features of the American brand that still commands global admiration. At least one speaker at the Forum singled out speech codes and other restrictions on expression in the United States as a worrisome development.

The third reason that free speech is fundamental to civilized societies—and the one most directly tied to

the mandate of FIRE—is that it is inseparable from the mission of higher education. Today’s universities are racked with debates on curricula, admissions, funding, pedagogy, sexuality, and much else, and all of them ultimately hinge on an understanding of what universities are for. As the song says, “If you don’t know where you’re going, any road will take you there.” But I have been astonished at how professors, deans, and university presidents cannot come up with a coherent statement of what the mission of a university is. When called upon to do so they go all misty, babbling in incoherent platitudes.

A good example is William Deresiewicz’s recent book *Excellent Sheep*, a bestseller whose excerpt in *The New Republic* quickly became the most-read article in the century-long history of that magazine. In this scathing critique of elite universities, Deresiewicz ventures that the goal of a university education is for students to “build a self,” which he explicates as follows: “It is only through the act of establishing communication between the mind and the heart, the mind and experience, that you become an individual, a unique being—a soul.”

This vision, to the extent that one can make sense of it, is troubling. Though I’ve been a professor for more than three decades, I have no idea how to get students to acquire a self or build a soul. It isn’t taught in graduate school, and we’ve never evaluated a candidate for hiring or promotion by how well he or she can accomplish it. Indeed, if “acquiring a self” has something to do with adult responsibility, moral sophistication, or the ability to reason through the inherent conflicts in human condition, contemporary universities are falling over themselves to *prevent* students from doing acquiring one. The students at elite universities today are encouraged to prioritize music, athletics, and other forms of recreation over their academic duties. They may be disciplined by an administrative board with medieval standards of jurisprudence, pressured to sign a kindness pledge suitable for kindergarten, muzzled by speech codes that would not pass the giggle test if challenged on First Amendment grounds, and publicly shamed for private emails that express controversial opinions.

In any case, the commonly expressed idea that a university education is a form of “soulcraft” is not as anodyne as it first seems. Indeed, I find it creepy, because it licenses moralistic propaganda and a

condescending disregard for students’ critical faculties. I say that students’ souls are none of our business. A concern with soulcraft distracts us from a more coherent, defensible, and practicable understanding of the mission of the university—one in which free speech is an inseparable part.

Let me be specific. It seems to me that educated people should know something about the 13-billion-year prehistory of our species and the basic laws governing the physical and living world, including our bodies and brains. They should grasp the timeline of human history from the dawn of agriculture to the present. They should be exposed to the diversity of human cultures, and the major systems of belief and value with which people have made sense of their lives. They should know about the formative events in human history, including the blunders we can hope not to repeat. They should understand the principles behind democratic governance and the rule of law. They should know how to appreciate works of fiction and art as sources of aesthetic pleasure and as impetuses to reflect on the human condition.

On top of this knowledge, a liberal education should make certain habits of rationality second nature. Educated people should be able to express complex ideas in clear writing and speech. They should appreciate that objective knowledge is a precious commodity, and know how to distinguish vetted fact from superstition, rumor, and unexamined conventional wisdom. They should know how to reason logically and statistically, avoiding the fallacies and biases to which the untutored human mind is vulnerable. They should think causally rather than magically, and know what it takes to distinguish causation from correlation and coincidence. They should be acutely aware of human fallibility, most notably their own, and appreciate that people who disagree with them are not necessarily stupid or evil. Accordingly, they should appreciate the value of trying to change minds by persuasion rather than intimidation or demagoguery.

I believe (and believe I can persuade you) that the more deeply a society cultivates this knowledge and mindset, the more it will flourish. And so, with the conviction that free speech is essential to the acquisition of knowledge, to the flourishing of a humane democracy, and to the mission of higher education, I salute the Foundation for Individual

Rights in Education, its founders, Harvey Silverglate and Alan Kors, its director, Greg Lukianoff, and all of you who give it your generous and essential support.

Portions of this address were adapted from my *New Republic* essays “Science is not Your Enemy” (2013) and “The Trouble with Harvard” (2014).

Steven Pinker is professor of Psychology at Harvard University.

FIRE, October 23, 2014. □

HOW TO FIGHT THE CAMPUS SPEECH POLICE: GET A GOOD LAWYER

Sohrab Ahmari

Rolling Stone magazine in November published a 9,000-word account of a horrific gang rape alleged to have occurred in 2012 at a University of Virginia fraternity. The story triggered a national outcry. UVA administrators pre-emptively suspended all fraternal activities on campus, effectively tarring an entire class of students for maintaining a culture of rape and impunity.

Then the original story collapsed. The confusion and anger that followed was a teachable moment about campus frenzies and baseless moral panic. But the episode also threw into high relief another facet of modern higher education: university administrators who, in their eagerness to mollify critics, trample students’ rights and in the process lives and reputations.

Often students from unpopular groups and those who hold unpopular views find themselves alone, facing zealous administrators at closed-door disciplinary hearings. In these places the basic rights of Americans—including the right to counsel, due process, the presumption of innocence and even free speech—don’t apply.

That was the predicament faced by Daniel Mael, a senior majoring in business at Brandeis University near Boston. The 22-year-old native of Newton, Mass., is on the honor roll and has immersed himself in student life, intramural sports and Brandeis’s Orthodox Jewish

community. As a student journalist, he has published articles in national outlets.

The problem: Mr. Mael is a pro-Israel man of the right on a campus increasingly hostile to conservatism and the Jewish state. The other problem: The Brandeis administration, as at so many colleges, is more committed to shielding students’ political sensitivities from “harassment” than challenging their minds. Brandeis administrators define harassment so broadly that almost any student could be guilty at any time.

Speaking by phone while on winter vacation in Israel this week, Mr. Mael says: “They try to intimidate students into being silent, in the interest of people’s feelings not being hurt, rather than encourage debate.” In fall 2013, a public dispute about Israel broke out between Mr. Mael and Eli Philip, another Brandeis student and a leader of the campus affiliate of J Street, an advocacy outfit that describes itself as “pro-Israel, pro-peace.” In the course of the debate Mr. Philip’s feelings were hurt—“then all hell broke loose,” Mr. Mael says. The result was a yearlong disciplinary saga that would threaten his future.

Yet unlike many students in this situation, Mr. Mael fought back, eventually retaining top-shelf legal counsel. The legal record generated by the case, now exclusively obtained by the Journal, shines a rare light on the hidden realm of campus discipline.

Like most harassment claims, the one Mr. Philip brought against Mr. Mael arose from actions and counteractions over which the two parties disagree. On Oct. 14, 2013, two campus pro-Israel organizations, the Brandeis Israel Public Affairs Committee and Stand With Us, hosted Barak Raz, a former spokesman for the Israel Defense Forces, or IDF.

As he wrote in a contentious *Facebook* exchange with Messrs. Mael and Raz and other students the next day, Mr. Philip, then a junior, said he “did walk in late, and did not hear the beginning and framing” of Mr. Raz’s lecture. Then Mr. Philip posed a question about the checkpoints the IDF operates in the Palestinian territories. “Motivated by deep frustration, the question was not asked calmly,” Mr. Philip would write in an op-ed about the incident published more than a month later in the *Jewish Exponent*, a Philadelphia periodical.

(Mr. Philip didn’t respond to an email request for comment.)

Mr. Mael, also a junior at the time, says Mr. Philip was “particularly obnoxious” and “disrespectful” toward the speaker, behavior that Mr. Mael says continued online the next day, when, during the same Facebook exchange, Mr. Philip accused Mr. Raz of having “lie[d] to a roomful of students.” Mr. Mael says he decided to hold his political opponent accountable by challenging him in the university’s marketplace of ideas, including by publishing articles and circulating petitions.

Mr. Philip interpreted this as harassment, and in a Dec. 9, 2013, complaint to Brandeis administrators, he presented charges under the university code of conduct. Mr. Philip said in his written complaint that at a lunch meeting two days after the IDF event, Mr. Mael “accused me of behavior unfitting a Jewish soul” and of harboring “deep-seated ‘evil inclinations.’ ” Mr. Mael, Mr. Philip went on, “informed me that I damaged the Jewish community, that I should resign from my position as student leader, and that he must take action to restore the Jewish community.”

Mr. Mael says his words were misquoted and taken out of context, but that’s beside the point. Religious-oriented conversations, however passionate, don’t amount to harassment, a principle that the U.S. Equal Opportunity Commission has set forth regarding workplaces and one even more relevant on college campuses, where philosophical disputation is supposed to be part of the air students breathe. Nor did the encounter amount to conduct with “the purpose or effect of unreasonably interfering” with Mr. Philip’s “education or work performance,” as the Brandeis student code defines harassment. The students, after all, were having lunch.

Mr. Philip’s filing also complained that Mr. Mael attended J Street meetings. “His presence, sitting in the back of the room and typing notes after each comment, was uncomfortable and intimidating.” Blaming Mr. Mael’s influence, Mr. Philip noted that “the Orthodox community stopped speaking to me and routinely ignored me.” Also: “Getting lunch and dinner at the kosher section in Sherman dining hall became an uncomfortable experience.”

A responsible university administrator might have counseled Mr. Philip to take a deep breath and develop thicker skin for the slings and arrows of adult life. But on Dec. 5, 2013, Dean of Students Jamele Adams

summoned Mr. Mael to his office, without informing him about the purpose of the meeting, the student says: “I was handed a copy of the Rights and Responsibilities handbook and told to familiarize myself with it because Eli was considering certain actions.”

Mr. Mael says he was also advised to avoid using social media—an odd discouraging of his free-speech rights and a hint of what lay ahead as the administration picked sides in the dispute.

For months, though, nothing happened. Mr. Philip went to Morocco for a semester abroad, and during that period Mr. Mael recalls he had “nothing to do with the dean.” He pressed on with his campus activism, helping to draw national attention to the Brandeis decision in April to withdraw its offer of an honorary doctorate to human-rights activist Ayaan Hirsi Ali.

Then, three months ago, almost a year since the original incident, Mr. Adams re-entered Mr. Mael’s life. Again he was summoned to the dean’s office without knowing the Oct. 8 meeting’s purpose. “I’m told that there are charges against me under bullying, harassment and religious discrimination,” Mr. Mael recalls. “And I’m told that I have to give a response—guilty or not guilty—ideally within 48 hours.” A guilty determination could have led to his suspension or expulsion from school. Since this was around the Jewish holiday of Sukkot, Mr. Mael was given about a week to reply.

Crucially, Mr. Mael wasn’t allowed to keep a copy of the complaint. Dean Adams told him that this was routine “procedure,” Mr. Mael says. “How am I supposed to tell my parents that I’m being brought to court and by the way I don’t know what the charges are?” Mr. Mael recalls thinking. “This is antithetical to the values of our Constitution.”

In a panic after the meeting with Dean Adams, Mr. Mael consulted his friend Noah Pollak, of the Washington-based Emergency Committee for Israel, which retained the Covington & Burling law firm to act on his behalf. Yet when Mr. Mael’s lawyer initially corresponded with university counsel, he was informed that “parties involved in the conduct process are not permitted to engage legal counsel to act or speak on their behalf.”

Covington & Burling paid no heed. With the deadline approaching and still without a copy of the complaint, Mr. Mael opted to plead not guilty and request a full hearing before a jury of his fellow students.

Andrew Flagel, Brandeis's senior vice president for students and enrollment, wouldn't discuss the Mael case, citing federal privacy regulations, but said there is no university policy to advise students to curtail their speech online while a disciplinary case is pending. Mr. Flagel added that it is university practice not to provide the accused with a copy of a complaint but added that this is "one of the things we've been evolving." Regarding the right to counsel, Mr. Flagel said: "This is not a legal proceeding, so your assumption that there is a right is not in evidence."

By the end of October, Mr. Mael was finally provided a copy of the charges he would face. And Covington & Burling submitted to Brandeis two lengthy legal memoranda blasting violations of Mr. Mael's rights. One letter concluded: "We reserve all rights on behalf of Mr. Mael, including the right to assert claims for the reputational and other harms caused by the baseless allegations at the heart of this proceeding." In other words: See you in court.

On Oct. 27 Dean Adams informed Mr. Mael via email that the "allegations against you will not be adjudicated through our Student Conduct Board. The accuser has withdrawn from the option to do so and therefore this case should be considered closed and without determination of fault or sanction. . . . Thank you for your cooperation."

Thus closed a window on life at American universities, where administrators are only too happy to indulge the objections of students whose feelings are bruised in the combat of ideas. Mr. Mael considers himself fortunate not to be facing expulsion. "It's imperative to understand that if I didn't have extremely qualified counsel," he says, "I would be under duress."

As it happens, Brandeis University is named for the U.S. Supreme Court Justice Louis Brandeis, a free-speech champion and ardent Zionist.

Mr. Ahmari is a Journal editorial-page writer based in London.

Wall Street Journal, January 2, 2015. □

INVOKING INCIVILITY

Elizabeth Redden

A Fordham University professor was accused of discrimination and uncivil conduct for his comments related to the American Studies Association's recent resolution backing the academic boycott of Israel.

Doron Ben-Atar, a professor of history, strongly opposes the boycott and, in a Feb. 24 meeting of faculty affiliated with Fordham's American studies program, urged his colleagues to denounce the resolution on the part of the national American Studies Association as a bigoted act. Ben-Atar advocated that the program distance itself from the ASA -- several other American studies programs withdrew as institutional members of the ASA in the aftermath of the boycott resolution -- and said that if it did not, he would resign from his affiliate status with the program and "fight the American studies program at Fordham in every forum and in every way."

That comment would return to haunt him. On May 2, Ben-Atar received an email from Anastasia Coleman, Fordham's director of institutional equity and compliance, requesting a meeting in regard to an allegation "that you may have acted in an inappropriate way and possibly discriminated against another person at the university." In a subsequent email, Coleman clarified that the complaint did not involve students and was about "your behavior regarding American studies."

Ben-Atar said it wasn't until he received a July 7 letter from Coleman resolving the complaint that he learned more precisely what he had been accused of. The director of the American studies program, Michelle McGee, had filed a complaint against Ben-Atar alleging that he had "verbally harassed and discriminated against her by inferring that she was anti-Semitic" and communicating this to outside parties. The letter also identified as a matter of concern Ben-Atar's statement at the February faculty meeting that he would fight against the American studies program.

The investigation found that Ben-Atar's statements did not constitute discrimination.

"However," Coleman wrote in the letter, "I also

reported to the Office of the Provost that your words and actions about 'fighting' the American studies program in every forum if the program did not comply with your demands, created an atmosphere of incivility that could lead one to make a claim of intimidation or harassment. Because you initially refused to participate in the investigation without your attorney present, and in the absence of your explaining or clarifying what you meant by your stated intention to 'fight' against the program, you subject yourself to a possible violation of relevant sections of the University Code of Conduct, including Section 6-03.01(h) which reads 'Engaging in, or inciting others to engage in, conduct which interferes with or disrupts any University function.' "

Ben-Atar -- who said that his lawyer had in fact informed Fordham's lawyer of Ben-Atar's willingness to meet individually with Coleman -- was, as punishment, sent to the principal's office (or provost's office in this case) for a chat over coffee. "I didn't realize that this was a disciplinary conversation. We discussed the episode and I said to him I think that I did nothing wrong."

Asked what he meant when he said he would "fight" the program, Ben-Atar responded, "Obviously the way academics and intellectuals fight for their ideas -- by speaking up, persuading, writing and all the other intellectual tools in my arsenal. No one has ever asked me what I meant and to pin the case on that word is terribly disingenuous. Clearly no violence was implied -- there isn't a trace of it anywhere."

Ben-Atar objects to what he describes as the deployment of the university's investigatory machinery to settle a debate among academics over the merits of the movement to boycott Israel.

"Administrators and colleagues failed to protect my First Amendment rights, and fed the assault on my character," Ben-Atar wrote in an op-ed on the topic he published in *Tablet*. "A person utterly unqualified to understand anti-Semitism sat in judgment of a scholar who publishes on and teaches the subject. A report has been issued without letting me even defend myself. My choice to have legal representation has been cited as proof of my guilt. Most painful was realizing that my commitment to fighting anti-Semitism, so central to who I am, has been used against me in a most unethical manner not only by the member of the

faculty who filed the baseless charge, but also by the office of the university counsel."

McGee did not respond to several email and phone messages seeking comment on Tuesday. Fordham's media relations office released the following statement: "Dr. Ben-Atar is a highly respected member of Fordham University's faculty. He was accused by another highly respected member of the university faculty of violating Fordham's code of civility. By statute and in keeping with the long-established norms of academia, the university was required to investigate the allegations against Dr. Ben-Atar. Such investigations are by their nature confidential, both to protect the reputations of the accused and the privacy of the accuser. At the end of the investigation undertaken by the University, Dr. Ben-Atar was not sanctioned nor reprimanded, and continues to enjoy the full rights and privileges of a faculty member at Fordham."

Debates over the Israeli-Palestinian conflict generally and the boycott, divestment and sanctions movement against Israel specifically have been heating up on U.S. campuses. And the Fordham case comes amid increasing debate about whether rules governing civility in faculty conduct may undermine academic freedom and serve to squelch unpopular speech.

A colleague of Ben-Atar's who was present at the American studies program meeting -- and who joined him in resigning from her affiliation with the program after it opted not to distance itself from the ASA boycott resolution -- said she found it "astonishing" that Ben-Atar's comments during the meeting became the subject of a university disciplinary investigation. "The meeting was called to discuss anti-Semitism, generally, the boycott, Fordham's role and so forth," said Elaine F. Crane, a distinguished professor of history.

"I thought it was a wonderful meeting that laid things out on the table," she said. "There have been issues that have arisen over the years that were very tender, and this was one of them, but the meeting with diverse members of the faculty who had different opinions was very civil given the sensitive nature of the issue."

InsideHigherEd, October 15, 2014. □

SCIENTIFIC AMERICAN'S 'PC POLICE' FIRES BLOGGER

Ross Pomeroy

Last week, while perusing *Scientific American's* blog section I stumbled upon a post entitled, "Richard Feynman, sexism and changing perceptions of a scientific icon," written by Ashutosh Jogalekar. Already a Feynman fan, I had an inkling of the article's thrust even before reading it: Richard Feynman was, on occasion, a total jerk to women.

That much is clear to anyone who has read Feynman's book, *Surely, You're Joking, Mr. Feynman!* In it, the Nobel Prize-winning physicist candidly reveals a great many personal anecdotes and beliefs. Some aren't exactly politically correct. For example, in regard to women, he describes his very questionable approach to picking up girls at parties or bars. With a hat-tip to *Field of Dreams*, it is best described as "If you disrespect them, they will come." Don't buy them anything, don't be polite to them, and don't do what they want... until they've agreed to sleep with you, that is.

When I read that section, I was taken aback. Feynman's actions were archaic, rude, and unacceptable, unbecoming of one of my scientific heroes.

Ashutosh Jogalekar, who penned the article at *Scientific American*, described having a similar reaction to Feynman's "casual sexism," which also manifested in more than just social arenas. But, he noted, though some of his actions are "disturbing and even offensive" when viewed from the socially-evolved lens of today, "they were probably no different than the attitudes of a male-dominated American society in the giddy postwar years." Thus, Jogalekar reasoned, we should not condemn Feynman wholly as a sexist.

That seems to make sense. While anecdotes from Feynman's own book show that he was a jerk to women in certain settings, there's no evidence that Feynman ever discriminated against women in science. In actuality, it was quite the opposite. As Julia Lipman wrote in 1999:

"Feynman took the side of a female Caltech professor

who brought a sexual discrimination complaint against the school. He encouraged his younger sister's career as a physicist even though their parents didn't believe that women should pursue scientific careers."

And so, Jogalekar concluded, "We can condemn parts of his behavior while praising his science. And we should."

The article earned some controversy on Twitter, but generally prompted diverse, reflective discussion. Not a big deal.

Ashutosh Jogalekar's Feynman article appeared last Friday. The next day, it was taken down, and Jogalekar was abruptly excused from *Scientific American's* blog network. (The article has since been reposted "in the interest of openness and transparency.")

Scientific American editor Curtis Brainard offered an explanation for the dismissal earlier this week. He said that some of Jogalekar's posts lacked clarity, which made them insensitive to "valid concerns that many readers have about past and existing biases and prejudices in our society."

In addition to the Feynman piece, Brainard referenced two earlier articles that stoked the ire of a few readers, expressed almost entirely through social media. "The first was a guest post in April about Larry Summers' statement regarding women in science. The second was a post in May, which favorably reviewed a controversial book by Nicholas Wade, *A Troublesome Inheritance: Genes, Race and Human History*." (Robert VerBruggen also gave this book a moderately positive review for *RealClearScience*.)

The first post attempted to navigate the muddy waters of gender discrimination in science, and why, in certain fields, there are more men than women and vice versa. The guest author, Chris Martin, respectfully contended, "The research clearly shows that such discrimination exists—among other things, women seem to be paid less for equal work... but the latest research suggests that discrimination has a weaker impact than people might think, and that innate sex differences explain quite a lot."

What exactly is "insensitive" about that?

In his review of Nicholas Wade's controversial book, Jogalekar wrote:

"Overall I found this book extremely well-researched, thoughtfully written and objectively argued. Wade draws on several sources, including the peer reviewed literature and work by other thinkers and scientists. The many researchers whose work Wade cites makes the writing authoritative; on the other hand, where speculation is warranted or noted he usually explicitly points it out as such. Some of these speculations such as the effects of genetics on the behavior of entire societies are quite far flung but I don't see any reason why, based on what we do know about the spread of genes among groups, they should be dismissed out of hand. At the very least they serve as reasonable hypotheses to be pondered, thrashed out and tested. Science is about ideas, not answers."

While I disagree with Jogalekar's favorable view of the book, there was nothing in his review that struck me as distasteful. His article was well within the mainstream of scientific thought.

In the wake of his removal from *Scientific American's* blog network, Jogalekar has remained polite and pensive, expressing nothing but respect for Brainard and the magazine. He did, however, ask some open questions. For example:

"How much should a brand care about opinions (particularly negative ones) on social media, especially in an age when waves of such criticism can swell and ebb rapidly and often provide a transient, biased view of content?"

The simple fact is that science is occasionally uncomfortable and sometimes runs counter to what we believe. But that doesn't mean we should shy away from it. Yet, that is what *Scientific American* has chosen to do; they have dismissed a blogger for tackling controversial topics and ruffling a few overly sensitive feathers.

"A scientific topic cannot be declared off limits or whitewashed because its findings can be socially or politically controversial," Jogalekar sagely wrote in one of his pieces.

Apparently, *Scientific American* disagrees. And in their politically correct world where feelings come before facts, that means you lose your job.

RealClearScience, July 17, 2014. □

AFTER FERGUSON, COME THE APOLOGIES FOR NOTHING

Jonathan Turley

Racially-charged campuses shut down the conversation

College campuses last week seemed more like centers of political reeducation rather than real learning as various academics have been forced into public apologies over references to the recent controversial decisions of grand juries in Missouri and New York.

Consider the bizarre case of University of California at Los Angeles law professor Robert Goldstein who based an essay question on his final on Michael Brown's stepfather, Louis Head, chanting, "Burn this b---- down!" after the grand jury decision. The angry mob proceeded to loot and burn various businesses in the town. With some calling for Head to be prosecuted, this was a ready-made question for exploring the limits of the First Amendment in a real-life situation.

However, Goldstein was immediately attacked by commentators like Elie Mystal of the blog *Above the Law* for being "racially insensitive and divisive." Mystal falsely stated that Goldstein's question asked students to "advocate in favor of extremist racists in Ferguson."

Goldstein actually apologized and told his students that he "clearly underestimated and misjudged the impact of this question." He proceeded to throw out the question in what seemed a cringing compliance with a new taboo subject.

The apologies continued at Smith College after President Kathleen McCartney publicly joined protesters in what she called "a shared fury . . . [as] we raise our voices in protest." McCartney declared "all lives matter," but was immediately denounced for being too inclusive by not saying "black lives matter." Smith sophomore, Cecelia Lim, complained that McCartney was "invalidating the experience of black lives." McCartney asked forgiveness and promised not to stray from the expected language. (Ironically, the next weekend, a protest leader was heard rallying the crowd with the same inclusive message of all lives matter.)

At the University of Iowa, visiting professor Serhat Tanyolacar also protested wrongly with a striking statue of a Klu Klux Klan member composed of newspaper clippings on racial tension and violence. It was a striking piece of artistic and political speech designed to "facilitate a dialogue." Within hours, university officials declared the art to be "deeply offensive" and ordered its removal. It effectively declared the art, which is protesting intolerance, to be itself a form of hate speech. Tanyolacar issued a formal apology and a university official who had promoted the art also apologized for his "own privilege and culture bias" that blinded him to the feelings of African Americans.

In the meantime, Columbia Law School postponed exams after minority students insisted that it was difficult to sit for exams and apply legal principles that are used to "deny justice to so many black and brown bodies." The law school agreed and Robert E. Scott, Columbia's interim dean, postponed the exams due to the "trauma" of the decisions which "threatens to undermine a sense that the law is a fundamental pillar of society designed to protect fairness, due process and equality." Students at other law schools are demanding similar delays in their exams.

I sympathize with students who feel deeply injured by what they view as injustice and Columbia was right to reach out to students. However, as lawyers, we work in a trauma-filled environment where not just the rights but the very lives of our clients are sometimes in the balance.

In the cacophony of apologies, what is being lost is the sense academic freedom and free speech on college campuses. Ironically, Tanyolacar did "facilitate a dialogue" but it is whether an open dialogue is still possible on our over-charged campuses.

Jonathan Turley, a law professor at George Washington University, is a member of USA Today's Board of Contributors.

USA Today, December 15, 2014. □

H. WADE MACLAUHLAN: SAGE OR CENSOR?

Jackson Doughart

Former UPEI President Wade MacLauchlan has announced his candidacy for the leadership of the ruling provincial Liberal Party. He is a notable figure of the P.E.I. elite, for whom political life would seem both logical and fitting. Given his résumé, MacLauchlan would doubtless make an interesting premier.

It is worth noting, however, that his reputation was earned in higher education, and that he is seeking a democratic office. These are two arenas of public life where the values of liberal speech, inquiry, and exchange are vital. A university that does not permit academic freedom fails in its scholarly mandate. And a polity which fails to make known the facts and arguments of government action fails in representing its citizens. A person would think that, given such a background, his record here would be stellar.

But H. Wade showed his true colours as UPEI's president during the infamous Danish Cartoon Controversy, culminating with the attacks in Muslim countries against the embassies of Denmark. These violent demonstrations were reactions to the 2005 publication, in a Danish newspaper, of drawings depicting the Islamic prophet.

The threat of violence from protesters, both within and without Denmark itself, was very real in the subsequent months. Yet on the safe ground of the United States and Canada, no newspaper, magazine, or television program would even display the cartoons. This act would have suggested solidarity with the publication under attack, and more importantly informed readers and viewers of the story.

No publication, that is, with the exception of UPEI's own student paper The Cadre, whose editors chose to reprint the cartoons for the above reasons. (They were later joined in Canada by Ezra Levant's Western Standard magazine). At the least, students, faculty, and staff at UPEI would have been able to see the subject of controversy for themselves, rather than simply be told that a faraway rag had committed the thought crime of "causing offence".

To its credit, P.E.I.'s Islamic association supported the

right of The Cadre to print the cartoons, citing the importance of free expression. It didn't call on the paper to be censored.

But this is exactly what happened. On order from President MacLauchlan, UPEI staff scoured the campus of all copies of the offending paper, determined to undo the editors' Wrong Think by force.

The Cadre is run through the student union, not the university proper: a crucial distinction here. It was not MacLauchlan's prerogative to approve or cancel the publication, regardless of his objection to its content. He could have released a statement expressing disagreement with the paper's decision, which would have been incorrect but still within the confines of moral action. To whitewash The Cadre's issue, on the other hand, was not kosher.

All of this means that in just one small battle between democracy and its opposition, H. Wade was on the wrong side.

Later, he posed for photographs with a Muslim woman named Koli Hoogeveen who praised his intervention against the insulters of Muhammed. In other words, it was not enough that MacLauchlan committed the profane act of censorship. He also wanted to be praised for it!

Now, you may think that all of this represents a blip on the man's notable career, if even a blip at all. But imagine if a Premier MacLauchlan were to learn that an unwanted or "offensive" story were being published here in The Guardian. Would he dispatch his subordinates to snatch the papers away, as he did at UPEI? I don't think he can be trusted on this point, as the man has exhibited a totalitarian streak, becoming less of a university president than of a third world autocrat.

Call me old fashioned, but people really ought to care about this. H. Wade wasn't up against the Globe and Mail or some lofty media empire, but a small student paper, acting on the best intentions of democratic spirit, with no tangible means to fight back.

Someone like him should be called a bully. And a bully shouldn't be premier.

At the very least, MacLauchlan the Candidate deserves

to be asked some tough questions about his stunning censorship. And if he is of better character than his former self, he will express some remorse for that shameful episode.

Jackson Doughart is a graduate of UPEI and Queen's University.

The Guardian, December 3, 2014. □

ACADEMIC SCIENCE ISN'T SEXIST

Wendy M. Williams and Stephen J. Ceci

Academic science has a gender problem: specifically, the almost daily reports about hostile workplaces, low pay, delayed promotion and even physical aggression against women. Particularly in math-intensive fields like the physical sciences, computer science and engineering, women make up only 25 to 30 percent of junior faculty, and 7 to 15 percent of senior faculty, leading many to claim that the inhospitable work environment is to blame.

Our country desperately needs more talented people in these fields; recruiting more women could address this issue. But the unwelcoming image of the sexist academy isn't helping. Fortunately, as we have found in a thorough analysis of recent data on women in the academic workplace, it isn't accurate, either.

There's no argument that, until recently, universities deserved their reputations as bastions of male privilege and outright sexism. But times have changed. Many of the common, negative depictions of the plight of academic women are based on experiences of older women and data from before the 2000s, and often before the 1990s. That's not to say that mistreatment doesn't still occur — but when it does, it is largely anecdotal, or else overgeneralized from small studies. As we found, when the evidence of mistreatment goes beyond the anecdotal, it is limited to a small number of comparisons of men and women involving a single academic rank in a given field on a specific outcome.

In contrast, our work, which is forthcoming in the journal *Psychological Science in the Public Interest* and was written with the economists Donna K.

Ginther, of the University of Kansas, and Shulamit Kahn, of Boston University, reports the results of several hundred analyses of data on hiring, salary, promotion, productivity and job satisfaction for eight broad fields of science at American universities and colleges.

Our analysis reveals that the experiences of young and midcareer women in math-intensive fields are, for the most part, similar to those of their male counterparts: They are more likely to receive hiring offers, are paid roughly the same (in 14 of 16 comparisons across the eight fields), are generally tenured and promoted at the same rate (except in economics), remain in their fields at roughly the same rate, have their grants funded and articles accepted as often and are about as satisfied with their jobs. Articles published by women are cited as often as those by men. In sum, with a few exceptions, the world of academic science in math-based fields today reflects gender fairness, rather than gender bias.

Moreover, in contrast to frequent claims that outright bias pushes more women out of math-intensive fields, we actually found a greater exodus of women from non-math-intensive fields in which they are already well represented as professors (like psychology and biology, where 45 to 65 percent of new professors are women) than from fields in which they are underrepresented (like engineering, computer science and physics, where only 25 to 30 percent of new professors are women). Our analyses show that women can and do prosper in math-based fields of science, if they choose to enter these fields in the first place.

So if alleged hiring and promotion biases don't explain the underrepresentation of women in math-intensive fields, what does? According to our research, the biggest culprits are rooted in women's earlier educational choices, and in women's occupational and lifestyle preferences.

As children, girls tend to show more interest in living things (such as people and animals), while boys tend to prefer playing with machines and building things. As adolescents, girls express less interest in careers like engineering and computer science. Despite earning higher grades throughout schooling in all subjects — including math and science — girls are less likely to take math-intensive advanced-placement courses like calculus and physics.

Women are also less likely to declare college majors in math-intensive science fields. However, if they do take introductory science courses early in their college education, they are actually more likely than men to switch into majors in math-intensive fields of science — especially if their instructors are women. This shows that women's interest in math-based fields can be cultivated, but that majoring in these fields requires exposure to enough math and science early on.

In contrast to math-based fields, women prefer veterinary medicine, where they now constitute 80 percent of graduates, and life sciences, in which they earn over half of all doctoral degrees; women are also half of all newly minted M.D.s and 70 percent of psychology Ph.D.s. However, those college women who do choose math-intensive majors like engineering persist in them through graduate school and into the academy at the same rate as their male counterparts — again showing that women can and do succeed in math-based fields if they develop interest in them and commit to them.

Today's story about women in math-based academic fields is clear. While no career is without setbacks and challenges, life in fields like engineering, physics, mathematics and computer science — when viewed by the numbers across the population of academics today rather than through the lens of testimonials and overgeneralized findings — is life with reasonable pay, flexibility to meet family demands, and the chance to make meaningful impacts on the state of knowledge and the next generation of talented young people. Academic science is a rewarding career for many, men and women alike. We are not your father's academy anymore.

Wendy M. Williams and Stephen J. Ceci are professors of human development at Cornell University.

New York Times, Sunday Review, October 31, 2014. □

FEARS OF 'SELF HARM' AMONG DENTAL STUDENTS SUSPENDED AT DALHOUSIE OVER 'GENDER VIOLENT' FACEBOOK POSTINGS

Adrian Humphreys

Thirteen dentistry students at Halifax's Dalhousie University who were part of a "gentlemen's" Facebook group were suspended over outrageous and offensive Facebook posts about female colleagues, the school's president said Monday in a disciplinary announcement delayed by fears the male students were in danger of self harm over the scandal.

As the suspension was announced, fallout from the incident continued with the Royal College of Dental Surgeons of Ontario demanding to know the names of students involved, in case any of them apply to practice in the province — assuming they are able to graduate and become doctors.

"I am concerned about the misogynist, sexist, gender violent kind of behaviour... We would take a good hard look as to whether or not we thought they were suitable to practice," said Irwin Fefergrad, registrar of Ontario's dental college, which regulates who can be a dentist in the province.

The social media posts — which included suggestions dentistry anesthetics be used to subdue female classmates prior to rape and a vote on the relative aggressive sexual interest in various classmates in the school's small Faculty of Dentistry — were made over three years in a private Facebook group for the school's male dental students.

The 13 fourth-year students allegedly involved have been suspended from clinical activities while the case is under review, which will, at least temporarily, prevent them from acquiring a degree because dentistry students are required to complete work in dental clinics as part of their studies.

"The suspension is necessary to ensure a safe and supportive environment for patients and classmates who participate in the clinics," said university president Richard Florizone and Tom Boran, dean of the Faculty of Dentistry, in a joint statement released Monday.

The university said other disciplinary measures and broader action is still pending.

Despite the high-profile nature of the dentistry scandal that was known to the university in early December, and the school's decision to suspend the students being made before Christmas, the announcement was held back until the resumption of classes because of concerns for the safety of those suspended and to ensure appropriate on-campus support was available to them.

"We had credible reports from our frontline staff of potential self-harm," Mr. Florizone told reporters. "We took those seriously and so that concern for student safety overrode our concern about communicating this publicly."

Dalhousie's administration became aware of the posts on Dec. 8 by a student who was affected by the commentary, Mr. Florizone said. The student, apparently a female dentistry student, had been referred to his office after first complaining to the university's Human Rights, Equity and Harassment Prevention office.

A week later, the Facebook group and some of its posts were published by the CBC, which had been given copies of some of the material after the Facebook page was taken down.

Subsequently, several of the women who were the subject of some of the comments, as well as male members of the Facebook group, came forward to the school's administration, said Mr. Florizone.

At the time of the Dec. 15 news report, he called the posts "entirely unacceptable and deeply disturbing" and said he would weigh "the full range of options" within 48 hours. The remaining exams for all of the fourth-year dentistry students were postponed.

Two days later, Mr. Florizone issued an updated statement.

"The comments have caused harm broadly — most importantly, to the women who were impacted by these posts, and women in general, but also to our Faculty of Dentistry, to the university and to the dental profession," he said. The university's sexual harassment policy provides for either an informal

resolution or a formal complaint procedure. The undisclosed number of women chose an informal “restorative justice process,” he said.

That process is confidential but the outcome may become public if those involved deem it appropriate. Mr. Florizone said the school’s obligation was to anyone victimized by the comments, understanding and repairing the harm caused, and then to holding those responsible accountable.

But the swift response then seemed to falter. Despite the university treating the complaints as a priority, nothing more was released until Monday, when the surprise reasons for the delay was revealed.

The university said the suspension allows the Faculty of Dentistry Academic Standards Class Committee to consider the case for possible further action — which could include recommend expulsion.

“Our overall response must also address cultures of sexism, misogyny and sexualized violence. We must ensure an inclusive community that offers a healthy and safe learning and working environment for all,” Mr. Florizone said.

But the anonymous restorative justice process is not appropriate in a matter when medical licensing and patient safety is at stake, said Mr. Fefergrad.

“As the chap responsible to protect the public interest for the public in Ontario, I have grave concerns about the attitudes expressed by these students — they’re going to be doctors in a few months,” Mr. Fefergrad said.

He has written to Dalhousie asking for the names of the students involved for future vetting if any apply to be a dentist. If the university declines to release the names to the college, any applicant from Dalhousie will be specially scrutinized, he said.

“We can’t just let it sit.”

The college has not received a response from the school. Calls and emails to Dalhousie’s spokesman were not returned by deadline Monday.

National Post, January 15, 2015. □

NOMINATIONS FOR SAFS BOARD OF DIRECTORS

2015 - 2016

The Nomination Committee consisted of Clive Seligman (President), Steve Lupker and Rick Goffin, (both at University of Western Ontario), and Phil Sullivan (University of Toronto).

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, 2015. 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. □

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