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### WHY VILE SPEECH SHOULD ATTRACT NO OFFICIAL NOTICE

*Mark Mercer*

One argument that university administrators should have the power to sanction professors for what they say begins from the fact that not all expression is of academic significance. Mere assertion, for instance, in some cases adds nothing of value to inquiry or critical discussion. Inveective is also a kind of speech that only rarely if ever contributes to research or teaching. Slogans, rhyming chants and taunts don’t move the academic engagement forward.

Professors, we’re told, must be willing to supply evidence or to respond to criticism if what they say is to be protected by the academic freedom provisions in their collective agreements. They are required, that is, to use their freedom responsibly. A professor who engages in low-value speech that hurts people, encourages lawlessness or brings a university into disrepute may properly be brought to discipline. So may a professor whose low-value speech leads students or colleagues to believe he won’t treat them fairly or with respect.

Those who use this argument are apt to insist on the distinction between freedom of expression and academic freedom. While as citizens we might be free from government interference or sanction to say stupid or vile things, as professors we have responsibilities not to do so, or at least to be temperate and open to criticism and correction when

we do. It is, then, no violation of academic freedom to require, via threats of sanction, that professors live up to their responsibility to speak well.

We’ve heard this argument frequently in the months following the 7 October 2023 Hamas-lead attack on Israel. It was used in defence of both Langara College’s treatment of Natalie Knight and the University of Guelph-Humber’s treatment of Paul Finlayson. It has been used to urge universities to close and dismantle pro-Palestinian encampments on their campuses.

The argument, again, is that since university administrators have the responsibility to maintain the academic character of their institutions, they should have powers necessary or useful to fulfil this responsibility. Because expression that isn’t of academic significance can, when it is racist or celebrates violence or denies a person’s humanity, undermine a university’s academic character, administrators should have the power to step in to stop it and to punish it.

The particular argument I’ve described applies only when expression is of low value academically. It is different from the argument that begins with the proposition that its academic mission is only one of a university’s concerns. This other argument would grant administrators powers to interfere and sanction even academically valuable expression, if that expression puts at risk values such as anti-racism or respect for indigenous ways of knowing.

One response to the argument that professors should be subject to sanction for vile or dangerous expression when what they say is of low academic value is that the university has no right to concern itself with a professor's off-duty behaviour. When a professor is tweeting on her own time, or speaking at a political rally, or stating an opinion in a letter to the editor, the professor is not at work and the employer lacks jurisdiction to interfere.

This is an important response, certainly from a practical perspective. It's good that the academic freedom clauses of collective agreements typically enjoin the employer to respect freedom of expression, for such clauses might deter the employer from overreaching. We might well want, as a tactical move, to make the point that the professor wasn't speaking on company time when a university administrator comes after one of us.

Of course, one weakness with the off-the-clock response is that it's no help when administrators come after a professor for something said on the clock.

The response that people should be free to say what they want when they are off the clock depends on a distinction not all professors wish to make. In my own case, I think of myself as a professor (a scholar, an intellectual) in all that I do. I don't think of myself as ever off the clock; I don't think there is a clock. I'm not paid with public money and student fees to teach and conduct research as though that were a job; I'm paid, rather, to be a professor, that is, to live the life of a scholar and intellectual. Now, I accept that this is a romantic view of things, and perhaps a minority view even among professors. It is certainly not how university administrators or faculty unions conceive of things. The claim that off-the-clock speech is no business of university administrators might supply us with our best practical response when a professor (or student) gets into trouble. But much more satisfying would be a response that appeals to the academic mission and the values that support it.

Before providing a response that appeals to academic values, I will state a practical argument for restricting contractually the ability of university administrators to interfere with or to sanction a professor's low-value speech, even when that speech is obnoxious or dangerous. This practical argument is based on an observation: university administrators have frequently got wrong the academic value of what a professor they then lay into has said. Many, if not most of them, will continue to get it wrong. Many administrators will continue to get it wrong because their concern is not with the academic mission of their university but with other things (pleasing certain constituencies, for instance). In getting it wrong, they cause hardship for the professor whose speech has been impugned and demoralize him and his colleagues. This is true even when administrative decisions are eventually corrected by arbitrators. On balance, then, the harm caused by administrators is

greater than that caused by firebrand professors.

A further consideration is that some university administrators are given to initiate disciplinary procedures against professors as a management tool, even when they don't think the professor violated any rule and they intend to halt the procedures once they've mollified a complainant, signalled their virtue, intimidated the professor or otherwise achieved their end.

Because university administrators will often mistake academically valuable expression for low-value expression, it is better that they lack the power to intervene against professors (or students), even if that means that professors (or students) will get away now and again with celebrating murder or ignorantly denigrating indigenous knowledge.

Let me now state and defend the argument that freedom of expression is integral to the nature of the academic mission.

Some commentators suppose that this argument requires that we deny the distinction between academically valuable expression and low-value academic expression. We should, of course, be sceptical of this distinction, for anything a person says could in some way advance academic goals. Even a vile comment might stimulate thought and cause us to clarify our ideas or arguments, it might make us aware of what's at stake, or it might put us in mind of a fruitful connection we've missed. We should be grateful to whomever awakens us from our dogmatic slumbers, no matter how ungently. Moreover, it is frequently if not invariably false that professors engage in assertion, invective or sloganizing without defending their claims or actions. In most cases, they will give reasons unbiddenly; but they will certainly give them after they've been criticized or denounced. If the distinction between respectable and low-value academic speech turns on a professor's willingness to argue, then in fact very little speech is low value.

Despite our scepticism about the reality or usefulness of the high-academic-value/low-academic-value distinction, at least when placed in the hands of university administrators, we need not dismiss it in order to respond critically to the argument that administrators should have the power to police low-value expression. Let's suppose that the distinction is real and that the content of some low-value expressions can disturb, upset or appall members of a university community, or make them fearful about how that professor might treat them. Nonetheless, university administrators should have no power to intervene. Vile low-value expression should draw no administrative attention at all.

The reason is simply that administrative attacks on professors for what they say inhibit or deform inquiry and discussion. They do so by instilling fear among professors (and students) that they might themselves be called on the carpet. If the academic mission is to foster inquiry, and if

open, free and candid discussion is useful to inquiry, then anything that inhibits discussion is contrary to the academic mission. To the extent that professors and students are committed to academic values, they will seek to apply no pressures on beliefs or values save the pressures of evidence and argument. The threat of sanction is a pressure apart from evidence and argument. Thus, the threat of sanction for saying something offends the academic mission of the university.

Professors (and students), again to the extent that they are committed to academic values, will be critical of expression of low academic value. They will explain openly and candidly why what a professor has said is false or implausible, why the arguments for it are weak, why it rests on unsound values or supports unsound attitudes or practices, or why it is confused or irrelevant to the matter at hand. And they will seek to develop better ideas. Bringing administrators in, on the other hand, removes what the professor has said from academic discussion and thereby corrals discussion.

An objection to the argument that the threat of sanction for saying vile things of low academic value inhibits inquiry is that the presence of vile ideas in an academic community creates a hostile environment and hostile environments are poor places for inquiry and discussion. But that someone perceives an environment as hostile speaks to that person's lack of commitment to academic values. For a committed academic, that someone has, say, celebrated murder or denied one's humanity is an opportunity to respond to ideas and arguments critically.

To the objection that Jewish, black, queer or indigenous students will not feel supported by a professor given what that professor has said, and might be worried about being treated poorly or unfairly by him, we must respond that the university will have grade appeal procedures and means by which students may seek redress for unfair treatment. A university committed to its academic mission will not institute prior restraints, but it will respond to violations of fairness. (This is not to say that the university will respond well. Administrators who lack commitment to academic values will abuse complaint procedures no matter how well structured they are. And at many universities, what it is to be unfair is specified by harassment or respectful-conduct policies that are themselves dubious academically.)

Must the university then give free reign to the firebrands and charlatans among its professors? No. Universities should have mechanisms for detecting and dealing with incompetent professors. A vice-president academic should be empowered to strike a panel of full professors to investigate a professor's teaching or research, even in cases in which fraud is not alleged. The first charge to such a panel would be to help the professor improve his performance, if the panel deems his performance sub-standard. But after two or three attempts to make things better, a vice-president

academic should be able to recommend terminating the professor's contract. The point I wish to make for our present discussion, though, is that a professor's penchant for voicing, without evidence, anti-Semitic conspiracy theories is but an element a panel would consider within its total evaluation of the professor's competence and contribution to the academic mission. The responsibilities that come with academic freedom are discharged (or not) in the totality of a professor's work and career, for they are responsibilities to the academic mission as a whole. (Again, I pause to say that I am aware that properly constituted panels have in the past made terrible decisions about professors and have made them on anti-academic grounds.)

The argument that concern for the academic mission requires that university administrators have the power to sanction professors for low-value expression when that expression is vile or obnoxious fails, even if we grant the existence of low-value expression. A concern for the academic mission requires, instead, that we apply no pressures on beliefs or attitudes save the pressures of evidence and argument, and that we place no obstacles on the road of inquiry.

The scope of the specific argument I've criticized is narrow, for it says that the speech for which a professor can get into trouble must be of low value academically. The attraction of the argument for those who employ it is that it is supposed to be consistent with respect for the academic mission. But, as I mentioned earlier, a much more popular argument for increased oversight and control on campus lacks these limits. This other argument begins with the claims, true as they are, that academic values are just one set of values among others and that some things are more important than the academic mission. Academic values must give way to more important values when the two sets conflict. This is the argument that we most need to address. It is the argument behind just about every successful attack on academic freedom, collegiality and other academic values from the Peter March case in 2006 to the Verushka Lieutenant-Duval, Frances Widdowson and Paul Viminitz cases continuing today.

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#### INDIGENIZATION AND ACADEMIC FREEDOM: LESSONS FROM THE FRANCES WIDDOWSON CASE

*Frances Widdowson*

A few months ago, I discovered that the Canadian Association of University Teachers (CAUT) would be holding

a conference about university indigenization. The conference, “Beyond Words: Translating Indigenization of the Academy into Practice,” is being held so that CAUT can assist academics in “transform[ing] the [Truth and Reconciliation] Commission’s call to Indigenize universities and colleges into practice.” This will involve “Indigenous scholars and their non-Indigenous allies...join[ing] with one another in the spirit of reconciliation” to “improve Indigenous representation and recognition of Indigenous knowledge in post-secondary education.”

People following my case will know that CAUT is the organization that is representing my union, the Mount Royal Faculty Association (MRFA), in fighting my wrongful termination from Mount Royal University (MRU). The first grievance in my case was filed in December 2020, and the arbitration decision finally came down on July 2, 2024. The arbitration took place over 30 hearing days throughout 2023, where I spent eight days on the stand. In his decision, Arbitrator D.P. Jones stated that I was disciplined excessively and should not have been fired. He also maintained that a number of the 12 factors that MRU used to justify my termination were “not worthy to be considered in a university that values academic freedom.”

At the same time, however, Arbitrator Jones maintained that I could not be reinstated because my employment relationship with the university “was no longer viable.” A major circumstance specified was that there was “friction” between me and other professors at MRU, and a number of them didn’t want me to return. More specifically, Arbitrator Jones mentioned the “breadth” of complaints that had been made by two indigenous scholar-activists—Gabrielle Lindstrom and Renae Watchman. These scholar-activists were offended by the fact that I asked questions about the scholarly deficiencies of incorporating indigenous “ways of knowing” into the curriculum. They were emboldened in their hostility towards me because the Indigenous Strategic Plan, 2016-2021, expected that professors “respect” and “value” indigenous perspectives.

This raises the question of why CAUT would be holding a conference promoting indigenization. CAUT, after all, was formed specifically in response to the need to protect academic freedom. The protection of academic freedom, in fact, was why it agreed to become involved in my case. CAUT took over the legal defense from the MRFA because it believed that my firing involved a violation of my academic freedom and this had significant national significance.

The program for CAUT’s conference makes no reference to academic freedom. In other instances, however, it has claimed that academic freedom is enhanced by indigenization. This argument is similar to what is seen with respect to the promotion of diversity, inclusion and equity (DIE) initiatives more generally. DIE initiatives, the argument goes, enable a wider variety of perspectives to be

expressed, as members of groups who were previously discriminated against and excluded from universities are now able to make a contribution to academic discussions. It is maintained that this enhances academic freedom because support is provided to ensure that everyone can participate in the development of knowledge and its dissemination.

This promotion of DIE initiatives, however, fails to understand how efforts such as indigenization, which claims to be attempting to “include” indigenous peoples who were historically discriminated against, are hostile to those who dissent from the orthodoxy. Indigenization is actually a prescribed doctrine that the unsubstantiated beliefs of indigenous people must be accepted without question. This creates a hostile environment for those who point out that “indigenous knowledge” actually consists of unscientific spiritual beliefs and less rigorous forms of observation than scientific methods. And as it insists on intellectual conformity with respect to its unsupported claims, references to diversity and inclusion in indigenization actually mean homogenization and exclusion.

As is shown by a number of features of the CAUT conference, indigenization is actually hostile to academic freedom. The first is that the conference features Niigaan Sinclair, who is a known opponent of open inquiry in universities about indigenous issues. Sinclair is one of the orchestrators of the accusation of “residential school denialism,” which is intent on censoring the views of professors who question current claims about the “discovery” of unmarked graves at residential schools. Because he was opposed to my critical views about this and indigenous policy more generally, Sinclair openly celebrated my termination from MRU on social media, making the assertion that my firing five days before Christmas “is the holiday present that gives and gives and gives and gives.” Sinclair then called for TV Ontario to apologize for allowing my dissenting position to be expressed on its program a few years earlier.

In addition to the prominent involvement of Sinclair at the conference, there are disturbing references to the need for faculty associations to “recognize indigenous knowledge.” This was the position of my own union—the MRFA—which developed a “memorandum of understanding” to incorporate indigenous “ways of knowing” into tenure and promotion criteria. This acted to delegitimize my dissenting position and resulted in the union pressuring the university to investigate me for making Gabrielle Lindstrom and Renae Watchman feel that I had created an “unsafe” workplace for them.

Both the MRFA and MRU’s endorsement of indigenous “ways of knowing” was one of the main reasons for why asking questions about indigenization was perceived to make Lindstrom and Watchman feel “unsafe.” Lindstrom, for example, complained that my asking for examples of indigenization at MRU was “harassment,” and objected to a question at a public event about how “indigenous star

knowledge” should be included in the curriculum. Any attempts to question the existence of “indigenous science,” according to Lindstrom, was “racist and discriminatory.” It was this belief of Lindstrom’s that led her to orchestrate a mobbing of me on social media. When I reacted to this mobbing instigation, and satirized her pretense that she valued being “loving and kind” and “bringing people together with humility and grace,” I was found by an investigator paid for by MRU to have harassed her.

Watchman’s complaint went even further and made a comprehensive litany of accusations about all of my efforts to try to figure out the academic implications of “indigenizing the university.” Watchman objected to me not capitalizing “I” in indigenous, opposed my use of the “DIE” acronym to refer to diversity, inclusion, and equity, rejected my right to give conference presentations criticizing indigenization, and opposed any questioning of indigenous knowledge claims at events.

Watchman also made a number of assertions that my satirizing of DIE initiatives on social media amounted to harassment even though I did not mention her. Such general satirical social media activities were found to constitute harassment because, according to the investigator Geoff Hope, they “demeaned the viewpoints” of people like Watchman. The fact that many MRU colleagues had “demeaned” my “viewpoints” was not considered to be relevant.

Throughout all of her attempts to poison my work environment for exercising my academic freedom rights, Watchman was supported by MRU and the MRFA. The MRFA pressured MRU to investigate Watchman’s claims before a complaint had even been filed. MRU did not resist the union’s pressure because it had a long history of coddling Watchman when she openly tried to poison my work environment and discourage me from asking questions about indigenization. Watchman also was active in pursuing indigenization activism in CAUT, and was even given an “equity award” in 2019. This award congratulated Watchman for being a strong advocate for equity, diversity and inclusion.

Because my questioning of indigenization was claimed to make indigenous scholars feel “unsafe” at MRU, it has been decided that I can no longer be a professor there. One would think that this would be a cause for concern at CAUT. This led me to send an email to one of the CAUT conference organizers. I introduced myself as someone who had written extensively on indigenization’s impact on academic freedom, and asked whether they would like me to make a presentation on this topic. I did not receive a reply, and this seems to indicate that only one perspective on indigenization is acceptable in the organization.

The prizing of indigenization over support for academic freedom is not surprising when one understands the cur-

rent problems that we are facing in universities. The corporatization of academic institutions has made them increasingly autocratic and administratively led, and “wokeism”—totalitarian identity politics—has facilitated this trend. This is because “wokeism” uses compassion to disguise its autocratic agenda. As a result, it is not only university administrators, but also faculty associations, that have become ardent supporters of “woke” ideas at the expense of open inquiry and critical thinking.

Because the #FrancesWiddowsonCase is so well documented, it has exposed how corrosive university indigenization is for academic freedom. The Canadian Association of University Teachers is enabling this corrosion by holding a propagandistic conference encouraging the imposition of the prescribed doctrine of indigenization in academic environments. As it is intimately aware of my case, and how I was terminated because of my criticisms of indigenization, this does not bode well for the health of our post-secondary institutions.

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#### WHY ARE ACADEMIC UNIONS SO PATHETIC? (PART I OF A THREE-PART SERIES)

*Peter Bowal*

#### Introduction

Although they continue to operate in darkness, especially behind the veil of privacy in matters involving discipline of faculty members, academic unions wield extraordinary and exclusive power over the careers of faculty members in Canada.

The people they exist to serve are largely distracted and uninformed. The arrival of newly-appointed faculty members on campus starts tenure clocks and short fixed-term contracts. New faculty scramble to absorb onboarding essentials, prepare their courses, get to know colleagues and processes, design and launch research programs, and attend meetings. New recruits might not learn anything about their unions, other than that fees are regularly deducted from each pay cheque. They rest on the vague notion that, like all forms of government, their union will be there to help them when they need it.

Being disciplined by the institution is not something that comes to mind for new faculty members, or even longstanding academics. It is an insurance-like concept where one

pays regular payments to the union that quietly operates in the background. You will likely never need the union to assist in any disciplinary dispute. But what if you are disciplined at work? Do you know if and how the union will help you out when you need it?

You will be disappointed.

### What Does the Academic Union Do?

The Collective Agreement is a comprehensive document that sets out the framework of the relationship between the employer and employee. In broad strokes, it governs the ongoing rights and obligations of each side, including procedures to raise and resolve disputes arising from those rights and obligations. Each faculty member is under a single union which represents all interests collectively.

The union re-negotiates the Collective Agreement regularly, usually in two-year cycles. These are not “from scratch” negotiations or “root and branch” revisions. Instead, there is usually an emphasis on adjusting salaries and increment ceilings for the next cycle. After that, a few other discrete issues may receive some attention, such as minimum stipends for sessional teaching, regulation of on-line teaching, or broadening the definition of harassment. Generally, less than 10% of the Collective Agreement is revised in any cycle.

Apart from renegotiating the Collective Agreement every few years, the union’s function is to represent its membership in the *administration* of that Collective Agreement. This encompasses a range of activities including recruitment and appointment of new faculty members, annual assignment of duties, renewal, promotion and tenure, leaves, benefits and so on.

A less well-known issue – but one which is finding more favour as a management strategy<sup>1</sup> – is institutional discipline of the faculty member. The Collective Agreement at every institution will be different, but discipline usually comprises versions of counselling letters, warnings, reprimands, suspensions (with and without pay) and termination. These increasingly serve as substitutes for managerial effort and skill. Why speak and work with a non-pliant faculty colleague when one can go straight to punishment?

### Focus of this Series

This is the first of a three-part series of essays on why Canadian academic unions are so tragically ineffectual in serving their members. Although the unions can be pathetic in the renegotiation and administration of other aspects of the Collective Agreement, my focus is on how well unions represent faculty members who are facing discipline in their jobs. Discipline is arguably the most distressing aspect of one’s career. It is being exercised more commonly

by institutions, it is the most episodic and case-specific compared to the general administration of the Collective Agreement, and it is the most shrouded in confidentiality. For all these reasons, the academy should take a closer look at how their unions represent their members in disciplinary matters.

### Author Qualifications

My academic career spans the last 40 years. Like many, I started in the sessional trenches – what is now called “gig work” – teaching a few courses at a college for years outside of my regular job. There were only institutional obligations, rules and expectations. My only right came in the form of a cheque for \$1200 per course at the end of the semester. This led to a two-year full time sessional contract at a large public university, where the modest salary was shockingly reduced by 15% on the basis of an administrative “error” two months after I started. When that contract ended, I was ditched without notice in favour of a major benefactor’s daughter.

Two years later, I landed a tenurable position at a different university, where I earned tenure and promotion and persevered for 30 years. There I was formally disciplined five times by three different deans over those years. There was even a bizarre fake termination attempt during one summer vacation. Eventually I was cancelled. All the digital files of my long career were locked down on institutional servers and inaccessible to me for months. Every form of discipline in the Collective Agreement was officially laid on me at some point, some measures more than once. I may hold the status of the most disciplined professor in the history of that university – a dubious distinction for sure, but one which did not take anything at all on my part to earn.

In short, I was the type of faculty member who could have benefitted from strong union support over four decades of an academic career. Still, I was constantly aware that my own union was strangely hostile to my interests, and as adversarial to my interests as any antagonistic institutional employer.

I am a lawyer, specialized in Canadian labour and employment law in practice and research. I have chaired a provincial employment regulatory body and worked at the top of two judiciaries, including with the Chief Justice of the United States. I have also taught several years at different Australian and American universities from which I am able to draw comparisons.

### Overall Performance of Academic Unions in Member Discipline

In my experience and observation, our unions are failing us miserably. It may have occurred sometime in history, but I have yet to see an academic union head off formal

<sup>1</sup>Peter Bowal, “Kingdom Building and the Rise of HR Enforcers,” *Society for Academic Freedom and Scholarship Newsletter* (Issue 93, Sept 2022)

discipline or win the withdrawal of a counselling letter, reprimand, suspension or termination.<sup>2</sup> As a result, academic freedom and tenure do *not* exist on Canadian campuses today. Post-secondary institutions know that they can – and will – get away with dismissing any faculty member for *any reason* at any time with the acquiescence or subservience of the academic unions.

American faculty colleagues are consistently astounded at how tenure has come to mean nothing in Canada. The academies and laws are not so different in our two countries, although there is a stronger quasi-constitutional protection of academic freedom and tenure in the US. Until about eight years ago, tenured Canadian faculty members did not get sacked on account of the department chair's personal animosity, a minor disagreement or resisting an imposed ideology (recall Jordan Peterson's resistance against enforced pronouns). Terminating tenured faculty members in Canada on disciplinary grounds has been an acquired taste to rid campus of ideological dissidents, and this has been facilitated by weak academic unions.

### Mandatory Unionization

The academy is a closed shop in Canada, much like other federal and provincial public sector institutions. Provincial legislation mandates unionization of public post-secondary institutions. Section 85 of Alberta's *Post-Secondary Learning Act*<sup>3</sup> is typical: government "shall by order establish an academic staff association for each public post-secondary institution . . . [which] consists of the academic staff members of the public post-secondary institution."

For anyone conscientiously set against being forced to pay dues to unions in order to work, many unions allow them to re-direct their dues to charity. For obvious reasons, the unions prefer that this option is not well known or frequently exercised by faculty members. Unions do not inform their members of this opt-out opportunity. They may prescribe the donee charity and they invariably require this diversion of dues to be formalized within 30 or 60 days of the commencement of employment. In a public meeting decades ago, I secured the promise of the President of my union to inform new hires about this option in the onboarding process. That never happened.

Our unions also conscript us into their "union of unions," the Canadian Association of University Teachers (CAUT), which also levies mandatory monthly fees. This membership is not imposed by government. It is mandated by the *union* which we are compelled to join and support, to spend even more of our earnings on unions. It is not clear what practical benefits, if any, this super-union confers. It

summarily refused to assist me when I reached out, but it has cherry-picked a few cases in which to intervene.

Apart from governmental paternalism, what is the rationale for legislating unions onto the campus of every public post-secondary institution in the country?

### Faculty Member Autonomy is Constrained While Union Power and Discretion are Maximized

Not only are academic unions legislated into our careers; they also enjoy exclusive jurisdiction to handle all matters arising from the Collective Agreement. That means we are stuck with the union, even if it is incompetent and we would prefer to defend ourselves or hire our own legal counsel. The union chooses whether to file a grievance. If it chooses to file a grievance, it decides how far to take it and what resources to spend on it. This transfers maximum authority and discretion to the union, and forces the faculty member to depend upon it.

The law in this area gets complicated due to the long line of judicial decisions flowing from the 1995 Supreme Court of Canada decision of *Weber v. Ontario Hydro*<sup>4</sup> and provincial labour legislation (delegated to provincial labour relations boards) regarding union duties of fair representation of members. To summarize these two streams of the law, employees such as faculty members who are unionized *cannot defend themselves* in anything arising from the Collective Agreement, including disciplinary matters. They can only be represented by their union. Moreover, that union has very minimal legal duty to the faculty member. It must fairly represent the faculty member but it enjoys very broad, unassailable discretion in how it does that. A future *Newsletter* article will describe the union's duty of fair representation in greater detail.

### Conclusion

This first in the three-part series on the feebleness of academic unions in Canada has attempted to introduce the problem and hazard of weak unions in disciplinary cases. This weakness has effectively gutted academic freedom and tenure in Canadian post-secondary institutions.

I have tried to show that some causes for this malaise are grounded in the law: mandatory unionization (*post-secondary legislation*), the transfer of comprehensive jurisdiction over disciplinary matters to unions (*Weber*), as well as labour laws which bestow upon these unions essentially unfettered discretion and judgment over how they deal with the discipline of faculty members (*duty of fair representation*).

The next pieces in the series will propose other reasons

<sup>2</sup>Many terminations initiated by the institution are grieved and lead to the faculty member's resignation with "a package". Unions count these as wins, despite the institution prevailing in removing the faculty member against the latter's wishes and under a cloud of culpable suspicion. The only win is full reinstatement with back pay after arbitration and these are rare.

<sup>3</sup>*Post-Secondary Learning Act*, SA 2003, c P-19.5

<sup>4</sup>*Weber v. Ontario Hydro*, 1995 CanLII 108 (SCC), [1995] 2 SCR 929

why Canadian academic unions are so pathetic in defending faculty members from job discipline, as well as what, if anything, can be done to fix the problem.

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ACADEMIC FREEDOM AND THE SHAKESPEARE  
AUTHORSHIP DEBATE

*Michael Dudley*

This article is not, strictly speaking, about *who* Shakespeare was or wasn't. Instead, based on my 2023 book *The Shakespeare Authorship Question and Philosophy: Knowledge, Rhetoric, Identity*, it applies theories of epistemic vice and virtue to focus not on the truth-*indicativeness* of the evidence for the authorial theories in the Shakespeare debate (i.e., their credibility), but rather on the truth-*conduciveness* of the belief- and knowledge-formation practices associated with those theories—in other words, this article is about the extent to which such practices *tend* to produce true beliefs rather than false ones.<sup>5</sup>

Too often, what should, all other things being equal, be considered a legitimate literary and historical controversy is instead treated in the academy and the culture more generally as a deeply polarizing and politicized—even moral—matter: we hear from experts and the major media that the skepticism surrounding the authorship of the Shakespeare works is a “long-debunked” and “misleading conspiracy theory” akin to flat-earth beliefs or moon-landing-denial or even Holocaust denial, one that “smacks of elitism” advanced by “snobs” and which “no serious expert would support”—but that, in any event, “who cares who wrote the plays and poems?” These types of rhetorical tactics demonstrate that the barriers facing the authorship question in the academy have very little to do with its inherent evidentiary merits, but to broader cultural and institutional factors that dominate belief-formation and knowledge construction concerning Shakespeare.

Given the curious mismatch between the scant positive evidence for the traditional authorial candidate,<sup>6</sup> and the vitriol directed at anyone who raises doubts about it, the proposition I pursue in my book is that

The institutional and cultural resistance to doubt about the authorship of the works known as Shakespeare's is rooted in ideologically-motivated truth claims arrived at through unreliable belief-formation and knowledge-generation practices and reinforced through a

specific suite of rhetorical strategies and modes of public persuasion.

What the accusations levelled against doubters amount to are charges of epistemic vice, meaning poor epistemic conduct (i.e., deliberately ignoring evidence; acting in bad faith towards other knowers) and character (such as arrogance and dogmatism, or being closed-minded). However, when one's charge of epistemic vice is based on motivated reasoning or other non-epistemic justifications that, in itself, is an act of epistemic vice.

Since the most common epistemic vice charge in this case is that skeptics are promoting a “conspiracy theory,” it is important that we examine this category from an epistemological perspective. According to Ginna Husting and Martin Orr in their 2007 article “Dangerous Machinery: Conspiracy Theory as a Transpersonal Strategy of Exclusion,” the labelling of any social or political critique as being “just a conspiracy theory” is a “pre-emption of the scholarly and investigation process” because the intended purpose of the charge is to call the speaker's character into question, while mischaracterizing their claims and equating them with other, totally unrelated or clearly absurd claims. Husting and Orr further criticize political scientists and journalists for unquestioningly assuming the internal validity of the term “conspiracy theorist” and limiting their inquiries into asking why such people hold the beliefs they do, rather than addressing the substance of their claims, which are thus delegitimized—it is, in their words, a “mechanism of exclusion.”<sup>7</sup>

As such, Shakespeare authorship skepticism may be dismissed and ignored, or cited only to be rebutted. Any gaps in the evidence for—and our understandings of—Shakespeare may be explained away by documents being lost to history, Shakespeare's so-called “lost years,” or else a metaphysical belief in the “miracle” of natural genius and imagination.

I argue in my book that the consensus view on the authorship in the Shakespeare academy is not just a single belief, but a *system* of belief:

- 1) A **propositional belief** (*p*) William Shakspere of Stratford-upon-Avon was the author William Shakespeare;
- 2) a **second-order belief** about that belief—that *p* is a certainty, beyond doubt and beyond questioning;
- 3) a host of varying **explanatory beliefs** (i.e., the fallacy of special pleading) each premised on faith and justifying *p* (e.g., the “lost years;”

<sup>5</sup>Michael Quinn Dudley, *The Shakespeare Authorship Question and Philosophy: Knowledge, Rhetoric, Identity*, Cambridge Scholars Publishing, 2023.

<sup>6</sup>David Ellis, *The Truth About William Shakespeare: Fact, Fiction and Modern Biographies*, Edinburgh University Press, 2012.

<sup>7</sup>Ginna Husting and Martin Orr. “Dangerous machinery: ‘Conspiracy theorist’ as a transpersonal strategy of exclusion.” *Symbolic interaction* 30, no. 2 (2007): 127-150.



the “miracle of genius;” key documentary evidence being “now lost”);

4) a **reflexive belief** that believers in *p*—themselves—are authoritative and as such cannot be questioned about *p*;

5) an **ethical belief** that questioning *p* is not just factually incorrect but immoral; and

6) a **juridical belief** that those who question *p* may justifiably be isolated, excluded and marginalized by institutions of scholarship.

My argument is that it is the mutually-reinforcing nature of all these beliefs—rather than just the *contents* of the consensus attribution itself—that contributes to the resistance on the part of Stratfordian academy to examining honestly the evidence at hand. Furthermore, swap out the particulars and I would suggest that this belief system becomes a template for understanding other examples in our politics of dogmatism, groupthink, polarization and conflict—popularly known as cancel culture.

This system of belief has caused the Shakespeare academy to fall prey to what sociologist Ilana Redstone refers as *The Certainty Trap*: the three fallacies of believing that a given question is settled such that all should agree on it; that anyone who does disagree must have ulterior, bad-faith motives; and that, if only dissenters had access to the same information as the believers then there would be no point of disagreement.<sup>8</sup> These fallacies are compounded by an imperative to suppress any discussion of the authorship question, thereby short-circuiting those very liberal institutions we rely upon to mediate disputes: the academy, journalism, scholarly publishing and libraries.

In my book I apply a number of external disinterested criteria and frameworks to this phenomenon, among them the six frames of Association of College and Research Libraries *Framework for Information Literacy for Higher Education*, which is a normative dispositional way of understanding, practising, and teaching sound, ethically robust scholarship.<sup>9</sup> What I conclude is that the rhetoric and scholarly practices common to the Stratfordian side of this debate are inconsistent and incompatible with those principles as outlined in the *Framework*.

This is why I believe that the authorship debate is not just a scholarly disagreement, but represents something larger: a “meta-problem” in the form of multiple levels of institutional failure in which our universities, schools and mass media have all willingly participated in foreclosing inquiry into a matter of foundational civilizational impor-

tance, thereby perpetuating one of the most tragic misallocations of intellectual energy in the history of knowledge.

There is, I propose, another way: inquiry in the authorship question premised on epistemic norms and virtues such as open-mindedness, intellectual humility and an honest desire to seek the truth, no matter how ideologically inconvenient it may prove to be to oneself or one’s epistemic community. This necessitates recognizing and regarding with skepticism rhetoric emphasizing *ethos* (presumed authority) over *logos* (or reason), and instead insisting that claims on all sides of this—or any other—debate adhere to epistemic norms. As Jonathan Rauch argues in his 2021 book *The Constitution of Knowledge*, all knowers must be seen as fallible, and nobody has the final word owing to their authority—all claims must be open to scrutiny by third parties<sup>10</sup> These epistemological ethics and practices are more characteristic of the “Oxfordian” side of this debate, i.e., the academics and independent researchers advancing through evidence and argumentation the theory that the plays and poems were written by Edward de Vere, the 17th Earl of Oxford.<sup>11</sup>

Instead of engaging in epistemic vice and condemning authorship skeptics and barring them from participating in the scholarly conversation, the Shakespeare academy needs to welcome Oxfordians and other doubters as fellow Shakespeareans, joined together in their shared passion for the plays and poems and a desire to pass their love to the next generation. The Shakespeare professoriate needs to grant academic freedom equally to doubters *and to themselves*, instead of fatally circumscribing their own investigations and those of their colleagues and students. Only then can the study of the life and work of this magnificent, brilliant and timeless Author become a fruitful and resilient field of inquiry, filled with wonder and possibility.

(*This essay was previously published in a slightly different form and under a different title at the Heterodoxy in the Stacks substack*).

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## THE “JUST LIKE ME” FALLACY

*Christina Behme*

For decades it has been “accepted wisdom” that students,

<sup>8</sup>Ilana Redstone, *The Certainty Trap: Why We Need to Question Ourselves More and How We Can Judge Others Less*, Pitchstone Publishing 2024.

<sup>9</sup>Association of College and Research Libraries, *Framework for Information Literacy for Higher Education*. American Library Association, 2016. <https://www.ala.org/acrl/standards/ilframework>

<sup>10</sup>Jonathan Rauch, *The Constitution of Knowledge: A Defense of Truth*, The Brookings Institute, 2021.

<sup>11</sup>Hank Whittemore, *100 Reasons Shakespeare was the Earl of Oxford*, Forever Press, 2016.

from elementary school to university, achieve better learning outcomes if their teachers are “just like them” (e.g. Fregni, 2019, Rosen 2018). Since obviously not even identical twins are completely like one another, usually *the* allegedly benefit-transferring likenesses are those that are easily detected on a superficial level, such as skin colour or gender. Typical claims read: “Black students who’d had just one black teacher by third grade were 13 percent more likely to enroll [sic] in college—and those who’d had two were 32 percent more likely” (Rosen, 2018). The wide acceptance of such vague claims should be surprising.

First, if the skin colour of just one or two teachers would have had such a beneficial effect we should expect that most/all students from predominantly Black communities like Harlem who attend schools with teachers of colour from kindergarten through grade 12 would enrol in college. Clearly that is not the case.

Second, the way statistics are presented is confusing. Not every student was 13% (or 32%) more likely to enrol in college. Rather, there was an alleged beneficial effect on some students but not on others. In fact, the majority of students did not benefit from having one or two teachers of colour. There is no discussion of the reasons for that.

Third, the exclusive focus on skin colour suggests that all teachers of colour have exactly the same effect on their students regardless of any of their other characteristics. When it comes to white teachers, we readily accept that some are good, some are not so good, and some are exceptional. The implication that there are no exceptionally good Black teachers—that they are all interchangeable—seems rather insulting.

Fourth, if skin colour of teachers has indeed had a beneficial effect, how is that effect impacted in racially diverse communities? For example, according to the 2021 census in Surrey, BC, 37.81% of the population identify as South Asian, 10.91% as East Asian, 9.71% as Southeast Asian, 2.29% as African, 2.24% as Middle Eastern, 2.16% as Indigenous, 1.57% as Latin American, and 2.53% as multiracial (Statistics Canada, 2022). In racially diverse classrooms it is unclear how much students from one racial minority are able to “see themselves” in teachers from another minority. Again, it might be best to focus on qualities of teachers that have nothing to do with their skin colour.

Finally, one of the women cited by Fregni (2019) emphasizes the importance of having “teachers who you could relate to on multiple levels, like class and race.” But this superficial focus on race distracts from the most important thing she had in common with her teachers: a love for learning and for sharing her knowledge with others. It was *that* similarity that led her to pursue higher education and become a teacher herself.

This brings us to the most serious problem of the “just like

me” fallacy. The superficial focus on race distracts from the many aspects in which most students are *different* from their teachers. Many of the “low-income young Black men” who allegedly benefit from having Black teachers grow up with single moms who work as checkout clerks, nurses, waitresses, or are unemployed. Besides their skin colour, they have very little in common with teachers. That is not to say that students from low-income backgrounds cannot benefit from education. But when they do it is from a desire to learn from people who are not “just like them.”

A bit of personal experience might illustrate this point. When I immigrated to Canada I thought that my English was pretty good. Of course I had learned it from people who were “just like me”—Germans who learned English as a second language and struggled with the same aspects of grammar and pronunciation as I did. While many aspects of my English have improved over the years, my accent never went away. Fortunately, no one believed that my kids should learn English from someone who was just like them (or like their mom), and, as a result, they speak flawless English now.

Of course the very essence of education is to learn something we don’t already know. In order to succeed we do not need people who are “just like us,” but teachers who know their subject and have a passion for teaching. Exceptional teachers are not those who (intentionally or not) emphasize similarities between themselves and their students and inspire them to become “just like me.” Instead, exceptional teachers encourage students to discover passions they did not know they had, to work hard towards their goals, and to become people that are very different from the students who entered the school or university.

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THE END OF EDUCATION: A PERSPECTIVE ON THE  
STATE OF THE UNIVERSITY

*Alex St. Germain*

Before you read on, I should make it clear that I am not an academic, and therefore my comments are those of an outsider. But do not assume for a moment that I, like many others, are not cognizant of a deliberate neo-Marxist, “woke” encroachment into our universities, consequently steering the decline in edification of our youth across Canada and, for that matter, the West. To be clear, the idea of “woke” was born out of the civil rights movement of the 1960s. However, beginning in the eighties, it was usurped by a new, more radical, leftist drive that has morphed into an extremist political movement. It is now pervasive in politics, media and, especially, education, which served as the seed ground for this movement. As such, I shall be specifically targeting my perturbation at higher education across North America.

Political reform has historically been born out of campuses throughout Europe and the Americas, and, whatever the driving force, protestors did not always call for the complete tear-down of a heritage, like the loud and vociferous demonstrators presently demand. To be sure, there were exceptions, like that of the Futurist Filippo Marinetti, the self-aggrandizing prophet of the French Revolution Robespierre, and the cultural Neo-Marxist messenger Antonio Gramsci. History is replete with the prophetic utopians who believed that to achieve political heaven on earth, the present cultural achievements must be demolished. Our present social justice apologists are no different.

“These teachers always carry their feelings ready in their waistcoat pockets and trot them out by the hour.” This quote comes from the pages of *All Quiet on the Western Front*, which for me symbolises the dangers of fomenting ideologues like that found in the character Kantorek, the old school master who, rather than pursuing the sacred trust of an educator, instead chooses to become a political conduit. In the novel, the young men under his charge are brought to frenzied patriotism, even blood thirst by the stirring oration, which drives the students to blindly take up arms only to end in tragedy. At present, many Leftist pedagogues and woke elites have infiltrated the classroom, allowing the barbarians to storm the gates. Now they are on the inside, and well established.

We do have voices crying out in the wilderness as it were, trying to bring to light the assault perpetrated on our educational and societal foundations. And we should not ignore the repulsive “Studies” programs posing as science. Regrettably, by challenging woke extremism and its attack

on reason, those who defend the values of merit, freedom of speech, and open dialogue face the heavy hand of censure, even complete dismissal, thanks to the cancel culture mob, which, like the ranks of Nazi brown-shirts, make it their calling to crush anyone who contests the political cause. Even the hallowed position of a tenured professorship is but light armour against the brute force of anti-intellectualism and irrational inflexibility.

I recognized the wave of political angst in the field of human services, in which I was employed for over thirty years. Students coming out of colleges and universities were ideologically programmed and made angry. In time, social services, government funded agencies, media and bureaucracies, including unions, the latter seeking a new cause to give themselves legitimacy, are now all steeped in the new leftist doctrine. Moreover, my unease over the state of education has been buttressed by the tragic Hamas-Israeli war which has revealed the malicious woke intent within the hallowed halls of academe.

### Revelations From a War

Since the Israel and Hamas conflict broke out, it has expanded to include Iran, which funds the Israeli belligerents including Hezbollah and the Houthis, along with Hamas. Here in the West, the response by demonstrators serves as the crucible revealing a troubling reality in the West. What we are witnessing may be indicative of our demise, and, to be clear, Israel is more than a nation state, it is the heart of our Judeo-Christian heritage. And what better way to destroy a civilisation, than to eviscerate something so foundational. Additionally, what has been uncovered, especially among university students and faculty who ardently display an aversion towards Jews, is that many supported the October assault on Israel. They believe by doing so, they are buoying the cause for Palestine. Most of the anti-Israeli sentiment stems from guilt ridden white liberals who bring to the forefront their incapability to reason. So they react, which is evidenced by the ardent anti-Jewish outcry. Is there an Islamicization of schools and society that is taking place? More concerning, is this the by-product of an educational foundation gone awry?

If education means to take on challenge through reason, the war in Gaza has proven that students seem unable to have cogent debate as they react rather than engage in dialogue. They bring up such empty arguments like that of colonialism, claiming that Israelis, like we here in North America, occupy stolen lands. This tired argument is born out of the reinforced culture of self-hate so conspicuously administered across the West. It is compounded by a dreadful lack of historical insight. And with the acclaim given to Hamas as freedom fighters, I am left to refer to Aldous Huxley, who wrote “That men do not learn very much from the lessons of history is the most important of all lessons that history has to teach.”

Moreover, the clamour over military disproportionality when referring to this confrontation is truly naïve. In being armchair detractors, these activists with their signs and slogans have no understanding of the ramifications of war, and how warfare is conducted. As one who has served in the military, war is not a trade-off. It is about destroying the ability of an enemy to wage war—especially an enemy whose objective is the complete and total annihilation of Israel. And it is a fact that, in all wars, it is the civilians who suffer most, and protestors conveniently hide from the fact that Hamas uses the population as cannon-fodder.

How baffling indeed that the Radicals fail to recognise the atrocities committed in the Syrian civil war, the conflict in Yemen, and remain silent to the atrocious human rights violations committed by Iran, or the suffering Kurds who, over and over, have been promised a state of their own. Allow me to reiterate—an attack on Israel is an attack on the West. Additionally, if you start a war, do not protest like a wounded victim over the fact that you are losing.

### **The Final Solution**

When I hear “From the river to the sea, Palestine will be free” being chanted, it is being asserted by those uninformed either by choice or by ignorance. They are conveniently oblivious that Hamas, since its inception in 1987, has made it clear that they desire the complete evisceration of Jews and of Israel. Unmindful of the consequences of that mantra, I must question, as we all should, where this level of vehement outrage and absurdity is born. And by their claim of Israel committing genocide, they themselves commit to a “final solution.” Does that ominous phrase have any significance to the unenlightened? Most disturbing are those student protestors encamped on university grounds demanding that all academies divest themselves of any relationship with Israel, proving their intent, which is to leave Israel naked and defenceless.

We must bear in mind the recent occupation of universities and that the embrace of pro-Palestinian fanaticism has overtaken the academy. It means that antisemitism has become like some virulent contagion. There is a demand to boycott Jewish businesses, as well as the harassment of Jews, especially those who don the garb and vestments of their faith. Jewish teachers and students have been forbidden from entering education centres, and this has been followed by protests outside synagogues. And yet, these followers assert that they are peaceful, claiming they do not hate Jews, just Zionism and Israel as a state. Even the media encouragingly sway towards the protestors, making their reportage questionable. One who knows history can contemplate if indeed this is Kristallnacht revisited.

### **The Rot Exposed**

As we watched news coverage of Claudine Gay, and her subsequent resignation as president of Harvard University after her handling or mishandling of the vicious rancour

against Jews, along with other indictments, we saw that her answers to questions were evasive. However, her resignation, and the rancour that followed, was met with claims that she was a victim. It was asserted that Gay was forced to resign only because she is black, and furthermore, all women of colour are now going to be targeted.

Elizabeth Magill, president of the University of Pennsylvania, was compelled to retire, and I am surprised there was little if any Leftist outcry. Sally Kornbluth, president of MIT faced a backlash but held on to her prestigious perch. They too did nothing to quell the riotous pro-Palestinian students. It was unfortunate that there was no mention of the culture war instituted by woke ideologues, demonstrating just how insidious this movement has become.

If anything, the hearings against President Gay, and the presidents of the University of Pennsylvania and MIT, represent the toxic dissolution and intellectual rot within higher education. This especially pertains to the trinity of diversity, inclusion, and equity, which are bolstered by the useless “Studies” programmes and the overpaid administrators who service them.

### **To Conclude**

I have attempted to describe how education has become indoctrination, cloaked in the triumvirate of diversity, inclusion and equity, and how the dark reality of war displayed the murky underbelly of woke ideology. But it goes further. The woke champions would have us all believe that the West is degenerate, worthy of complete evisceration. As intimated, this was born in the academy. But, in the hatred towards the West, I would ask, compared to what? Additionally, the pseudo intelligentsia fail to appreciate the very civilization that bequeathed to them the liberty, where they can freely and openly protest. But that does not mean they should not be challenged. However, in doing so, one faces harsh censure.

I know that there are intellectuals among us advocating for the creation of new institutions of higher learning to challenge, if not replace, woke immersed institutions. Perhaps that is the only solution. Time will tell, but time is a commodity in short supply, and we have waited far too long. The public too, the non-academic every man, has a voice and must support freedom of education, and the professors who bravely challenge the academy, and this would include preventing the funding of public education. In the book, *The Treason of the Intellectuals*, Julian Benda writes, “And history will smile to think that this is the species for which Socrates and Jesus Christ died.” The line has been drawn in the sand, and we must cross it.

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served in the military. For 35 years, he was employed in the social service sector, and, during his tenure, witnessed first hand the evolution of the fanatical Leftist, Woke ideology. He has fought against it, especially as it pertains to education.

A REVIEW OF MARK LILLA, *THE ONCE AND FUTURE LIBERAL*

Patrick Keeney

New York: Harper Collins, 2018, pp 143.

In *The Once and Future Liberal*, Mark Lilla, Professor of Humanities at Columbia University, examines the crisis in liberalism brought about by identity politics. In the author's estimation, this shift represents a significant setback, one that has resulted in enduring harm to the institutions of the liberal West.

The book was published in 2018, before significant events such as COVID-19, George Floyd's death, the Biden presidency, Ukraine, the Twitter controversies, and the war in Gaza. Nevertheless, Lilla's prescient cautionary essay remains relevant.

Lilla is a committed liberal and a passionate Democrat partisan. This slim polemic was intended as a warning to his party of the dangers inherent in identity politics. It was a plea to turn away from what the author thinks is a dangerous and ill-chosen path.

Lilla's understanding of the forces at work in the Democratic Party is profound. He foresees a fundamental transformation into a party fully embracing identitarian politics, a prophecy that subsequent events have borne out. He further understands that the consequence of such a transformation entails undermining the norms of American institutions.

What happened? In Lilla's telling, the Democratic Party shifted from promoting individual rights to prioritizing immutable aspects of one's identity, such as ethnicity, race, or sexuality. Unlike Martin Luther King's plea to judge a person by the content of their character and not by the colour of their skin, the Democratic dispensation reversed this adage. Racial, ethnic or gender categories were to be seen as an individual's most crucial and defining aspect. Instead of judging people by the content of their character, we were now to judge them by their race, sex, or ethnicity. The transformation to "identity liberalism" is a retrograde development that bodes ill for America:

The paradox of identity liberalism is that it paralyzes the capacity to think and act in a way that would accomplish the things it professes to want. It is mesmerized by symbols: achieving superficial diversity in organizations, retelling history to focus on marginal and often minus-

culc groups, concocting superficial euphemisms to describe social reality, and protecting young ears from... any disturbing encounter with alternative viewpoints. .... Identity liberalism has ceased being a political project and has morphed into an evangelical one (14).

Identity liberalism has "banished the word 'we' to the outer reaches of respectable political discourse. Yet there is no long-term liberalism without it" (119). Or, as the author early on avers, America is "a republic, not a campsite" (16).

Categorizing individuals based on their race or other immutable characteristics and sifting every policy decision through the lens of identity liberalism can only undermine any shared vision of the political good. His proposed solution is to unite the population and appeal to "citizenship." He approvingly quotes an epigraph from Senator Ted Kennedy: "And we can, and we must be a party that cares about minorities without becoming a minority party. We are citizens first."

For Lilla, the essential question is "... whether liberals will commit themselves to strengthening that bond by emphasizing what we all share and owe one another as citizens, not what differentiates us" (137).

A unifying concept of citizenship is undoubtedly the necessary corrective. Yet it is difficult to see how, given the prevailing zeitgeist, the Democratic Party can invigorate the concept of "citizen." As Lilla acknowledges, "The liberal pedagogy of our time, focused as it is on identity, is a depoliticizing force" (137).

A further depoliticizing force has been using courts to determine policy. In particular, the rhetoric of individual rights has dominated much of the liberal conversation. Yet, as Lilla points out, "The more assertive Americans have become about their rights, the more narrowly political discussions and legal discourse have revolved around the self" (123).

Here, we come to the crux of the issue: in essence, diversity, equity, and inclusion (DEI)—the logical outgrowth of identity politics—is founded on a disputed concept of personhood, one that centers on a person's inherent characteristics, such as ethnicity, gender, or race. It is believed that respecting and nurturing these elements of an individual's identity is crucial for their well-being and growth, and it is the responsibility of the larger society and its institutions to do so. Also, it is essential to acknowledge that, in the U.S., the majority white male population has historically oppressed women and minorities, and society should take steps to address these past injustices. To make amends for past wrongs, society's resources and benefits should be distributed in a way that intentionally privileges historically oppressed groups.

Lilla joins writers from across the political spectrum who have warned that these ideas form a toxic melange that poses a direct and significant threat to the principles that underpin the liberal order, including free speech, the rule of law, respect for individual rights, freedom of assembly, equal rights under the law, and a free market economy. In a word, our obsession with identity poses a crisis in the liberal order, with potentially severe consequences.

One of the book's failings is that it never addresses the challenge to free speech by an increasingly censorious administrative-technocratic state. In their uncovering of the Twitter Files, the journalists Bari Weiss, Matt Taibbi, and Michael Shellenberger have shown how the American government, in collaboration with big tech, academia, Hollywood, and the legacy media (or what some are now calling the Regime Media) attempt to undermine freedom of speech by regulating what topics, facts or ideas are "acceptable" for Americans to discuss on social media. Shellenberger has named this censorship regime the "Media Industrial Censorship Complex," and it seeks to control speech that is inconvenient to the government, in part, by introducing such Orwellian neologisms as "misinformation," "disinformation" or "malinformation."

One of the signal deficiencies of liberal commentary—one which is unfortunately on display in Lilla's essay—is the adoption of a smug, superior and condescending attitude toward conservatives. For example, Lilla dismisses as "clueless" half of the American populace who voted for Trump in 2016.

Yet could it be that many Trump supporters, far from being "clueless," were all too aware of the toxicity of "identity liberalism?" Perhaps they had arrived at conclusions not dissimilar from Lilla himself, thinking that identity politics threatens any shared sense of citizenship, ultimately leading to the unravelling of society. The author is undoubtedly correct that citizenship needs to be reinvigorated; denigrating half the American voters seems an unhelpful way to go about it.

Identity liberalism is a troubling destination for any society, and Lilla has gone some way to diagnosing the contagion and laying out what is at stake in a vision of a society organized around race, ethnicity, and gender—a vision which, in recent years, has only grown progressively more toxic.

Lilla is an astute analyst. The value of this book is that it captures a specific inflection point in American liberalism and so opens a window into our own political moment. The United States and the broader West face the difficult challenge of shifting away from a liberalism built on identity and toward a common understanding of citizenship that transcends identitarianism. This task isn't impossible. But considering the dynamics at play, which Lilla so capably dissects, achieving such an understanding seems

unlikely.

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A REVIEW OF YEONMI PARK, *WHILE TIME REMAINS: A NORTH KOREAN DEFECTOR'S SEARCH FOR FREEDOM IN AMERICA*

*Kris Larsen*

New York: Threshold Editions, pp 183.

Saying Yeonmi Park has lived an eventful life is an extreme understatement. Much has been packed into her thirty years, as described in her revealing no holds barred autobiography *While Time Remains: A North Korean Defector's Search For Freedom in America*, which includes a detailed and less than glowing account of her four years at Columbia University. Jordan Peterson, in the book's "Foreword," compares Park to Ayaan Hirsi Ali, another courageous freedom fighter. High praise indeed, and well deserved.

Park is highly critical of the North Korean regime and its cult-like worship of the Kim family, where starvation is the order of the day. Indeed, things were so desperate that Park (who barely weighed eighty pounds when she first enrolled at Columbia as a twenty-two year old) was forced to eat insects as a protein supplement. Our "geniuses" in the West who think we should eat bugs might want to consider relocating to that communist shithole.

Some, like Vice President Kamala Harris, speak glowingly of a society where "we all end up in the same place." Welcome to North Korea (!!!), where everyone (except those closest to the psycho who runs the joint) ends up in the same place—hungry and destitute. Park's father's paltry remuneration from his factory job left his family so poverty stricken that he turned to the underground economy in hopes of giving them a better life. Selling cigarettes on the black market and smuggling copper and other metals into China worked until it didn't. He was ultimately arrested and sentenced to hard labour in a camp. Park's mother, being the wife, was deemed an accomplice and likewise imprisoned, where she was regularly interrogated and sexually assaulted.

After release, she and Park "escaped" to China, where their smugglers sold them into sex slavery. Thankfully, they eventually evaded their captors and found their way to Mongolia, by way of the Gobi Desert, and eventually landed in South Korea, where Park worked hard to upgrade her education.

She first visited the United States in 2013, with South

Korean based Chinese missionaries, immigrated there in 2015, and became a US citizen in 2022. What a change. Park tells us she was finally free to come and go as she pleased. She had freedom of conscience and speech, and was not sidetracked by censorship and legal threats—very much the norm in North Korea and China.

Sadly, this changed during her years at Columbia (2016-20), where professors and fellow students tried to convince her that the democracy, self-determination, civic participation, entrepreneurship, solidarity, and compassion that she valued in America were lies.

Indoctrination began during orientation when an instructor informed Park and her fellow first year students that Jane Austen's novels "promote female oppression, racism, colonialism, and white supremacy," not to mention misogyny and Christianity.

Actually, Jane Austen's heroines were quite free spirited and independent—their male suitors were the epitome of chivalry, at least the ones who ultimately "got the girl." But then again, we must understand the concerns of the woke. There were no "persons of colour" in Austen's works; it was very early 19th century rural England after all. Nor were there eco-radicals demanding England put its coal industry to bed. There were no 2SLGBTQIA+ etc., etc. folks. Alas, there were no feminists or social justice warriors demanding the Anglican Church allow women into the ministry and hire more visible minorities. And of course nobody was advocating for and/or enabling "gender reassignment" for children. My goodness there wasn't even narration, or a character, berating all of us for our racism, misogyny, white supremacy, and colonialism—not to mention our perpetration of genocide. Oh well, what can you do? Apparently, "all white writers during the colonial era" were equally bad, at least according to the "learned sages" at Columbia. They maintain that all of this malevolence has continued unabated throughout the West right to the present.

The plot thickens. A PhD candidate teaching a human rights (or is it "human rights") course stressed that men are "inherently violent by nature." "Toxic masculinity" is apparently running amok, permeating men's actions and relationships, and it is reportedly all pervasive in our institutions. And beware of those beastly men who open doors for women. Apparently this has everything to do with power, violence, and control. Park's claim that it is polite to hold doors open for men and women alike was dismissed as her being a newcomer to America, and not sufficiently versed in "the nuances and subtleties of gender interactions in a new culture."

Park ran into additional trouble when she claimed that biological differences enable most men to carry more weight than most women, and certainly more weight than she can carry, given that she was a mere eighty pounds at that

time, and five feet two inches tall. The instructor's response? That Park lacked belief in her physical ability. She was apparently brainwashed by a sexist culture. Bear in mind that she was earlier accused of being a newcomer and not sufficiently versed in the nuances of American society.

Additionally, Park rejected Columbia's propaganda about gender being a social construct, instead echoing what social scientists have stated for decades: specifically that, for the most part, men, in addition to lifting heavy weights, are better at spending time alone, are more interested in ideas, are more spatially aware, and have better mathematical skills. By contrast, women are more verbally fluent and more interested in people, while also being better multitaskers and team players.

Another Columbia objective was to keep the classroom a "safe space." Causing "discomfort" in others might very well result in disciplinary action, which means everyone walks on eggshells ever fearful of saying the wrong thing. Furthermore, students were actually exempt from assignments and class attendance if topics "triggered" them. No additional explanation was required.

Indeed, Yeonmi mentions a time when she "misgendered" someone as "he" and found herself being verbally berated for her "mistake." This was a young adult male who considered himself "gender fluid" and used "they/their" as his pronouns. Think about this: here you have a young woman with a nightmarish history that nobody would ever want to experience being "hauled onto the carpet" by a young man so detached from reality that he doesn't acknowledge his sex (an objective biological fact) and melts down (goes ballistic) when addressed as "he." This poor man is in need of help. Otherwise, how is he ever going to go out into the "real world" and function as a productive, well adjusted adult? Universities do no one any favours when they enable this irrationality.

Suffice it to say, Park looks back on her Columbia years with disappointment. According to her, memorization trumped understanding, and it was passion and intensity, not accuracy or creativity, that differentiated a passing grade from a stellar one. Additionally, the difference between passing and failing, according to Park, was refusal to criticize capitalism, Western civilization, white supremacy, systemic racism, oppression of minorities, and colonialism. (Let's ask the folks in Hong Kong if they prefer Sino-communism to the British lease—I digress.)

Obviously, Park's book is not limited to her time at Columbia. She stresses that woke totalitarianism cuts through our entire society, and her book is replete with examples. It is by no means a criticism of universities alone and at no point does she come right out and say "thou shalt not go to university." But reading about her time at Columbia supplements what we have read and heard about

comparable shenanigans on other campuses, and makes us question the validity of a contemporary university education.

What is the point *if* it makes us hate our culture, our civilization, our religion, our history, and our country? And then there is the Jew hatred currently running rampant on campuses and beyond. Shouldn't the great and good be emphasized as well as the bad? And besides, is Western civilization any worse than any other? Methinks cases can be made that it is the best, or to paraphrase Sir Winston Churchill, the worst except for all the others. After all, Britain gave its subjects parliamentary democracy, parliamentary supremacy, and the rule of law. And the United States gave its citizens the Bill of Rights, including the First Amendment, which is freedom's gold standard. Additionally, the United States was one of the first countries to abolish slavery and the British Empire was the first. Indeed, the Royal Navy patrolled the high seas, seizing ships engaged in the slave trade and freeing the African slaves aboard those ships. And Americans fought and died in a civil war to end it. Should all of this not be emphasized and applauded?

We must also face facts. Not everyone is cut out for university, nor should they be, and there are other options. We have a shortage of skilled tradespeople who earn a very good living and acquire their skills through two year community college diploma programs, often combined with apprenticeships. Yearly tuition costs are substantially lower and a credential is achieved in half the time it takes to earn a Bachelor's degree. Apprenticeships in lieu of academic training might also merit serious consideration in the private, public, and nonprofit "white collar" sectors.

Moreover, anyone seeking an academic education as an end in itself, or as an intellectual exercise, is sure to be disappointed and might want to supplement assigned readings with those of a more conservative or libertarian bent. Jordan Peterson and Gad Saad have written excellent books and produced superb videos. Additionally, there is a chap out there named Benjamin Wiker who wrote *10 Books Every Conservative Must Read: Plus Four Not To Miss and One Imposter*. Not only is this a good read in and of itself, but it will put additional literary works on students' radar. Books by Douglas Murray, Nigel Biggar, Bruce Gilley, Ben Shapiro, Vivek Ramaswamy, and Chris Rufo also merit perusal. An important proviso is that these these and other sources be *supplements —never replacements— for existing course material*.

Obviously, prospective doctors, dentists, engineers, nuclear physicists, rocket scientists, etc. will benefit from advanced science courses provided in university. But those seeking admittance into other professions may not need university at all. Journalists, nurses, and teachers come to mind.

As cases in point, H.L. Mencken and Walter Winchell never

attended university and, whether or not you liked them or agreed with them, there is no denying their successful journalism careers. And such Canadian media luminaries as Lloyd Robertson, Charles Lynch, and Peter Mansbridge never obtained degrees (honorary ones don't count!). Furthermore, Alan Fotheringham and Rex Murphy (the latter a Rhodes Scholar) had degrees in fields other than journalism. They all mastered their trade on the job by doing the work and learning from their peers. How many journalism graduates can claim competence superior to any of those gentlemen?

Registered Nurses (RNs) must now complete a four year Bachelor of Nursing or Bachelor of Science (Nursing) degree. But at one time they could complete a two year RN diploma at hospitals. Annual tuition was substantially lower and the credential was obtained in half the time, leaving those entering the profession with substantially less student loan debt and perhaps two years of woke indoctrination instead of four (??). This format worked well for decades and produced highly competent nurses. Why not bring it back? Besides, our overloaded healthcare system needs nurses in the field sooner.

Becoming a teacher currently requires six years of university (four years for a BA or BSc plus an additional two for a BEd). That is six years of woke indoctrination and hefty tuition fees. At one time there were diploma granting teachers colleges that initially offered one year programs. Over time, they expanded to two and eventually to three years. Let's "reinvent" them as two year programs—a nice compromise between one and three year hitches. If handled through the community college system, the yearly tuition fees will be substantially less, which means greatly reduced student loan debt and only one-third of the woke indoctrination (two years instead of six). And like many entering a job for the first time, fledgling teachers learn by doing and gaining experience. The trick when presenting content to their students is to stay two or three lessons ahead of them.

Better yet, why even require teacher training if one has thorough knowledge of his content plus exemplary people skills? Indeed, many vocational and community college instructors don't have any degrees, much less a BEd.

For example, a plumber with ten years experience in his trade, knows it inside out, and handles people well will be coveted as a vocational school teacher, even though he lacks a degree. Why not apply the same criteria to others who are highly knowledgeable in literature, history, or mathematics, and very good with children or adolescents? Do they really need a degree, much less one in education?

On a final note, none of this means that degrees in journalism, nursing, or education must be scrapped. Far from it. People interested in pursuing careers in these professions should always be free to choose the academic options. But



competing avenues should also be available, especially for those who may lack the financial means to absorb hefty tuition fees, or for those hoping to (better) avoid (or at least lessen) the pitfalls Park experienced at Columbia.

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