

**FREE SPEECH AND THE ISSUE OF ACADEMIC FREEDOM:  
IS THE CANADIAN VELVET TOTALITARIAN DISEASE COMING TO  
AUSTRALIAN CAMPUSES?**

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This paper begins with an elaboration of the terms in the title, for which I claim accuracy, though no comfort. Academic freedom is defined for all members of the academic community (students and faculty) as the right to be evaluated only in terms of performance (merit), and not at all in terms of opinions (comfort). The current contrasting culture of comfort on Canadian campuses is a velvet totalitarian one, where, except for the severity of punishments, the following five salient features of real totalitarian regimes are present: the presence of uninterpretable laws; the presence and power of unqualified pseudo experts; status-defined ethics; freezing fear of engaging in public discussion of controversial but fundamental issues; demonization of dissidents. The final part of the paper raises the question, through a discussion of the 2006 case of Andrew Fraser's treatment by Macquarie University, of whether the Canadian velvet totalitarian administrative disease is starting to infect Australian university administrators as well as those Australian academics who think they deal with the disease by ignoring it.

The personal background of this paper is that, as a student in the late 50s and early sixties at the University of Sydney in psychology and philosophy, I experienced total academic freedom. This contrasted sharply with the totalitarian, Stalinist Hungary from which my parents rescued me as a 9 year old in 1949. When, after completing my Ph. D., I went first to Indiana University for a couple of years, and then to the University of Toronto for another 38 years, I found that there were subtle but significant reductions to academic freedom in North American academia. These reductions, however, were grossly magnified since the late eighties with the increasing influence of political correctness on North American campuses, where quite blatant attacks on the academic freedom of both faculty and students began to occur especially on Canadian campuses.

As a way of resisting these PC pressures, the Canadian Society of Academic Freedom and Scholarship or SAFS, of which more later, was formed, and I was a founding member and later president from 1993-8. Perhaps partly because of my childhood experience in Stalinist Hungary, I was extra sensitive to various forms of totalitarianism as well as totalitarian elements in democratic societies. So I coined the term 'velvet totalitarianism' to describe the Canadian campus scene. Having come home to Australia in late 2005, I can see elements of the same developments that took place on Canadian campuses now in Australian universities.

Accordingly, the bulk of this paper will deal with why I think this velvet totalitarian regime was established in Canadian universities. Then, in a final brief section I shall raise the question of the extent to which this sort of regime also seems to be developing in Australian universities. But before I recount my Canadian campus story, let me first clarify what I mean by the two fundamental terms that underlie the rationale of this paper: free speech and academic freedom.

Concerning free speech, I think the formulation that is most relevant is Nathan Sharansky's distinction between what he calls free societies on the one hand, and fear or

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totalitarian societies on the other hand. In a fear society, which is exemplified by the Soviet state from which Sharansky escaped, the state uses criminal punishment against opinions that are contrary to the state's ideology. In an ideal free society, which is exemplified more by a country like Australia than the former Soviet Union and the Eastern European countries it commanded behind its Iron Curtain, the state does not punish opinions on these grounds, although opinions may be evaluated negatively, and even ridiculed by individuals and by non-state organizations.

My concept of academic freedom assumes that universities should maintain freedom of speech or opinion at least as much as the society in which they function. This is because the primary goal of a university should be the (epistemological) search for truth through the conflict of ideas. Accordingly, not only the faculty but also the students should be immune from being punished for holding opinions that are contrary to the ideology of any particular group. In particular, the university administration should not punish any deviation from popular opinion, no matter how uncomfortable or offensive that opinion may be for certain people within or outside the university. Rather, the administration should protect the right of individuals (students or faculty) to espouse unpopular opinions.

In contrast to this ideal of academic freedom is the culture-of-comfort principle that has been espoused during the last three decades on Canadian campuses. The clearest manifestation of this approach is the introduction of speech codes to all Canadian universities with the exception of two (McMaster University and the University of Western Ontario).

These speech codes vary in wording, scope, and severity, and many are not explicitly labeled as 'speech codes'. However, all embody the principle that, in addition to certain harassing acts, there are also harassing opinions which constitute unacceptable behavior. These codes, moreover, all go beyond the hate-speech laws of Canadian society which themselves have a totalitarian aspect, inasmuch as they criminalize not just acts, but also opinions.<sup>1</sup>

An early form of implementing these new speech codes occurred at my university in Toronto when, in 1991, a 41-person committee was established. The somewhat broad mandate of this committee was to '*determine whether there is anything in the curriculum which might be offensive to a member of a minority or disadvantaged group*'.

A detailed account of the birth, development and name changes of this committee is given in 'Political Correctness: Dispatches from the Frontlines',<sup>2</sup> under the header 'A Committee is Born', but suffice it to say that partly because of the size of the committee and its mandate, I thought and still think, that the term 'Purity Platoon' is appropriate, and easier to remember than the ultimate acronym, PACRRARI.

Along with the Purity Platoon, was the appointment of an ever increasing number of so-called 'equity officers' in my university, and in every other Canadian university, including those two which did not even have a speech code.

For the equity-officer position it is not necessary to hold even a higher university degree, whereas since the 1960s, a doctoral-level higher degree in the relevant discipline in most Canadian universities is necessary for a faculty appointment. One of the roles that equity officers were given was to interpret speech codes. I give a detailed account of the granting of this role by the University of Toronto to its equity officers the 1994

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<sup>1</sup> For the distinction between acts and opinions, see John Furedy, 'Academic Freedom, Opinions and Acts: The Voltaire-Mill Perspective Applied to Current Canadian Cases' (1995) 44 *University of New Brunswick Law Journal* 131.

<sup>2</sup> John Furedy, 'Political Correctness: Dispatches from the Frontlines, Ice Station Academe' (1994) 1(3) *Gravitas: t: A Quarterly Journal of Current Affairs*, 21-22.

paper.<sup>3</sup> In that 1994 paper I also note that these instruments of the culture of comfort represent a significant new financial investment by my university.

In this culture-of-comfort environment, where avoidance of a 'chilly climate' is a paramount consideration, there is no real academic freedom. It is subjectively assessed comfort that determines what can be said not only by faculty, but also by student members of the academic community.

A personal account of the conceptual or in-principle power of equity officers to be arbiters of matters that used to be considered the province of academics also occurred at my university in the early 1990s, and was published in 'The Seven Principles of Higher Education: A Primer'.<sup>4</sup> I shall quote from that source to repeat the story:

Speech codes exist on every Canadian campus and when I argued against my own university's instituting a speech code at the academic board, I thought I had provided a neat *reductio ad absurdum* example when I asked whether a hypothetical professor of sociology who referred to a hypothetical statistical, group difference between the ability of hetero- and homo-sexual parents in bringing up children, would be in violation of the proposed code. The reply was that the equity officers were 'well positioned' to make this decision. I was the only academic board member who laughed at this ridiculous assertion (ridiculous, because most equity officers are completely unqualified to render this sort of discipline-related judgment), and, to my surprise, the speech code was passed with an overwhelming majority of the academic board.

A much more dramatic and publicized instance of the way in which the culture of comfort operates to avoid the so-called 'chilly climate' comes from the University of British Columbia (UBC). Because some graduate students in the political science department were made uncomfortable by some statements of some faculty, the President, in June, 1995, suspended further admissions to the graduate program of the whole department.

It should be noted that this collective punishment by the UBC administration on all the political scientists at UBC was administered on the basis of an unproven charge of unproven allegations of systematic racism and sexism in a report that named no specific individuals. And the punishment not only smeared the academic reputations of every member of that department, but also, if less seriously, of every member of UBC's faculty. 'In Assessing UBC's Decision, Think of the Salem Witch Hunts' provides my view of the act in an op ed published in one of Canada's major newspapers, as well as more general comments by some other academics on the later behavior of the UBC administration in this affair.<sup>5</sup>

Actually two years before the UBC case, in November, 1993 the comfort-criterion axe was wielded in a similarly crude way by the administrators of the University of New Brunswick. One difference was that the punishment was meted out to an individual rather than a group. The punished individual was a professor of mathematics, who had written a piece on 'date rape' in the local student paper. The professor's opinion piece essentially espoused a conservative Muslim perspective on date rape, and offended a group of feminists on campus.

<sup>3</sup> Ibid.

<sup>4</sup> John Furedy, 'The Seven Principles of Higher Education: A Primer' (2000) 13 *Academic Questions* 44.

<sup>5</sup> For my comment on the UBC administration's suspension of its political science department (which ranked among the top three in Canada), see John Furedy, 'In Assessing UBC's Decision, Think of the Salem Witch Hunts', *Globe and Mail* (Toronto) July 20, 1995; for the reaction of *some* academics to the UBC administration's late and only *partial* lifting of the sanctions see 'SAFS Board's Open Letter (#2) To President David Strangway, UBC, Re McEwen Report' (1996) January *SAFS Newsletter* 5 (<http://www.safs.ca/nl12.pdf>).

On the grounds that this piece was offensive or uncomfortable to some students, the Administration (President and Vice-President of Academic Affairs) immediately suspended the professor. Only after this act did the UNB's administration conduct an investigation, which is akin to having the hanging before having the trial.

And, as it turned out, the investigation indicated that the professor had not legally contravened Canada's civil hate laws, or even UNB's more rigorous speech code. But UNB, after having ruined this academic's reputation as a teacher, had the *hubris* to mount a formal conference on academic freedom, and there claimed that it was engaged in a so-called wise 'balancing' of freedom of speech with the needs of designated groups.<sup>6</sup>

Actually, back in 1990, a couple of equity officers at the University of Western Ontario used their expertise to launch a sexual harassment charge against a male professor of psychology who taught a seminar in child development. Now I'm all for punishing male faculty who use their academic status to obtain sexual favors from their female students,<sup>7</sup> but I suggest that it is at least arguable that the sexual harassment charge brought by these commissar-like equity officers was a far cry from what is real sexual harassment, and is rather like accusations of being a crypto capitalist that used to be made by commissars behind the Iron Curtain in countries dominated by what Ronald Reagan correctly called the 'Evil Empire'.

My brief summary of the grounds for the sexual-harassment charge brought by the equity officers on behalf of a couple of the professor's female students is as follows. His main crime was to use the nickname 'Lucky Lucy' for one of the other students, whose name was difficult to pronounce, and who was pleased to adopt that nickname during the seminar sessions. The two complainant students, however, were not so pleased, and even claimed that their poor grades in the course were a result of their being unable to study properly because of the professor's sexually harassing behavior toward 'Lucky Lucy'.

In these and other cases, the culture-of-comfort criterion was imposed in a sufficiently crude way as to attract media attention. However, there are many subtle, but significant, ways in which the comfort criterion can pervert academic freedom, and undermine higher education, as even senior and secure faculty give way to velvet totalitarian pressures. One such case of self-censorship is detailed in 'Velvet Totalitarianism on Canadian Campuses'.<sup>8</sup> To summarize, this tenured full professor in my department who taught a course about the brain used to refer to a humorous and

<sup>6</sup> For a different view of the University of New Brunswick's lack of understanding of real academic freedom in the 1993 case, see John Furedy, 'Velvet Academic Totalitarianism and the Yaqzan Case Letter', *Globe and Mail* (Toronto) 1993. Actually, on the same day, McGill's administration also perpetrated another abuse of academic freedom. For my comment on this 'Black Thursday' on two Canadian campuses, see John Furedy, 'Black Thursday, Academic Freedom, and the Comfort Criterion in Canadian Universities: The UNB and McGill Cases' (1993) December *Society for Academic Freedom and Scholarship* #2.

<sup>7</sup> However, for some details concerning a gross example of a Canadian campus use of the 'sexual harassment' card as a weapon in the armament of the commissar-like equity officers, see John Furedy, 'An Early Wielding of the Sexual-Harassment Axe by Two Commissar-like Equity Officers at the University of Western Ontario Against a Professor Teaching a Seminar Class on Developmental Psychology', available at <[http://www.psych.utoronto.ca/users/furedy/Papers/af/Velvtot09\\_final.doc](http://www.psych.utoronto.ca/users/furedy/Papers/af/Velvtot09_final.doc)> at 5<sup>th</sup> November 2011.

<sup>8</sup> For an example of self-censorship by senior, tenured Canadian academics, see an account in, John Furedy, 'Velvet Totalitarianism on Canadian Campuses: Subverting Effects on the Teaching of, and Research in, the Discipline of Psychology' (1997) 38 *Canadian Psychology* 204 and 255; part beginning with 'Here let me describe an incident'. I note that I was allowed to write about this incident only on condition that I preserve the anonymity of this self-censoring faculty member.

pedagogically effective example to bring out the difference between anatomy and function. He dropped the reference to this example when a few female students told him, after class, that they were made to feel *uncomfortable* by his example.

Now the use of a term like 'totalitarian' in the Canadian campus context is offensive to some, and may seem to others to be inappropriate. Without the qualifier *velvet*, the term totalitarian is obviously not applicable to democratic societies like that in Canada.

In none of the cases I have mentioned did the punishment meted out by the university's administration involve execution or a jail term in a Siberian labor camp. Nevertheless, I suggest that, aside from the severity of punishment (which is, of course, an absolutely crucial difference, and hence my reference to *velvet* totalitarianism), other features of totalitarianism do apply to the current Canadian campus scene.

The most striking feature of totalitarian societies is that the comfort criterion takes precedence over considerations of truth in general and fairness to individuals in particular. Comfort is essentially conformity to institutional ideology. It is, in fact, the comfort of a particular ideology that is protected, rather than that of freedom of opinion of all individuals.

Similarly, on most Canadian campuses, the ideology which is protected is that of the politics of identity or biopolitics. Individuals who are accused of making others uncomfortable by being, say, 'insensitive to equity issues', are punished with the same degree of unfairness as has been the lot of those who are labeled as 'enemies of the people' in totalitarian regimes, where, of course, 'people' really connotes the prevailing ideology and not the people at all. The punishments we have seen are the firing or suspension of individuals and academic programs, destruction of reputation, and the requirement to attend demeaning sensitivity courses (i.e. re-education classes).

Moreover, in Canada it appears that the comfort criterion operates more strongly on campus than off it. There are many faculty members who report that they feel freer to discuss controversial issues like average race differences in intelligence with their off-campus acquaintances than with fellow members of their academic community.

It is in this sense that the expression 'islands of repression in a sea of freedom' that was first used by an American political scientist in the 1980s, is a cap that, unfortunately, fits the Canadian campus of today.

More specifically, I would defend the applicability of the term *velvet* totalitarianism to Canadian campuses, because there are at least five features that are all marks of totalitarianism.

The first totalitarian feature *is the presence of uninterpretable laws*. A Canadian campus *velvet* totalitarian parallel to being charged in Uncle Joe's regime with being a crypto capitalist, is the charge of being a 'racist', where this term is not specified in any objective, legally intelligible way, and is equated with such clearly racist behaviour as refusing publicly advertised rental accommodation on the basis of race. Rather, the ugly charge of racial prejudice can be laid simply on the subjective basis that someone is offended by an opinion that is *felt* to be a racist opinion. And it is the presence of speech codes, interpretable only by the commissar-like equity officers, that supports this completely subjective use of the race card on Canadian campuses.

These speech codes vary in the severity of their formulation, as well as the enthusiasm with which they are implemented by the university administration and its

equity officers.<sup>9</sup> What these Canadian speech codes have in common, is that offense or harassment is defined not in terms of what the forbidden expressions are, but in terms of whether (usually designated-group) individuals are likely to be offended.

The second feature is *the presence and power of unqualified pseudo experts*. The clearest totalitarian instance of this sort of figure is the Soviet commissar, who gave advice and even orders on matters concerning which he had no expertise.

Canadian campus equity officers, who give advice on academic disciplinary issues like the nature of the curriculum, or what faculty should be hired, are commissar-like figures.

It seems to me ridiculous as well as demeaning that Canadian faculty are expected to accept advice from these 'equity commissars,' who are not only unqualified in the particular discipline, but often do not even have the requisite general academic background (i.e. a higher degree and experience in the nature of higher education).

Actually, such advice about the curriculum from an ignorant source not only interferes with my academic freedom, but also, and more importantly, interferes with the academic freedom of students in my class. Those students are entitled to an education in the discipline that I teach, rather than to indoctrination in an ideology that is determined by the commissar-like equity officer, who is ignorant of that discipline. It is in this sense that I suggest that the culture of comfort is at least as detrimental to the academic freedom of students as it is to that of faculty.

A third feature is *status-defined ethics*. In a totalitarian society, acts of torture and murder are permissible provided the agent is a member of the secret police, and the victim is a 'crypto capitalist' (in a communist dictatorship) or a 'Zionist conspirator' (in a Nazi dictatorship).

The current velvet totalitarian parallel is the apparent belief that it is alright to stereotype, say, Anglo-Saxon white males, but not non-Anglo-Saxon, nonwhite, non-males. Of course there is a huge difference between being killed and being stereotyped, which is why I use the qualifier 'velvet' in describing the current Canadian campus scene.

A fourth velvet totalitarian feature is *freezing fear of engaging in public discussion of controversial but fundamental issues*. In totalitarian societies the taboo is against the discussion of any real political issues. In Canadian academia there seems to be a parallel situation.

For example, in 1993 a professor of sociology at Carleton University in Ottawa asserted in class that, in his view, bi-sexuals who knew they had AIDS and yet continued their sexual activities without telling their partners were psychopaths. This assertion was deemed to be offensive by some students, and by that afternoon an administrative letter of reprimand had reached the professor.

<sup>9</sup> The enthusiasm with which the speech codes are implemented can also vary markedly within each university. At my university the speech code, although passed in the early 1990s, was not implemented until 2006 when, in response to those offended by the Danish cartoons, the university's president acted against those who had put up posters advocating the publication of these cartoons by making an official statement to the university's Governing Council, that those who had put up the posters were 'persons of interest'. For further details see John Furedy, *U of T Administration Continues to Protect Muslims and Increasingly Abuse Academic Freedom* (2006) 'Daniel Pipes' <<http://www.danielpipes.org/comments/47874>> at 5<sup>th</sup> November 2011 and John Furedy, 'Does President Naylor's March Statement to the Governing Council Threaten Academic Freedom?' (September 2006) 44 *SAFS Newsletter*. A more recent discussion of what, in my view, is an increased politicization of academic freedom by my university is in *U of T Bulletin*, March 11 2008 (<http://www.psych.utoronto.ca/users/furedy/Papers/af/UT1108.doc>).

About a week later I was contacted in Toronto for a radio interview on this case. At the beginning of our conversation I asked the interviewer what the opinion of the local academics was.

The interviewer replied that he had contacted about a dozen Ottawa academics, and to a woman/man they all declined to publicly discuss, let alone defend, academic freedom, although they were happy to discuss any other topic like global warming, privatization, and so on. This is just one small indication of a more general reluctance to discuss such issues in any public way that is present on Canadian campuses.

The fifth feature is *demonization of dissidents*. We are familiar with the ways in which totalitarian regimes exaggerate the power of dissidents or undesirables. I see a similar trend in the way in which people and organizations are maligned by those on the velvet totalitarian side. An instance in Canada is the reaction to the Society for Academic Freedom and Scholarship (SAFS).<sup>10</sup> SAFS defends the academic freedom of all individual faculty and students.

SAFS has been characterized as a bunch of white-male professors (sometimes terms like 'homophobic' and 'aging' are also thrown in for good measure), who are concerned only to maintain their almost complete powers and privileges; at one point it was called 'racist'. The SAFS Newsletter documents this demonization of SAFS in the early nineties by groups that included various equity officers, as well as the Philosophy Department at Brock University.<sup>11</sup>

In all these instances, of course, demonization is a much more convenient way of dealing with a dissident voice than the alternative of dealing with the arguments that the dissidents raise. And demonization works too. Fearful people shun the demonized, especially when the racist epithet is employed by the demonizers.

#### I A RECENT AUSTRALIAN EXAMPLE OF INSTITUTIONAL VELVET TOTALITARIANISM: MACQUARIE UNIVERSITY'S UNB-LIKE TREATMENT OF ANDREW FRASER

I have referred above to the 1993 University of New Brunswick administration's abuse of the academic freedom of a mathematics professor and of his students. I was disturbed, not to say offended, when, in 2006, a year after my return home to Australia, I came across a rather similar case of an Australian academic, Andrew Fraser.

Fraser, a lecturer in law at Macquarie University, had written a controversial article on emigration that was felt to be racist by some readers. The university's administration, in an eerie echo of UNB's action against its mathematics professor, forbade Fraser to teach his law classes. Footnote 12 contains a letter from me to *The Australian* on this velvet totalitarian act by the university's administration, as well as some other comments on this issue.<sup>12</sup>

I want to note two points. First, at a later time, and in a different context, the university's vice-chancellor, Steven Schwartz, correctly claimed that it is absolutely fundamental for universities to safeguard academic freedom, and to defend the right and responsibility of academics to decide on the content of their courses. However, though correct, this claim was weakened by the fact that it was the VC's administration that abused the academic freedom not only of Fraser, but also of the students he was teaching.

<sup>10</sup> See the (Canadian) Society for Academic Freedom and Scholarship (SAFS) <[www.safs.ca](http://www.safs.ca)> for such items as newsletters and issues/cases and for this organization's continuing activities in defense of academic freedom.

<sup>11</sup> For some replies to this demonization of SAFS, see its 1995 newsletter (<http://www.safs.ca/nl11.pdf>)

<sup>12</sup> For my letter and comments following that letter regarding the Andrew Fraser case, see John Furedy, 'Academic Freedom Waning in the Humanities', *The Australian* (Sydney) Monday 2<sup>nd</sup> October 2006.

Second, I should emphasize that although it is contingently true that most of the current velvet totalitarians are on the left of the left-right political spectrum, and although it is also contingently true, and has been for some time, that most non-hard-science academics are also on the left, there is a truth that matters more. This truth is that there has been a gradual weakening of the enlightenment principle of education by the opposing totalitarian principle of indoctrination.

So in my view, and contrary to most of the commentators who sent messages that can be read in footnote 12, one should not focus either on the tastefulness of what is taught, or on the position of most academics on the left-right or any other political spectrum. Rather, the focus in a university in a free or open society should be on education through the conflict of ideas, instead of indoctrination.

It might also be noted that all my examples of Canadian campus velvet totalitarianism are from the nineteen nineties, and it is true that there are no longer such extreme, media-noticeable cases of the abuse of academic freedom. However, the power of, and financial investment in, the commissar-like equity-officer bureaucracy has been steadily growing, as Canadian universities enter into their third decade of the reign of velvet totalitarianism, and more and more faculty and students are governed, though perhaps subtly, by political correctness in what they say, and, eventually, think. It is this increasing influence of Canadian campus velvet totalitarianism that I hope will not find its echo on Australian campuses.

Finally, it may be worth noting that the severity with which totalitarianism regimes implement restrictions on freedom of speech can also vary as a function of time and certain events. For example, after the bloody Hungarian revolution of 1956, the Soviets decided that in order to avoid such future events, they would allow freedom in Hungary within its borders (so-called 'goulash communism' which even allowed, by the 1980s, books to be written in favor of the bourgeois textile industry), provided Hungary stuck to the Soviet line in foreign affairs. In contrast, after the much less bloody and (and more civilized?) Czechoslovakian revolution of 1968 was beaten down, internal freedom of speech in that country was reduced far below the Hungarian level, until the fall of the Berlin Wall in 1989.

Perhaps there is a parallel to these within-institutional changes in the velvet totalitarian regimes of Canadian universities. It is a fact that after the media exposures suffered by universities like the University of Western Ontario, University of New Brunswick, and University of British Columbia of the early 1990s, these institutions ceased to engage in abuses of academic freedom that were blatant enough to garner press attention. Just as the Soviet totalitarians decided to pull in their horns when faced with the bad publicity that followed the 1956 Hungarian uprising, so the Canadian velvet totalitarian university administrators of the three universities named above may have decided to pull in their horns so as to avoid bad press publicity.