

## **A response to Steven Smith's President's Report**

*Faculty Union News*, Vol. 13, No. 17, February 2007

Mark Mercer  
Department of Philosophy  
Saint Mary's University  
Halifax, NS B3H 3C3  
(902) 420-5825  
[mark.mercer@smu.ca](mailto:mark.mercer@smu.ca)

Steven M. Smith, in his President's Report (*Faculty Union News*, February 2006), assures us that, should the University attempt to restrict the academic freedom of any faculty member or librarian, the Saint Mary's University Faculty Union will act to protect it. Members of the Union certainly ought not to feel safe despite Steven's assurance. On the contrary, we should all be very afraid. Most of Steven's report is a warning to faculty members and librarians that the Union will not protect them should the Union deem them to have spoken or acted irresponsibly. And, in light of Steven's and the Union's response to Peter March's having posted last February on his door cartoons to which some Muslims take offence, to offend someone is in itself to act irresponsibly and, thereby, to forfeit the Union's protection.

Steven writes that the Union will not defend members who in their research, teaching, or discussion defame people, spread hate, harass others, put at risk people's safety, or hurt others emotionally. Of course none of us wants to do any of these things; at least, I trust, none of us would set out intending to do any of them. But we also want to be honest and effective researchers or intellectuals, teachers, and participants in social, political, and intellectual life. We hope to be able to pursue whatever line of research we want and to draw the conclusions we think fitting. We want to use whatever teaching methods we deem effective. We want to advocate whatever views or values we consider worthy. In pursuing a line of research, or making public our views, or teaching our students, or promoting our values, or discussing things in the halls, we may well say or do something that does offend one or another or many people. We might cause people much hurt. Will the Union be on our side when our actions offend people? No, it won't, at least not in light of its behaviour toward Peter March or given what Steven has said in his report and elsewhere.

The Union's behaviour and Steven's words raise at least two concerns. The first has to do with what constitutes defamation, spreading hate, harassment, putting at risk people's safety, and emotional harm, and with whom we can trust to make proper determinations regarding these things. Were those offended by Peter's gesture offended so greatly, or offended by an act so mean, that that gesture truly counts as defamatory, hate-mongering, harassing, physically threatening, or emotionally harmful? I would say no, they were not. Indeed, I would question whether any degree of offence taken could by itself constitute defamation, hatemongering, or threat to safety. Perhaps offending someone could by itself constitute harassment or emotional harm, should the offence be great enough or of a particularly bad kind. The Union, though, in its inaction and through its President's words, has indicated that it thinks that Peter's gesture indeed offended people so greatly or in such a way as to count as hate-mongering or harassing or

emotionally harming. The Union, then, has very low standards for these things. We members should work to raise its standards.

Steven certainly thinks that Peter's gesture crossed some line. He has not explained how it did, though, nor has he explained to me where the arguments I sent him contradicting his views go wrong.

The second concern has to do with what we can expect from our Union when a line actually is crossed. Suppose one of us in his or her research or teaching or discussing or advocating does defame a person or spreads hate or harasses someone or puts at risk a person's safety or causes someone emotional harm. Steven has told us that the Union will not come to that member's aid. Yet, for the Union to deny protection to one whose research or teaching or whatever defames or spreads hate, etc., is for the Union to take the position that anything else we hold dear immediately trumps academic freedom. If academic freedom is, as Steven writes, absolutely necessary for the proper functioning of institutes of higher education, then anything else we hold dear trumps the proper functioning of institutes of higher education when the two conflict.

We hope that what we do and say as academics doesn't defame anyone or spread hate, etc., but maybe we will do something, acting as responsible researchers or teachers, that does defame someone or spreads hate, etc. When by honouring one thing we hold dear we compromise something else we hold dear, we have a serious practical problem. Should the Union stand by the researcher whose work spreads hate, or should it allow those who would silence her to silence her? It is in cases when academic freedom runs up against another important value that a union actually committed to academic freedom will discover just how deep its commitment is. Our Union, sadly, appears to have no commitment to academic freedom at all. If I understand Steven correctly, as soon as the Union judges a member's activities to be defamatory or hate-mongering, etc. (and, remember, the Union's standards for these things are very low), the Union will not be concerned to protect that member.

Most people, it is true, have no more than a shallow commitment to academic freedom, and to freedom of expression generally. None the less, I was shocked in the aftermath of Peter's gesture, though, I'm sad to say, not surprised to see how many of my colleagues put academic freedom and freedom of expression near the bottom of their list of values. Especially upsetting was that our University's Vice President Academic & Research, Terry Murphy, and the President of our Union, Steven M. Smith, showed themselves to be among those for whom expression is the first to give even in a minor conflict with another value, in this case our desire that people not feel offended. Yet, with the Union's unwillingness to stand up for a member and our President's warning to us not to step over some tightly drawn lines, at least now we all know we are each on our own.