

Book Review / Compte rendu

MacKinnon, Peter (2018). *University Commons Divided: Exploring Dissent and Debate on Campus*. Toronto: University of Toronto Press. Pages: 168. Price: 16.22 CAD (paper).

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In *University Commons Divided: Exploring Debate and Dissent on Campus*, Canadian lawyer and former University of Saskatchewan President Peter MacKinnon argues that the free exchange of ideas in the search for truth in universities is under attack. Using recent cases from Canadian universities, MacKinnon analyzes moments in which the physical and digital public gathering places of the university are no longer as open or public as he contends they ought to be. MacKinnon's arguments are framed around: a) the nature/definitions of "academic freedom", "free speech", and "freedom of expression"; b) the structures and roles of university governance bodies; and c) the strictures of the legal system upon Canadian universities. MacKinnon's history as a lawyer, law professor, assistant dean and dean of law, faculty association chair, VP academic, and university president put him in a unique position to discuss the legal and governance issues he raises. This review's only major critiques of the book centre around a desire for more of MacKinnon's writing on various cases he presents in Canadian higher education. These critiques are addressed after a summary of the contents of the book.

University Commons Divided is useful as a primer on recent issues involving academic freedom in Canadian universities and higher education governance. The book is divided into seven chapters, which address the following: Chpt. 1 and 4 - governance and academic freedom; Chpt. 2 - punitive versus restorative justice; Chpt. 3 - freedom of expression; Chpt. 5 - freedom of religion; and Chpt. 6 - social responsibility. The seventh chapter concludes by reiterating arguments from the preceding six.

In Chapter 1, MacKinnon discusses a case wherein Jennifer Berdahl, a UBC professor of Leadership Studies, Gender and Diversity posted on her blog her opinion that the UBC president, Arvind Gupta, had been pushed to resign because he had "lost the masculinity contest" (p. 7). Resultant phone calls to Berdahl from university Board Chair John

Montalbano and an unnamed person in the Sauder School's dean's office led the faculty association at UBC to accuse both parties of violations of Berdahl's academic freedom. Readers with an interest in law, higher education institutional governance, and Canadian university scandal will find this first chapter to bring life and energy to these topics.

Chapter 2 discusses the case of 13 male Dalhousie Dentistry students' misogynistic Facebook posts against 9 of their female classmates in a private Facebook group. Again, MacKinnon describes the situation from various points of view, providing possible arguments and counterarguments for the choice to pursue restorative justice rather than punitive justice against the 13 men.

Chapter 3 discusses freedom of expression via 11 cases in Canadian universities in which controversial presentations, artifacts, or actions were cancelled, removed, or halted, or which resulted in disciplinary actions. MacKinnon's short discussion (pp. 30-41) of the definitions of "safe space" and of freedom of expression gives helpful structure to the argument regarding the limits of free speech and of safety from hurtful ideas. The whirlwind of events described in this chapter builds a case for the argument that universities are not currently open spaces of free speech and debate, but rather are arenas in which positions, once formed, are held against all others.

Chapter 4 returns to the topic of academic freedom and governance and discusses an event in which a faculty member of Carleton University's Board of Governors wrote critical blog posts on the subject of the Board's meetings and actions. This chapter describes how boards of governors operate in Canadian universities in terms of financial oversight and protection from government control of university funds.

Chapter 5 shifts slightly to discuss religious freedom. In this chapter, MacKinnon describes the contentions surrounding Trinity Western University's requisite pledge of abstinence from heterosexual premarital sex (the pledge ignores the LGBTQ community) and their desire to open a law school as part of their academic offerings. The chapter presents an argument that religious freedom in private is a constitutional right, whereas religious freedom in public domains such as universities is not necessarily so.

Chapter 6 begins as a series of statements on the ways in which universities, now more than ever, hold significant social responsibilities in democratic society. In this chapter, MacKinnon states that universities, because of their social responsibilities, must encourage debate but must not take positions on issues; a position taken by a university on an issue can be interpreted as "a pronouncement on truth" (p. 93). From this point of departure, MacKinnon calls into question compulsory coursework on topics for any reasons other than academic ones. MacKinnon's view of universities as truth-seeking institutions may conflict with perceptions of universities as centres of power and change.

In Chapter 7, MacKinnon concludes by summarizing the major points of the previous chapters, and by returning to the topics of academic freedom, media coverage, freedom of speech, freedom of expression and the composition of university governance bodies. MacKinnon closes by calling attention to the importance of university governance and of university stakeholder understanding of governance processes.

As a whole, *University Commons Divided* has few weaknesses. MacKinnon discusses legal aspects of each case with only a small amount of legal jargon, and presents his thoughts in a well-organized and accessible format. The most prominent features of the book that could be improved are lack of balance in the amount of space devoted to the

various cases he discusses, and his omission of any discussion of recent events at Wilfrid Laurier University in which Teaching Assistant Lindsay Shepherd was accused of violating gender and sexual violence policies by showing a 5-minute video of Prof. Jordan Peterson discussing his opinions on non-traditional gender pronouns.

To the first point, there are 17 cases discussed and analyzed in the book's seven chapters. Although most of the chapters are dedicated to only one case each, with in-depth discussion, Chapter 3 provides summaries of 11 cases in 20 pages. The brief discussions of each case in this chapter leave the reader with more questions and points of argument on the topic than prior to reading them but also creates a sense of the ubiquity of moments in which freedom of expression has been threatened/challenged at universities.

To the second point of criticism, the Shepherd case at Laurier is not mentioned in this book, although University of Toronto professor Jordan Peterson's controversial views on student pronoun choices are. In this case, Shepherd was reprimanded by three members of faculty and staff and was told that there had been student complaints about her lesson. Laurier's president eventually issued a public apology (MacLatchy, 2017) to Shepherd for the "significant overreach for invoking one of our policies on campus" (Chiose, 2017) and questions remain about why three faculty/staff members told Shepherd that complaints had been made, although they had not been. MacKinnon's analysis of this case would have been instructive.

My desire to read more of MacKinnon's writing on matters of academic freedom in Canadian universities is praise of his analyses and clarity. Written in easily-digestible prose, *University Commons Divided* is an excellent resource for students of higher education, university governance, or Canadian law. 🍁

References

Chiose, S. (2017, December 21). *Wilfrid Laurier University exonerates TA Lindsay Shepherd*. Retrieved from <https://www.theglobeandmail.com/news/national/education/wilfrid-laurier-university-exonerates-ta-lindsay-shepherd/article37377602/>

MacLatchy, D. (2017, November 21). Apology from Laurier President and Vice-Chancellor Deborah MacLatchy. Retrieved from <https://www.wlu.ca/news/spotlights/2017/nov/apology-from-laurier-president-and-vice-chancellor.html>