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LEANING LEFT

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David Mandel, a University of Quebec substitute professor, tried to fight McGill University when he was refused a tenure-track position in 1980 because of his political beliefs. He has just written a book on his battle with McGill with Allen Fenichel, a McGill professor, titled *The Academic Corporation: Justice, Freedom and the University*. While the book looks specifically at Mandel's case, it also examines the inadequacies of the process universities use to hire academics.

Mandel was teaching Soviet and East European politics at McGill on a one-year appointment when he applied for a tenure-track position in the same field. Once a candidate holds a tenure-track position, the university will either let the candidate continue in a tenure-track position, award a tenure position, or not renew the contract at all. Highly qualified, with an excellent publications record, Mandel made the short list of candidates for the McGill position.

Despite his qualifications and a recommendation from the Appointments Committee of the Political Science department, the department rejected Mandel and hired Joan Debardeleben, an American, who now holds the position.

The department violated Canadian Association of University Teachers (CAUT) regulations and federal immigration laws on hiring Canadian professors first by hiring Debardeleben.

While the department offered no official reason for his rejection at first, Mandel heard the real reasons were political.

"Mandel is a Marxist in a department where his view is not held by many," said professor Sam Noumoff.

Noumoff, also a Marxist, can attest that the department does not have a history of fairness toward Marxists in their midst. He has been teaching in the Political Science department since 1967 but did not get tenure until 1981.

Noumoff also said Mandel's views on the Middle East conflicted sharply with those of some members of the department. As well, Mandel had cancelled his classes during a strike by McGill maintenance workers and was one of few in the department to respect the picket lines, which also made him unpopular.

After he was refused tenure, Mandel spoke with the McGill Association of University Professors (MAUT). The chair of the committee, Irwin Gopnik, now the Dean of Students, told him there were no procedures for appeal in the case of hiring. So Mandel decided to pursue his complaint with the Academic Freedom and Tenure Committee of the CAUT. But the committee refused to take up his case, saying they had neither the mandate nor the guidelines with which to investigate cases of hiring.

Mandel appealed to the CAUT board, which, after one year of consideration, decided to launch its own

fact-finding investigation.

Mandel also appealed to the Quebec Human Rights Commission, which began its own investigation in October 1981, compiling over 50 hours of interviews during the one-year investigation.

Throughout this period, the McGill administration resisted an outside inquiry, saying it threatened the university's independence and academic freedom.

The CAUT fact-finding commission, named after its chair, Dale Gibson, gave its final report in October 1982. The report came out in favour of Mandel, saying none of the reasons offered by the members of the Political Science department who testified were credible. The Gibson report said that in a case like Mandel's, the burden of proof should lie with the university.

While the committee did not find actual evidence of political discrimination, they did say "the department has failed to persuade us political bias was not a factor."

But the Human Rights Commission report went further in its condemnation of the department. After conducting a thorough investigation, Claude Trudel wrote, "There were, in this particular case, political elements that, in the full sense of the term, intervened in the collective decision of the department."

The CAUT report recommended that McGill publicly acknowledge its unfair treatment of Mandel and that the Gibson report be made public to help restore Mandel's reputation. They further recommended that Mandel be given the job he was originally denied if he still wanted it and that he be financially compensated for losses resulting from his unfair treatment.

But instead of pressuring McGill to abide by the report, the CAUT merely called for a joint inquiry with McGill. The CAUT board shelved the Gibson report on Mandel's case without ever voting to adopt it.

For its part, the Human Rights Commission rejected Trudel's report because it did not contain enough evidence to take to trial.

But Mandel and Fenichel are not surprised.

"It's very difficult to get evidence of discrimination which will hold up in court. No witness will tell you, 'Yes, I discriminated against him,'" said Fenichel.

Finally, four years after Mandel was rejected by the Political Science department, the CAUT published the Gibson report in its publication, *University Affairs*. But this was all they would do for Mandel.

Fenichel and Mandel claim that while the CAUT has a mandate to protect academic freedom, in this case they did nothing to accomplish this other than defend the 'closed shop' attitude of the university facilities.

"The feeling I get about the CAUT is that it has not fulfilled its mandate. However, even if they had, they would have been unable to do anything," said Fenichel, noting that while the CAUT can censure a university, its capacity is limited.

"To censure a university is to make a university a pariah — a serious thing — but their will and ability to