

Limiting the Freedom Of Expression: The Keegstra Case*

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The Keegstra case raises a dilemma for liberals who favour freedom of expression. Keegstra cannot appeal to the "honest heretic" defence nor to a conception of the "marketplace of ideas." Keegstra's error has been wrongly diagnosed as seeking to convince. But this reaction neglects the spirit in which teaching is conducted and students' potential for critical reflection. The Keegstra case shows that philosophers of education have underestimated the threat posed by a sincere but misguided teacher. Classroom discussions of "theories" of the sort to which Keegstra subscribes must be limited.

Le cas Keegstra pose un dilemme aux adeptes du libéralisme qui prônent la liberté d'expression. Keegstra ne peut toutefois invoquer pour sa défense la position de "l'honnête hérétique" ou une argumentation fondée sur la nécessité d'échanger des idées. Contrairement à ce qui a été soutenu, l'erreur de Keegstra ne consiste pas dans le fait qu'il a cherché à convaincre ses étudiants. Une telle interprétation fait abstraction de l'esprit dans lequel on dispense un enseignement et du potentiel de réflexion critique des étudiants. Le cas Keegstra démontre que les philosophes de l'éducation sous-estiment la menace que représente un enseignant sincère, mais qui manque de jugement. Les discussions en classe des "théories" du genre auquel souscrit Keegstra doivent être limitées.

Memories are short, and soon a reference to Jim Keegstra, or an allusion to the Keegstra affair, will no doubt call for an explanatory footnote.¹ But in 1983–85, at the height of media attention to Keegstra, it seemed an eponymous synonym for bigotry was about to enter the language. The Keegstra affair almost overnight² came to be seen as a paradigm of indoctrination. There was general revulsion as the truth emerged, but we should follow Socrates in demanding more than a clear example. This was a case of miseducation, and we must be on guard against a number of potential misinterpretations. The idea of open-minded education excludes the possibility of viewing Keegstra as an "honest heretic" championing unpopular ideas in a free market.³

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THE GENERAL BACKGROUND

Jim Keegstra believes in an international Jewish conspiracy to establish a world government, and regards the infamous *Protocols of the Learned Elders of Zion* as authentic. The fact that every reputable historian thinks this document a hoax is to him further proof that the conspiracy is alive and well. Keegstra's belief was central in his interpretation of historical events, and permeated his teaching. In dealing with the Second World War, Keegstra taught that Zionists invented the Holocaust to attract supporters for their cause. Keegstra did not deny what he had taught, but sought to show that it was correct. His views were not smuggled in in the course of dealing with other issues. The Jewish conspiracy thesis *dominated* Keegstra's lessons and he remains eager to defend it. His willingness springs from profound conviction that he possesses a truth that must be communicated to others who have been duped.

Keegstra's perverse historical views were such, and presented in such a way, that his teaching displayed and fostered anti-Semitic attitudes. When students made disparaging remarks about Jews in their essays, Keegstra added marginal comments to reinforce these ideas. The conspiracy allegation, combined with other fictions about Jews, led students to write about Jews as thugs, rapists and assassins. Students' essays often argued that it was necessary to rid the world of dangerous Jews.

Disclosures of these teaching practices shocked Canadians, and prompted the Province of Alberta in June 1983 to set up a Committee on Tolerance and Understanding, which presented its final report in December 1984. The chairperson of the Committee remarked optimistically that "shocking revelations can become the catalyst from which flow a myriad of positive responses."⁴ If teachers are not to shun controversy, however, a number of confused responses to the case need to be considered.

Villains are sometimes portrayed as martyrs. One hears mutterings about the value of open-mindedness, and the suggestion that Keegstra championed free inquiry. Many close to the scene were confused about the application of fundamental principles. Most Canadians now think that justice was done in dismissing Keegstra from the teaching profession, but since a revisionist thesis might be advanced, we need a clear grasp of the reasons that warranted termination of Keegstra's contract and his expulsion from the profession.

Buttons proclaiming "Freedom of Speech" were very much in evidence at the various judicial proceedings that began in 1984. Keegstra's lawyer, Douglas Christie, reportedly declared the case would be "the greatest test of freedom of speech this country has ever seen."⁵ The Alberta Teachers' Association representative assigned to assist

Keegstra answer charges brought by the Board, also insisted Keegstra's freedom of speech in the classroom was being curtailed.⁶ Canadian civil libertarians denounced the prosecution of Keegstra as censorship, though some agreed that he had abused his position as a teacher and was rightly dismissed.⁷

Some of Keegstra's students continue to believe he was silenced because the authorities were not committed to open inquiry. One student is quoted as saying that "perhaps people are scared he's stumbled onto the truth, and they don't want to know about it." The winner of the school's highest graduating award remains a loyal supporter of Keegstra *and* his ideas: "I'm trying so hard to be open-minded and they're close-minded."⁸ Keegstra insisted he had presented an alternative point of view to make his students think,⁹ and claimed that he advised his students the position he defended "was only a theory,"¹⁰ and not widely accepted.

The charge of bias came up frequently. One commentator, however, in reviewing the allegation that the students were not offered well-articulated alternatives, adds the qualification that "the problem of biased teaching will arise with every teacher."¹¹ A student is quoted as saying he had abandoned the idea of a career in teaching because he might slip up, say something inappropriate and land in jail.¹² The idea lurking behind both of these reactions is that bias is inevitable.

Keegstra was widely regarded, by students, colleagues and the teachers' association, as a good teacher. The principal at the time of Keegstra's dismissal testified that Keegstra did "a very thorough job" of classroom preparation, and that he had never heard Keegstra "call down another group except maybe Communists or Zionists."¹³ A former principal commented that Keegstra's first qualification as a teacher was his "command of discipline."¹⁴ Keegstra's classroom management skills have earned near-universal praise. The Superintendent who pursued the case against Keegstra said that the issue was not Keegstra's competence as a teacher nor his ability to teach the subject matter.¹⁵

There is enough confusion in these various reactions to warrant a careful examination of the assumptions they reveal. We shall see that some who have shed light on this affair have also added to the confusion. Furthermore, there are ideas in circulation, advanced by philosophers who may never have heard of this case, that come to grief in the light of this sorry episode.

AN HONEST HERETIC?

I think this case would cause tension in a liberal in the tradition of John

Stuart Mill, who said: "If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind."¹⁶ Yet, effectively, Keegstra *was* silenced, since the revocation of his teaching license removed a necessary condition of his employment. Where, in the words of Justice Holmes, is that "free trade in ideas" that ought to characterize education? Have we abandoned the idea that "the best test of truth is the power of the thought to get itself accepted in the competition of the market"?

In some ways, moreover, Keegstra resembles the honest heretic rather than the furtive conspirator. Sidney Hook's classic distinction revealed differences showing why the heretic must be tolerated and the conspirator suppressed. The liberal, Hook wrote, "stands ready to defend the honest heretic no matter what his views against any attempt to curb him."¹⁷ Like the heretic, Keegstra did not shrink from publicity: in the words of one commentator, "furtiveness is alien to him."¹⁸ Keegstra, as far as we know, was in the service of no organized movement, though he joined the Canadian League of Rights and obtained much of his material from this group. There is every reason to believe that Keegstra sees himself as a solitary soldier.¹⁹ The telltale signs of conspiracy are not to be found—and not because the tracks have been covered.

Although no conspirator, Keegstra is only in part an honest heretic. Concerning the frank admission of the *content* of his views, Keegstra is the honest, forthright individual generally portrayed.²⁰ Keegstra did not conceal what he had been teaching when cross-examined at the Board of Reference inquiry, and his claim to have been teaching the required curriculum was not a lie but a mistaken belief. But when we consider Keegstra's *methodology*, the ascription of honesty becomes suspect. Keegstra did alert his students to the fact that his theories were not widely shared and may even have advised them of the importance of examining different points of view.²¹ But the evidence overwhelmingly suggests that his practice violated these principles.

First, Justice McFadyen established that *none* of the sources to which Keegstra directed his students contained a different point of view on the theory of history he propounded.²² It is inconceivable that Keegstra was unaware of any differing sources. Second, when students ventured to draw on sources other than those Keegstra approved, their work was either not assessed at all or assessed adversely.²³ Keegstra believes that sources critical of his position have been censored to conceal the truth, but he owed his students an honest account of alternative views in terms defenders might accept as full and fair.²⁴ Third, Keegstra *encouraged* his students to make sweeping generalizations by himself offering comments

calculated to confirm or to support such views.²⁵ This makes a mockery of Keegstra's claim that he fostered the ability to discriminate between alternatives.²⁶

Keegstra fails to qualify as an honest heretic in the classroom and forfeits the protection otherwise due. Appeal to the notion of a marketplace of ideas collapses because Keegstra's classes were systematically biased to inculcate at every opportunity the Jewish conspiracy theory. The notes, topics, readings, written comments and attitudes, and a grading system that rewarded agreement, were part of a strategy to convince students that a certain view of history was true. The decisive point is that Keegstra cut the ground from under the feet of any opposition by making his theory *immune* to counter-evidence. Potential counter-evidence was taken as *further* evidence of the conspiracy portrayed as controlling the *sources* of evidence, namely textbooks, the media and so on. Conspiracies *can* occur, of course, and it is doctrinaire to dismiss such claims a priori. But to accept that one exists we need evidence, and refutation must in principle be possible. By frustrating the falsification challenge,²⁷ Keegstra revealed the disingenuous character of his teaching.

These criticisms are consistent with support for that strong tradition in philosophy of education that encourages students to become involved in the critical examination of controversy. Passmore has pointed out the limitations of teaching for critical thinking when criticism is reserved for "those who do not fully adhere to the accepted beliefs."²⁸ Russell advocated "the most vehement and terrific argumentation on all sides of every question,"²⁹ and maintained that there must be no requirement that teachers express only majority opinions. Strong enthusiasms, Russell said, are perfectly appropriate.³⁰ In protecting his own, one-sided view from criticism, Keegstra subverted the critical approach to teaching.

Unfortunately, some commentators have not questioned the plausibility of the marketplace defence used by Keegstra supporters. Consider the following reactions:

(i) *The school is not a marketplace of ideas.* Keegstra did not attempt to foster a marketplace of ideas and it is misguided to suggest, as some have done, that this case shows the inappropriateness of the marketplace ideal in public schooling:

The elementary and high school systems are not viewed by civil libertarians as part of the public forum we seek to protect from censorship. We doubt it makes sense to apply a notion such as "censorship" when we judge the professional wisdom of what is chosen for the attention of not yet fully fledged minds.³¹

The common assumption is that academic freedom has application only in the university context.³² But if an open forum for discussion is appropriate at *any* level, then progressively there must be an anticipation of the practice during earlier stages of education. A rigid division between different levels is arbitrary. The “not yet fully fledged minds” include those of 18-year-old adults in grade 12 or equivalent, who will be university students within three months. We might label this the fallacy of the magic transition. Finally, there is no reason to conclude that the concept of censorship does not apply in the school context. When books are removed from the library and words deleted from textbooks to accommodate complaints, censorship exists.

(ii) *Teaching is not preaching.* Blair distinguishes two uses of argument to illustrate the defect in Keegstra’s approach.³³ He distinguishes between argument used to *convince* and argument used to *inquire*. Keegstra evidently attempted to convert students to his position rather than showing them how to use argument to test ideas. Keegstra’s use of argument to convince is very different from an attempt to foster open-mindedness.

First, however, notice the either/or nature of Blair’s suggestion. The implication is that the teacher must opt for the second use of argument—to inquire—since argument used to convince “will often be perceived by those untutored in its deployment as an instrument of coercion.”³⁴ Certainly, teachers who take a stand on some question and attempt to convince their students must *also* teach the use of argument as a tool of inquiry if the students are to have the wherewithal critically to assess the teacher’s position. But the use of argument to convince is not in itself a violation of educational principles. What matters is how the argument is *conducted*. Keegstra’s approach was a travesty of the Socratic ideal of following the argument where it leads, and for this he stands condemned. The obvious danger in Blair’s diagnosis is that we are close to embracing teacher neutrality as an absolute principle.

Second, open-mindedness does not require neutrality. Blair glosses open-mindedness as “withholding judgment until one has thoroughly canvassed alternatives and seriously considered points of view other than one’s own.”³⁵ Although popular, this approach is inadequate. What matters is how one’s convictions are held.³⁶ Here the central question is whether or not they are regarded as revisable in the light of emerging evidence and fresh argument. Keegstra is no champion of open-mindedness not because he held, and defended, certain convictions, but because these were *not* revisable. They had been granted immunity. Teaching is not preaching, but this is consistent with teachers using argument to convince.

Keegstra’s student who claims to be open-minded is typical of those

John Dewey criticized,³⁷ who naïvely think merely adopting or flirting with unconventional ideas constitutes open-mindedness. Ironically, this student has been *prevented* from rationally reviewing his beliefs by being led to believe all contrary evidence is untrustworthy. Moreover, the student has been discouraged from developing the capacity to recognize that his position comes with a spurious guarantee of its own certainty.

Despite endless debate over the analysis of indoctrination, it is reassuring that the parent responsible for initiating the complaint that eventually led to decisive action against Keegstra closed her letter to the Superintendent with the words: "As our children are being sent to school for education, not indoctrination, I appeal to you to dismiss Mr. Keegstra from teaching those classes in which our children will be enrolled."³⁸ This is the apposite distinction because the students were adopting beliefs in such a way that rational criticisms were defused. Some students did *eventually* start to question what they had come to believe, after they took certain extraordinary steps—including, for some, a trip to Dachau. (Even these measures were not uniformly persuasive.) The crucial point is not that the students' beliefs could *never* be dislodged, but that they had adopted a *pattern* of thinking inimical to evidence and argument.³⁹

Pearson fears that certain presuppositions about teaching helped bring about the students' closed-minded allegiance to irrational beliefs.⁴⁰ The logic of the teaching situation, he argues, is that every teacher must be considered rational—otherwise there would be no point to attend to him or her: "One cannot be a learner if one does not accept that the teacher is acting rationally."⁴¹ Teachers like Keegstra, Pearson adds, have difficulty with cynical or very sceptical students, but these are hardly desirable traits.

Pearson's pessimism is premature. Cynicism and scepticism are *not* the only defences against an irrational teacher. Inexplicably, Pearson fails to mention *critical reflection*. If schools developed students' critical ability, and discouraged deferential acceptance, learners would not be so vulnerable. There is an unavoidable criticism here of the teachers who taught these students before Keegstra. Few philosophers have noted that students need to be trained to resist indoctrination.⁴² Keegstra's skill shows how important such training is, for Keegstra could not recognize his own teaching as indoctrination. The psychology of the classroom is often such that uncritical acquiescence results,⁴³ but there is no *logical* barrier to success as Pearson implies. One can learn from teachers even if one does not agree with their ideas, or suspects that their ideas are spurious. One can *understand* what the beliefs are and why some people hold them, and resolve to assess their merits. Typically, we presume that

the teacher believes what he or she is saying, but we need not, and must not, assume that the claims are true. Pearson overlooks provisional agreement, where we accept "for the sake of argument" but reserve the right to subject the beliefs in question to later critical examination. If these attitudes sound sophisticated, the Keegstra case nevertheless indicates their necessity. We expect we can learn something valuable from our teachers, but expectations are not always fulfilled.

THE PRINCIPLE OF TOLERANCE

The Province of Alberta moved soon after the Keegstra revelations to establish the Committee on Tolerance and Understanding. Its interim report maintained that a basic aim of education is to instill in children an appreciation of our democratic traditions, characterized by an attitude of tolerance, understanding and respect for others, *no matter what their origins or values may be*.⁴⁴ The final report omitted these concluding words. Someone likely recognized that the deleted statement made no sense in the light of the circumstances that gave rise to the Committee's work. Were tolerance required toward *all* values, then Keegstra's intolerance itself would have to be tolerated.

Certainly some took that quixotic course. The Alberta Teachers' Association representative who defended Keegstra at the early hearings said that as a fairly tolerant person, he could accept different points of view. He maintained Keegstra had advanced a different point of view as was his right.⁴⁵ This comment exemplifies the aforementioned confusion that leads one to see Keegstra as a champion of free inquiry silenced by an intolerant society.⁴⁶ Keegstra's right to *mention* and to *discuss* alternative points of view and interpretations was never challenged by the School Board, though it had given directions about balance. In his first letter to Keegstra, Superintendent David wrote that he had not intended to muzzle Keegstra's academic freedom nor to limit his intellectual integrity. Controversial interpretations were not to be suppressed but all positions were to be presented in as unbiased a way as possible.⁴⁷ Appealing uncritically to the principle of tolerance, the Alberta Teachers' Association in effect extended tolerance to indoctrination.

The wording on bias avoids the naïve position that a bias-free presentation is possible, without suggesting that the amount and nature of bias is quite beyond our control. The problem of biased teaching may arise with every teacher, but not in the same way nor to the same degree. Although teachers can slip into bias, tolerance is appropriate when teachers display a willingness critically to review their performances and the judgments of others. Keegstra sincerely believed his own

position was correct, but he could and should have recognized that he was not presenting other views impartially. If we tolerate systematic distortion of issues in teaching, we cannot claim to have a serious concern for our students' education.

The Keegstra case is useful in philosophy of education as a touchstone for testing philosophical generalizations.⁴⁸ If we have confidence in a particular judgment, we can ask how a certain general principle fares when viewed in the light of that judgment. Warnock argues that a teacher is not invariably required to remain neutral on controversial issues.⁴⁹ It would be a pity if confusion resulting from the Keegstra case gave undeserved support to the neutral teacher movement. Russell saw clearly that a teacher could display strong enthusiasms but remained obligated to account impartially for what really happened. Warnock, however, exaggerates the benefits of non-neutrality, risking undue teacher influence on students. She maintains there is only benefit in the contemplation of someone who has principles: "The first rule of teaching is sincerity, even if one's sincerity is dotty or eccentric." Concerning the danger of winning over students too easily, she assures us that time will remedy this, if remedy is needed.⁵⁰ Warnock was not commenting on Keegstra, but how do her comments stand up in the light of this case?

A number of points should be made. First, clearly we cannot say that Keegstra has no principles. He does not have, as Mackie put it, a new principle for every case.⁵¹ Keegstra has his own principles and will not abandon them for convenience or advantage. But although we may admire his courage and sincerity, it is not true that there is *nothing but benefit* in contemplating his actions. His principles are flawed from an educational perspective. Keegstra's concern for truth, which he often stressed, amounted to an all-consuming desire that his students believe what he accepted as true. In Russell's language, the will to believe overshadowed the wish to find out.⁵² This desire was not tempered by a concern to help students weigh evidence and formulate independent judgments. The clearest evidence of Keegstra's position and his blind attachment to it is his lack of concern over the appalling ignorance and illiteracy displayed in his students' essays.⁵³

Second, in characterizing perverse sincerity as eccentric or dotty, Warnock overlooks more serious harms. We smile at eccentricity or dottiness, but these friendly descriptions hardly capture Keegstra's mind set. Having students think of Jews as "gutter rats" cannot be airily dismissed as eccentricity. When a student writes that we must get rid of every Jew in existence, we have gone beyond the dotty. Warnock fails to imagine the forms perversity can take. Furthermore, this case makes one

less sanguine about time effecting a remedy. Bercuson and Wertheimer fear that Keegstra's students may become future bearers of medieval myths.⁵⁴ Interviews with some students two years after Keegstra's dismissal provide little basis for sharing Warnock's confidence, even though much more than the mere passage of time was at work in this case.⁵⁵ Warnock did not envisage a case where the beliefs acquired immunised one against counter-evidence, so that the passage of time would make no difference or even make matters worse.

We should be reluctant to embrace the level of tolerance Warnock suggests. Should we even tolerate the *inclusion* of ideas such as the Jewish conspiracy theory? The theory will offend many persons and is widely regarded as totally implausible. There is, however, a powerful tradition in philosophy of education that supports the inclusion of controversial material and open discussion of related issues. But it is doubtful that the Jewish conspiracy theory counts as a controversial historical thesis; reputable historians do not seriously debate it. Some dispute the experts' opinion, but they have not succeeded in making the matter controversial. From the perspective of historical research, the theory is a non-starter.

Should it also be ignored in teaching? The school might give the theory unwitting support by deeming it worthy of mention. Its exclusion, however, might fuel the suspicion that the theory has some credibility, a suspicion actually voiced by some students.⁵⁶ If such a view could effectively be suppressed in society as a whole, this danger would disappear, but that is not a realistic possibility, quite apart from considerations of moral acceptability. Given this dilemma, a compromise might be proposed, namely to ignore the theory unless a student raises it. This strategy, however, presupposes that students feel comfortable raising issues; in fact, students raise few questions of any kind in class.⁵⁷

The traditional response to the dilemma invokes the ideal that truth should emerge in open discussion. Thus the theory need not be excluded since its absurdity can be demonstrated. We can explain that it is included not because it is important, interesting or plausible, but simply because students may encounter it. Recently, Schauer has cast doubt on the so-called argument from truth:

The argument from truth is very much a child of the Enlightenment, and of the optimistic view of the rationality and perfectibility of humanity it embodied People are not nearly so rational as the Enlightenment assumed, and without this assumption the empirical support for the argument from truth evaporates.⁵⁸

Schauer reminds us that truth has no inherent ability to gain general

acceptance. The argument from truth leads to the dubious assumption that the search for truth is the supreme value.

It is not evident, however, that these points fit the context of education. Tolerating open discussion of reprehensible views does not assume that students are thoroughly rational; rather, it stems from a central aim of education—to *further* students' development as rational agents. To curtail discussion in schools because people are not always rational would deprive students of the very practice that might develop their rational abilities. If it is true that people now are not particularly good at distinguishing truth from falsity, it is especially important for schools to look for ways to develop this ability. Particular considerations might outweigh the importance of open discussion, but present abilities are not the determining factor. Schauer says that we must take the public as it is. As educators our sights must be on what students *can be*. The study of bad arguments contributes to learning to argue effectively. Prior practice in this area would have served Keegstra's students well.

If we tolerate the discussion of such a theory, should we also tolerate teachers supporting it? Keegstra's own approach was obviously unacceptable, and we might note Russell's point that when the experts agree, the opposite opinion cannot be regarded as certain. This alone would condemn Keegstra's teaching as profoundly misleading.⁵⁹ What, however, of the teacher who avoids Keegstra's error, presents all views fully and fairly, but reveals a personal inclination to accept a theory universally discredited and offensive?

Let us distinguish this case from two others. Consider, first, that various groups find aspects of the school curriculum offensive. An example might be a reference to atrocities carried out in the past. Here it is vital to ask if the atrocities are indeed part of the historical record; if so, we would distort historical inquiry were we to exclude this from our history books or lessons. There is a positive obligation to be faithful to the discipline and to report what happened. There is also a moral obligation to try to ensure that presentation of such facts does not lead to prejudice against persons or groups associated with those facts.

Consider, second, the debate over creation science. This position is utterly discredited, but is not in itself morally offensive; subscription to this view simply reveals naïvete. If a teacher reveals sympathy for creation science, appeal to eccentricity will suffice to justify tolerance if the teacher at the same time presents orthodox science as seriously as would a teacher who preferred that view.

The Jewish conspiracy theory, however, is both discredited and offensive. A teacher who accepts it necessarily alienates all those students, not

only Jews, who take offence at others being falsely accused of general wickedness. In ordinary life, we can usually avoid those who utter offensive remarks, but not so in school.⁶⁰ Students are obliged to attend school and are not normally permitted to choose which section of a course they will take, and therefore which teacher they will have, when multiple sections are available.⁶¹ I conclude that in such cases the expression of the teacher's private sympathies should not be permitted.

CONCLUDING COMMENT

Recall that Keegstra was widely hailed as a "good teacher." This suggests the dispiriting conclusion that this appraisal has lost its essential meaning. The judgment was based on the fact that Keegstra maintained discipline; it was totally unrelated to any consideration of the knowledge, skills and attitudes being learned by his students. Perhaps the Keegstra case will lead us to think out more carefully what a good teacher does. In doing this, we will be stimulated, I think, by an observation from Russell that might have applied to this very case: "Love of power is the chief danger of the educator, as of the politician; the man who can be trusted in education must care for his pupils on their own account, not merely as potential soldiers in an army of propagandists for a cause."⁶²

NOTES

¹ It might read as follows: James Keegstra (b. 1934) taught in the province of Alberta from 1961 to 1983. Having qualified as an auto mechanic in 1957, he enrolled as a part-time student at what is now the University of Calgary, pursuing a B.Ed. program with a concentration in industrial arts. Before graduating in 1967, he taught industrial arts and other subjects, finally securing a permanent position at Eckville High School, Eckville, in 1968. He gradually came to teach classes in history and social studies and it was his teaching here and his failure to conform to the prescribed curriculum that led to his dismissal from the school, effective January 1983. This decision was upheld by Justice Elizabeth McFadyen in a Board of Reference ruling in April 1983. In October 1983, the Alberta Minister of Education revoked Keegstra's teaching license, and he was expelled from the Alberta Teachers' Association. In July 1985, Keegstra was convicted under section 281.2 of the Canadian Criminal Code of wilfully promoting hatred against the Jews, a charge arising directly from his classroom activities, and fined \$5000.00. In June 1988, the conviction was overturned by the Alberta Court of Appeal on the grounds that the law in question violates the *Canadian Charter of Rights and Freedoms*. The Crown's appeal was heard in the Supreme Court of Canada in December 1989, and judgment is pending.

² Much of the credit for bringing the case to national attention must go to the

- documentary "Lessons in Hate," shown on the CBC's *The Journal* on 2 May 1983.
- ³ The best general introduction to the case is: David Bercuson and Douglas Wertheimer, *A Trust Betrayed: The Keegstra Affair* (Toronto: Doubleday Canada, 1985).
 - ⁴ Committee on Tolerance and Understanding, *Final Report* (Edmonton, Alberta, 1984). Headed by Ron Ghitter, the committee came to be known as the Ghitter Committee.
 - ⁵ *MacLean's*, 25 June 1984, 29.
 - ⁶ See Bercuson and Wertheimer, *A Trust Betrayed*, 106.
 - ⁷ See John Dixon, "The Politics of Opinion," *The Canadian Forum*, April 1984, 7–10.
 - ⁸ For the reactions of the students, see Robert Mason Lee, "Keegstra's Children," *Saturday Night*, May 1985, 38–46.
 - ⁹ See Bercuson and Wertheimer, *A Trust Betrayed*, 112.
 - ¹⁰ This phrase is used in the report of the Board of Reference, presumably echoing Keegstra's testimony.
 - ¹¹ Christopher Podmore, "Our Freedoms of Expression: Reflections on the Zundel and Keegstra Affairs," *Humanist in Canada* 18, no. 4 (1985–86): 16–17.
 - ¹² See Steve Mertl and John Ward, *Keegstra: The Issues, The Trial, the Consequences* (Saskatoon: Western Producer Prairie Books, 1985), 133.
 - ¹³ Cited in Arthur M. Schwartz, "Teaching Hatred: The Politics and Morality of Canada's Keegstra Affair," *Canadian and International Education* 15, no. 2 (1986): 5–28.
 - ¹⁴ See Schwartz, "Teaching Hatred," 13.
 - ¹⁵ Letter from R.K. David to James Keegstra, 9 March 1982. Document 3 in the appendix to Bercuson and Wertheimer, *A Trust Betrayed*.
 - ¹⁶ John Stuart Mill, *On Liberty*, ch. 2.
 - ¹⁷ Sidney Hook, "Heresy Yes—Conspiracy, No," in *Contemporary Moral Issues*, ed. Harry K. Girvetz (Belmont: Wadsworth, 1963), 62–71.
 - ¹⁸ K. Mazurek, "Indictment of a Profession: The Continuing Failure of Professional Accountability," *Teacher Education* 32 (1988): 58.
 - ¹⁹ Bercuson and Wertheimer, *A Trust Betrayed*, 15.
 - ²⁰ Mazurek, "Indictment of a Profession," 13.
 - ²¹ Bercuson and Wertheimer, *A Trust Betrayed*, 50.
 - ²² Appeal to Board of Reference, 1983, page 19 of transcript.
 - ²³ Bercuson and Wertheimer, *A Trust Betrayed*, 61.
 - ²⁴ See Alan Montefiore, ed., *Neutrality and Impartiality: The University and Political Commitment* (London: Cambridge University Press, 1975), 18.
 - ²⁵ Lee, "Keegstra's Children," 38.
 - ²⁶ Letter from Keegstra to Superintendent David, 18 March 1982. See document 4 in the appendix to Bercuson and Wertheimer, *A Trust Betrayed*.
 - ²⁷ Antony Flew, *Thinking About Thinking* (Glasgow: Fontana/Collins, 1975), 55.
 - ²⁸ John Passmore, "On Teaching to be Critical," in *The Concept of Education*, ed. R.S. Peters (London: Routledge and Kegan Paul, 1967), 197.
 - ²⁹ Bertrand Russell, "Education for Democracy," *Addresses and Proceedings of the National Education Association* 77 (1939): 529.
 - ³⁰ Bertrand Russell and Dora Russell, *Prospects of Industrial Civilization* (New York: Century, 1923), 255.

- ³¹ John Dixon, "The Politics of Opinion," 7. At the time the article was published, John Dixon was President of the British Columbia Civil Liberties Association.
- ³² See, for example, Anthony O'Hear, "Academic Freedom and the University," *Journal of Philosophy of Education* 22, no. 1 (1988): 13–21. This point does not imply that academic freedom and freedom of speech are equivalent notions.
- ³³ J. Anthony Blair, "The Keegstra Affair: A Test Case for Critical Thinking," *History and Social Science Teacher* 21, no. 3 (1986): 158–64.
- ³⁴ Blair, op. cit.: 161–62.
- ³⁵ Blair, op. cit.: 162.
- ³⁶ See my *Open-Mindedness and Education* (Montreal: McGill-Queen's, 1979).
- ³⁷ A good example is in John Dewey, *Democracy and Education* (1916; reprint, New York: The Free Press, 1966), 175.
- ³⁸ Letter from Susan Maddox to R.K. David, 11 October 1982. Document 6 in the appendix to Bercuson and Wertheimer, *A Trust Betrayed*.
- ³⁹ The testimony of the teacher who had the unwelcome task of succeeding Keegstra at Eckville High and of counteracting his efforts is clear. See the *Globe and Mail*, 11 April 1985, 1–2.
- ⁴⁰ Allen T. Pearson, "Teaching and Rationality: The Case of Jim Keegstra," *Journal of Educational Thought* 20, no. 1 (1986): 1–7.
- ⁴¹ Pearson, op. cit.: 5.
- ⁴² An exception is Noam Chomsky. See his "Toward a Humanistic Conception of Education," in *Work, Technology, and Education*, ed. Walter Feinberg and Henry Rosemount, Jr. (Urbana: University of Illinois Press, 1975), 204–20.
- ⁴³ See Jim Mackenzie, "Authority," *Journal of Philosophy of Education* 22, no. 1 (1988): 57–65.
- ⁴⁴ A portion of the interim report was published in *Canadian School Executive* 4, no. 2 (1984): 34. Emphasis mine.
- ⁴⁵ See Bercuson and Wertheimer, *A Trust Betrayed*, 117.
- ⁴⁶ Unfortunately, Bercuson and Wertheimer inadvertently add to the confusion. In making it clear that Harrison, the ATA's representative, had *not* defended Keegstra's right to teach the Jewish conspiracy theory as a *fact* of history, they add (as a criticism of the short clip of a longer interview with Harrison shown on CBC television) the comment that the public perception was that Harrison had defended "Keegstra's right to teach his students about a Jewish conspiracy." But, of course, Harrison *had* defended this, and the School Board had never challenged it. The wording blurs the very distinction needed between teaching a fact and teaching about a claim. See *A Trust Betrayed*, 117–18.
- ⁴⁷ Letter from R.K. David to Keegstra, 18 December 1981. See document 1 in the appendix to Bercuson and Wertheimer, *A Trust Betrayed*.
- ⁴⁸ Compare Joel Feinberg, *Social Philosophy* (Englewood Cliffs, N.J.: Prentice-Hall, 1973).
- ⁴⁹ Mary Warnock, "The Neutral Teacher," in *Philosophy of Education: Introductory Readings*, ed. William Hare and John P. Portelli (Calgary: Detselig, 1988), 177–86.
- ⁵⁰ Warnock, "The Neutral Teacher," 185.
- ⁵¹ J.L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth: Penguin Books, 1977), 156.
- ⁵² See Bertrand Russell, "Free Thought and Official Propaganda," in his *The Will to Believe* (New York: Philosophical Library, 1958), 23.

- ⁵³ One such essay is reproduced as document 11 in Bercuson and Wertheimer, *A Trust Betrayed*.
- ⁵⁴ Bercuson and Wertheimer, *A Trust Betrayed*, 187.
- ⁵⁵ See Lee, "Keegstra's Children."
- ⁵⁶ See note 8 above.
- ⁵⁷ See J.T. Dillon, "The Remedial Status of Student Questioning," *Journal of Curriculum Studies* 20, no. 3 (1988): 197–210.
- ⁵⁸ Frederick Schauer, *Free Speech: A Philosophical Enquiry* (Cambridge: Cambridge University Press, 1982), 26.
- ⁵⁹ Bertrand Russell, "On the Value of Scepticism," in his *The Will to Believe* (New York: Philosophical Library, 1958), 39.
- ⁶⁰ See Joel Feinberg, *Social Philosophy*, 44.
- ⁶¹ This practice, incidentally, reveals the near-universal assumption that a student in school may not evaluate his or her teachers, an assumption which clearly increases the difficulty any student would face in challenging someone like Keegstra.
- ⁶² Bertrand Russell, *Power: A New Social Analysis* (London: George Allen and Unwin, 1938), 304.

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