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and understanding the key arguments of the debate.*

*Full transcript of the 96-minute debate with
searchable text and over 100 time locations
linked to accompanying YouTube video*

Forum on Bill C-16 and Gender Provisions of the Ontario Human Rights Code

Panelists:

Professor Jordan Peteron—University of Toronto, Professor of Psychology
Professor Brenda Cossman—University of Toronto, Professor of Law
Professor Mary Bryson—University of British Columbia, Professor of Education

Moderator:

Professor Mayo Moran—University of Toronto, Professor of Law



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**Transcribed by Mark Doczy, PhD
mdoczy@gmail.com**

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1. Black section titles match the Moderator's description of the 4 main part of the forum.
2. Blue chapter titles summarize what transcriber felt was the main point of each persons speech.
3. Blue Questions aren't worded exactly for space reasons , but meant to give the essence of the question.

Welcome

David Cameron
Mayo Moran

Introductory part of debate opened by Dean David Cameron, followed by
the Moderator Mayo Moran, Professor of Law

1. Introduction of the Panel

David Cameron, Dean of the Faculty of Arts and Science, University of Toronto:

Note: times are hyperlinks to Youtube video at the particular time indicated.

YouTube Link: <https://www.youtube.com/watch?v=WNPZM1o8QhM>

0:00:07 Welcome everyone, and thank you for coming to this forum this morning. I am David Cameron, Dean of the faculty of Arts and Science at the University of Toronto. Let me begin by saying that:

“We acknowledge this land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and most recently the Mississauga of the Credit River. Today this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful for the opportunity to live and work on this land.”

0:00:46 The goal of today’s forum is to help the university community and interested members of our society to understand the gender provisions and implications of bill C-16 and the Ontario Human Rights Code. The federal bill, C-16, passed yesterday, as it happens, in the House of Commons. As most of you will know this matter has been a subject of intense controversy within the university and beyond. Our aim in holding the forum is to provide the opportunity for academic discussion of the matter in a serious exploration of the issues in play. We ask everyone to engage with the issues and with one another in a spirit of civility and respect, upholding in the words of the University’s policy on the disruption of meetings, the principles of freedom of speech, and the freedom of individuals and groups to be free of physical intimidation and harassment. Today’s forum is being live-streamed. Professor Mayo Moran chair and moderator will be outlining the procedures and the format shortly. She’s just here in the seat in front of me. But, first I’d like to introduce the panelists for the academic discussion.

0:02:07 Dr. Mary Bryson, on my far left, is a Senior Associate Dean, Administration, Faculty Affairs & Innovation and Professor—Department of Language and Literacy Education in the Faculty of Education, at the University of British Columbia. Dr. Bryson chairs the UBC *Vice-Presidential Trans, Two-Spirit and Gender Diversity Task Force* and is a member of the World Professional Association for the Transgender Health Global Education Initiative. They’re the recipient of multiple awards for their interdisciplinary scholarship including most recently the American Educational Research Association’s *Significant Body of Research* award and a *Senior Fellowship* at Stanford University’s Clayman Institute for Gender Research. At present their CIHR-funded *Cancer’s Margins Project* is the first nation-wide Canadian research study designed to advance our understanding of how sexuality and gender shape cancer health knowledge access, and its mobilization in health and in treatment decision making that’s both medically and culturally competent.

0:03:25 Brenda Cossman, in the middle, is a Professor of Law and the Director of the Bonham Centre for Sexual Diversity Studies at the University of Toronto. She is a Fellow of the Royal Society of Canada and a recipient of the Mundell Medal awarded by the Attorney General of Ontario for contributions to letters and law. Professor Cossman’s teaching and scholarly interests include family law, law and sexuality, human rights, censorship, and freedom of expression. Her book, “Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging” was published by Stanford University Press in 2007. Professor Cossman’s other publications include the co-authored “Bad Attitudes on Trial: Pornography, Feminism, and the Butler Decision”, and “Censorship and the Arts”.

0:04:20 Jordan Peterson, to my immediate left, is a Professor of Psychology at the University of Toronto and a clinical psychologist. With his students and colleagues, Professor Peterson has published more than a hundred scientific papers on a wide range of topics in social psychology. He’s the author of “***Maps of Meaning: the Architecture of Belief***”, a book which also forms the basis of one of his U of T classes. He’s presented many of his lectures online including, “***The Virtue of Necessity***”. More recently he has released a three part online series entitled, “***Professor Against Political Correctness***”.

0:05:01 This morning’s forum will be moderated by Professor Mayo Moran, the Provost and Vice-Chancellor of the Trinity College and a law professor and former Dean of the U of T Law School. She writes about legal theory and problems of responsibility including a book “***Rethinking the Reasonable Person***” published by Oxford University Press. She is currently writing about the problem of the past. Provost Moran has done policy work on issues ranging from how to protect public participation in policy debates to accessibility, sexual violence, and residential schools. She teaches a course called “***10 Cases the Changed the World***”—that’s a course I’d like to take—that was recently listed by Maclean’s Magazine as one of U of T’s cool courses. (Laughter)

I thought cool was old fashioned now. But there you go...

The Faculty of Arts and Science at University of Toronto then is very grateful to all of the panelists for agreeing to take part in this morning’s forum, and I would like now to call on Professor Moran to briefly describe the format of today’s discussion. Professor Moran.

2. Explanation of the Discussion Format

Mayo Moran: Moderator, Provost and Vice-Chancellor of the Trinity College and Professor of Law, U of T:

0:06:26 Thank you very much Dean Cameron and welcome everyone. I have a little bit of laryngitis so please excuse me if my voice isn't as strong as usual. This forum, as you know, today is designed as an academic discussion, as Dean Cameron said, on issues arising out of the current debate on the provisions of bill C-16 and the gender provisions of the Ontario Human Rights Code. Critically examining and, in our hope, illuminating the great policy issues of the day is a vital role for the University. The University is uniquely well situated because within the confines of the University we have people, as students would know, who are experts on every possible topic, and who have devoted their lives to understanding those topics. So, the University is probably the best possible place to debate the great issues of the day, the issues that are causing controversy and discussion and to critically examine public arguments in light of fact and reason. And, that is the spirit in which we gather here today. So thank you for joining us. And, thank you to our panelists.

0:07:39 In doing that, in pursuing that mission, as Dean Cameron said, we seek to further the twin principles of the University: of open dialogue and also tolerance. We acknowledge, of course, that sometimes those principles are in tension with each other, but respect for both is absolutely critical to the mission of the University. I would like to begin by acknowledging that the subject matter that we're discussing today may be difficult, and that audience members and indeed participants will have strong feelings about this subject matter that we're discussing. We have arranged for support for anyone who would like it, just outside the room. And bearing in mind the nature of the discussion that we're having—and our objectives which are to illuminate, discuss, and understand—I would ask that members of the audience, even if you don't agree with some of the speakers to please allow them to voice their opinions. There will be time for questions at the end.

0:08:40 I'd now like to just say a couple of things about how we plan to, um, how we constructed the forum which we did in dialog with the participants. So, we're going to begin by having, um... It will be 100 minutes long and the first segment will discuss the provisions of bill C-16 and the Ontario Human Rights Code, and we'll focus especially on freedom of expression and human rights law. In that first segment, we will begin with Professor Peterson, who will speak for ten minutes. Followed by Professor Cossman, who will speak for ten minutes. And, we do have a time keeper. Can you wave your hand? There we go. Just to ensure—we're trying to make sure—obviously, we know there's lots to say on these topics. We're going to try to make sure we've divided the time up and allocated it as fairly as possible.

0:09:30 In the second segment, of this discussion, we're again focusing on C-16 and the Ontario Human Rights Code. We'll focus more on academic freedom, gender diversity, and the implications for scholarship and teaching. In that segment Professor Peterson will again begin and Professor Bryson will follow, and they will have ten minutes each.

0:09:52 Following that, I will have a short period to just ask some clarifying questions of the speakers, and I've agreed with the speakers that we'll keep answers to three minutes each. I won't ask questions that are longer than three minutes. Just again in an effort to ensure that we have as much opportunity to air some of the issues that people might be thinking about as possible.

0:10:15 Following that, we'll have thirty minutes for questions from the audience. You can see up here that you can email questions to that email address. If you don't have email here, we have pencil and paper and people will go around and gather questions. And, then we'll have some people curate the questions and bring them back to me and I will ask them, again in an effort to get to as many of the issues as possible on the table. And the speakers have all agreed kindly, again, that they'll keep their answers to three minutes each.

So, thank you all very much and with that I would like to begin, and I will ask Professor Peterson to start. Thank you.

Freedom of Expression and Human Rights Restrictions: Legal Aspects

**Jordan Peterson
Brenda Cossman**

This section of debate opens with 10 minute discussion from Professor Peterson, followed by 10 minute discussion from Professor Cossman

3. Peterson v. Cossman: Freedom of Expression vs. Human Rights Restrictions

Professor Jordan Peterson, Professor of Psychology, University of Toronto:

0:10:56 Thanks. So, I'd like, if you wouldn't mind, I'd like the audience to do something with me. The first thing I'd like them to do, if you would, is...If all the women in the audience would stand up, that would be much appreciated. (Women stand) Ok. Now, thank you very much. (Women sit down) Now, perhaps all the men would stand up. (Men stand) Ok, good. (Men sit down) So, I did a rough count when I came in here. I might be out, but I'm not out by much. I think it's about 2 to 1 males in here. And, I thought I'd point that out because it's kind of interesting to me because I'm a personality psychologist and this debate is about ideas. And, there's a personality trait called openness, which is associated with intellect and creativity and there are pronounced gender differences in openness. Such that men are higher in intellect which encompasses interest in ideas and women are higher in aesthetics which encompasses interest in, well, in art and literature and that sort of thing, and it's partly for that reason that men read more non-fiction and women read more fiction. And, I just wanted to point out that there was a natural gender divide that occurred automatically and without compulsion in this particular case, in the case of this debate. And, that the more our society enforces its increasingly observed demands for equity upon everyone, the less likely it is that such natural divisions will be able to manifest themselves in our society in keeping with the pronounced and deep differences between the genders. So, I just thought that makes an interesting initial, uh, what would you call it, real-world demonstration.

0:12:44 So OK, so about two months ago I made these videos. I did it because I was trying to articulate my concerns for a variety of reasons. I've been keeping an eye on political correctness for a long time. And, I was also very upset with the Human Resources and Equity Department's decision to make anti-racism, so called anti-racism and anti-bias training, mandatory for their staff—which I regard as an unacceptable intrusion into their staff's right to their political opinion—as well as noting that there's absolutely no evidence whatsoever that mandatory anti-racism and anti-bias training has the impact that is claimed. In fact, the empirical evidence suggests quite the contrary. When you mandate that sort of thing you actually make people more prejudiced. It's also based on what I would say is a rather pernicious form of pseudoscience that's been promoted by social psychologists—a group that I have a fair bit of trouble with. That's been transformed into a kind of educational fascism that has no grounding whatsoever in the empirical literature.

0:13:44 Now what happened as a consequence of making these videos was really quite unexpected to me. We've been trying to keep count. There's been 140 print articles published about this, um, whatever this is, in the last two months. And then, dozens and dozens of YouTube videos and television interviews, radio interviews, and demonstrations. Millions of people have been tuning into this online. And so, obviously something's up and I can tell that what's up is isn't only a discussion about bill C-16 and about gendered pronouns.

0:14:17 You know sometimes when you're having a debate, a discussion, with someone that you love and you're having a little argument about something like who's going to do the dishes, or something like that. And you know how, especially if you haven't been getting along very well with that person, you know how the discussion starts with something specific, and then you start trading all the things that it might be about until you're arguing about, you know, the way that you behaved on your third date, you know, 10 years ago. And, the whole underlying unresolved chaos of your relationship emerges through the little portal that was defined by the argument. Well, you know, that's what this is about.

0:14:52 So what the hell's going on here, exactly, and why are we damn near at each other's throats. Look at what happened in the United States a week and a half ago (2016 U.S. Presidential Election). There's some things to talk about here. And now I started to try to talk about them, and I would say that my freedom to do so was rapidly infringed upon. My career was put at risk. And, I find this absolutely unacceptable, because I am trying to sort this out. And believe me, you know what you call people you can't talk to? Enemies! And, if we want to divide our society into armed camps of enmity, all we have to do is keep doing what we're doing. And, I would recommend that we don't do this. I've studied authoritarianism for a very long time. I know what happens when things get out of control, and it can happen extraordinarily rapidly. And, I would say we're on the cusp of that.

0:15:42 And, so we need to start talking and listening. And, when you talk it doesn't mean you're right. It doesn't mean you're correct, right? It means you're trying to articulate and formulate your thoughts like the bone-headed moron that you are. And you're going to stumble around, idiotically, because what the hell do you know, you're full of biases and you're ignorant and you can't speak very well and you're over emotional and you know you've just got problems you can hardly even imagine that are interfering with your ability to state something clear. And, so what you do is you do your best to say what you mean, and then you listen to other people tell you why you're a blithering idiot. And, hopefully you can correct yourself to some degree as a consequence of listening to them. And, you see that's what free speech is about. Because you have to...It isn't just that people can organize themselves and their societies by thinking. You can't do that because there's only one of you. What you have to do is you have to articulate your thoughts in a public forum, so that other people can attack you, and hopefully in a corrective manner. And then you want to, you know, step back a little bit and think OK, well you know, I was a little arrogant there, and I was a little over emotional there, and I didn't get that quite right and maybe I'm outright biased on that front. And, you want to correct what you say, because then you correct how you are, and then you correct how you act in life, and then you correct your society. And, to the degree that we limit freedom of expression, we put all of that at risk.

0:16:59 Now, I'm a clinical psychologist and one of the things... There's two things that we kind of know about

why clinical psychology works. And, one is that people get stronger if they voluntarily expose themselves to things they're afraid of and that they're disgusted by. It's a hallmark of clinical psychotherapy, and I would say it's also the defining characteristic of appropriate human adaptation. Right? Is that you have to confront the chaotic things that you don't understand and then learn to master them and articulate them. And, the other is that clinical psychotherapy works because people can come, say into my office, and they can say *whatever they have to say* no matter how incoherent it is, or how psychotic it is, or how overbearing it is, or confused, or jumbled. And, sometimes it takes my clients months or years of continual conversation *just to start* to untie the hundreds of thousands of knots that have been badly tied in their minds. So, and that's partly why I don't believe that freedom of speech is just another value. I think that's preposterous. I think that if you claim that then you know nothing about western civilization and history. This freedom of speech is not just another principle. It's the mechanism by which we keep our psyches and our societies organized. And, we have to be unbelievably careful about infringing upon that, because we're infringing upon the process by which we keep chaos and order balanced, you know.

0:18:17 And, if chaos and order go out of balance then all hell breaks loose, and the situation is not good. And, we've seen that happen many, many times in the twentieth century. Right? Since the late 1800's our societies, western societies, have been careening madly between the hyper-repressive order of the radical right and the absolute devouring chaos of the radical left. We've become unmoored. We've lost our bearings and the only thing that can possibly save us from continuing to do exactly that, is the dialog of exactly the sort that I'm describing at the moment, what we're attempting to do today in this forum. Thank God the University agreed to have this debate. You know, because, there's things to talk about, and if we don't talk about them then we're going to fight.

0:19:03 Well, what is this all about? I can list you some of the things that it's about. It's about inclusion versus bigotry and prejudice, right? It's about the left wing versus the right wing. It's about who's free to choose their language. And, what, what elements of respect that you're due to people that are different than you, say with regards to pronoun use or chosen names. It's about whether the subject or the object is going to take precedence. Because implicit in bill C-16, and I'm telling you, there's an *assault* on the idea of objectivity itself, an *assault* on the idea of biology itself. And, if the University thinks that the sciences are going to be immune from the ideological doctrine that's imbedded in these pieces of legislation, they better think again because there is trouble coming. I know that OISE already has an anti-psychiatry program. And, we notice that Ken Zucker got hounded out of his job just a few years ago—even though he was an entirely credible scientist and clinician.

0:19:59 So, it's about constructionism, social constructionism versus positivism versus pragmatism. And there's a mother versus father thing going on here, too. And, you know, we kind of saw that with Hillary Clinton versus Donald Trump. I would say that was the over protective devouring mother versus the tyrannical father, which is...that's not a good narrative from a mythological perspective. It's about also the adversarial spirit, I would say, versus the logos. That's at the deepest possible level of analysis. And, the adversarial spirit is the spirit that claims, 'what I think right now is correct above ALL ELSE and I have nothing whatsoever to learn', versus the logos. And, the logos is a very complex idea and maybe the deepest idea of humanity, I would say—certainly the deepest idea of western civilization. And, that's that the proper citizen is the person who embodies truth in speech and attempts to act it out and that also includes listening because listening is part of communicative intent.

0:21:00 And, I think at the moment that we're embroiled in a war on every single one of those dimensions and several others that I haven't had time to list. And, the evidence that we're in that sort of war is precisely the fact that this has attracted so much attention. I mean I just sat in my bloody office at home and threw up a couple of amateurish videos, more or less attempting to articulate my feelings about a couple of policies, and it's like all hell broke loose. And, why? Well, because that hell is right underneath the surface.

Mayo Moran: Time keep says stop there. You're at the end of your time.

Jordan Peterson: I'm done. (Applause)

Mayo Moran: Professor Cossman, thank you (microphone off)

Brenda Cossman, Professor of Law, University of Toronto:

0:21:50 Thank-you professor Moran. Provost Moran. I'd like to start by saying that I'm delighted to be here today, except that I'm not. And, I'd like to start by saying how much I support and respect all those faculty, staff, and students who are boycotting today's event. I think that is also a very important form of speech. (Applause)

A couple of days ago the Oxford English Dictionary announced the word of the year, and it's post-truth. It's relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief. So, I worry about the ways that post-truth claims have been affecting public discussions around bill C-16, around the Ontario Human Rights Code, and around freedom of expression.

There have been some profound (staff adjusts Cossman's microphone). That's not part of my time... that little correction. (Laughter) There have been some profound misunderstandings circulating about the law. And I'm here today as a lawyer, as a law professor, as a civil libertarian, as an expert in equality rights and freedom of expression to try to correct those misunderstandings. So let's start with bill C-16 which passed third reading yesterday in the House. It's the proposed federal legislation that does three things:

0:23:12 First, it adds gender identity and expression to the Canadian Human Rights Code. It will prevent the Canadian government, federal agencies, and businesses within federal jurisdiction, which are quite limited: banks, telecoms, airlines, from discriminating on the basis of gender identity and expression. This is hardly unprecedented. Indeed the federal government is late to this game. Starting in 2002 and moving forward The Northwest Territories, Manitoba, Ontario, Nova Scotia, Prince Edward Island, Newfoundland, Saskatchewan, Alberta, Quebec, and British Columbia have already passed these protections. Ontario has had these since 2002. The federal government here is simply playing catch-up. There's absolutely nothing unprecedented in this.

0:23:57 Number two. Bill C-16 adds gender identity and gender expression to provisions in the criminal code that define an "identifiable group" for the purposes of advocating genocide, the public incitement of hatred, and the willful promotion of hatred. So how might these provisions affect the use of pronouns? And do these provisions in any way criminalize the use or misuse of pronouns? *Not. Even. Close.* First, it is absolutely not advocating genocide. Now unless one wants to start talking about "we should kill all the 'X's'", then that's advocating genocide. But pronoun use, nowhere close. Public incitement of hatred: well the provisions of the criminal code requires that the incitement is likely to lead to a breach of the peace. Now does that sound subjective? Well, the Supreme Court of Canada has said there's a very clear definition: the threshold is violence. In fact, there has to be personal violence. It is an extremely high threshold and again the misuse of pronouns doesn't come anywhere close. Finally, the willful promotion of hatred, so-called hate speech provisions. Now hate speech provisions in the criminal code have a very, very high threshold. The Supreme Court of Canada, has repeatedly defined hate speech as only including the most extreme forms of speech. The Court has said, over and over again, and I quote, it is quote "the unusually strong and deep felt emotions of vilification and detestation." The Court has said, it is not disdain; it is not dislike; it is not offense. Plus, something that's often lost, hate speech criminal charges cannot be laid without the approval of the Attorney General. So this is a high threshold. They are very difficult charges to bring.

0:25:53 Third, Bill C-16 adds gender identity and expression to the provisions of the criminal code that deal with sentencing for hate crimes. Now here, under this particular section, 718-2A1, we tend to be concerned about numbers, evidence that an offense is motivated by bias, prejudice, or hatred can be taken into account in sentencing. We already take a range of things into account, race, national ethnic origin, religion, sex, age, and others. So now, evidence of hatred on the basis of gender identity and expression could be taken into account. It's important to emphasize section 718 does not create any new offenses. It simply means that any existing offense in the criminal code, like assault, or sexual assault, or murder, if it's motivated by hatred, could be given an increased sentence. This has no impact on pronouns. Unless, of course, an accused was misusing pronouns while assaulting, sexually assaulting, or murdering someone. In other words, there's *nothing* in bill C-16 that comes close to criminalizing the misuse of pronouns. *Nothing.* Not hate speech. Not hate crime.

0:27:08 Now, let's look at the Ontario Human Rights Code. So, the Ontario Human Rights Code, is a provincial law that protects individuals from discrimination in housing, employment, services, vocational associations, and contracts. It's not constitutional law, which limits government action. It's not criminal law where the state prosecutes individuals and sends them to jail. It's a type of civil law where private individuals can sue one another, and the remedy is generally damages. The Ontario Human Rights Code was first passed in 1962. It protects people from all kinds of discrimination. It protects people from being fired on the basis of their race. Or, it protects people from being denied housing on the basis of their religion. Or, it protects people from being called the "N" word or any other racial epithet in the delivery of services like a university classroom. Since 2012 the Ontario Human Rights Code has prohibited discrimination and harassment on the basis of gender identity and expression. It prevents discrimination and harassment against trans and gender non-binary individuals in employment, housing and services.

0:28:17 So, what does this require in relation to pronouns? According the Ontario Human Rights Commission's policy, section 7.4, it specifically said that refusing to refer to a person by their self-identified name or proper pronoun could constitute gender-based harassment. And, as a result of some Q and A's that were released yesterday by the Commission, clarifying this question of gender pronoun use, they stated the following: "Refusing to refer to a trans person by their chosen name and a personal pronoun that matches their gender identity, or purposely misgendering, will likely be discrimination when it takes place in the social arena covered by the code, including

employment, housing, services like education.

What about gender neutral pronouns? Well, the commission has said, “The Ontario Human Rights Code does not require any *particular* gender neutral pronoun. If in doubt ask the person how they wish to be addressed. Use “they” if you don’t know, or simply use their chosen name.” So, what it seems to require is the use of “He”, “She” or “They”, and if you don’t like that, then you can always just use their name. There is no question of the 31 flavors that has been put out there, that is somehow being mandated. This is about “He”, “She”, “They” or if you don’t like it, use a person’s name.

0:29:40 Some questions have arisen about this. Is this the first time that a law has decided what we must say as opposed to what we cannot say? No, *not at all. Not even close.* It’s not uncommon for the law to require expression: bi-lingual labeling requirements on food packaging, health warnings on cigarette packages, the oath of allegiance to the Queen that must be sworn at citizenship ceremonies. Not only is forced expression not new, there’s an entire chapter dedicated to it in Peter Hogg’s “Constitutional Law of Canada”. Now, for those of you who don’t know who Peter Hogg is, in law we usually deal... we refer to him in a hushed voice. He is the leading authoritative...It is the leading authoritative text in Canadian constitutional law by Canada’s *PRE-EMINENT* constitutional scholar and lawyer.

0:30:29 OK, so is it constitutional? Now, are these requirements around pronouns constitutional? Does the requirement to not misgender the pronouns violate freedom of expression under section 2-B of the Canadian Charter of Rights and Freedoms? Probably it does. The Supreme Court of Canada says any restrictions on speech is a *prima facie* violation under section 2-B. But the thing is that’s not the end of the story. The Charter rights are not absolute. No charter rights are absolute. There’s this whole other section in the Charter, called section 1 which says that all rights and freedoms are subject to reasonable limits as are demonstrably justifiable in a free and democratic society. The Supreme Court of Canada has developed a very complex test to which it balances rights on the one hand and reasonable limits on the other. This is what the Supreme Court of Canada does in Charter cases. And, the Supreme Court of Canada has on numerous occasions considered whether restrictions on speech contained in human rights codes are constitutional. It has *consistently*, and I have to emphasize *consistently*, held that although any speech restrictions that are contained in a human rights code may violate section 2-B of the Charter, they are a reasonable limit within the meaning of Section 1. They held this in the case of Ross, in the case of Taylor, and most recently *unanimously* by the Court in 2013.

0:31:57 I have a little thing then about why all this matters. And I’m out of time, but why it all matters is because people matter. And, I worry that we’ve moved into a place now of kind of not only a post-truth politics but a kind of post-empathy politics, where we no longer seem to care about people. And, this at the end of the day is about people. It’s about trans and gender non-binary people. These are our children, our siblings, our nieces, our nephews. These are our friends, our neighbors, our colleagues, our lawyers, our carpenters, and our teachers. How bloody hard is it to simply treat these people with respect and dignity? Because all this is about, all human rights are about is respect and dignity, and if you could throw in a little kindness on the top that would be even better. (Applause)

Academic Freedom and Gender Diversity: Scholarship Implications

Jordan Peterson

Mary Bryson

This section of debate opens with 10 minute discussion from Professor Peterson, followed by 10 minute discussion from Professor Bryson.

4. Peterson v. Bryson: Academic Freedom and Gender Diversity

Mayo Moran:

0:33:01 Thank you very much, Professor Cossman. And, now we will go back... So, remember I said we're... After we, do the first section we're going to go back to Professor Peterson. And, on this section we're going to focus a little bit more on academic freedom, gender diversity, and some of the implications for scholarship and teaching. So, Professor Peterson I'd invite you to go first again. 10 minutes. We'll have our excellent time keeper back there. Thank you.

Professor Jordan Peterson, Professor of Psychology, University of Toronto:

0:33:33 So, I'm going to read you something that a graduate student sent me from the University of Toronto the other day. And, I can also tell you that I've received hundreds of letters like this.

"Today, I had a tutorial at the University of Toronto where I talked about Jordan Peterson and issues of personal identity, legally sanctioned identity categories, etc. I brought up a video of a tall white man in his 30's who asked students at a university how they'd react if he told them he identified as a woman, as black, as short, and as five years old. Spoiler alert: students in the video resist some of the later categories a bit but are mostly accepting. Still, students were not engaging in discussion. I asked them why. One said it was because she was worried to share her opinion for fear of being singled out or saying something offensive. I asked who else was not speaking for that reason. The whole class put their hands up. That was shocking to me. I encouraged them to speak despite their worries, and they gave me some good feedback on how to make it easier for them to do so. For instance, by working in pairs and being *assigned* an opinion, so that they didn't have to be responsible for it or feel bad for defending it. No participation. *Why?* They weren't uninterested. They were afraid to speak their minds. The PC police are in your heads."

0:35:23 You just heard a lawyer's opinion. (Referring to Brenda Cossman) I have many lawyers' opinions, by the way. I'll start with lawyer one who's the counsel to several Prime Ministers. He talked to me about the Human Rights Tribunal because I went and saw him two weeks after this all started. Human Rights Tribunal is a kangaroo court in my opinion, and it should be abolished as fast as possible. It's one of the many institutions in Canada that pose a threat to your freedom that is of almost unimaginable proportions. Here's what this top lawyer told me: If I'm taken in front of the Human Rights Tribunal it will cost me \$250,000. I will pay the legal costs for my opponents and I will *lose!* He said, "Go back to your safe little life and shut your mouth!"

0:36:10 Second lawyer told me, my critique of the Ontario Human Rights Commission is spot on and absent the Charter of Rights and Freedoms—which has these contradictions built into it that you just heard described—much of what I was saying was illegal and has been illegal since 2012.

0:36:26 Lawyer three told me that if I breached a Tribunal order—so imagine I was taken in front of the Human Rights Tribunal and I was fined and then I refused to pay the fine, which I have state that I would do—that equals contempt of court which inevitably means jail until the contempt is purged. He told me the Social Justice Tribunals... And, that's the technical name of these essentially extra-judicial bodies in Ontario by the way, the Social Justice Tribunals. So, the PC authoritarian types aren't even trying to hide their terminology anymore. "The Social Justice Tribunals and the SJW's, social justice warriors, who staff them have a rogue nature. They can search your house without a warrant; they can use secret hearings; there are no rules of evidence, and the judges are unaccountable. Your worst fears of the effect of a poorly written law will manifest in that environment. The SJW's say only the worst of the worst will get punished. Think again. With them at the helm anything can and does happen."

0:37:25 But those are legal opinions. Let's look at a real world case. Let's look at what happened when I made my videos. Let's look at how the university responded. Because, I can tell you in the video I said, look what I'm doing is probably illegal and worse my employer is legally responsible for it because that's built into the codes as well. So by the way, if you're an employer, you're responsible for everything that your employees say, and everything anybody interprets what they said, whether it's unintentional or intentional, whether or not a complaint has been made. So just think about that.

0:37:56 Anyways, October 3rd the university said, like all members of the university community, I have an obligation to comply with the law including the provisions of the Ontario Human Rights Code—their policy with regards to work place harassment, which the University implied that I was engaging in. "Engaging in a course of vexatious comment or conduct... where the course of comment or conduct is known or ought reasonably be known to be unwelcome." That was the October 3rd letter which was sent to me within one week of posting my videos. And, it was the first. So, what happened, essentially, was the University reviewed what I had done, and then they reviewed the policies as laid out on the Ontario Human Rights Commission website. Where you guys can all go read them by the way, and then you can decide if the legal information that you were just provided with is in any degree whatsoever accurate, because I would say it isn't.

0:38:44 The University reviewed my videos and they decided that what I said was true. They decided that the video I made was probably illegal and that they were responsible for it. And so, in an attempt to distance themselves from me, under counsel from their legal people, and believe me the University has good legal people. They sent me a warning. And, this is what happens if you want to discipline a recalcitrant employee...so you don't have to bear legal responsibility for their acts. You send them a warning to show you're not in favor of what you're doing. Then if they continue, you send them another warning. And, if they continue, you send them a third warning. And, after the third warning, you can take further steps. Now, I pointed out to the university at one point, when we were discussing how this forum was going to proceed, that perhaps it would be in their best interest to not

support the people who are trying to stop me from talking, but if instead to support me legally and if necessary to take this all the way to the Supreme Court. And, the University said categorically that they would not do that. So, I would say that when it comes to the contradictory provisions that are in the Canadian Charter of Rights and Freedoms—and so we might say roughly equality versus freedom of speech—the University decided which side they were going to go down on.

0:39:51 And, you know people tell you all the time that this has to do with compassion. You know, and it's obviously the case, but all of the compassion...in this discussion is on the side of the people who are encouraging their listeners to play victim and perpetrator. And, I can tell you as a psychoanalytically oriented psychologist, that there's nothing more horrible for children and developing people than an excess of compassion. Right? That's the standard Freudian devouring mother. If you want a little archetype to go along with that I suppose most of you have seen "*The Little Mermaid*". Remember Ursula? Ursula wants to put King Poseidon's soul in a little jar in her collection and she wants to take away Ariel's voice, so she can't establish herself as a conscious being in the world. And, I would suggest very strongly that all these people that continually talk to you about compassion do not in the least have your best interests in mind. And, there are far more virtues and values than an excess of pity for people. No, you don't want to pity your children even. You want to encourage them to develop in...a strong and forthright manner so they can go out and take on the world. An excess of compassion just ensures that when their forty their going to be living in your basement plotting evil routines about the world because their ability to manifest themselves as successful beings has been absolutely compromised. And, I think that we're seeing this played out...We're seeing this played out in society and I think it's absolutely horrifying.

0:41:23 So, on October 18th the University mentioned to me, in another warning letter, that if personal pronouns are being used, the refusal to use the personal pronoun that is an expression of the person's gender identity can constitute discrimination. So now, you see now what's happened is I haven't refused to use someone's gender neutral pronouns. I said that I would refuse, so it's not even the refusal itself that's producing the letter. It's my declared intent to engage in the refusal. And, as far as I was concerned what I was essentially doing was criticizing a piece of legislation that had not yet been passed. But, the university's legal department decided that all that was *sufficient* for them to distance themselves from me and to engage in disciplinary activity.

0:42:07 So, and then, with regards to these Human Rights Tribunals where all this stuff would be sorted out, it's like those places destroy your reputation and destroy you financially. And, can they put you in jail? Well, it's a complicated argument, in some sense, but I can tell you that if you refuse to pay the fines, that's the next step. So, I think you're being sold a bill of goods here about how benevolent the intent of bill C-16 is. And, I also know because another lawyer told me that the... Because I suspected that the Ontario Human Rights Commission people were behind all of this legislation, essentially speaking in Canada, and that's actually the case because the federal people have indicated that these policies will be interpreted in accordance with the Ontario Human Rights Commission's policies online. And, so you guys should go read those because those are not fun. And, I would say that they pose an incredible threat to your liberty, and it's all done under the guise of compassion.

0:42:58 It's like, I don't consider myself a particularly compassionated person, let's say, I think I'm more compassionated than I should be, for my own well-being. But, I can tell you that that is not the only virtue and people who keep pushing that on you are making a massive mistake, and they're infantilizing you. And, they're terrifying people in the University community as you can tell by the letter that I just read. (Referring I believe to the letter from graduate student at 0:33:33) And, I really, I've received dozens of letters like that. People are afraid to say anything because they're going to get targeted. And, if you wonder or not if that's true, then just think about what happened to me. And ask yourself if it's true. Good enough. **Mayo Moran:** Thank you. (Applause)

Mayo Moran:

0:43:45 So, Professor Bryson, can we have you speak next? And, may I just say thank you for coming out from Vancouver to join us. Everyone else here is from University of Toronto, but Professor Bryson came out from Vancouver. So, thank you.

Mary Bryson, Senior Associate Dean, Administration, Faculty Affairs & Innovation University of British Columbia:

0:43:59 Thank you Provost Moran. What a wild ride we're on this morning. We're all doing OK so far, I think? As a Trinity College and OISE alumnus I'm typically delighted to return to the University of Toronto. Today is different. To make sense of what it means to be here today, I found myself going back frequently to the 1989 debate at Western on the subject of race and IQ between Phillipe Rushton and David Suzuki. The stakes then and now are very familiar. To borrow David Suzuki's opening words on that day, quote, "I do not want to be here. I do not want to dignify this man and his ideas in public debate" End quote. Yesterday, bill C-16 passed third reading in the House of Commons, and tomorrow is a Trans Day of Remembrance. If you only hear *this*, know that I'm unwavering in my belief that the fundamental rights to safety and the humanity of trans and non-binary people are not up for debate. There was... (Applause)

0:45:18 There was in 1989, at Western as now, an extraordinary media frenzy concerning the apparent threat to academic freedom posed by the mere possibility that academic freedom is not an absolute guarantee. That as scholars our relationship with knowledge and with the public trust is tempered by responsibilities and limitations. Of crucial import to my argument today is that this is a relationship structured not on juridical grounds—this is not about the law—but on ethical grounds. The very real effects of the knowledge claims that we make as scholars require that our claims be subjected to rigorous critical scrutiny. And, there is no set of knowledge claims more important to subject to critical scrutiny than statements that appear to perpetuate and to incite already existing forms of hatred, violence, and prejudice toward members of minority groups. We need to identify and address the claims made in the recent public works of Jordan Peterson: claims about trans people, claims about the validity of gender identity, claims about the proper use of pronouns, and claims about academic freedom rights.

0:46:39 And let's be clear, we have a unique difficulty here today in subjecting these claims to scholarly scrutiny. What kind of claims can you have in amateurish videos? Although this man is making these claims as Dr. Jordon Peterson, as a professor, and a clinical psychologist employed at a *great* Canadian university, the claims are not being made in relation to any publicly accessible body of peer-reviewed scholarship. So why this, why now? The recent public works of Jordan Peterson provide a fabulous case study of the cultural production of true believers, the cultural production of ignorance in an age of reactionary populism. The cultural historian of cancer, Robert Procter, coined the term agnotology to describe systematic attention to the production of ignorance. And, let's not beat around the bush, fad science is deadly, whether in the area of cancer or gender and population health. The cultural production of ignorance does not point to a vacuum but rather represents a deliberate relationship to knowledge that is consequential in our lives. For Procter, the tactics used by the tobacco industry provide a perfect example of how doubt and controversy are enlisted to produce ignorance.

0:48:09 So let's take a look at how consequential and studied ignorance works in relation to gender. Here are the major claims of Dr. Peterson's recent public works. Specifically, the first of three lectures concerning bill C-16. And, I will quote directly here from my lecture transcript. "Bill C-16 scares me", lectures Dr. Peterson. "The Ontario Human Rights Commission is a particularly pathological organization. Social justice warrior types are over represented, and I can't help but think it's because our current Premiere is a lesbian *and* the LGBT community has become extraordinarily good at organizing themselves and has a fairly pronounced, and very, very sophisticated radical fringe." I'll carry on, and I quote. "Gender identity and gender expression are not valid ideas. There not true. There's no evidence for it. I don't know what the options are if you don't identify as a man or a woman. There's an idea that there's a gender spectrum. I think it's an ill-informed opinion." End quote.

0:49:29 Rather than to address himself to the scientific evidence concerning gender identity and expression, and by adopting rhetorical strategies more common to Breitbartnews.com than a university professor's lecture, Dr. Peterson goes on to discredit the very constructs on political grounds instead of on grounds provided by scholarly evidence. "That these constructs are in no particular order leftist, radically and politically correct." On the subject of pronouns and gender expression, Dr. Peterson is emphatic that, quote "I don't recognize another person's right to determine what pronouns I use to address them. I won't do it. For the vast majority of people", he goes on to say, "gender identity and sexual orientation" and I guess he means sex, "are the same thing" end quote. As for the definition of transgender, Dr. Peterson claims that and I quote, "I don't believe that they, these people, these terms stand for good things. I think that these people use these terms as a pretense that they stand for good things—as a pretext for them to continue their nefarious activities", end quote.

0:50:50 Well, this is hardly the stuff of academic scholarship. I'm a member of the Global Education Initiative of the World Professional Association for Transgender Health, and I can tell you without a shred of doubt that there is no link between the public claims made by *Professor* Jordan Peterson about gender generally and transgender specifically and a body of easily accessible peer-reviewed scholarship. This body of peer-reviewed research knowledge provides conclusive evidence that whereas anatomical sex is perhaps dimorphically categorical—and that's only if you choose to ignore intersex—that secondary sex characteristics cannot be argued simplistically to be determined by chromosomal sex, and that there is highly significant diversity in gender identity and expression which exists on a continuum that reveals persistent differences that cannot be explained by sex assigned at birth.

0:51:53 Gender identity and expression are dynamic biosocial aspects of human diversity that are culturally and socially in a complex relationship with matter. Gender identity and expression are linked both to the extraordinary plasticity of human life and the fluidity of identity, and as well—and this is where we must pay close attention—linked to gender based violence, to minority stress, and threats to a whole host of rights in Canada that are not up for debate here today. These rights include the right to recognition, the right to communicability of presence, the right to culturally competent institutional climates, and perhaps the most profound of all rights, the right to safety and the right to culture and access to knowledge.

0:52:44 Whereas almost all the media attention on the Jordan Peterson affair has focused on the *possible* threat to his academic freedom, I want to focus instead on the ethical significance of an academic's total dereliction of academic responsibility. Academics are never free to distribute totally bogus claims while trading on the value provided by their title as a professor in a great Canadian university. And, perhaps even worse, as a clinician, registered by an accreditation body. Quite the contrary, every faculty member takes on academic responsibilities that embody an ethical commitment which is precisely not responsibilities required by the law.

0:53:31 Academic knowledge that appears to codify knowledge about minority populations must not add to the harms already facing minority groups by itself contributing to the consolidation of ignorance nor by inciting hatred toward members of these groups. Faced with Phillippe Rushton's perpetuation of racist assumptions in his research on race and IQ in the 1989 debate, David Suzuki concludes that one can only infer, quote: "he is either grossly ignorant or deliberately mischievous, either way what is required is action by scientists and academics. His claims must be denounced. This is not science", end quote.

0:54:20 Surely, the deliberate production of ignorance concerning a precarious minority group constitutes evidence of the most unethical abnegation of the responsibility of academics: to contribute to human well-being, collective intelligence, flourishing, and the survival of planetary life. The institution of the public university cannot and must not sanction ignorance, and most emphatically we must denounce the deliberate cultural production of ignorance. We can and we must do better. And, we must do better not because it prescribed by the law, but because we have an ethical commitment to contribute to the advancement of knowledge in a democratic society. Thank you. (Applause)

Q&A:
Clarifying Questions

Mayo Moran
Jordan Peterson
Brenda Cossman
Mary Bryson

5. Q & A: Clarifying Questions from Moderator, Professor Moran

Mayo Moran:

0:55:18 Thank you all very much. And so, now I'm going to just ask a few questions of clarification. We'll go more or less in the order that the speakers went, and then as I indicated there are questions from the audience. You can email them; the address is there. I think there are people in the room. There we go; there are few people. So, put up your hands, if you don't have capacity to email, and they'll get around to you. We won't be able to ask...answer all the questions or pose them but we'll do our best.

So Professor Peterson, I'll start with you since you were the first speaker. Of course there are few lawyers on the stage here. Law seems to figure very prominently, in your arguments and in many of your concerns. And, Professor Cossman has obviously set out a number of the issues in terms of what the laws actually say. You cited in response a number of legal experts, and one thing about legal experts is there are a lot of them and they often don't agree. But, in law we tend to distinguish between the law as it is and the law as we would like it to be. And the experts you cited seem to be critical of the law as it is, along with you. But, does Professor Cossman's outlining of some of the elements of C-16, in particular, does that give you any comfort? Does it allay any of your concerns that it really focuses on the advocacy of genocide or the commission of hate crimes? And, that those kinds of things are probably the sort of restrictions that most people in the room would think were reasonable restrictions?

Jordan Peterson:

0:56:58 No, it doesn't give me any comfort. And, the reason it doesn't give me any comfort is because as far as I'm concerned what this is actually about has already played itself out in my case. And, I already explained that to you. I want to tell you some of the pernicious things about the legislation. And, this is...

Mayo Moran: Do you mean C-16? Is that what you're talking about?

Jordan Peterson:

0:57:19 Actually, I mean the policy guidelines that it will be interpreted within. Because, the legislation itself is only a couple of paragraphs and it looks innocuous. But, you know, I would say a legal doctrine is something like a virus and it has a life. If you,

0:57:34 Mayo Moran: That's not what we think.

Jordan Peterson:

If you, if you let it go into a living system it propagates, and it has effects, and the effects are a consequence of the philosophy that's embedded inside the law. And, if you really want to know about this you should read Aleksandr Solzhenitsyn's "Gulag Archipelago", because what he does in that book is tell you how the hypothetically humane doctrines that were embedded in radical Marxism at the end of the 1800's unfolded into Soviet society and demolished it, along with many other societies I might point out. And, he won the Nobel Prize for that for no small reason, and he was regarded as one of the people who brought down the Soviet Union. And, so it's a masterpiece, that book. And, this is a complex issue and to understand it you have to do that sort of reading. But, I want to tell you a little bit about what the law does. And this is with regards to its interpretation from the policy guidelines. It instantiates social constructionism into our legal system. You have to understand what that means. There's a huge debate about how human identity is, is, uh. Upon what grounds human identity is predicated. Now the radical social constructionists basically say that identity is nothing but a social construction and that's in keeping with their philosophical doctrines—partly Marxist and partly Post Modern.

0:58:44 But, that isn't... And that was what I was objecting to with regards to bill C-16 because it *insists*—do you understand this—it makes this *legal doctrine*—that biological sex, gender identity, gender expression, and sexual orientation vary independently. And they *don't*. Now the reason they don't is because 98% of people, it's 99.7% of people, by the way, at least with regards to the most credible statistics, have a gender identity that's essentially identical with their biological sex. And, almost everybody who is male and female, by biological sex and gender identity *dresses* that way, and that's what gender expression essentially is. And then, if you stack those three things on top of each other, they're basically isomorphic, you can add sexual orientation to that and 98% of people are heterosexuals, so the idea that those things vary independently is *absolutely preposterous*. But it's written into the law and that has terrible consequences. You see, I don't know for example, now, to what degree any discussion in universities of the biological differences between men and women are legal.

0:59:54 And, you think, oh well, that's an exaggeration. It's like...well, I debated Nicholas Matte, I believe that was his name, a professor at the University of Toronto on TVO's "The Agenda", and he said, right out for everyone to hear, that the scientific consensus is that there's no biological differences between men and women. And, I've received letters from people who've told me that now the social justice activist types are complaining about the fact that the biologists assign biological sex to animals, because it's only a social construct that we're projecting onto their being. And, you know, we just heard that the chromosomal level of analysis is complex. It's not *that* complex. What we have is a bimodal distribution with a tiny number of exceptions, and that by the way is not a spectrum! You see these words,

1:00:42 Mayo Moran: Professor Peterson, sorry, we're at the end.

Jordan Peterson: Oh yes, sorry.

Mayo Moran: You'll have other questions.

Jordan Peterson: No problem. (Applause)

Mayo Moran:

1:00:53 So, Professor Cossman, just sort of picking up on some the items that Professor Peterson just mentioned. He was talking about social constructionism and the idea that this is a very novel issue in the law. That law, you know, that the C-16—one of the concerns about it—even if it isn't exactly the specific provisions of the legislation, it's the fact that it's instantiating this kind of social construction into the realm of legal regulation. Do you, you're an expert in law, do you have any thoughts or comments about that?

Brenda Cossman

1:01:29 I think that any of us who are experts in law would have something to say about that. The law has been regulating social constructionism and social constructs since there was law. Language, nationality, religion, citizenship, family, marriage. There's no there there. They're social constructs. Social constructs go to the very root of our common law tradition. Property. Property law. OK, sure property exists. It's there, right? But, the idea that we *own* it. The idea that we own property is *entirely socially constructed*. Intangible property, futures, contingent liabilities, where are they? I can't feel them. *I can't feel* them. Where are they? They're socially constructed. These are the things that law regulates. Let me talk about one, you know, that Professor Peterson is quite fond of. The right to freedom of expression. This is entirely a social construction of the Enlightenment—it didn't exist (slight laugh) before the enlightenment—of Humanism and of Liberalism. It depends on our understanding of democracy. It depends on our understanding of what a right is. It depends on our understanding of what a freedom is. And, it depends on our understanding of what expression is. The idea that the law regulates social constructs is *beyond* irrelevant. It doesn't tell us anything about good social constructs and bad social constructs. It doesn't tell us anything about good laws versus bad laws.

1:02:59 And, one of the things that Professor Peterson seems to misunderstand is this difference between the law as it *is* and the law as he might like it to be. I have lots of disagreements with the law as it is, but what I've come and done here today is explain to you what the law *is today*. And you might criticize it, but that's just what the law is. And, it disturbs me *profoundly* that professor Peterson, without arguments or support, has done effectively a post-truth claim on me. He has basically said you're wrong. There's no arguments; there's no evidence; there's no support. That my description of what the law is, as a 30 year expert in this field, is simply wrong. Um, you know, I don't think it's wrong. I have some opinions on maybe how the law ought to be, but what I've done is I've come and described how it is.

1:03:58 There's also a very important distinction that's being missed here about the penalties that are attached to different laws. Criminal laws involve imprisonment; civil laws involve damages and restitution. An Ontario Human Rights Commission offense will result in a financial or a nonfinancial penalty, such as rehiring or training. So what happens if a person refuses to pay the fine? You don't *get to go* to jail. I'm sorry *you don't*. The mechanisms of civil enforcement come into effect. The two most common forms of enforcing judgments are seizure and sale of assets, and if your assets do not sufficiently cover the fine, then your wages will be garnished. It's about money. So, yes, it's true your assets might be seized, your income might be garnished, but you don't get to go to jail. (Applause)

Mayo Moran:

1:04:59 So, we'll go back now to Professor Peterson, because there were two segments and we've agreed that we'd go back to him. And, actually I think you were just starting at the end of your discussion and your answer to the last question to talk a little bit about some of the points that Professor Bryson made about your picture of gender and the relationship between sex and gender, and some of those issues. You know, she...she lays out some of the science and some of the actual scientific findings around those issues. And, I wonder when you take a look at some of that research does it imp... How does it affect your thinking on some of these questions? About, in particular, of what some people think of as perhaps a rather simplified picture of sex and gender.

Jordan Peterson:

1:05:48 OK, well a couple of things. The first thing, I do...I want to make a quick comment about Dr. Cossman's critique of my analysis, because she actually didn't address it. I didn't say that the law shouldn't regulate social constructions. That's what the law does. That's what she said. That isn't what I said. I said that the law now builds in *social constructionist doctrine* into the fabric of the law. That's not the same thing. Obviously the law regulates property rights and all of that, and to some degree those are social constructions, although not to the degree that she claims. But, this is a whole different thing. This builds in a philosophy of identity. And, one of the things it builds in, for example, is the claim that identity is only subjectively defined, and that's built right in. It says that. Your identity is whatever you think it is.

1:06:35 Well, let me tell you, as a practicing psychologist, that's absolute rubbish. Your identity two... look, when children are two years old, that's what *they* think. They think that their subjective reality is everything. And, what you do is you socialize them between the ages of two and four to adopt an identity that's part of a cultural negotiation. It's like your identity is part of a cultural negotiation. It's partly the game you play and partly the game that I play with you. And, I have to be a voluntary participant in that. And, not only is it not subjectively defined which detaches it entirely, by the way, from the underlying biological *and* the underlying objective reality—making *any* claim you want for your subjective identity valid. The other thing it does is... it completely obviates the idea that

identity is actually a pragmatic entity for God's sake. It's like if you're a lawyer or a father or a mother, like an identity that has some *solidity* to it, say... Well, for most lawyers anyways. So... Sorry. I couldn't help it.

Mayo Moran: We're used to it.

Jordan Peterson:

1:07:46 Your identity is also a vehicle within which you travel through life. Right? It's a set of tools, a set of pragmatic tools, that you use to interact with the social and the natural world. It's not only your subjective whim. So, OK.

1:08:00 So, then with regards to the science, it's like, really? You know, I can give you just one example and I'll stop with this, and hopefully I can do it quickly. The idea of gender identity which is only defined subjectively in the relevant law has been studied intensively by personality psychologists such as myself. In fact, my lab as done some of the, I wouldn't say the most fundamental research on it, but, you know, we're in the ballpark. Here's a little story! OK, so the differences between personality between men and women are basically what constitutes gender identity. Insofar that it is not merely subjective. And, one of the things that's happened that as the Scandinavian countries have equalized their political and sociological landscape, the differences in identity between men and women have got *larger*, not smaller. Do you understand that? That's a refutation of the social constructionist claim.

1:08:52 So, what happens is that if you flatten out the landscape, so that there are very few socio-economic differences say, or sociological differences in the treatment between men and women, what happens is the biological difference maximizes. It maximizes! You understand? That means men and women get more different, not more the same. And, the thing about women in the audience, bloody hell, you should think about this, because don't you want to pursue the things that you're interested in? And, if you pursue the things that you're interested in, because you're interested in different things than men. I'm telling you. If you look at the interest... (Laughter from crowd) If you look at the interest variation, this has been established technically. If you look at the interest variation, there's almost no overlap between men and women. If you sum up the differences in interest and temperament.

Moran: So, we're...(indicating his time is up)

Peterson: OK. (Applause)

Mayo Moran: **1:09:44** So, I think that this provides perhaps a good segue back to Professor Bryson...

Mary Bryson: Gee

Mayo Moran: ...to talk a little bit about some of the claims about in particular, you know, what does some of the evidence, what does some of the, uh what are sort of the objective realities in this situation that we might hold on to?

Mary Bryson:

1:10:09 Well one objective reality is what happens when you stop reading. So I'm going to recommend, that for anyone who's interested in a *current* review of the literature on sex, gender, and gender differences, that you take a look at Rebecca Jordan-Young or Anne Fausto-Sterling who provide extraordinary and very detailed reviews of this literature. And, actually it comes down to the fact that science about causality, about in essence sex being linked and producing gender, requires us to move outside of the current realm. All that we have in this realm is quasi-experimentation. We can't actually do studies where we manipulate the chromosomal or the hormonal environment. And, so since we can't remove sexism and misogyny from the production of gender we can't actually reach conclusions about what we take to be gender differences. And, so although it plays really well on the cover of *People* magazine, "brain sex" or whatever kind of arm-chair science that we want to rely on for cocktail party chit-chat, this is not the stuff of *Nature*, and by *Nature* I don't mean something that we take for granted, I mean the peer-reviewed academic journal.

1:11:27 So, it's really good to keep reading if you're going to be employed at a great Canadian University.

Mayo Moran: Thank-you (thinking Bryson was finished.)

Mary Bryson:

1:11:34 Point two. Pronouns. Let's put pronouns in some kind of context. And, I think it's really helpful in going back to what Justice Minister Wilson-Raybould said yesterday following the passing of C-16 and I'll quote, "It's our collective responsibility to recognize and reduce the vulnerability of transgender diverse persons to discrimination, hate crimes, and hate propaganda." And, a lot of what we've been hearing here is hate propaganda.

1:12:05 So, what I want to say about pronouns is that we have to get beyond the simplistic discussion which is either about grammatical infelicities, singular-plural, or that we should be nice to people. We actually have to deal with our responsibility in creating institutional climates that take very seriously the goal of reducing inequality. That has always been a fundamental goal of education. So at the University of British Columbia, the Trans-Two-Spirit and Gender Diversity Task Force is looking at everything in the context of what Greta Bauer and her amazing colleagues at Trans-Pulse call institutional and informational erasure. We are looking at housing, student health. How are trans and gender diverse students going to go to Student Health and get care that is both medically and culturally competent? How should be organizing student information systems so that people can tell us their names and their pronouns? This is a technical challenge only, and we have to rise to the challenge.

Q&A:
Audience Questions

Mayo Moran
Jordan Peterson
Brenda Cossman
Mary Bryson

6. Q & A: Questions from the Audience

Mayo Moran:

1:13:12 Thank you. So now, I know there is much, much more to say, and... (Applause for Bryson)

But, I have some questions from the audience. So I'd like to read those. And, I'll try again, just to divide up the time and the questions, hopefully as fairly as possible. So, Professor Peterson let's start with you. So this question says, "You present your issue with bill C-16 to be that the infringement of freedom of expression regarding gender pronouns is a problem. Do you hold the same stance with other discriminatory language in the Human Rights Code such as being able to use racist terms with regards to students. And, if you believe that one of these things is a violation but not the other one, why?" I'm not sure I read that all that well, but you get that.

Jordan Peterson:

1:14:00 OK. Well, so one thing I would like to point out, before I answer that, just so you all notice is that I have in fact been denounced, today. And, what I am saying has in fact been described as hate propaganda. So, one thing I'd like to suggest to you, every single person in the audience—you're next. So keep it in mind.

1:14:23 Alright so, with regards to the question: Well, first of all I don't think that these issues are the same. I don't think they're the same at all. I mean I've been thinking about the pronoun thing, you know, because one of the things that people... It's put me back on my heels for a while, because the claim was basically, well something like, 'Why doesn't the mean professor just play nice and respect people by using their pronouns?' And, it took me like three weeks to unpack that, because who gets questioned about pronoun use? I don't know why the hell I use the pronouns I use. I use them because their part of the language. I use "he" and "she" because that's what everyone uses. And so, then I had to think about well why, why do we, in fact, use pronouns. And, we use them in part for the same reason that we use other categories, and that's to simplify the world for functional purposes, roughly speaking. But, then I was thinking well is the use of "he" and "she" a mark of respect? And, the answer to that is well, no! It's not a mark of respect. It can't be a mark of resp... What you call *four billion people* can't be a mark of respect! Right? It's a mark of basic categorization.

1:15:26 And so, then the claim comes up, well if someone wants you to use a particular pronoun, then you're disrespecting them if you don't. It's like, hmm, OK, let's think that through a bit. Well that assumes that when I'm using "he" or "she" for people, you know, in normal parlance that I'm actually indicating my respect for them. And, that's not true. It's like if I don't know you, I classify you *generically*, and basically I classify you in terms of how you present yourself publically. I suppose that's your gender expression. And, then I nail you with whatever pronoun seems to fit. It has nothing to do with respect.

1:15:58 And besides that, you bloody well don't get to demand my respect! Why should you? You know, I mean, it's not like I respect everyone. That's foolish thing to do. You respect people who are respectable. You know, you make value distinctions between people, and that doesn't mean that you illegally discriminate against them. Those aren't the same thing. But I'm all for value judgments. If you don't buy value judgments, then why bother learning anything? Why bother doing anything? Why go from one point in your life to another, if the next point isn't better in some manner? So, don't tell that I'm not respecting people when I don't use their gender pronouns.

1:16:32 And, the other thing is, I don't buy this whole idea that the people that are putting this legislation forward are valid representatives of the trans community. That's what they *say* they are. We have mechanisms for deciding whether someone's a valid representative of a community and that generally involves democratic voting. I've received *at least 20* letters from transsexual people who are my side, and by the way, *zero* from others, believe it or not, who are perfectly happy with the idea of gendered pronouns. It's just they want to be the other one. Now you can have a discussion about that and there's lots of things to be said about it. But, the idea that this community that's coming out and demanding these rights is somehow representative of this homogenous oppressed minority, I think is rubbish.

Mayo Moran:

1:17:15 Well that leads us to our next question. (Applause for Peterson)

And, for this question I'm going to ask both Professor Cossman and Professor Bryson to comment on it. So, one of the objectives of the transgender and queer rights movement is to enter into public conscience in a way, and this person asks, "This can only occur through public conversation, do you worry that it may not be possible to have thoughtful discussion if there's government restriction about this kind of speech? And, do you worry that it would skew discussion in one direction or another?" So, perhaps Professor Cossman first and then Professor Bryson.

Brenda Cossman:

1:18:08 So, I've spent a career being concerned about the way in which thoughtful discussion is often shut down. And I've been concerned about it on the right. I've been concerned about it on the left and I've been concerned about it in the mushy middle. And, I think that Professor Peterson has actually performed some of this today. Insofar as he just said that he was denounced here today and that they're going to come for you next. So, the thing is about speech is that everybody gets it. And, you say something and you then get criticized. So, Professor Peterson hasn't been *denounced*. Some might want to. But, he has been severely criticized. And that is actually what speech does. That is what speech does. (Applause).

1:18:55 I think that... I think that there is an important way to have public discussions around a whole range of

issues. I would *welcome* a discussion on the role of hate speech provisions. I would *welcome* a discussion around the role of hate speech and its desirability, about whether the Supreme Court Canada is right or not right in upholding its Constitutionality. But, I would like to have that debate with someone who is knowledgeable about the law. (Applause)

Mayo Moran:

1:19:32 Thank you. And Professor Bryson.

Mary Bryson:

1:19:36 One of the big questions that I had to deal with in considering whether or not to accept the very generous offer, invitation, of the University of Toronto to come here today, would be the impact of this event on trans and gender non-binary people, specifically at the University of Toronto and much more generally. And so, whereas, I would say that I recognize practices of peer-review, and practices of peer-review are not denouncement. Practices of peer-review are practices that we utilize to make assessments about knowledge claims. Whereas I would fully appreciate being able to enter into a discussion about gender and gender identity and issues around trans-culture as a means of practicing peer-review, I think the difficulty that we've had and we've managed to reproduce this difficulty here today, characterized just now by Dr. Peterson as simplifying the world for functional purposes.

1:20:45 Simplifying the world for functional purposes is not what I recognize to be academic practice. This is not how we relate to knowledge. And so, I think that there's a concern when we don't subject claims that are being made as knowledge claims by people who carry titles at great Canadian Universities, when we don't treat those knowledge claims in the same way that we would in any other field. And when there are knowledge claims made about members of minority groups, embattled, vulnerable, marginalized members of minority groups, then I think that we all need to be very concerned about how it is that we're changing what we think we do in the University, which is supposed to be about the advancement of knowledge and excellence.

Mayo Moran:

1:21:32 Thank you. (Applause for Bryson)

So sort of a slightly different line but back to you Professor Peterson, again from the audience, as a clinical psychologist... "Is Professor Peterson", sorry, "as a clinical psychologist refusing to acknowledge how damaging it could potentially be to an individual to disregard their identity?"

Jordan Peterson:

1:21:59 The first thing I would like to say to Mary Bryson is that—this is an invitation— if she would like to debate, if she would like to debate the relationship between biology and gender identity, I'm extending her an invitation to do so. I'm sure that any number of student groups would be more than happy to host it. And, I'll put my knowledge of the peer-reviewed literature against her knowledge of the peer-reviewed literature.

1:22:24

Mayo Moran: Let's go to the question though.

Jordan Peterson:

1:22:27 Identity is a very complicated thing. And, you know, when I engage in clinical discussion with my clients, is all about their identity. And so, the idea that...It's a very difficult question to even engage with, because I don't understand it. It makes things so simple that you can't discuss them properly. All I do in my clinical practice, and I have about 20,000 hours of experience... in my clinical practice and I've dealt with all sorts of people—far more variation in people than the typical person ever encounters. And, I think I've done it at least reasonably competently...All my discussion with people in my clinical practice are about their identity, given the definition of identity that I brought forth: how they feel about themselves, how they conceptualize themselves, because those are two different things. How that plays out in their interactions with other people, and what the functional significance of that is. And,

1:23:17 I'm going to say forthrightly, well two things. One is that I don't believe that any of my clients have had cause to worry about my interpretation of their identity because what I do in my practice is help them discover what *that is*. And really, I'm *seriously* not interested in imposing any ideas of identity onto someone, because...I can't do that. I don't know what the right vehicle is for you to travel through life. What I can help you do is articulate your concerns. I can ask you questions where I see contradictions in your self-articulation. I can help you make plans for the future. And, I've helped thousands and thousands and thousands of people, by the way, make plans for the future with the stuff that I do online. And so I'm helping people build a genuine identity. Well and that's what I do.

1:23:59 So that's the answer to that question and I think I do it well. I mean, and, stuff we've done from a research perspective with the future authoring program—which I offered to people free a week and a half ago to help them catalyze their identities—we've helped 5000 university students increase their grade point average 20% and decrease their dropout by the same. And, the biggest effect has been with men and non-western ethnic minority students, who've accelerated their performance up beyond the range of the normal for the dominant culture.

1:24:30 Now pure psychological intervention I might say, I'm not a sociological interventionist. So I'm perfectly willing to stack my record on identity formulation up against anyone's. And so, and, I should also point out that

I think where I'm most vulnerable in this entire debate and I just expect this will happen... There's already been noise about it on the Ontario Psychological Association website. I think they'll that... They'll probably come after my clinical license. So, that'd be my guess. So..

1:24:58

Mayo Moran: I think we might be straying a little away (**Peterson:** yeah) from the question now. So, just... ah...thank you. So just.. (Applause)

Jordan Peterson: So, no we're not because that question involved my clinical practice. I'm not straying a bit. That involved my clinical practice and there was a reason that the question was posed. So, I'm not straying.

Mayo Moran:

1:25:17 Thank you. (Applause) So, the next question concerns how a free and democratic society is... How that idea is developed. And this is, I guess, particularly for Professor Cossman. So, you mentioned that the freedom of expression and the anti-discrimination equality provisions of the charter are balanced through section 1, which explicitly it's section 1. It starts out "Our Charter", and it has this idea of free and democratic society so, "How is that idea established? And, who is part of that discussion?"

Brenda Cossman:

1:26:04 So the language of section 1 is that all rights and freedoms contained in the charter are subject to such reasonable limits as are demonstrably justifiable in a free and democratic society. So, like, I didn't write those. Right? It wasn't me. It was a whole bunch of folks back in the late 70's and the early 1980's where there was Constitutional committees that decided what the Canadian Constitution would be. It was Parliament. It was the Senate. It was all the Provinces with the exception of Quebec, of course, that came to an agreement that the Constitution would be our highest form of law. And it's also important...there's a lot of misunderstanding around the Constitution. So the Constitution only restricts government action. It is not what's at play here in terms of universities. In fact, the charter doesn't actually apply to universities. Human Rights Codes do, but the Charter does not. And, so the courts from the very early times, of when the Supreme Court of Canada, when it had to start to interpret all the charter rights: There's section 2b that's freedom of expression. There's freedom of religion. There's the right to be free from unreasonable search and seizure. There's the right to life, liberty, and security of the person. There's the right to equality before the law. The Supreme Court of Canada developed a test whereby it said it was going to figure out how to balance rights. And so, if you have a violation of section 2b, freedom of expression, which is quite a low bar—anything that restricts speech is considered to be a violation of that right. You then move to section 1. And the court, in a very early case called the Oaks Case, developed a test whereby it does that balancing. First it looks to see whether there are any pressing and substantial objectives in the government legislation that actually is limiting those rights. It then looks at, if there are pressing and substantial objectives, and often in the context of hate speech, for example, that is about preventing discrimination, but there's many others as well—it then looks to see whether the violation of the speech is proportionate to the pressing and substantial government objectives. And, there are many, many legal steps along the way here. It's complicated. There are lots of steps, and it is the Supreme Court of Canada that does this. It is the Supreme Court of Canada that defines and ultimately decides how we balance those rights.

Mayo Moran:

1:28:39 Thank you. So another question for Professor Peterson. "Why do you feel that someone's personal gender identity and pronouns infringes your free speech? Can one not also argue based on your interpretation, that professors can use racial slurs in their classroom and the inability to do so would violate their freedom of speech?"

Jordan Peterson:

1:29:05 Well, that's pretty much the same question, I think. I think that we're crossing a dangerous line and the line is the requirement that's being put upon people by government agencies with the full force of the law behind them to decide what language categories you are going to use. Now, I think that's a form of compelled speech which has a technical meaning. I know in the United States, the American Supreme Court ruled against the government's right to use compelled speech in 1943. I understand that this isn't the United States, but we share a common law background and the doctrines are relevant. For me, you see, when I opened this debate, this forum, I tried to explain what this is about and I couldn't explain everything it's about, because it's about too many things. But, one of the things it's about is ideology and the distinction between the left and the right. And let's say, now, I truly believe that these made up pronouns of which there are many dozens, in fact...And, there's no consensus on them. And, that doesn't even begin to start a discussion about the use of the "otherkin" pronouns and you can look those up if you want. Because, if you can define your identity subjectively anyway you want, then there's absolutely no reason that you can't claim a non-human identity. And, you may not know but in the LGBT rainbow coalition there is Q+ and the Q+ people include the otherkins, who claim a non-human identity. And they're arguing in that rainbow coalition that they have the same claim right to their pronouns that everyone else does. And, their pronouns include such things as wormself. (To an audience member Peterson says: "you're not supposed to interrupt")

1:30:55

Mayo Moran: Actually, I was just going to ask if you could go back to the point about the analogy between the racial slur and the pronoun use.

Jordan Peterson: I don't think there's any analogy at all.

Mayo Moran: But that's what people want to hear you on...

Jordan Peterson:

1:31:06 I'm talking about compelled speech. There's a difference between saying that's there something you can't say and saying that there are things that you *have to say!* And, I regard these *made-up* pronouns, *all of them*, as the neologisms of radical PC authoritarians. You understand *that?* And, I don't.. I'm not a fan of that sort of person, and the reason I'm not a fan of that sort of person is because I've done my homework. I've read everything I could get my hands on in the development of authoritarian political systems and I know the literature inside-out and backwards! And, I am not going to be a mouthpiece for language that I *detest*. And that's that! (Applause)

Mayo Moran:

1:32:01 So we have one question left and I'm going to... And, it's for Professor Bryson. Professor Bryson, I noticed that you were on the Vice-Presidential Task Force at UBC for Two-Spirited Trans and other folks and I wonder... This is obviously being a difficult debate for the University of Toronto. But, from your perspective of someone who's also had a senior leadership role, as well as being an expert in the area, do you have any thoughts or guidance about what universities can do to ensure that we're moving things forward...in a helpful... inclusively?

Mary Bryson:

1:32:40 Let's talk about apologies. So this week we heard from Justin Trudeau's government about the apology that will be made to LGBTQ Canadians concerning the extraordinarily violent impacts of discriminatory activities that were also research activities happening at Canadian Universities and elsewhere to locate and to fire LGB Canadians from the public service and from the RCMP. And, let's pay attention to some of the details of that situation. You can Google the "Fruit Machine". An incredibly bogus apparatus that was created, let's say not coincidentally by a psychologist at Carlton university, Dr. Wake, who was the chair of the psychology department, intended only to identify supposed "homosexuals" who then would be fired from government service and from the RCMP. Those actions were carried out by means, in part, of entirely bogus research claims supported and funded by a Canadian public university, Carlton University.

1:33:57 If we fast forward to the fairly recent past we could look at CAMH (Centre for Addiction and Mental Health) making an apology for the incredibly damaging work carried out by Zucker in his (applause) bogus "conversion therapy" based entirely on these ideas about sex producing gender constancy, which then in the case of gender diverse young people could be cured by means of conversion therapy. CAMH had to apologize to the Canadian public and to Ontarians for the harms carried out by Dr. Zucker. And so, I think that we might need to think about two things at the University of Toronto. And, one would be an apology for *any* damages to the right to safety and the right to humanity on the part of trans and gender diverse people at the University and in the great city of Toronto more generally. And then, of course, the University of Toronto also—and perhaps it already is, and I'm sure you know more about this than I do—could implement the kind of wide ranging program to think very carefully about how, in an intelligent way, to accommodate gender diversity and trans people in this wonderful great Canadian University that is the University of Toronto.

Mayo Moran:

1:35:18 Thank you. (Applause)

So, we are at the end of our time. I would like to thank all the participants, the organizers, the many, many, many staff, who did a great job making this forum happen, and of course, the members of the audience who came out today. I'd also like to acknowledge, and I think Professor Bryson mentioned this, that tomorrow, November 20th, is Transgender Day of Remembrance and that observes the fact that many who...many members of the transgender community either lost their lives or were injured in acts of violence. And, on a moment like this it's worth remembering that the reason the legislation we're debating today and we're discussing today came into existence was to protect those communities from those acts of violence. The 519 at 519 Church Street has a number of activities. And, the U of T sexual and gender diversity office also does. It's ah, it's... I wasn't sure what to expect today. I have to say, coming in as moderator, but I just want to thank everyone once again for the discussion and hope, as we said, that some illumination has happened, which is after all what we seek to do in the University. Thank you. (Applause)

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