

# RIGHTS AND THE FLOWERING OF ASSERTIVE INDIVIDUALISM

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We are experiencing the frequent collision of rights because we have evolved into a society of assertive individualists. We no longer defer to those with authority; we are each as good as the other, we are each asserting very broad claims to rights. With less sense of social hierarchy to give precedence to some individuals' rights over others, we are evolving into a level playing field which leads to a kind of Hobbesian war of me and my rights against you and your rights. We have to reformulate the ground rules and I suggest, seriously and with some sense of Canadian tradition, that good manners may be an essential part of that rebuilding.

How has the present situation come about? A few of us still remember a time long ago when few of these issues were being raised. Back in the 1950s it seemed that people knew their roles in life. If you were a member of, say, Beaver Cleaver's family, you knew what was expected of you and you did not push out against it except in harmless, funny ways. Women were housewives and mothers; husbands went off to work for corporations. After getting the mischief out of their systems, kids did what they were told. On Sundays the family went to church; at election times it voted for its political party. Security and stability were highly valued, naturally so after the traumas of depression and war, and the affluence of the times was a fair reward for playing along with the system.

The "organization men" and the suburban housewives of the 1950s, always a bit exaggerated in stereotype, were raising their children to be a much more assertive generation than theirs had been; raising them to aim in their personal lives at self-fulfilment, to question the authority of the past. By the end of the 1960s that generation was ready to launch a spectacular assault on all kinds of authority, from the tyranny of dress and short hair to the very idea that age and experience might create wisdom.

The revolt against authority did not end with long hair and hippies. In the 1970s and 1980s many of the baby boomers made their peace with materialism, and indeed decided they liked it very much. However, they still refused to defer to organizations like the corporation, the authority of which they would not accept unquestioningly. The age of the organization man and the big corporation, in business gave way to that of the entrepreneur and the innovative small firm. The rebirth of feminism in the 1960s and 1970s was a profound challenge to traditional societal roles, unprecedented in the history of the Western world, and has had revolutionary effects. Gay men and women called the traditional ranking of sexual

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roles into question, coming out of the closet to assert a claim for equality, even for the equality of gay marriages. The traditional family – the old Cleaver clan – has become a battleground for all kinds of assertions of rights, from the right of unhappy spouses to obtain easy divorces, to the rights of unhappy children to get away from their parents. Throughout these decades the glue of traditional religious belief has weakened and crumbled, proving unequal to hold traditional value systems and social structures together.

Consider the impact of this assertive, pervasive, and still-growing individualism, in politics and in universities. Politically, we start back in the 1950s with that most charismatic of all Canadian politicians, John Diefenbaker, who promised and gave Canadians a Bill of Rights, which he claimed was protection for their fundamental human rights. There was a problem in that the *Bill of Rights*<sup>1</sup> was a federal statute and so did not entrench on fields of provincial jurisdiction. Thus it was said that Diefenbaker had fully protected your human rights as a Canadian as long as you did not live in any of the provinces. However, in the 1960s most provinces brought in codes to protect your rights in their jurisdictions. At the end of that decade another charismatic federal politician, Pierre Trudeau, began to make his name with omnibus legislation aimed at getting the state out of the bedrooms of the nation, in other words expanding the sphere of people's private liberties. In 1982 Trudeau capped his career and finished Diefenbaker's job by having the *Charter of Rights and Freedoms*<sup>2</sup> written into the constitution, protecting us against abuses of power by all levels of government.

The *Charter* became instantly popular in part because of the increase in our unwillingness to defer to the authority of the state. In the last thirty years we have become steadily more resistant to politicians arrogating to themselves the right to make decisions that fundamentally affect our lives. This has been the age of privatization, first in moral behaviour, then in economic life, and now it has given way to the idea of "empowerment", transferring to the individual the power, say through job training, to make their own way in life without being a perpetual dependent on the state.

In the years from 1987 to 1992 the Canadian people also took control of their constitutional future. They stopped deferring to the wisdom and judgment of those who presented themselves as first ministers, and defeated both the Meech Lake and Charlottetown Accords.

When I was a student at university in the late 1950s I deferred almost unquestioningly to the authority of my professors. I say "almost" because I always

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<sup>1</sup>1960 (Can.), c. 44 (R.S.C. 1985, App. III).

<sup>2</sup>*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

understood that it was permissible, indeed desirable, to question them about their academic views. Nor did I defer in spirit to their habit of hiding from the students by seldom scheduling office hours or not showing up for the hours they had scheduled. But in another grey area I went along unquestioningly. If professors did not tell us the breakdown between our term and final marks, or indeed anything about the marking scheme in our courses, we thought that was their prerogative. If they made no comments on our essays, that was their prerogative. If, when we did ask questions, they put down our ideas abruptly, rudely, well that was their prerogative because of their intellectual superiority. If they were sartorially, unkempt, smelly, and rude in class, that was just the way professors were. If they tried to date our girlfriends that was part of the game, and the more unkempt, smelly, and rude they were, the less likely they were to have success with our girlfriends.

A few years later I became a professor. From the beginning I tried to be kempt, deodorized and polite, and I had no interest in dating my students. Even with all those admirable qualities, I found that the universities had changed fundamentally in about one five year period, and that it was very hard to enjoy the deference that my generation had extended to professors. "That's all horseshit professor", my student Jules the Maoist, used to say a few minutes into most classes, and he would then proceed to give a counter-lecture until the students shouted him down. In the turbulence of the late 1960s, student unrest swept all Canadian universities, sometimes violently, making today's campus issues seem like ripples on a millpond. Everything was in question, especially the authority of professors and sometimes even our physical safety.

While we have settled down since then and become more mannerly — a concept I return to in a moment — the idea of authority is still in question at the universities because none of us feel much like deferring to anyone or anything. We are all assertive individualists, students and professors alike. We insist that we respect each other's rights. We now define individual rights so broadly, and the particular playing field of the universities, the field of ideas, is so important to us, that we are bound to have serious conflicts.

We assertive individualists are quick to become offended by one another's behaviour, and in taking offense we often say that our rights are being infringed upon. Indeed some of us nowadays believe that we have a right not to be offended by anything that people, including professors, say.

There is some truth in this. My thesaurus defines offensiveness with synonyms such as "rude", "discourteous", "insolent", "disrespectful"; what might be taken to be simple bad manners. In the old days, superiors could get away with showing bad manners to inferiors, who had to defer to them. In our time when we are all equal as human beings we have an obligation still to defer, one to another, as equal humans. Codes of courteous conduct ought to govern us all in our daily

social relations. They are not infringements on academic freedom, rather they are *de facto* codes of professionalism – the rebuilding of the rules that govern our playing field.

It is very difficult to draw the line here but I believe that a distinction can be made between offensive behaviour and the purveying of offensive ideas. When the late Canadian philosopher, George Grant, suggested that abortion was murder, I dare say he deeply offended some of his listeners, including those women who might have had abortions. If Grant had suggested that women were inferior to men, as he might well have, he would obviously have offended still more of his listeners. When Philip Rushton says that there are innate racial differences between orientals, caucasians, and Blacks, I know he offends many, perhaps most in his audience. But this is academic freedom – in fact it's elementary free speech – and in a world of good manners and universal respect, people still must have a right to express offensive ideas, however stupid they may be. When Grant refused to post office hours, or even to put his name on his office door, when he threw student essays in the wastebasket, telling students that was the only proper place for them, then he was behaving offensively in a rude, unprofessional sense, and in today's university would be jeopardizing his position. Rushton would be jeopardizing his position if he started treating his students as though racial differences among them actually mattered. The right to state offensive ideas is absolute, the right to act offensively is and can be limited by the rights of others.