REPORT BY

THE JOEL HAYWARD

WORKING PARTY

ADOPTED BY THE UNIVERSITY COUNCIL, 18th DECEMBER 2000

EXECUTIVE SUMMARY

1. The Working Party was established after complaints from the New Zealand Jewish Council (NZC) about the thesis of Dr Joel Hayward entitled 'The Fate of Jews in German Hands'. The Jewish Council claimed that the thesis denied the Holocaust and caused great distress to the Jewish community. The Council of the University established the Working Party to investigate the circumstances in which the degree of Master of Arts (with first class honours) came to be awarded by the University in 1993 to Dr Hayward.

2. The Working Party comprised:

- The Honourable Sir Ian Barker, QC, Chancellor of the University of Auckland from 1991 to 1999; and Former Senior Puisne Judge of the High Court of New Zealand. (Chairman).
- Emeritus Professor Ann Trotter, formerly Professor of History and Assistant Vice-Chancellor at the University of Otago
- Professor Stuart Macintyre, Professor of History and Dean of the Faculty of Arts at the University of Melbourne.

The Working Party received comprehensive submissions. It met in Christchurch in July, October and November of 2000, and conducted interviews with all those involved in the writing, supervision and examination of the thesis with representatives of the NZJC.

- 3. The NZJC argued that the degree awarded to Dr Hayward should be revoked on the grounds that its author had been consistently misleading in his handling of the available evidence. In support of this argument, the Council submitted a lengthy report on the thesis by Professor Richard Evans, a historian of modern Germany who holds a chair at the University of Cambridge.
- 4. Dr Hayward has already had an Addendum inserted in his thesis which regretted the hurt to the Jewish community that his thesis might have caused. He acknowledged that his thesis contains flaws and errors, but strongly denied that it falsifies evidence. He attributed the shortcomings of the thesis to his inadequate level of skill as a postgraduate to undertake research on such a complex subject, and maintained that during his candidature, he had followed the guidance of his supervisor.
- 5. Dr Vincent Orange, the supervisor, maintained that the thesis was an honest and creditable work by a young scholar who was beginning his postgraduate studies. Both Dr Orange, who served also as the internal examiner of the

thesis, and Professor John Jensen, the external examiner, maintained that their praise of the thesis in their examination reports was warranted.

- 6. Legal opinion provided to the Working Party was that the University has the power to revoke a degree on grounds of proven dishonesty. A high standard of proof is required. The Working Party was advised that it needs to assess the thesis against the expectations set out in the University Regulations, which state it is 'to be judged primarily not on the contribution it makes to knowledge, but on the evidence it affords of the candidate's understanding of the principles of historical research and ability to apply them'. The Working Party was advised that in making its assessment of the thesis it should give consideration to the full context in which it was written, including the supervision of the thesis. In this regard, it was important for the Working Party to have regard to the fundamental right of freedom of expression and the concept of academic freedom. The Working Party accordingly made a close study of the thesis bearing in mind these factors and taking into account the various submissions commenting in detail upon its contents.
- 7. The thesis is far longer than the norm. Amounting to 360 pages, it purports to describe and explain the significance of Holocaust Revisionism from 1948 to 1993. Dr Hayward had assembled a very large body of primary source material to trace the lineage, activities and statements of Holocaust Revisionists and to identify the main issues that characterise their work. This exercise demonstrates impressive industry and intelligence.
- 8. In the view of the Working Party, the thesis goes beyond such an exercise in historiography. Rather than simply describing and explaining and significance of Holocaust Revisionism, Dr Hayward attempted what he described as 'an impartial and dispassionate judgment on their work'. The Working party finds this attempt to assess the merits of Holocaust Revisionism to be neither impartial nor dispassionate. The Report sets out a number of instances of flawed, tendentious and sometimes prejudicial discussion of the claims advanced by Holocaust Revisionists and claims made against them.
- 9. The Working Party is particularly concerned with the final part of the thesis, the Conclusion. Here Dr Hayward advances a series of propositions that take him finally to the finding that 'the weight of the evidence supports the view that the Nazis did not systematically exterminate Jews in gas chambers or have an extermination policy as such'. Professor Orchard, on behalf of Dr Orange, has contested the claims of Professor Evans on this part of the thesis. He argued that the findings in the Conclusion need to be read in the light of earlier qualifying passages in the thesis that call for further investigation. The Working Party is not persuaded by this argument; it is concerned that the earlier qualifications are omitted from the Conclusion.

View of Working Party on Thesis and Supervision

- 10. It is not easy to reach a summary conclusion on the quality of a thesis that shows such industry, breadth of research, lucidity, faulty method and poor judgment. Some universities ask examiners of theses to provide evaluations of the component skills of the exercise. This thesis scores highly on the significance of the topic, the capacity for independent research and the very impressive presentation. It is seriously deficient in the handling of evidence and quality of argument. It is also marred by the methodological failures discussed in the Report. The Working Party is not persuaded by the Examiners' reports that it deserved a high honours mark. An appropriate examiners' verdict, in its opinion, would have been to revise and resubmit the thesis.
- 11. Weighing up all the criticisms of the thesis, and considering the quality of the supervision and the procedures operating in the Department, the Working Party is unable to find dishonest practice such as would need to be proved if Dr Hayward were to be stripped of his MA degree. While the Working Party finds the thesis seriously flawed in the manner described earlier, it cannot find the subjective element necessary to establish dishonesty. The Working Party in its assessment has had to view Dr Hayward's writing in the context of the supervision, including the failures described above, and the University systems prevailing at the time.
- 12. The Working Party reports further on aspects of the conduct of the research, its supervision and examination. Dr Hayward drew on the assistance of a number of Holocaust Revisionists and their critics, who provided him with information and material. He undertook to provide copies of this thesis to at least two informants, and these relations raised ethical issues that went unsupervised. The title of the thesis changed during the candidature. Continuity of supervision was not maintained while Dr Orange was on leave. Both examiners' reports failed to test the evidence or the argument.

Procedural Matters

13. The Working Party discovered a number of procedural irregularities.

It seems to the Working Party that the Regulations were applied, if applied at all, somewhat loosely, not just in the Hayward case, but in general by the Department of History at the relevant time. In particular, the following systemic deficiencies have come to the Working Party's attention. Some are fairly minor – others are of greater concern:

(a) There is now no record of Dr Hayward's thesis proposal or of his progress as an MA student. The Working Party, having heard from the Departmental Secretary, is satisfied that there was no sinister reason behind the destruction of Departmental records (including Dr

Hayward's) some years ago as a matter of routine. In the Working Party's view there should always be a file on the progress of individual post-graduate students. In the case of Masters students, this file should include the thesis proposal, periodic reports by the supervisor and the examiner's and assessor's reports.

- (b) The appointment of Professor Jensen as external examiner, seems to have been the result of an informal arrangement with Dr Orange, made with the consent of Professor McIntyre. There was no supervision certificate given to Professor Jensen by Dr Orange as required by the Regulation.
- (c) The Department received the thesis for official submission, instead of requiring the student to lodge it at the Registry as required by the Regulations.
- (d) The appointment of Dr Orange as internal examiner and Professor Jensen as external examiner does not appear to have been approved by the AAC or to have been notified to the Registry.
- (e) The Department completed the examination without having the external examiner's full report.
- (f) The University lacked a proper record management system. The routine destruction of the History Department files on MA students should not have happened.

Recommendations

- 14. The Working Party recommends to the University that:
 - 1. Firm guidelines be established for Masters theses to ensure that clearly defined topics are approved first within the Department and then by some wider Committee representative of the University of a whole.
 - 2. Firm guidelines be set for the appointment of qualified and appropriate supervisors.
 - 3. In cases where the topic or methodology suggested makes it necessary, there be some reference to a Human Ethics Committee. The approval of such a Committee should be a condition precedent to the thesis proceeding.
 - 4. Proper record-keeping be maintained of a student's course of study for a Masters degree evidenced by this case. The statutory requirement of S.226 of the Act would require, in the Working Party's view, a record of at least:
 - (a) the thesis proposal and/or its approval by the Department;

- (b) the appointment of the supervisor and his/her competence to supervise the approved topic;
- (c) the appointment of examiner and external assessor;
- (d) the examiner's and assessor's reports and
- (e) any departmental meetings that consider the awards of degrees.
- 5. There should normally be a word limit for Masters theses. Such a word limit should be exceeded only on application to some controlling authority on the basis of an argued case. The word limit might vary from one Department to another, but length should not be advantaged over quality and precision. It is hard to compare one thesis which is excessive in length with another where the student has tried to adhere to the spirit of the MA Regulations and present a taut and succinct thesis.
- Consideration should be given urgently to changing the practice of the 6. supervisor serving also as examiner. Departments should prepare lists of examiners for the approval of the Dean of Post-Graduate Studies or the AAC. Although there may be arguments for having the supervisor act as examiner, the Working Party considers that any higher degree will have greater credibility if it is examined by a person other than the supervisor, who is subject to an inherent conflict of interest. supervisor might well have formed a close intellectual attachment to and personal friendship with the student, as happened in the Hayward/Orange relationship. The Working Party appreciates there can be difficulties finding separate internal examiners for all MA theses. The supervisor should submit a report to which close attention would be given by the examiners. The Working Party believes that notwithstanding difficulties in implementation, the credibility of Masters degrees must be enhanced by having a separate supervisor and a separate internal examiner. The Working Party understands that this is now standard procedure at the University of Otago. To be fair, informal enquiry has shown that many New Zealand universities in 1992-3 operated the same system as Canterbury for examining MA theses.
- 7. A student should not be allowed to change the title or topic of his or her thesis without consideration by the AAC or the Dean of Post-Graduate Studies. If such had been the rule, inappropriate titles such as 'The Jews in World War II' or 'The Fate of the Jews in German Hands' might have been avoided. Seizing on a title just prior to presentation of the thesis indicates a lack of direction in the course of the preparation of the thesis.
- 8. The Departmental file recording the thesis topic, supervision and examination should be archived in the Central Registry and not destroyed by the Department in the name of efficiency or space-saving.
- 9. The Departmental Committee should not determine the grade of a thesis unless all those at the meeting have full written reports from

supervisor, examiner and assessor. All theses in a particular year should be considered by all members of the Department who have supervised and/or examined MA students.

Other Recommendations

- 15. The Working Party has found that the thesis of Dr Hayward was seriously flawed, in particular for the reasons set out in Section 4 of this Report. In summary, it was too long, too ambitious and it should have been confined to a discrete topic. Worst of all, it should not have essayed a judgment in such a controversial area without a proper foundation for that judgment.
- 16. The Working Party has thought long and hard about what it should recommend to the University to show that on this one occasion it granted an MA degree with the highest accolade based on a work which, in the Working Party's view, did not deserve it. It is hyperbolic and illogical to say that, just because the University standards slipped on this one occasion, every other degree of the University is tarnished. Such a sweeping claim ignores the University's long tradition of scholarship and excellent research record over a wide variety of disciplines. Nor is it sensible nor rational to brand the University of Canterbury as approving Holocaust denial.
- 17. In addition to the recommendations made in other Sections of the Report, the Working Party recommends further:
 - (a) A copy of its Report should be attached to the library copy of the thesis;
 - (b) The University should apologise to the NZJC for the hurt that may have been suffered by Jewish people as a result of the award of the MA degree for this thesis.
 - The University should work constructively with the NZJC to see whether there is some positive way in which the University could increase Holocaust awareness. It could sponsor an annual lecture on the Holocaust by which the memory of the Holocaust and the lessons to be drawn from it are kept before the public eye. The University might also consider offering a paper in Jewish Studies or Jewish History. The Working Party is not able to say whether these suggestions are viable or practical in the University's present academic situation. The Working Party considers that the University should be able to work with NZJC to achieve a solution which serves as a tangible reminder that the University takes seriously the concerns of NZJC and recognises the hurt that must have been caused to many by the grant of the degree to the Hayward thesis. Mr Zwartz and Mrs Selak (who presented the NZJC submissions) are both Canterbury graduates who approached their difficult task in a spirit of helpfulness with concern at the damage they saw as having been done. There is nothing that can be done to stop persons with leanings towards Holocaust denial from continuing to refer

to the Hayward thesis. The Working Party hopes that, in fairness, they will also refer to the findings of this Working Party.