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EDUCATION REQUIRES EXPRESSION

Freedom of expression is protected under Section 2(b) of the *Canadian Charter of Rights and Freedoms*, alongside freedom of thought, belief, opinion, and communication¹. Whether or not universities should have limits on freedom of expression is a seemingly polarized debate. It is easy to see the dangers present on either side of the divide. For those who favor limiting freedom of expression, doing otherwise could create an unchallenged forum for those who ignorantly deny the humanity and identity of others to spread their toxic ideologies. To the champions of free speech, putting a limit on freedom of expression opens the floodgates to an authoritarian regime that proudly strokes its own ego in an echo chamber while condemning the possibility of truth. Each side of this debate regards the fear of the opposition as a ‘slippery slope’ logical fallacy. However, when we consider the legitimacy of both claims and examine the purpose of the university to provide education, setting limits on freedom of expression is counterproductive.

Students pay tuition to attend universities and learn; they do not pay to be demeaned and dehumanized. However, does feeling uncomfortable by having strong, but subjective, opinions challenged rise to that standard? At what point does allowing freedom of expression cross the line to justify its suppression? More so, is it the responsibility of the university to stifle freedom of expression? After all, universities are often lauded as institutions that teach students not what to think, but how to think².

¹ *Constitution Act*, 1982, s.2(b). <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>.

² Lukianoff, Greg and Jonathan Haidt, “The Coddling of the American Mind,” *The Atlantic*, September, 2015, <https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/>.

There seems to be confusion surrounding the role of the university, which is to educate³, and the role of the government. Our freedom of expression in Canada, and in most liberal democratic states, protects the individual from the government⁴. In Canada, the government's control over our rights is so authoritative that they infringe upon our rights when deemed necessary⁵. The power over freedom of expression thus rests with the government and, in practicing this authority, they have enacted hate speech laws within the Criminal Code that may punish individuals who publicly incite hatred and violence against a marginalized group⁶. This is not to say that there are not areas in the private sectors, such as businesses, that also limit freedom of speech. However, the purpose of a business, which would be to efficiently seek profit⁷, and the purpose of a university greatly differ. In order to demonstrate this difference in purpose, and thus responsibility, we must explore the university's role in society.

The very essence of the university's purpose is to help students acquire knowledge, or to learn. Knowledge is factual; it is truth. Learning often involves making a claim and then providing an argument about why the claim is right and the contrary claim is wrong. One cannot learn or gain knowledge by making a claim and having a room full of students nod their heads in agreement. In fact, this rarely happens. The very setting of the university classroom allows for students with a variety of opinions, whether right or wrong, to work through the logical foundations of their arguments.

³ Anderson, Charles W., *Prescribing the life of the mind: An essay on the purpose of the university, the aims of liberal education, the competence of citizens, and the cultivation of practical reason*, Univ of Wisconsin Press, 1993, 21.

⁴ Sedler, Robert A., "Constitutional Protection of Individual Rights in Canada: The Impact of the New Canadian Charter of Rights and Freedoms," *Notre Dame Law Review* 59, no. 5, 1984, 1191.

⁵ *Constitution Act*, 1982, s.1.

⁶ *Criminal Code*, 1985, c. C-46, s.319. <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-319.html>.

⁷ Handy, Charles, "What is a Business for?" *Harvard Business Review*, December, 2002, 2.

Allowing a forum of free expression on university campuses is not relativism, nor does it condone hate speech. A university that does not limit freedom of expression does not deny right and wrong, but instead forces different ideological camps to convince others why they are right, or to recognize that their arguments are logically inconsistent. By allowing for opinions to be expressed, the university does not legitimate the opinion. Believing otherwise would be akin to accepting the logic that something is true the moment it is uttered by virtue of being uttered. Assuming that students are incapable of this dialogue is an insult to the intelligence, rationality, and reason of the student population. This is not to suggest that the dialogue is comfortable or friendly, but it is necessary.

Preventing this dialogue in the university setting because it causes discomfort ultimately does more harm than good. Deviant ideologies present themselves as being the suffocated truth; the authoritative majority in society does not want them leaked out. Former Chief Justice Beverly McLauchlin alludes to this in her dissent of *R. v. Keegstra*⁸. When freedom of expression is limited and uncomfortable ideologies are forcibly silenced, it validates and legitimizes the cause of those with deviant opinions. No progress is made toward learning something, gaining knowledge, or changing the opinion. It is the difference between telling someone that they are wrong and explaining to someone why they are wrong.

Consider the following scenario: one student claims that acts of terrorism are committed by Muslims. In support of this opinion, they provide statistical evidence that shows a high percentage of terrorist acts in the past ten years were committed by those who practice Islam. This is controversial and, in response, the entire class condemns that person as a racist, including the professor. No one has addressed the evidence behind the opinion, but instead attacked the

⁸ *R. v. Keegstra*, [1990] 3 S.C.R. 697, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/695/index.do>.

character of the student. Perhaps due to limits on expression at the university, the student is made to leave the lecture because they have violated the university's code of conduct. The student likely feels unfairly demonized, angry, and as if they are right because no one presented contrary evidence.

Consider how the discussion could have unfolded: one student claims that acts of terrorism are committed by Muslims. In support of this opinion, they provide statistical evidence that shows a high percentage of terrorist acts in the past ten years were committed by those who practice Islam. To this, another student disagrees and provides evidence to show that there have been significantly more acts of violence committed by non-Muslims. The first student may disagree that those are acts of terrorism. The students must now analyze what "terrorism" means and if the original definition perpetuates bias against a particular group. This is a learning experience for both students.

The opportunity for this constructive dialogue is not so easily presented outside of the university setting. Protesters stand on contrary sides of the picket line yelling at each other. One screams, "No more Muslims!" and the other retorts, "You're a racist!" These debates continue far out into society beyond the university⁹. Without dissecting one's beliefs in the way that the university setting demands, it is likely more people will become victim of the backfire effect, meaning they increasingly believe their opinion the more it is challenged¹⁰. The university setting allows for genuine, constructive debate. Each side can demonstrate why they are right, what is specifically wrong about the opposition's argument, and the more substantiated and logical argument should be considered. This is in accordance with the stance that many North

⁹ Abedi, Maham, "Anti-immigrant protests in Canada shaped by more than just U.S. events: experts," *Global News*, August 21, 2017, <https://globalnews.ca/news/3684895/anti-immigration-protests-canada/>.

¹⁰ Nyhan, Brendan, and Jason Reifler, "When corrections fail: The persistence of political misperceptions," *Political Behavior* 32, no. 2, 2010, 307.

American universities have taken during freedom of expression scandals on their campus. For instance, the University of Chicago responded to criticism by stating that, as an academic institution “committed to the creation of knowledge,” through “inquiry and informed argument,” their first priority is freedom of expression¹¹.

The problem presented before us is an extension of the pervasive tension between liberty and equality in democratic societies. John Rawls, one of the most influential political philosophers of the modern era, provided a political analysis that placed fundamental liberties, and especially freedom of expression and association, above equality¹². Simply put, the freedom to express oneself is fundamentally essential to our democratic political atmosphere. In universities, the freedom of expression is also essential because it is necessary for the educational experience.

The path to knowledge is an uncomfortable one; we are all likely the victims of dogmatic thinking. One must only reflect on the age-old fate of Socrates; in his pursuit of truth, he disturbed the social order of Athens and was met with hemlock for doing so¹³. In the university, it is necessary that dogmatism is challenged and we reform our opinions with substantial evidence and toward truth, not popular belief. Limiting freedom of expression would frustrate this necessary process and would suffocate one of the only civilized forums for debate between ideological camps.

It must also be addressed that limitations on freedom of expression do not discriminate based on political leanings. The progressive left predominantly campaigns for limiting freedom

¹¹ Stone, Geoffrey, “Statement on principles of free inquiry,” *UChicago News*, July, 2012, <https://news.uchicago.edu/behind-the-news/free-expression/statement-principles-free-inquiry>.

¹² Rawls, John, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs*, Vol. 14, No. 2, 1985, 227.

¹³ West, Thomas G., and Grace Starry West, eds., *Four texts on Socrates: Plato's Euthyphro, Apology, and Crito, and Aristophanes' Clouds*, Cornell University Press, 1998.

of expression¹⁴. The hope, again, is to prevent hateful groups from denying the humanity and identity of others. Yet, these same limitations of freedom of speech can stand in the way of other efforts made toward achieving this same goal. Consider the situation that transpired at Dalhousie University in 2017. In allyship with the indigenous populations of Canada, the Students' Union decided not to celebrate Canada 150. This received substantial online backlash from right-wing groups. A student leader, in support of the Students' Union decision, responded to the backlash using profanity and criticizing "white fragility"¹⁵. Though this student was attempting to defend the identity of a marginalized group, it was she who was censured by the university in the debate¹⁶.

Ultimately, freedom of expression should not be limited on university campuses because doing so would violate the purpose of the university to educate. Though it may not be a comfortable resolution, the university must foster open and informed debate. In both our society and our universities, having the right to an opinion does not mean it is a right opinion; it must be defended with evidence and it is subject to criticism. By providing a forum for this sort of civilized debate, where evidence must be provided and all opinions are subject to criticism, the university teaches us how to think. It forces us to gain knowledge by sorting out right from wrong. Because limitations on expression could stifle this necessary dialogue, the responsibility and authority over limiting freedom of expression should be left with the government.

¹⁴ Braun, Stefan, *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*, University of Toronto Press, 2004, 3.

¹⁵ Paradkar, Shree, "Why did Masuma Khan's post invite censure from Dalhousie if free speech is so vaunted?" *The Toronto Star*, October 24, 2017, <https://www.thestar.com/news/gta/2017/10/24/why-did-masuma-khans-post-invite-censure-from-dalhousie-if-free-speech-is-so-vaunted-paradkar.html>. Dalhousie later retracted the censure.

¹⁶ Ibid.

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