Freedom of Expression in Universities:

WHY CENSORING FREE SPEECH CAN VIOLATE RIGHTS, UNDERMINE THE ADVANCEMENT OF KNOWLEDGE, AND IMPEDE THE PURSUIT OF TRUTH

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Introduction

In an attempt to promote diversity and multiculturalism, the concept of political correctness entered the public consciousness in the late 1980s (Magee 2002). Political correctness seeks to root out prejudicial expression from everyday speech (Magee 2002). Since then, what is considered socially acceptable speech has become increasingly restricted, resulting in a concerted effort by protest groups to censor objectionable expression; this is especially true in the academic realm (Cushman 2016; Downs 2004; Magee 2002). Canadian universities are no stranger to this phenomenon, and recently multiple public lectures have been cancelled to stamp out unpopular or offensive opinion (Cushman 2016; Hauen 2017; Hutter 2017). However, without dialogue or debate, and without a change in the conditions of discussion, new interpretations of ideas cannot be ascertained (Wolfson 1997, 16-17).

According to Section 2(b) of the Canadian Charter of Rights and Freedoms, all Canadian citizens are guaranteed: "freedom of thought, belief, opinion, and expression, including freedom of the press and other media communication." (*Canadian Charter* 1982, s 2(b)). I argue that freedom of expression must not be infringed upon in universities, unless it explicitly incites violence or discrimination against a vulnerable group. If freedom of expression is not protected in universities, other constitutional rights might eventually be violated, and the advancement of knowledge, as well as the pursuit of truth, will be impeded.

To support this argument, this essay will be organized as follows: (1) empirical evidence will be examined, to compare the level of political rights and civil liberties in countries with varying degrees of support for freedom of expression; (2) theoretical evidence from Enlightenment era writers will be analyzed to illustrate why limiting freedom of expression is inconsistent with the broader objectives of university education; and (3) problems associated with policing hate speech will be considered in relation to the pursuit of truth.

Support for Freedom of Expression Around the World

Freedom of expression might also be termed freedom of speech and it refers to the right of an individual to: "say what [they] want through any form of communication and media, with the only limitation being to cause another harm in character or reputation by lying or misleading words." (Black's Law Dictionary 2009). Ensuring this right in universities is vital, because when institutions commit themselves to this ideal they instill in future leaders a sense that freedom of expression is worth protecting (Downs 2004, 16).

In 2015, the Pew Research Center conducted surveys in 38 countries to determine the level of support freedom of expression has across the globe (Wike and Simmons 2015; Wike 2016). According to Cushman (2016, 348), all other liberties emanate out of freedom of expression. The credibility of this statement can be determined by using the Pew Research Study to assess the level of political rights and civil liberties enjoyed in countries that have high support for freedom of expression.

To accomplish this, the first step is to categorize the ten countries that most value freedom of expression, as well as those that least value it. Following this, using Varieties of Democracy (V-Dem 2017) data, the level of political rights and civil liberties experienced in these countries can be observed using appropriate indicators (that is: a political rights indicator and a civil liberties indicator).[1] The scores for each country category can then be aggregated and standardized, allowing us to contrast the differences (See Table 1).[2]

10 Countries That Most Support Freedom of Expression	Level of Political Rights and Civil Liberties	10 Countries That Least Support Freedom of Expression	Level of Political Rights and Civil Liberties
USA	1	Senegal	0.83
Poland	1	Jordan	0.5
Spain	1	Pakistan	0.42
Mexico	0.67	Ukraine	0.67
Venezuela	0.33	Burkina Faso	0.59
Canada	1	Vietnam	0.33
Australia	1	Lebanon	0.42
Argentina	0.83	Japan	1
South Africa	0.83	Turkey	0.59
U.K.	1	Russia	0.17
Aggregate Score	**8.66**	**Aggregate Score**	**5.52**
AVERAGE	**0.87**	**AVERAGE**	**0.55**

Table 1 – Aggregated Political Rights and Civil Liberties Scores
Sources: 2016 Pew Research Center study; Varieties of Democracy 2016 Dataset.

Examining Table 1, it is noted that countries with higher support for freedom of expression have an average score of 87 per cent, while those with lower support have an average score of 55 per cent. Therefore, there is empirical evidence that suggests valuing freedom of expression correlates with increased levels of political rights and civil liberties. Since appreciation for freedom of expression is something inculcated during one's time in university (Downs 2004, 16), ensuring this right on campuses is potentially crucial for the overall benefit of society.

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[1] V-Dem's (2017) civil liberties indicator considers: "freedoms of expression and belief, associational and organization rights, rule of law, and personal autonomy without interference from the state." (V-dem 2017) The political rights indicator measures the ability of people to participate freely in the political process – specifically in regard to voting in multiparty elections, competing for public office, joining political parties and organizations, and electing representatives who are accountable to the electorate (V-dem 2017). All data used in this study is from 2015, due to its consistency with the Pew Research study. Furthermore, the scaling for each indicator is 0=(lowest)/1=(highest).

[2] The scores are aggregated by adding the sum of both indicators and are standardized by dividing each individual score in two. To obtain the average, the total sum of the scores from each country category are combined and divided by the total number of countries in each category.
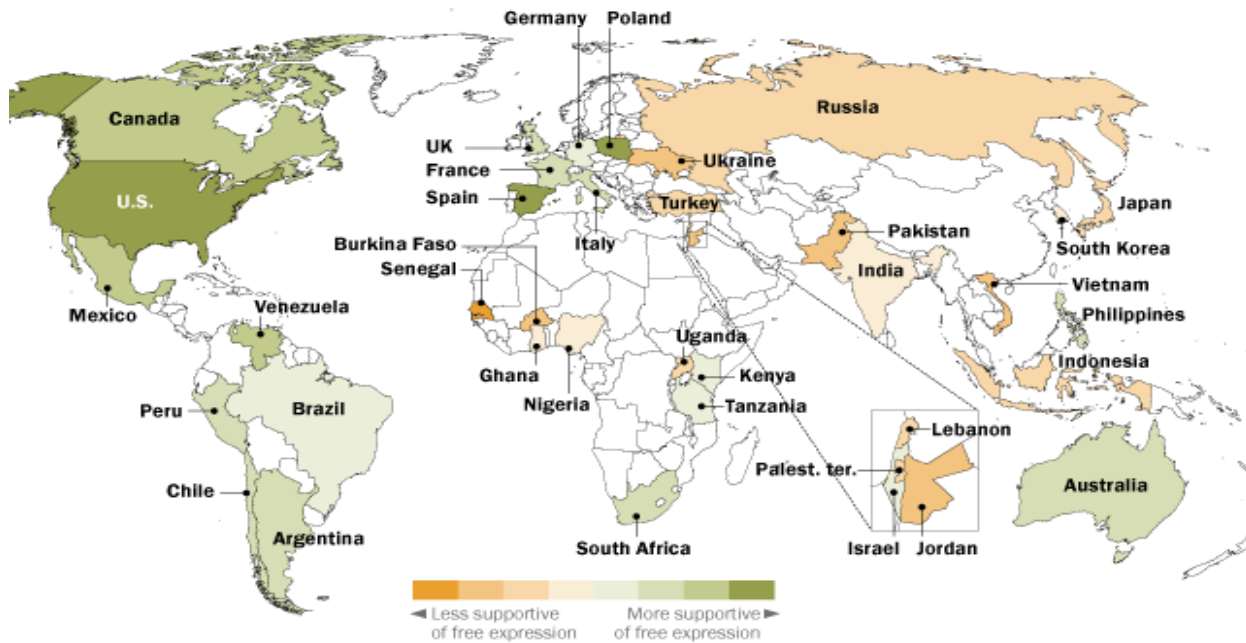
Figure 1 – Level of Support for Freedom of Expression Across 38 Countries
Note: Reprinted from 2016 Pew Research Study, *Americans are More Tolerant of Free Speech than Others in the World,* by Richard Wike, retrieved from: http://www.pewresearch.org/fact-tank/2016/10/12/americans-more-tolerant-of-offensive-speech-than-others-in-the-world/

<u>The Objective and Responsibilities of Universities</u>

According to the Academic Ranking of World Universities (ARWU) (2018), the highest ranked Canadian Universities for 2017 were: the University of Toronto; the University of British Columbia; McMaster University; and McGill University. Each of these institutions' mission statements reveal a common thread: a dedication to the preservation and advancement of knowledge (McGill 2018; McMaster 2018; UBC 2018; UofT 2018). This is in accordance with Bourner (2008), who states that the characteristics of a fully-functioning university include: educating students; and advancing knowledge. Genuine commitment to these ideals, however, requires the protection of free expression.

Ideology in free states is not marked by strict doctrine, rather it is defined by an amalgamation of multiple competing ideas (Anderson 1993, 47). Therefore, genuine education and the advancement of knowledge, as opposed to indoctrination, can only be achieved in a 'marketplace-of-ideas' (Macedo jr. 2017, 281; Redish 1982, 593). Within the context of higher education, to limit freedom of expression is contrary to the philosophy that universities claim to espouse.

Several Enlightenment era writers, namely Locke and Hume, stressed that no man has sufficient personal experience to fully educate themselves, and that to properly imbibe knowledge requires the presence of multiple individuals and contending ideas (Jones 2007, 7). In the absence of this, Locke argues that a human mind will be left deficient and lacking in information that can only be attained through sociability and the sharing of ideas (McMahon 2007, 168). This supports

the need for universities to protect freedom of expression, so that the dissemination of ideas might expand knowledge amongst those seeking to learn.

While the concept of universities as a purveyor of free expression is a long-standing tradition that can be traced back to the Enlightenment (Hellmuth 2007, 452), the notion that these institutions must promote free speech and the dissemination of knowledge has been under threat for some time (Magee 2002). Specifically, the right to free expression in universities is being attacked by opponents who argue that it promotes hate speech and fosters an atmosphere of exclusivity (Cushman 2016; Magee 2002; Rauch 1993). Unfortunately, these self-proclaimed humanitarians do not understand the lasting negative effects that their crusade can have.

Freedom of Expression and Hate Speech

According to Section 319 of the Canadian Criminal Code, it is illegal to communicate: "statements in any public place, [that] [incite] hatred against any identifiable group where such incitement is likely to lead to a breach of the peace" (Criminal Code 1985, S 1); and "statements, other than in private conversation, [that] wilfully [promote] hatred against any identifiable group." (Criminal Code 1985, S 2). Understandably, speech that incites violence or explicitly singles out a vulnerable group is deplorable, but the problem lies in the fact that it is impossible for all members of society to agree upon an objective standard of what hate-speech is (Cushman 2016, 350).

Hate speech might be broadly defined as: verbal or non-verbal (e.g. print, images, etc…) speech that seeks to deny individuals or vulnerable groups in society their status as equal citizens (Lepoutre 2017). However, the breadth and obscurity of this definition is problematic. For example: some Jewish people construe the New Testament as hate speech; several feminists view pornography as a form of hate speech; many African-Americans interpret the Adventures of Huckleberry Finn as hate speech; and so forth (Wolfson 1997). This is reminiscent of Voltaire (as cited in Jacob 2001, 129-130), who once wrote of Locke's religious critics: "divines are too apt to begin their declarations with saying that God is offended when people differ from them in opinion."

There are obviously certain types of speech that are inherently hateful. For example, if one argues that homosexuals are subhuman, or that women are inferior to men, we accept these statements as hate fueled fallacies (Wolfson 1997, 22). In spite of this, it is important that universities remain cautious when policing language to avoid generating a slippery slope. Quite simply, a slippery slope refers to the notion that 'hate-speech' will slowly and systematically be widened to include any speech that happens to offend certain groups or individuals (Wolfson 1997, 23). We are already seeing signs of this across campuses today.

Recently, appearances by controversial figures such as Jordan Peterson (Professor at University of Toronto), and Gad Saad (Professor at Concordia University), to name a few, were deemed offensive and were cancelled by Ryerson University (Hauen 2017). Likewise, professors from McGill University and the University of Lethbridge, who publicly expressed unpopular or

contentious opinions, have been dismissed or suspended for their views (Chiose and Peritz 2017; Martens 2017).

Regardless of the quality of these individuals' opinions, knowledge does not expand if it is in stasis. To automatically label something 'hate-speech', in the absence of violence or discrimination that incites hatred against a vulnerable group, is not only contrary to Canadian law, it is at odds with the pursuit of truth. Posner (1990, 114) defines truth as something that presents itself through a "process of belief formation that unfolds over time." Accordingly, to limit discussion, based on an increasingly arbitrary ideology that seeks to limit offending anyone, is to impede the discovery of truth.

Conclusion

In this paper, we argued that freedom of expression should not be obstructed in universities. We examined the problem through the lens of Canadian law, but we expanded our discussion to incorporate broader understandings of free expression, education, and hate speech. First, using empirical evidence, we demonstrated that countries with stronger support for freedom of expression enjoy more political rights and civil liberties. This is important, because political leaders are more likely to protect freedom of expression if it is nurtured during their time in university (Cushman 2016; Downs 2004). Examining the overarching objective of Canada's top ranked universities, and through an analysis of certain Enlightenment era thinkers, we then illustrated that freedom of expression is a vital and necessary part of university education. Following this, we contested the idea of university policed language, because it risks the possibility of a slippery slope and limits one's ability to pursue truth. Moreover, we insist that society will never agree on an unbiased definition of hate.

To be offended is uncomfortable, and any ideas that seek to promote discrimination or violence are shameful. However, in a free society, and within institutions that claim to value the advancement of knowledge, we must be prepared to confront ideas that disturb us. Turning a blind eye to opinions that we profoundly disagree with might push such thoughts into the shadows, but it will never uproot, nor will it eradicate the source of ignorance. As Milton (qtd. In Wolfson 1997, 13) once said: "truth will always win in a free and open encounter." Therefore, only through unrestricted dialogue and a sharing of ideas will truth present itself.

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