

Freedom of Expression in the University:
Rediscovering the Purpose of Higher Education.

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Introduction

Freedom of expression and the right to dissent are essential features of a democracy and without these fundamental freedoms, a vibrant and pluralistic society rapidly disintegrates. Yet, where is the line drawn between informed political debate and unreasonable censorship characterized by political correctness running rampant? Within the current context, freedom of expression in universities is blatantly under attack – not a premeditated, organized attack, but an accumulation of episodes that have diminished its significance and centrality to the existence of higher educational institutions. Recent publicized incidents not only represent the latest manifestations in the struggle between free speech and respecting the rights of marginalized communities but are indicative of another equally serious crisis – a battle over the fundamental purpose of universities. Indeed, the apparent erosion of the "free exchange of ideas" today represents a desperate call for universities to uphold the principle of free speech—an element central to their mandates and should rightly remain so. And yet, although freedom of expression entails the right to speak, it also necessitates the right to hear; thus, the preservation of peace and order within civil society is not without responsibilities. Therefore, reasonable parameters must be in place to ensure the speech is not only respectful of others but is never used to denigrate individuals and people groups to the detriment of Canadian pluralistic society. Universities are under a positive obligation to protect freedom of speech, as the liberty to thoughtfully and respectfully express oneself is a core feature of personal development, a basic human right and the foundation of democratic society.

Problem and Context

Universities across Canada find themselves in a precarious situation, as they attempt to balance their traditional mission as an unconditional guardian of free speech with a growing need

to accommodate the myriad of beliefs, political stances and cultural perspectives of their student body. Yet, perhaps nowhere else on earth are the principles of free speech utilized and sought after with more vigor than on university campuses, where institutions seek to embody John Stuart Mill's free marketplace of ideas so that truth can be actively pursued; to promote Thomas Emerson's goal of providing a place where individuals can creatively express themselves; and to promulgate Alexander Meiklejohn's notion that free speech is essential to self-government.¹

Therefore, the ultimate mission of universities and academia as a whole is to foster an environment where competing standpoints can be laid bare, heard, and evaluated. At the national level, section 2(b) of the Canadian Charter of Rights and Freedoms protects "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication."² However, the guarantee of each of the above rights is restricted to some extent by the Constitution in the name of peace, order and the greater common good. These reasonable restrictions on freedom of expression come in many diverse forms, including Criminal Code and Human Rights provisions deterring the use of hate speech, municipal by-laws that regulate signage or where protests may transpire, civil defamation (libel) actions, and limitations placed on freedom of press. Within the context of university, all institutions share a similar mission – to foster free inquiry and the discovery of knowledge for the betterment of local, national, and even international communities; yet, they also have an obligation to create environments in which their students can speak freely, relatively safe from fear of insult or injury.

Furthermore, freedom of speech and academic freedom are widely recognized requisites for the preservation of a liberal democracy, whose existence hinges on the open exchange of

¹ Craig R. Smith, "The Litigious Abyss between Academic Freedom and Freedom of Speech Response to John Durham Peters' *Courting the Abyss*," *Free Speech Yearbook*, Vol. 44 (October 2009) 158.

² Parliament of Canada, "Canadian Charter of Rights and Freedoms."

ideas among citizens. Moreover, students should never be fearful of challenging the status quo or voicing unpopular perspectives that defy social conformity. In relation, Benno Schmidt highlights the misguided assumption that the purpose of education is to induce correct opinion rather than to search for wisdom and to liberate the mind.³ In light of this, universities were never created to inculcate a certain point of view but to enable individuals to reach their own conclusions through rational discourse – an essential aspect of democratic society. Robert Kuzman purports that by leading young people to practice democratic virtues such as equality, tolerance, rational autonomy, recognition of reasonable disagreement, and respectful political engagement, they will learn to appreciate how each of these elements contribute to the various mechanisms and decision-making processes that promote the common good.⁴ Thus, if one has a position on a social or intellectual issue, then – within the context of university – they should also have the freedom to advance it, in the classroom or in academic research, using appropriate support and respectful language. What is more, outside formal scholarly debates, the exact same rules of conduct should apply to and govern societies, workplaces and daily interactions with fellow students. In the end, upholding a higher standard for those seeking campus platforms does not constitute an attack on democratic free speech; rather, it is a crucial first step in rehabilitating and restoring the kind of public discourse that is worthy of consideration and that is favorable to the development of democratic values and competencies.

³ Benno C. Schmidt, Jr. "The University and Freedom," Speech to 92nd Street YMCA, New York, March 1991. Eric # EJ439805. Reprinted in *Education Record* (1992) 14-15.

⁴ Robert Kunzman, "The civic (and pedagogical) virtue of recognizing reasonable disagreement," *Theory & Research in Social Education*, Vol. 34, No. 2 (Spring 2006).

The Preservation of Free Speech

Without a doubt, the spirited exchange of ideas furthers the purpose of universities, which entails being committed to the search for truth, including the advancement and dissemination of knowledge, within a tolerant and inclusive environment. Therefore, the ultimate goal of universities should be to allow for students to continue the relentless, objective, scholarly pursuit of knowledge and the advancement of the human condition. In short, respectful, informed and value laden speech is exactly the kind of dialogue that professors should seek to foster in the classroom. This type of speech does not flatulently favor particular people groups and is not limited by intolerant perspectives or causes but enables fuller comprehension regarding the broader contours of specific socio-economic and political standpoints. Moreover, this is precisely the type of rational and reasoned discourse in which all individuals – student or not – should be able to engage in, to flush out issues that are particularly sensitive, multifaceted and consequential. Yet, campaigns for free speech have made a paradoxical switch from advocating for freedom of speech to demanding freedom *from* speech; in other words, being protected from material that may offend them.⁵ As Keith Whittington contends, obstructionist protesters are not exercising "a protected right to free speech" but rather are shutting down the free exchange of ideas, just as if they were agents of government oppression.⁶ In the end, educational institutions should not provide a spotlight for those who blatantly disregard basic moral and intellectual standards that form the basis of our multicultural society; rather, they should fight against the pervasive degradation of thoughtful discourse and strive to foster models of speech that deserve the undivided attention of our communities.

⁵ Greg Lukianoff, *Freedom from Speech (Encounter Broadside)*, New York, NY: Encounter Books, 2014.

⁶ "SPEAK FREELY Why Universities Must Defend Free Speech," *Kirkus Reviews*, Vol. 86, No. 4 (February 2018) 1.

Therefore, one could conclude that the threat today is not free speech per se, but speech characterized by personal preference and emotional ventilation as a substitute for fact; in this sense, free speech itself is not in danger of being curtailed, but rather its bastardized form which has egregiously rejected of any standards of conduct whatsoever. Creeping into nearly every realm of civil society is a language that has debased public discourse with petty insults and infantile taunts, void of any notion of professionalism. Kathleen Mahoney affirms that, when viewed in this way, restrictions on speech – such as hate speech – do not infringing on speech rights but actually facilitate and refine our understanding of free speech by protecting voices and by decontaminating social discourse infused with blatant and harmful untruths.⁷ Similarly, Greg Lukianoff contends that the greatest failure of higher education is neglecting to teach the intellectual habits that encourage debate and discussion, tolerance for views we despise, epistemic humility, and genuine pluralism.⁸ Thus, while institutions of higher learning should not be incubators of intellectual comfort, they should neither facilitate the toxic use of polarized rhetoric that explicitly denigrates certain ethnicities, religions, political belief systems, and sexual orientations or preferences. Therefore, universities should strive to raise levels of public discourse and to support fundamental, invaluable standards of speech – civility, courteousness, accountability, and truth.

Rights vs Respect

Thus, while universities should indisputably protect freedom of speech in all its diverse manifestations, this is just the start of their aggregate mission. As Jason Blum contends, universities must also endorse the value of *worthy* speech – that which seeks greater insight or to

⁷ Kathleen E. Mahoney, "Speech, Equality, and Citizenship in Canada," *Common Law World Review* Vol. 39, No. 1 (March 2010) 97.

⁸ Greg Lukianoff, *Freedom from Speech (Encounter Broadside)*, New York, NY: Encounter Books, 2014.

offer a rational defense of a position, rather than merely to titillate or provoke a particular audience.⁹ On the contrary, some may argue that administrators cannot be selective in what arguments and perspectives they are willing to permit in the class room and should not succumb to any pressure to suppress modes of expression.¹⁰ Indeed, when those with unpopular views or those who oppose prevalent ideologies are silenced, students lose the opportunity to hear all sides of an issue and subsequently, come to their own conclusions. However, advocating for and enforcing the notion of worthy speech means that a university will sometimes need to deny individuals a public platform on the grounds of dehumanizing language and a lack of respect for diversity. This is because classrooms are not public forums but are subject to restrictions of time, place and manner that are content neutral, in turn, establishing and maintaining an environment for learning.¹¹ As Blum continues on to say, worthy speech is both intellectually and morally responsible, “beholden to basic standards of discourse and behavior, such as avoiding gross generalizations, refraining from the cavalier dismissal of established knowledge (including facts that are inconvenient for one's position), eschewing ad hominem attacks, and demonstrating a basic level of respect for one's interlocutors.”¹² Therefore, while students are under the tutelage of a university, they are within the arena of education and must engage in discourse in a way that is both rigorous yet civil, courteous yet still challenging.

Conclusion

In Canadian universities, the current free speech controversy has resulted in a passionate polarization of opinion. Yet, in the end, each and every student should have the opportunity to

⁹ Jason Blum, “Worthy Speech, Not Free Speech,” *Chronicle of Higher Education*, Vol. 64, No. 2 (September 2017).

¹⁰ “SPEAK FREELY Why Universities Must Defend Free Speech,” *Kirkus Reviews*, Vol. 86, No. 4 (February 2018) 1.

¹¹ Craig R. Smith, “The Litigious Abyss between Academic Freedom and Freedom of Speech Response to John Durham Peters' Courting the Abyss,” *Free Speech Yearbook* Vol. 44 (October 2009) 157.

¹² Jason Blum, “Worthy Speech, Not Free Speech,” *Chronicle of Higher Education*, Vol. 64, No. 2 (September 2017).

hear – and challenge – a wide range of differing opinions, including opinions that may offend them. Universities are entering very dangerous waters and should be wary of allowing the “no-platform policy” to silence debate. Thus, the only restriction to free speech should be when it perpetuates discriminatory attitudes, utilizes debasing language, and blatantly fails to recognize the humanity and value in those who hold opposing views. In other words, limitations should only be imposed on speech that obstructs the primary purpose of universities – to allow for all viewpoints to be heard in a way that does not allow one to advocate its superiority over another. Ultimately, knowledge and truth should not be sought solely in the individual nor in scholarly sources alone, but in the interplay across a specific subject matter, its past interpretations, and dialogue between contemporary intellectuals and students whose varied cultures, conditions, and fields of study can help procure an increased awareness and sensitivity to the complexities of the human condition. Ultimately, places of higher education must facilitate the realization that each human being is uniquely endowed with faculties that illustrate their intrinsic value, such as the potential power to think, to will, to intuit, to be creative, to gain in consciousness and so on; these remarkable abilities are further developed and matured with the exercise of free speech. Therefore, every argument embodying the transcendent values of humility and respect for diversity is worthy of consideration and holds the potential to bring positive change to our present realities, in turn, healing the cleavages of our society.

Bibliography

- Blum, Jason. "Worthy Speech, Not Free Speech." *Chronicle of Higher Education*. Vol. 64, No. 2 (September 2017).
<http://eds.a.ebscohost.com/eds/detail/detail?vid=2&sid=3df8b8b3-cad3-4b6f-b9dc-4767ad0e9214%40sessionmgr4009&bdata=JnNpdGU9ZWRzLWxpdmU%3d#AN=2017873397&db=mzh>. Internet. Accessed February 26, 2018.
- Kunzman, Robert. "The civic (and pedagogical) virtue of recognizing reasonable disagreement." *Theory & Research in Social Education*. Vol. 34, No. 2 (Spring 2006) 162-182.
<http://www.tandfonline.com/doi/ref/10.1080/00933104.2006.10473303?scroll=top>. Internet. Accessed February 26, 2018.
- Lukianoff, Greg. *Freedom from Speech (Encounter Broadside)*. New York, NY: Encounter Books. 2014.
- Mahoney, Kathleen E. "Speech, Equality, and Citizenship in Canada," *Common Law World Review* Vol. 39, No. 1 (March 2010) 69-99. <http://ezproxy.student.twu.ca:2956/eds/pdfviewer/pdfviewer?vid=2&sid=8d71f5c7-529e-44cf-8719-ed8e3e1d2237@sessionmgr104>. Internet Accessed February 26, 2018.
- Parliament of Canada. "Canadian Charter of Rights and Freedoms."
https://lop.parl.ca/About/Parliament/Education/ourcountryourparliament/html_booklet/canadian-charter-rights-and-freedoms-e.html.
- Schmidt, Benno C., Jr. "The University and Freedom." Speech to 92nd Street YMCA, New York. March 1991. Eric # EJ439805. Reprinted in *Education Record* (1992) 14-18.
- Smith, Craig R. "The Litigious Abyss between Academic Freedom and Freedom of Speech Response to John Durham Peters' Courting the Abyss." *Free Speech Yearbook* Vol. 44 (October 2009) 157-163.
<http://eds.a.ebscohost.com/eds/detail/detail?vid=0&sid=51dd7032-46ef-4afa-9be2-78fef092f7fb%40sessionmgr4008&bdata=JnNpdGU9ZWRzLWxpdmU%3d#AN=55148147&db=ufh>. Internet. Accessed February 26, 2018.
- "SPEAK FREELY Why Universities Must Defend Free Speech." *Kirkus Reviews*. Vol. 86, No. 4 (February 2018) 322-322.
<http://eds.a.ebscohost.com/eds/detail/detail?vid=13&sid=e1cfc188-f05b-49cb-82c3-6af889280899%40sessionmgr4010&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=a9h&AN=127961124>. Internet. Accessed February 26, 2018.