Responding to arguments against freedom of expression on campus

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Abstract:

Three popular reasons for restricting freedom of expression on campus are that some expression puts at risk things that matter to us strongly, that some expression prevents people, particularly people from marginalized groups, from succeeding at their studies, and that some expression lowers the campus tone. One line of response to these reasons is that they are exaggerated. Anti-choice speakers, for instance, pose no threat to abortion rights, discussions of transgenderism do not deny anyone's humanity, and a student group's hosting an occasional firebrand or charlatan will not cast a university into disrepute. Another line of response is to note that since restrictions on expression are pressures independent of evidence and argument, they are inconsistent with the university's mission to promote moral and intellectual autonomy.

Among the many reasons why universities need to restrict freedom of expression on campus, one of the most popular is that what people say or how they say it can put at risk valued laws, practices, and institutions. What people say can put at risk easy access to safe abortion, say, or can put at risk open immigration policies or programs of preferential hiring. The current state of affairs is just fine; questioning and criticizing what we care about, then, can't make things better but could make them worse.

Another reason is that what people say or how they say it can create an unpleasant or hostile campus work or learning environment, and that can make research and learning more difficult. Especially damaging is expression that creates a hostile environment for students or professors from marginalized or historically oppressed groups. Such expression is socially as well as psychologically damaging, for it prevents people from these groups from gaining the credentials needed to enter into managerial and professional classes.

A third reason is that what people say can lower the campus tone, make the university less special and impressive (and more like a speakers' corner), and harm its reputation. A low campus tone will hinder the university's mission to produce significant research or to prepare young people to take their place in the world.

The solution, according to those who criticize wide freedom of expression on campus on one or another of these grounds, is to have more oversight and control of expression at universities. The goal of oversight and control is first to minimize risk of hurt and harm, and

second to be in position to repair the damage, and reassure vulnerable students, should something hurtful be said despite precautions.

We who favour wide freedom of expression on campus might first respond to demands for more oversight and control by noting that the situation isn't yet dire. The policies and institutions we favour are not put at much risk by critically discussing them or even by hearing them ridiculed. Students and professors from marginalized groups are not so fragile that an occasional rudely expressed offensive opinion will sour them on higher education. And worse for a university's reputation than having a firebrand or charlatan on campus saying obnoxious things is having a firebrand or charlatan disinvited or protested disruptively.

Another point we who favour wide freedom of expression on campus would make is that the cure—oversight and control—will produce much worse effects on university life than the disease.

These responses are fine as far as they go, but they don't go very far. In order to secure freedom of expression on campus, we will need not merely to explain how arguments for oversight and control exaggerate the threats to university life posed by freedom of expression. We will need also to show how what we most prize about universities cannot be present at a university of oversight and control.

What do we most prize about universities? The two most popular answers to that question are knowledge and education. We prize the fact that universities produce understandings of the ways things are and offer those understandings to government, business, industry, and people generally. And we prize the fact that students leave universities as educated adults, equipped with the skills and knowledge both to contribute to society and to live meaningful lives.

I don't think those are the best answers. What we most prize about universities, I'd say, is that they are institutions within which people may engage intellectually with the matters that concern them. That is why people who enjoy engaging intellectually with the matters that concern them love universities and wish universities to continue to support their endeavours. A university that restricts expression cannot fully support intellectual engagement.

We might note that if knowledge and education are the best things about universities, then expression might well be restricted on university campuses without much or any harm. Most, perhaps the great majority, of universities in the past were universities of oversight and control and they functioned well both to produce knowledge and to educate students. In church-run higher education and in military colleges, specific, clearly articulated non-academic values constrained research and teaching and campus life. Solid research emerged from these institutions despite the tight controls on what could be said or how it could be said, and students were educated to be competent professionals.

The difference between then and now is simply the difference between what was then to be restricted and suppressed and what is now to be restricted and suppressed. Then what was to be suppressed was expression that troubled religious or humanist sentiment; what is to be suppressed now is expression that troubles social justice sentiment.

When social or other non-academic goals, whether traditional or post-modern, are the ultimate goals, then what is important is simply to have true beliefs and sound values, true and sound as understood from the point of view of the social or non-academic goals. Doctrine is to be inculcated in students and other members of the university community however that might be done. The university's central dogmas are the bedrock or canal stones of the academic endeavor, beyond the reach of critical inquiry and discussion.

There are two ways we come by our beliefs and values: one is argument and evidence; the other is reward and punishment, or the fear of exclusion and the desire for inclusion. Doctrinal or faith-based research and education, whether the doctrine is religious or social justice, encloses the pursuit of evidence and argument within fidelity to the faith. The faith itself is sustained through reward and punishment.

The idea of the university as a space in which people grapple intellectually with the matters that interest them provides us with a different conception of the university. The ethos within a university that supports grappling intellectually with matters of concern is the ethos of study for its own sake, and not study (directly) in serve of social or other non-academic values and goals, not even the goal of producing knowledge or promoting education.

In liberal study, one is concerned not only to understand things as they are, but to understand them for one's own reasons, those being reasons of evidence and argument. For an independent thinker, it is better to believe falsely or to value unsoundly for one's own reasons of evidence and argument than to believe truly or value soundly as the result of ignorance, faith, or social or psychological pressure.

Liberal study is dangerous, though, for it alienates one from one's beliefs and values. It does so because it requires one to hold beliefs and values at arm's length to examine them and think about them. Thinking critically about one's beliefs and values can undercut the hold they have.

Those of us committed to liberal study will want wide and robust freedom of expression for ourselves individually—but we will want it also for all other members of the community, out of respect for each individual's project of coming to understand things on the basis of evidence and argument only. That is, we value thinking for ourselves, each of us in our own case and each of us for all the others.

The first line of response to the demand for oversight and control is to dispute the extent of the hurt and harm that expression can cause to individuals and to a society. In the line of response from liberal study, though, we allow that indeed people can be hurt and harmed, even seriously, by the distressing ideas they hear. We note only that no one is wrongfully harmed by what they hear in a free and open discussion. (We will seek to understand whatever hurt and harm results from free expression accurately, of course; we might conclude that advocates of oversight and control do in fact exaggerate it, but we will not be moved to favour control even if we conclude they don't.) The culture of liberal study is marked by a willingness to risk the harms those opposed to wide or robust freedom of expression fear and would guard against. We partisans of independent thinking, on the other hand, will place no barriers between people and their study. All views, even vile ones, are grist for the mill of enquiry and discussion.

In short, for university people, the joy of liberal study outweighs the unpleasantness of hearing vile ideas and even the risk of threats to one's identity.

An objection: Even a university of liberal study needs quality control if it is to be a serious place—we should not tolerate wasting time on stupid ideas or ideas that lack evidential or argumentative support. We need, then, at least some oversight and control to ensure that we're typically discussing ideas worth discussing.

The objection attempts to drive a wedge between free and open enquiry and discussion, on the one hand, and freedom of expression, on the other. Freedom of expression, the objection says, gets in the way of free and open enquiry and discussion, for freedom of expression lets charlatans and firebrands crowd out competent and serious enquirers and critics.

One response to the objection is to ask who is to make the determination whether to allow a talk or not? Who will do a good job? Administrators, likely enough, will be lousy as gatekeepers. They will now and then let in someone who lowers the campus tone and now and then deny a platform to someone who has something to contribute. This is because their allegiance is to the institution of the university as a public body, not to the internal practices or ethos of the institution. Better, then, to let campus people and groups do as they wish.

Another response is to note that exposure to charlatans and firebrands can, perhaps ironically, help students and the rest of us to acquire attitudes of dispassionate enquiry and criticism. We need contrasts between good and bad ideas, and between dispassionate exploration and rhetoric, if we are to appreciate the difference.

But the deepest response to the idea that quality control on campus requires vetting and censorship is to note that vetting and censorship create an atmosphere hostile to the freedom of campus members to pursue their enquiries as they wish. The thought that one might be brought before the censors introduces pressures on belief and value that are not the pressures merely of evidence and argument.

Another objection is that discussion without rules, and without penalties for violating the rules, can easily degenerate into insults and hostile argument, and that's bad for enquiry. We need, then, enforceable rules of civility if we are to enjoy engaging intellectually with the matters at hand.

The objection not only fails, but, in doing so, exposes the deep incoherence of safe and respectful campus policies. "Respect others or else" cannot be said respectfully. The aim of civility policies must, then, be mere conformity, and not the fostering of independent thought and vigorous discussion. Speech codes and codes of conduct in discussions, it turns out, are yet other attempts to apply pressures not those of evidence and argument to our search for true beliefs and sound values.

If people gathered at a university value enquiry for its own sake, they will behave in discussion in ways they deem most fit for honouring their values and realizing their goals. As their goal of understanding the matter at hand is furthered by listening to others and considering what they say, they will not need to be guided by external rules of civility.

Our final question is why have institutions of liberal study? The point of having universities organized around certain doctrines is fairly plain: first, the universities are to promote those doctrines for the benefit both of the students and of the wider society and, second, they are to produce knowledge and skills useful for that society. So why not go over to the traditional missions of the university: to prepare students for careers and for life, to guide them into proper and upstanding values, to produce research useful to the wider culture and society?

Institutions of liberal study, institutions arranged so that people can engage intellectually with the matters that concern them, and enjoy both the process of engagement and the understandings that result, are rare and difficult to create and maintain. That is because almost always when intellectuals gather they form something like a church, rather than a university of liberal study. They organize around a leader who enjoys the status of being a seer, and they disseminate and guard the ideas that that leader formulates. Their devotion will be such that innovations are not celebrated as innovations but instead claimed to be what the leader actually originally intended. An orthodoxy gets established and heretics excommunicated.

Still, despite the odds, sometimes a place of liberal study evolves, as it did among the Milesian philosophers—though even among the ancient Greeks, church-like schools in the mode of the Pythagoreans dominated.

Well, the first and best reason to have institutions of liberal study is that some people enjoy thinking for themselves and appreciate being associated with places that nurture and protect independence of mind. But that is a reason that appeals only to those who wish to grapple with intellectual problems and who value understanding things as they are, and who respect the attempts of others to understand things. Are there reasons for having universities hospitable to liberal study that can appeal to those outside such institutions? After all, those outside them support them with tax dollars.

There are at least two excellent reasons why people outside universities should want their society's universities to be places of liberal study and, thus, places of wide and robust freedom of expression. The first is that the results of research can be trusted only when they come from a place at which any idea may be pursued and any criticism offered. Should people suspect that researchers are under pressure to come to certain conclusions and to avoid others, they cannot have confidence that the conclusions the researchers draw are likely to be sound. If professors and students may not question received narratives about the residential schools, for instance, or the motives people have for changing sex, then whatever they say on these topics will lack credibility.

The second is that independence of mind is a prime value in a free, open, and democratic society. Universities of liberal study can help students to attain both intellectual and moral autonomy. In their role as citizens, those who have come through programs of liberal study will be better able to consider matters fully and fairly and less inclined to jump on bandwagons or to complain of being offended. The knowledge and skills a person can gain at a doctrinal university might suffice for careers, but not for open-mindedness and independent judgement.

The general point here is that the needs of a free, open, and democratic society are best met indirectly, through institutions functioning (directly) as places of liberal study.

But those who advocate a university of oversight and control hold that independent thinking, that is, thinking for oneself by collecting and weighing evidence and evaluating arguments, is overrated. A person might very well think herself into false beliefs and unsound values. Thinking for oneself, it is true, is not socially useful in collectivist or communitarian societies and it puts at serious risk allegiance to social identities. So long as we wish our culture to be individualistic and democratic, though, universities of liberal study marked by wide freedom of expression will remain central to what we need.