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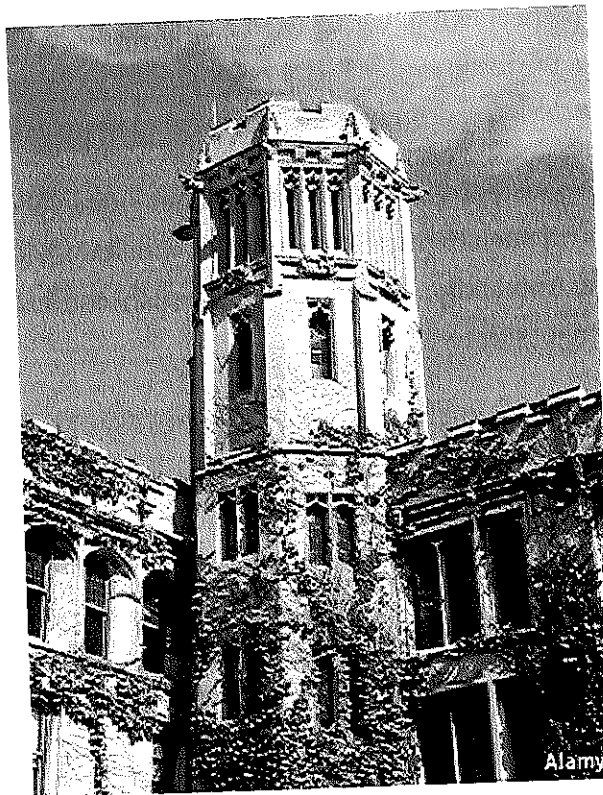
Universities and free speech

Hard to say

A statement at the heart of the debate over academic freedom

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WHEN Louisiana State University fired a professor in June 2015 for using rude words in a class designed to prepare teachers for careers in inner-city schools, it was an early skirmish in a conflict between students (one of whom had complained) and faculties over free speech that has since spread across the land. The university's faculty is now considering something that others in the same position have done: copying the University of Chicago.



Alamy Chicago's freedom tower

In response to a number of universities cancelling invitations to controversial speakers and challenges to academic freedom, Geoffrey Stone of Chicago's law school was appointed chair of a committee that would restate its principles on free speech. The statement was issued a year ago, shortly before the murderous attack on *Charlie Hebdo*, a French satirical publication, for its cartoons of Muhammad.

Since then the debate over permissible speech on college campuses has only become more contentious. A website, thedemands.org, lists speech-curbing demands from students at 72

institutions. Administrators are tying themselves in knots in an effort to balance a commitment to free expression with a desire not to offend.

One consequence of this has been to call attention to the Chicago Statement, which has been adopted by Purdue, Princeton, American University, Johns Hopkins, Chapman, Winston-Salem State and the University of Wisconsin system, according to the Foundation for Individual Rights in Education (Fire), a pro free-speech non-profit which is actively promoting it. It is brief (three pages) and emphatic.

“It is not the proper role of the university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive,” it states. “Concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable.” The responsibility of a university, it concludes, is not only to promote “fearless freedom of debate”, but also to protect it.

The committee gave much consideration to concerns about “hate speech” and “micro-aggressions”. Whatever harm such expression caused, it concluded, should be redressed by “individual members of the university...openly and vigorously contesting the ideas that they oppose,” rather than by censorship.

The widening adoption of the statement came as a surprise, says Mr Stone, because it was built upon the college’s own history, including a controversial invitation by students in 1932 to William Z. Foster, then the Communist Party candidate for president. The proper response to unpopular ideas, responded then-president Robert Maynard Hutchins, “lies through discussion rather than inhibition”. In 1967, during protests over civil rights and the Vietnam war, and demands that the university itself should take a stand, a faculty committee chaired by Harry Kalven, one of Mr Stone’s professors, concluded that would be wrong: “The university is the home and sponsor of critics; it is not itself the critic”.

This approach was not universal. The most prominent committee to follow Chicago’s was Yale’s, in 1974. It concluded that intellectual growth requires “the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable”. When read in full, however, the report is confused, foreshadowing the current debate. Although Yale’s committee was “gratified” to find that *most people surveyed supported freedom of expression*, a minority “held reservations of various kinds about how much freedom should be tolerated.” One member dissented from the report, calling its support for free speech “too facile and simplistic”.

Even the Chicago Statement has reservations. Expression that “invades substantial privacy” or “constitutes a genuine threat” can be punished. The university has the right to regulate the

“time, place and manner of expression”, so that ordinary activities are not unduly disrupted—though this should never be used to undermine an “open discussion of ideas”. The statement is, in short, written not only to allow speech, but to facilitate protest. When it first appeared, this may have seemed a bit academic. Not any more.

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