

Free-Speech Advocates Are Not Trying to Silence Students

A recurring falsehood in the ongoing debate about campus culture, politics, and policy

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Last week, I surveyed [the overwhelming evidence](#) that free speech is threatened on campus. But I did not address a counterargument that uncharitable skeptics of that position keep repeating: that those who defend liberal values in higher education are really trying to silence or distract from students who speak out against racism.

That is a pernicious falsehood every bit as bankrupt as the similarly uncharitable belief that all accusations of racism are really just cynical power grabs built on lies.

The falsehood is oft-repeated despite the fact that, across decades, many of the highest-profile opponents of campus speech restrictions, from the [ACLU](#) to [Henry Louis Gates](#), have been energetic opponents of racism and outspoken defenders of minority rights. In November, when I [defended my own work](#) against [the falsehood](#), I began noticing that it endures despite strong evidence that marginalized groups gain the most from norms that protect free expression and are harmed most grievously by limits on free speech, [even when well-intentioned](#).

While this claim is most frequently made by well-meaning people who are protective of student activism, it harms those very activists: it causes some to mistake folks explicitly committed to defending their freedom for enemies trying to abrogate their rights. Students are left with a muddled understanding of the intellectual landscape, and may begin to think that there's only one approach to fighting racism, damaging their ability to converse and cooperate with other potential allies.

The falsehood is especially bogus when aimed at an organization like the Foundation of Individual Rights in Education. Since 1999, FIRE has been defending liberal values in scores of controversies having nothing to do with race or ethnicity. Was it all an elaborate ploy, 15 years in the making, to anticipate and distract from last autumn's protests? Here is part of [FIRE's official statement](#) on those protests:

FIRE's defense of the right to speak out extends even to those who use this right to call for the silencing of others. Students and faculty are free to call for censorship of views they do not

share and the punishment of those who hold those views. If students or faculty peacefully calling for censorship were to be threatened with official punishment simply for making such a call, FIRE would defend their rights to free expression. This does not mean that FIRE supports calls for illiberal limitations on speech.

To the contrary, we believe that such calls are misguided, myopic, and contrary to our nation's best tradition of free expression. The principles of free expression enshrined in the First Amendment guarantee us all the freedom to peacefully protest and to answer speech with more speech. FIRE reminds students, faculty, and the public at large that the national conversation sparked by this fall's protests is itself an illustration of the crucial roles that free speech, pluralism, and academic freedom play in our society.

Despite the fact that the falsehood has been explicitly repudiated by so many defenders of free speech, and stands in stark conflict with the principles that they espouse, it was repeated again last week in [the Intelligence Squared debate](#) on campus speech. Arguing against the idea that "free speech is threatened on campus," University of Pennsylvania Professor Shaun Harper began his remarks as follows:

I recently spoke at a large, predominantly white university, where I met Damien, a black undergraduate man who shared with me a disturbing story. Damien was the only non-white person in a large, 200-person lecture-style engineering course. It was a very rigorous course, Damien said. At the beginning of one class session, the professor told seven students who had received perfect scores on a previous test that they were excused from class and exempt from the remaining exams in the sequence, which is a really generous deal, right? As the seven students began to gather their belongings, they walked down the stairs of the lecture hall, one by one.

And according to Damien, they had to walk past the professor's podium to get out of the classroom door. Six of them exited the lecture hall uninterrupted.

It was only the seventh, Damien, the only black student in the class, who was stopped by the professor, who said to him, "Wait, you got 100 percent?" in a tone of shock and disbelief. Some version of this happens over and over again to students of color on predominantly white campuses. I repeatedly hear stories like this one at just about every single institution where we go—the center that I direct at Penn, where we go to assess the campus racial climate. Damien was embarrassed. He was hurt.

But he said nothing to his professor. Students who participate in our climate studies often tell us that they say nothing to their professors, to administrators, to campus police officers, and to their peers when they say hurtful things to them that contaminate their experience on predominantly white campuses. Proponents of the motion we are debating tonight would likely argue that maybe Damien was being too sensitive—or for sure, it would have been outrageous, had he told the professor that what he did to him in that lecture hall that day felt racist to him.

That restatement of the falsehood betrayed a fundamental misunderstanding of what the free-speech proponents sharing the stage with him believed and argued. And it got the broader free-speech movement wrong, too. Since its critics seem unable to summarize its actual positions, yet another explicit corrective is in order.

I'll begin by speaking for myself.

College students who read my work should know (to use Harper's example) that I wish Damien would have confronted his professor; that if a professor stereotypes a student because of his or her race, I do not believe it would be "outrageous" to complain; and that if your professor or college punishes you for saying that you were treated in a racist manner, I believe you've been wronged, and that your institution is impinging on *your* freedom of expression. In fact, even if your suspicion of racism turned out to be unfounded, I would defend your right to articulate it.

What's more, if activists quadrupled the size of last semester's protests while reorienting them toward relatively damaging racial injustices—and [away from anti-speech actions](#), emails about Halloween, and appropriation in dining hall food—I [would cheer](#). I have all sorts of disagreements with the tactics, assumptions, and instances of illiberalism that characterized many student protests, but I very much want to hear accounts of unjust policies on college campuses and share the end of fighting racism and making higher education more inclusive.

The ACLU and FIRE are the two most prominent groups that fight for free speech rights on campus. Both would certainly object to a college punishing students for alleging racism, even if its analysts disagreed with the substance of those allegations.

In the Yale debate, Wendy Kaminer, an outspoken defender of free speech on campus, declared, in direct contradiction to Harper's assumptions about her views:

You guys have suggested that we are somehow saying that student protests are violations of free speech. I strongly defend the right of students to protest anything they want to protest in however many uncivil terms they want to use ... I don't think any of us would disagree with you, Shaun, about the really bad climate on some campus, and about the kind of bias that some students experience. I don't think any of us are saying that's not real. I don't think any of us are saying that's something that shouldn't be protested. We're simply saying something very different.

Here's Columbia University's John McWhorter, also arguing in favor of the proposition:

To be constructive, I just want to throw something in here, because I don't want to be misinterpreted and I don't want Wendy to be misinterpreted.

I think it's time for a brief anecdote.

It is fall of 1984. I'm at Rutgers University. I walk into an intermediate German class. First thing that the teacher says is, "I think you've got the wrong class." No. There could only have been

one reason. It was quite clear—that woman hated me for the whole semester. Now, this was straight up racism. Now, to be honest, I didn't walk around crying. I didn't remember it for a very long time. I kind of enjoyed how backwards she was, and now she's dead and I'm sitting here. That's a whole other thing, how do you respond to these things? But more to the point. If that happened to my daughter today, I would hope she would complain.

So, I'm not saying that these sorts of things are not to be talked about, and where something really nasty happens, it is not to be shouted to the heavens.

It is very difficult to find a free-speech advocate who believes that racism isn't to be talked about. Who are the ones ostensibly holding that position? Levying the charge without citing specific examples adds more heat than light and elides the fact that while a few marginal bullies can be found espousing any idiotic view under the sun, there is no aversion to antiracism among the mainstream of free-speech defenders. It is especially vexing that those who allege a plot to silence students never acknowledge the many prominent free-speech advocates who have clearly and unambiguously supported students speaking up however they see fit. When I see Greg Lukianoff criticized on Twitter, I wish that I could append a graphic showing how many students of color his organization has fought for over the years.

In arguing against the proposition that free speech is threatened on college campuses, Yale Professor Jason Stanley declared, "Some cast today's campus climate as a tension between antiracism and free speech. This is a false dichotomy." He's right. It is a false dichotomy. But free-speech advocates aren't the ones espousing it. "We must consider the possibility that what is really happening," Stanley said, "is that the language of free speech has been coopted by dominant social groups, distorted to serve their interests, and used to silence the marginalized."

I have considered that possibility. And I am sure that I could cast about on Facebook and find someone misappropriating the language of free speech. They should stop. Likewise, people from all walks of life occasionally become victims of Internet harassment by trolls or self-righteous mobs, which can drive them from public discourse. I've been an outspoken [critic](#) of that [phenomenon](#) in several [guises](#), and I favor the criminal prosecution of the odious people who sent threats to protesters like the Yale student who was harassed and doxxed for her activism.

And thankfully, campus anti-racism activists appear free to assemble at will, to criticize administrators or professors without sanction, and to issue sweeping demands without any fear of punishment. Last fall, more administrators were forced off of campuses than activists. In fact, I know of no anti-racism protester at Yale or Brown or UCLA or any other college I read up on who was punished, let alone silenced, by any administrator or professor, nor do I know of any journalist or public intellectual who touts free-speech norms but urged that activist speech be punished.

Show me one and I'll gladly criticize his or her remarks.

If activists were punished, I am happy to help publicize their cases and to fight back. Does Stanley have any actual examples of this phenomenon? I'm sure he could find examples of web articles from unprincipled culture warriors with a Rush Limbaugh-approach to discourse who dismissed all anti-racism

protests by cynically coopting the language of free speech, just as I could find articles that mock or dismiss all free-speech concerns by cynically coopting the language of social justice.

Neither phenomenon should tarnish earnest free-speech advocacy or antiracism. And having accused free-speech defenders, in particular, of silencing the marginalized, can Stanley back up the indictment with examples of specific pro-free speech journalists or lawyers or nonprofits and the specific students that they silenced? If not, I'd urge him to reassess his instincts about who is typically silencing or trying to silence whom. As a Yale professor, he needn't look far to see who is demanding punishment for speech on his campus, who is being spat upon, and the fact that the people who are doing the spitting are not classical liberals or libertarians.

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Late in the Intelligence Squared debate, during the question and answer session, Harper, still speaking against the proposition that free speech is threatened on campus, was asked: Is there a difference between speech made in a social setting and "tenured professors being censored for comments made in an academic setting"?

He answered:

Thanks for your question, Matt. To be sure, I don't want anyone's speech to be suppressed in any setting. So even at a fraternity party, you know, if someone said something that sounds a bit off color, I would want one of his fraternity brothers or someone at his party or whatever, to engage him in a conversation about it, not with the goal of shutting him down, but to actually—again, we're on a college campus. And fraternities are on college campuses, so I would want this to be a space where even peer teaching and learning and engagement is happening.

I was surprised when he gave that answer, because a guy who characterized free-speech defenders so uncharitably at the beginning of the debate turned out to share their position: If something "a bit off color" happens at a party, he hopes that students will adjudicate the matter among themselves ([just as Nicholas and Ericka Christakis urged](#)); but he explicitly doesn't want colleges to impose punishment.

Why is he so suspicious of civil libertarians whose focus is advocating a position he shares?

I was similarly surprised when, an hour into the debate I held with Jelani Cobb at Connecticut College, my interlocutor, having criticized my free-speech advocacy in "[Race and the Free Speech Diversion](#)," turned out to oppose punishing even racial slurs and was less interested in policing speech than in educating students to be resilient.

He spoke with typical eloquence when asked to draw the line between speech that should be protected on college and university campuses and speech that should be punishable:

I'm not in favor of establishing that line.

I'm in favor of educating people and letting them establish the line for themselves—to say, do you understand that when you use the name of the Washington football team, you are insulting my ancestry and my community and so on. Now if you choose to still use that name, I just want you to understand what you're doing. I'm not in a position of telling you that you can't do it. I simply want you to be clear in what you're engaging.

If that results in stigma, if that results in people thinking horribly of you, then so be it.

And finally, I'm a pragmatist. I tell this story to students as a bit of hard won wisdom in my own life. The first time I was ever called nigger is when I was 13 years old. I was shocked. It was this thing that my parents told me, then all of a sudden it happened. I was like, 'Man, they were telling the truth.'

Like, this thing exists in the world.

The second time I was called nigger I was in my 20s, and I was enraged. And the third time that this happened I burst out laughing. And the reason was, I thought it was absurd that someone actually thought that they could diminish me. That word existed during slavery, but black people survived slavery. That word existed in the post-Reconstruction period, but black people survived the post-Reconstruction period. People used that word as a means to bolster Jim Crow. But Jim Crow was killed. And in each instance in which people have attempted to dehumanize and use this word as a stand-in for a broader socioeconomic state of affairs, people have found the reserve and the will and the ingenuity and the creativity and the spiritual fortitude to forge a way forward. And so I understood that I had the wind at my back and this was a kind of weak last gasp at a dying sentiment.

But it takes a long time to get to that place. I'm less interested in policing other people's speech than I am in building stronger people who are not as easily derailed by the attempts to keep you in a marginal position.

It seems to me that many in the campus speech debate are talking past one another rather than at least cooperating against the forces that threaten free-speech norms. In closing, here's an attempt to set forth what I perceive as areas of agreement and disagreement. I encourage emails with feedback if you think I'm wrong.

Among observers opining on campus culture, there is broad agreement that:

- Broad free speech rights and norms should be upheld.
- Student activists ought to be permitted to hold protests on their campuses, to criticize anything they want to as racist, and to make any demands that they like, regardless of whether the demands in question are liberal or illiberal.

Meanwhile, observers disagree on and will continue debating questions including these:

- Whether free-speech rights and norms are threatened on campus.
- Whether various beliefs held by progressive anti-racism activists are correct or incorrect.
- When college administrators ought to attempt to shape campus culture and when students would be better off adjudicating their own norms.
- If or when stigma is a salutary tool in campus settings.
- Whether “safe spaces” help or harm students.
- Whether “trigger warnings” pose a threat to academic freedom.
- How one distinguishes criticism of a viewpoint from attempts to silence that viewpoint.
- Whether some students engage in catastrophizing.
- Whether critiques built on the assumptions of classical liberalism, libertarianism, or conservatism are inherently suspect.
- Whether the correctness of an argument is affected by the identity of the person making it.

That is a partial list.

Many of the people who disagree about some or all of those matters should nevertheless ally to protect free speech norms and values. Free speech advocates like FIRE, the ACLU, Wendy Kaminer, and many others have taken pains to erect and maintain a big tent. Their critics should put aside their prejudices and come inside rather than spreading falsehoods and imputing ulterior motives without evidence or specificity.

And if you’re a student activist whose free speech is threatened, don’t let these misinformed voices blind you to the defenders of liberal values at your disposal. Write me at conor@theatlantic.com—lots of free-speech advocates stand ready to help you.