

What Colleges Must Do to Promote Diversity -- of Thought

RCP realclearpolitics.com/articles/2017/10/12/what_colleges_must_do_to_promote_diversity_-_of_thought_135244.html



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Commentary

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October 12, 2017

Another high-profile act of campus censorship -- amid a coast-to-coast spate of student assaults on free speech the last two years -- occurred in late September at the College of William & Mary. Undergraduates there shut down a lecture on “Students and the First Amendment” by chanting, among other things, “Liberalism is white supremacy.” President Taylor Reveley promptly issued a statement affirming the college’s “powerful commitment to the free play of ideas.” That did little to disturb the eerie silence of most faculty and administrators around the country in the face of free speech’s travails.

Under pressure, as at William & Mary, university officials will affirm free speech’s importance. In egregious instances of student misconduct—Berkeley, Claremont, Middlebury, Evergreen State—and under the harsh glare of the national spotlight, a few

schools have launched investigations and meted out punishment, mostly lenient. But seldom do schools undertake concrete action to protect liberty of thought and discussion and to educate students about its centrality to liberal education.

Some scattered voices on campus, mostly stemming from the tiny minority of conservative professors, have come to free speech's defense. In addition, Heterodox Academy, "a politically diverse group of social scientists, natural scientists, humanists, and other scholars" that was founded in 2015, seeks "to improve the quality of research and education in universities by increasing viewpoint diversity, mutual understanding, and constructive disagreement." In August 2016, University of Chicago Dean of Students John Ellison wrote a laudable letter to incoming students advising them of the school's staunch commitment to free speech.

In response, alas, more than 150 faculty members published a letter to freshmen in the student newspaper that, if not uniformly endorsing "trigger warnings" and "safe spaces," earnestly backed the spirit that inspires the demand for them.

By and large, those presiding over and delivering higher education are progressive and have demonstrated great toleration of – indeed, bordering on sympathy for -- flagrantly intolerant student behavior.

Students take pride in their intolerance of speech that in their judgment undermines diversity and inclusion. Administrators say they devote considerable time and energy to reconciling free speech with the aim they share with students of achieving a diverse and inclusive student body. Unfortunately, both students and administrators typically start from a flawed premise. They assume that balancing vigorous expression with the creation of a welcoming learning environment for minorities and women is a zero-sum game: More of one entails less of the other.

They also suppose that free speech benefits historically dominant majorities such as white men but offers little to historically discriminated-against minorities and women (a substantial majority among American undergraduates for at least a quarter-century). Worse, according to higher-education conventional wisdom, free speech directly harms these vulnerable groups. The authorities declare—and students parrot them—that exposure to offensive, hostile, or hateful ideas prevents minorities and women from participating in class and making themselves heard.

These common campus claims about the harms caused by free speech themselves cause considerable harm. Where they are not plain wrong, they are highly misleading.

Free speech—defended in the 17th century at the dawn of the modern tradition of freedom by John Milton in "Areopagitica," embodied in the 18th century in the U.S. Constitution's First Amendment, and classically expounded in the 19th century by John Stuart Mill in "On

Liberty”—has been the friend of dissenters, iconoclasts, and persecuted minorities. Censorship is a favorite tool of authoritarians and entrenched power.

This doesn't mean that liberty of thought and discussion is cost-free. It depends on self-restraint and fortitude, because words can wound, opinions can lacerate, and ideas can seduce, vex, and bewilder.

College regulation of expression perpetuates the dubious belief that minorities and women are in need of special protection from campus give-and-take. And it inflicts an invidious and long-lasting harm on those it purports to benefit. By shielding students from the clash of opinions, colleges and universities deprive them of the opportunity to cultivate the qualities of mind and character that enable individuals to participate in, and profit from, challenging conversations, robust debate, and the multiplicity of ideas.

A campus that upholds free speech and encourages its practice is by its very nature diverse and inclusive. It offers to everyone—irrespective of race, class, or gender—marvelous benefits: the chance to express one's thoughts with the best arguments and evidence at one's disposal; to listen to and learn from a variety of views, some bound to complement and some sure to conflict with one's own convictions; and, not least, to live in a community dedicated to intellectual exploration and the pursuit of truth.

Today such arguments are generally considered conservative. The distinguished center-left authors of “Free Speech on Campus” show that liberty of thought and discussion is a moral, political, and educational good that transcends right and left.

Erwin Chemerinsky is dean and professor at the UC Berkeley School of Law, and Howard Gillman is chancellor and professor of law, political science, and history at the University of California, Irvine. Drawing on scholarly expertise in law and politics and experience as administrators, they contend that to fulfill their educational mission, colleges and universities must combine rigorous protection of free speech with an unstinting dedication to diversity and inclusion.

Their book was shaped by a freshman seminar the authors co-taught in the winter 2016 quarter at Irvine in which they discovered that their students had a weak understanding, and strong suspicion, of free speech. They open with an excellent introduction to “the new censorship” and conclude with an eloquent statement of “what's at stake.” In between, the authors provide a superb overview of the place of free speech in free societies and the special place it occupies in university education; a subtle exploration of why genuinely hateful speech is protected by the Constitution and should not be censored even at private universities, which are not subject to the First Amendment; and valuable recommendations about what campuses should and shouldn't do to protect free speech while ensuring that minorities and women can take full advantage of educational opportunities.

But Chemerinsky and Gillman fail to grapple with the institutional and ideological roots of campus distaste for free speech. One might begin with the disproportion between the massive sums universities devote to sensitizing students to the harms of hate speech and the meager resources they allocate to teaching the principles and practice of free speech.

Colleges and universities must incorporate into freshman orientation instruction on free speech. The curriculum should feature prominently, and preferably require, courses on the tradition of freedom that undergirds American constitutional order and liberal education. In addition, it should introduce students to the great moral, political, and religious questions that have arisen within and beyond Western civilization, and guide them in exploring the seminal and conflicting answers that have been advanced.

Not least, faculty must embody the spirit of liberty of thought and discussion. Even the most ringing official endorsements of free speech on campus will ring hollow unless faculty members—progressive and conservative alike—exercise in class the virtues of civility, tolerance, and serious engagement with diverse viewpoints, and, outside of class, speak forcefully in favor of free speech against those who seek to silence it.

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