

Free speech on
college campuses:
the right of the hearer
and speaker



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Free speech is the right to add color in a world that would otherwise be black and white. The exchange of ideas is essential to starting conversation and sparking social change. Freedom of speech is fundamental in sustaining a functional democracy. It enables minority groups to participate politically and have a voice. It allows for growth in both individuals and American society. Freedom of speech is fundamental in providing a quality education through the facilitation of a free and open interchange of thoughts and ideas. Students inarguably learn from one another, and institutions of higher education provide students a platform to further their education through that First Amendment right. While there are limitations to the expression of free speech, it encompasses the ability to speak on the good and the bad. Students learn from the evaluation of ideas and the formulation of arguments in support or against them. Across the nation, college campuses struggle to maintain a balance of community order and the freedom of speech. Free speech becomes an issue when it disrupts the educational environment. Restrictions of this freedom can censor students' rights potentially hindering their ability to learn from outside perspectives. Therefore, administration of higher education institutions should adopt the Chicago Statement created by the University of Chicago's Committee of Free Expression which promises the school's commitment to free speech (FIRE, 2018-b).

On college campuses, there is a difference between students' exercising their rights and prohibiting others from exercising theirs. The First Amendment states, " Congress shall make no law...abridging the freedom of speech." As the result of various court cases, the U. S. Courts determined

that the freedom of speech protects the right to not speak, wear black armbands in protest of war, use words and phrases that convey political messages, give money to political campaigns, advertise products and services, and engage in symbolic speech (U. S. Courts). The American Civil Liberties Union (2018) defines the First Amendment as the, “ right to free expression and free association, which means that the government does not have the right to forbid us from saying what we like and writing what we like.” Freedom of expression encompasses the right to freely express things others may not like. Combs (2018) argued that just because speech could potentially be found offensive, it does not mean it should be restricted (p. 171). However, hate speech is not free speech, a common misunderstanding amongst college students. The American Library Association (2017) defines hate speech as “ any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons.” Indeed, Langton, Fricker and others argued that having the freedom to say or question others can undermine free speech because it can prevent marginalized groups from conveying their intended message (as cited in Muldoon, 2017, p. 333). Ultimately, the Chicago Statement would enable institutions to explain to their students the difference between free speech and hate speech and what type of speech is acceptable on the campus.

Controversies surrounding free speech are not new to college campuses. Typically, these issues arise when administrations attempt to prevent the freedom of expression from their student body. Administrations have a history of prohibiting certain guest speakers on campuses, creating hate speech codes, and censoring ideas (Chemersinsky, 2018, p. 1-3). For

example, both the University of California, Berkeley and the University of Virginia, Charlottesville have scheduled guest speakers that were met with protests from the respective student bodies. After the protests turned violent, Cal Berkeley cancelled the event creating the question of if free speech was infringed (Chemerinsky, 2018, p. 1). Charlottesville faced heated protests when a white nationalist speaker, Richard Spencer, was scheduled to speak on campus which resulted in one death. Federal judges prevented both Auburn University and Michigan State University from denying Spencer on their respective campuses, and the Ohio State University refused him access but were met by a lawsuit from Spencer (Chemerinsky, 2018, p. 1-2). Berkeley has a history of cancelling controversial speakers which students have alleged as a violation of their right to freedom of speech (Combs, 2018, p. 170). On these campuses, there is not a well-known speech policy which prevents students from holding the institutions accountable for the cancellation of events and from hearing differing viewpoints. These universities believed they were protecting students' safety. However, Combs (2018) argued that these cancellations stifled free speech which is not protected by the First Amendment (p. 171). These institutions sought to avoid negative publicity by preventing controversial speakers on their campuses, but in doing so, they attracted negative publicity (Sarabyn, 2010, p. 150). While there are boundaries to protect the actions of administration, not all restrictions of free speech are justified, and a speech policy would assist in identifying the limitations of restrictions. The Chicago Statement would name a set of principles that must be upheld by the institution and would allow for institutions to be held accountable in their attempts to restrict free speech.

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Free speech is integral to institutions of higher learning. The Foundation for Individual Rights in Education [FIRE] argued that universities act as a “ marketplace of ideas” where students ideas can compete (2018-a). FIRE believed that the “ intellectual vitality” of an institution depends on this competition in order to fully advance the knowledge and education of their students (2018-a). Combs (2018) noted that a core value of American higher education is the exchange of ideas (p. 169). Muldoon (2017) noted that “ free speech is most valuable in diverse settings” (p. 334). Colleges and universities provide a forum in which students can share those diversities. They develop and test new ideas which builds up their capacity to be better “ consumers and producers” of knowledge (Muldoon, 2017, p. 332). Campuses are central to intellectual debate. Individuals generate their own ideas in the competitive market of campuses. They then have the capacity to formulate arguments in their defense while being scrutinized (Muldoon, 2017, p. 333). Through the verdicts of many cases revolving around free speech, the Supreme Court recognizes the “ pursuit of knowledge remaining free and open” on campuses of higher education as fundamental to the growth of the nation (Sarabyn, 2010, p. 147). Restricting free speech hinders the educational growth of these students. Institutions of higher learning teach students more than how to pass an exam; they enable them to explore various ways of being a citizen (Muldoon, 2017, p. 335). The Chicago Statement would allow for educators to not only teach students concepts but how to be an informed citizen.

Ultimately, administrations of institutions of higher education should adopt the Chicago Statement. This would benefit the students as they understand

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what type of speech is accepted. This policy would enable the administration to be held accountable in their attempts to restrict speech. The Chicago Statement should be created in accordance with the institutions' core values and missions. The University of North Carolina at Chapel Hill, Purdue University, American University, and nearly 35 more institutions have implemented a Chicago Statement (FIRE, 2018-b). By adopting this policy, institutions demonstrate their value of free speech and expression from their student body and faculty. Free speech reaffirms the core purpose of an institution of higher education as a marketplace of ideas (FIRE, 2018-b). To adopt this statement, institutions should collaborate with their student government bodies to create a policy that protects free speech in accordance with the mission of the institution (FIRE, 2018-b). This would enable the student voice to play a role in creating an environment that promotes the free exchange of ideas. To create a world of color, higher institutions need to adopt the Chicago Statement, so tomorrow is not black and white but rather a rainbow of ideas.

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