

PRO(TEST) SPEECH UNIVERSITY: FREE SPEECH ON COLLEGE CAMPUSES

Should schools be able to disinvite speakers?

Overview

There has been significant disagreement across college campuses about how much freedom should be given to speakers. It is important for universities to allow students to invite speakers who can lead enriching presentations or discussions. However, what is being presented can cause tension to arise. We have come up with three different approaches in response to these possible tensions.

The first approach would give the university complete control over who is permitted to speak. This would ensure that speakers who would likely incite controversy are not allowed to do so. The problem with this approach is that judgement calls over who gets to speak will be just as controversial as the speakers themselves.

The second approach would allow for any speaker to come, but would prevent certain controversial topics from being discussed. This would prevent any massive protests that could occur in response to such sensitive topics. The drawback to this approach would be that it assumes that certain topics cannot be talked about in a civil manner, which prevents any attempt at dialogue.

The final approach would place no restrictions on who can speak. This would allow for free speech to be truly embodied on the college campus. However, this would result in concerns based on safety, fairness, community division, and unrestricted "hate speech."

Approach 1

Universities should have the power to restrict speakers to protect and uphold their values and purpose.

Approach 2

Any speaker should be allowed to come, but the school should have a guideline of controversial topics which are off-limits for any speaker which must be followed.

Approach 3

Students should be free to invite anyone with no speech restraints; having an administration dictate which speakers are able to speak would be unfair.

First Approach:

Speakers Chosen by Administration

Freedom of speech is a Constitutional right, but it does not apply in every place or situation. Universities naturally restrict speech. A discussion in a chemistry class should not revolve around March Madness. No professor would allow a class discussion on a contentious topic to turn into name-calling. This is because universities are institutions with values that serve a greater purpose. Allowing universities to choose who speaks on their property would give them the autonomy to practice their values and fulfill their purpose.

Universities are constantly making judgments based on their values, whether they are designing curriculum or choosing a graduation speaker. Aaron R. Hanlon, Assistant Professor of English at Colby College, does not consider these decisions as censorship, but rather “a product of free expression and the foundational aims of a classically liberal education [as opposed to a professional education]” (Hanlon). While these values will vary between schools, Robert C. Post, the Sterling professor of law and former dean of Yale Law School, claims that “the entire purpose of a university is to educate and expand knowledge” (Post).

If universities have unique embedded values in this specific purpose, one could argue they should have the power to uphold and protect these ideals. If a university finds that inviting a speaker will not be of value to the school or students, denying them a platform does not prevent their ideas from reaching students (Hanlon). The claim that this is a violation of free speech can shift the conversation from values to censorship.

On the other hand, restricting speech based on university values could be seen as a form of censorship because diversity of thought is itself a founding value of nearly every university. Measures that seek to minimize or soften free speech rights discourage this because they confine speech to fall under university values. When discussing campus initiatives to restrict speech, Cliff Maloney Jr., executive director at Young Americans for Liberty, claims that “these often unconstitutional policies exclude new and competing ideas, and are antithetical to a free academia (Maloney Jr.)”

Additionally, Penn State is one of the largest and most politically-diverse universities in the United States; identifying values upon which to restrict free speech would be challenging and unrepresentative of the entire study body. Speech parameters created by the university would more likely reflect the values of a select few in power. They could easily be skewed by political bias or political-correctness culture, which may encourage officials to be less controversial in their selection of values.

Advantages

- Allows universities to act on their values and greater purpose.
- Maintains the educational nature of the relationship between a university and its students.
- Prevents disruptions and protests that distract from a university's purpose.
- Prevents the spread of misinformation.

Disadvantages

- Might discourage student groups from inviting speakers.
- Penn state is too large and diverse to capture values and beliefs that describe the university population well.
- Administration and student values are different.
- Selection of values prone to bias.
- Goes against fundamental goal of diversity of thought.

Second Approach: *Speakers Must Follow Guideline of Off-Limits Topics*

Advantages

- Less polarizing debate means lower risk of violence and property damage.
- Minimal censorship based on ideology; most even-handed way to restrict sensitive topics.
- Promotes more productive, personal dialogue (like this deliberation); students could still discuss these issues; only honoraria events would be restricted.
- Student emotional wellbeing would be better protected against highly sensitive and provocative issues.
- More attention given to important issues neglected under current talking points.

Disadvantages

- This approach could still be used to target political opposition by shutting down selective topics or sub-topics within a debate.
- Could lead to a downward spiral of censoring any debate that is remotely contentious, or to restrict student speech.
- The most polarized issues are the ones that students most need to hear opposition arguments for, and this could simply cover over a festering social problem.
- Religious, ethnic, and other groups could be attacked if debates concerning their status are terminated.
- Truly reprehensible ideologies would be better able to thrive if nobody is allowed to talk about them.
- Restricting the free, nonviolent discussion of any issue by honoraria goes against the First Amendment, if not legally, then in spirit.

While mass protests that lead to disinvitations may prevent students from hearing anything from certain speakers, it may be beneficial to start learning about different viewpoints by hearing about issues that are not as controversial.

This second approach argues that any speaker is allowed to come to the campus and speak, but the issues which they can speak about are limited. To avoid massive protests, but still allow for dialogue, Penn State would reserve the right to decide which topics are too controversial to be spoken about. This approach is the best method to reduce tension without overtly pushing conformity. Furthermore, topical censorship would apply only to honoraria and would not infringe upon the rights of students to speak freely. Having one partisan speaker come to push their ideas about the most controversial of issues does not really allow for productive dialogue and often leads to nothing more than a petty shouting match, or sometimes even worse. This approach would make it more likely that expensive riots do not break out which puts students' safety at risk and sometimes cost hundreds of thousands of dollars. Under this approach, students would be more likely to engage in civic discussion over certain topics rather than simply spectating or protesting an event. Possible topics which could be allowed would include, but are not limited to: economic policies, certain domestic policy issues, environmental issues, foreign policy issues, and more.

However, Penn State would ban certain controversial topics. These banned topics could include, but are not limited to: abortion, immigration, the right to commit suicide in the case of terminal illness, capital punishment, gun control, etc. These are among the most controversial topics in America and people debating them rarely ever see eye-to-eye (25). By honoraria discussing other, less controversial topics, it would welcome productive dialogue and may even lead to finding common ground. This approach, however, can be accused of being a slippery slope because if topical censorship is deemed appropriate, it takes a serious step towards partisan censorship. Far stronger is the case that in an effort to reduce controversy, more and more issues would be restricted to the point where only the most watery and meaningless discussions are allowed. Topical censorship has almost all of the same pitfalls as partisan censorship. The pretense of fairness could make them even more of a threat. Namely, fully legitimate beliefs could be persecuted, while extremist positions expand their power in their natural element: the shadows.

Third Approach:

No Restraints on Speakers

This approach focuses on the idea that the only code for speech on campus is that of the First Amendment.

Meaning, university policies should be tailored towards fully protecting the First Amendment.

This implies that the administration has no control over the speakers students or student organizations decide to invite. In fact, the administration is not even required to prepare a platform for said speakers, granted restrictions towards reaching their audience are removed.

The First Amendment would prevent discrimination of any speech due to bias or viewpoints. The only type of speech that could be prohibited involve "intentionally and effectively" provoking a crowd to "immediately carry out violent and unlawful action" (ACLU).

The bar for this expression is incredibly high. It protects "hate speech", bigotry, and even ad hominem, provided it doesn't become harassment that infringes upon others' rights (FIRE). Preventing speech on the grounds that it is "likely to provoke a hostile response" isn't enough either (ACLU).

Accordingly, using non-verbal symbols is also fair under the First Amendment, whether they are the LGBTQ Flag or a swastika. However, this does not apply to symbols that directly threaten an individual, like a noose in front of someone's door, nor does it protect symbols that desecrate private property.

Keep in mind that although speakers have many liberties for the presentation of their messages, one-on-one confrontations that may provoke violent reactions are actually not protected. Universities still need to make sure that such direct conflict remains civil, and that individuals do not feel restrained from exercising their rights due to harassment or invasion of privacy.

Advantages

- Students are able to host events with speakers who share their values and can meet with like-minded students.
- Equal opportunity for all sides of any issue to endorse or defend themselves.
- Teaches students how to confront and counter offensive speech.
- Opinions can be given on any topic unfiltered, allowing students free reign over a "market of ideas."

Disadvantages

- Some students may feel uncomfortable with particular speakers, especially when it comes to political matters.
- Opinions wouldn't be balanced or controlled, meaning Universities hold no obligation for ensuring minority voices are heard by everyone.
- Extreme conflict between opinions could lead to divide in community or campus ideology
- No restrictions on "hate speech" or offensive language means ideologies can only be protected by those who argue for them.

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