

2 Flashpoints

The 2016 academic year began with a bang when the University of Chicago's dean of students, John Ellison, issued a letter to incoming undergraduate students about what they might expect on campus. In his letter, Dean Ellison wrote: "Our commitment to academic freedom means that we do not support so-called 'trigger warnings,' we do not cancel invited speakers because their topics might prove controversial and we do not condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own."¹ Dean Ellison's letter came against the backdrop of rising student activism around the country and the University of Chicago's strong, historic stance on freedom of expression.

Dean Ellison's opening-of-school letter reignited the raging debate on campuses, in the mainstream media, and online over free expression and student activism. Those who have railed against political correctness and a restricted campus environment for speech cheered the clarity of the University of Chicago dean's statement.² Other observers pointed out that Ellison's letter belittled the student concerns that had given rise to their protests over the past few academic years. Some noted that the dean's letter seemed aimed more at the university's donors than

at its incoming students.³ Still others thought that Dean Ellison's clarion call missed the mark in dismissing legitimate campus practices that support increasingly diverse populations.

The letter was certainly effective at one thing: people read it, not just on campus but all over the world. Most of these letters are dreadful to write and even worse to read. In 2016, the customarily boring opening-of-school letters and speeches to incoming students became important, much-watched statements of perspective from academic administrators. The controversy surrounding the Chicago letter brought to a head many of the debates that had been raging on campuses for years. It served as a powerful prompt for every school and university to work through issues related to campus climate and other important public concerns on the minds of the students.⁴

College presidents and administrators face a wide array of challenges in any given year. The job of keeping a school afloat is hard enough: hiring and retaining a great faculty, recruiting and educating a diverse student body, connecting with alumni and fundraising from them, maintaining a physical campus and its virtual counterparts, and so forth. Add in the task of responding to student activism and the job, on certain days anyway, can feel overwhelming. The same is true for deans, principals, and heads of schools. No administrator can keep every constituency happy all the time; public statements that say anything of substance are certain to displease someone, especially on the hot-button issues at the heart of student activism. Students are the reason for schools and colleges to exist; at the same time, through their activism they certainly confront administrators with hard problems.

The academic years from 2014 to 2017 have been dramatic from the perspective of campus activism. This uptick in student

activism is not unprecedented in U.S. history; however, one of the fascinating subtexts is the extent to which many current academic administrators were themselves involved in campus activism in the 1960s and 1970s. Those who protested against Vietnam, racial injustice, and a myriad of other problems a generation ago are now working in the very same campus administrative offices they once occupied in a very different posture: as protesters.

The range of student concerns voiced in the past few years has been broad. Popular causes have included divestment from the assets of businesses that particularly affect climate change; policies and practices related to rape culture and sexual assault; the pernicious effects of high-stakes academic testing; the rising cost of higher education; and so forth.⁵ The types and duration of activities on campuses have varied, but anyone working in academia during this period would report that student activism has played an important role in the life of our educational institutions.

By far the most prominent set of drivers of campus activism has centered on racial inequities and social justice more broadly. This strain of activism has been intense, sustained, and connected across campuses and beyond. The concerns raised by students have focused both on conditions in schools and in the world at large. Extrajudicial killings of black males by police have served as the proximate cause of many demonstrations. The underlying issue has been the systemic racism extending from the communities where the killings occurred to the campuses themselves. The issues raised by students have united the communities across the United States in which they grew up and the campuses they now call their (academic) homes. The concerns they have raised speak directly to the experiences of

young people of color, as well as adults of color, on campuses that have historically been predominantly white. Student activism has also exposed other forms of difference based on gender, sexuality, faith, economic class, disability, and so forth.

Race-centered student activism has led to many significant changes in higher education. In the fall of 2015, the president and chancellor of the University of Missouri resigned from their posts in the wake of demonstrations caused by their handling of racially charged events on campus.⁶ Yale, Brown, and other universities have committed tens of millions of dollars in new funds to address diversity issues on campus.⁷ Many other campuses have pressed forward with equity and inclusion initiatives that previously languished. Students have not achieved all the goals they have set forth in their demands, but their activism has led to significant changes at many institutions.

The students have a point. Institutions are right to listen and to take these concerns seriously. There are, as ever, excesses. Sometimes students overplay their hand; in other cases, students treat shabbily adults who are thoughtful, supportive, and engaged in their work—including scholars who have spent their entire careers working for social justice. Institutions cannot and should not accede to all of their demands. But the fact that students make frivolous demands does not mean that all of their demands lack merit. Those of us who work on these campuses will be well served to think hard about what these young people are saying. They are demanding our attention and we ought to respond in kind with seriousness of purpose. The activism itself, while challenging, ultimately serves a learning purpose. The substance of the student claims deserves a meaningful response, even when the answer is no, as it must be in certain cases.

The campus activism has drawn attention to how unprepared many of us are to talk openly and seriously about race and other social issues, and to reach out to one another across our differences. The empathy that we extend to students ought to also extend to the adults. Many of them—including teachers and administrators living and working on campuses—have not developed the skills and the language of diversity, equity, and inclusion. This language is not mere pablum—it carries a deep meaning to the many students steeped in it and it is essential for educators to grapple with it, too. For those educators (I am among them) who have grown up white, heterosexual, in the middle or upper-middle class (and with any number of other traditional advantages), it can be hard to understand the experiences of those who have grown up with fewer such advantages. Many of the most prominent educational institutions have been dominated by white leaders and students for their entire histories. A big part of this campus activism has been a wake-up call to expand our language and skills in empathy and inclusion, both at the institutional and personal level.

This activism has also given rise to heated conversations about the way our campuses should operate. At many schools and universities, students, faculty, administrators, and alumni have argued about the fundamental values of our educational institutions. Too often, those arguments have involved pitting greater degrees of equity and inclusion against a robust environment for free expression. These debates have often centered on specific flashpoints: safe spaces, trigger warnings, microaggressions, calls to disinvite speakers on campus, and proposals to change symbols or naming decisions on campuses (see figure 2.1).⁸ To take each of these topics seriously, and to attend to them as practices

Rules and norms governing the learning environment	Names and symbols that convey institutional values	Types of support and training for community members	Determination of who is included, who has power and voice
<p>Examples:</p> <ul style="list-style-type: none"> • Speech codes (e.g., 1980s, 1990s, today) • Hazing, harassment, and bullying (statutes, policies, and procedures) • Norms and rules with respect to microaggressions • Norms and rules with respect to trigger warnings 	<p>Examples:</p> <ul style="list-style-type: none"> • School names (e.g., Woodrow Wilson at Princeton) • Building names (e.g., Calhoun College at Yale) • Statues (e.g., Cecil Rhodes at Oriel College, Oxford) • Shields (e.g., Royall Family Crest at Harvard Law School) 	<p>Examples:</p> <ul style="list-style-type: none"> • Programming (for adults, for students; voluntary, mandatory) • Training (for adults, for students; voluntary, mandatory) • Dedicated spaces for marginalized groups (e.g., safe space for LGBTQ community at University of Chicago) 	<p>Examples:</p> <ul style="list-style-type: none"> • Recruiting procedures • Admissions process (including affirmative action policies) • Hiring and promotion procedures • Administrative hires • Retention practices • Invitations to speak on campus (on ordinary days, at commencement)

Figure 2.1

Typology of debates over freedom of expression and diversity in academic settings

in a campus environment, does not mean turning one’s back on a commitment to a strong form of free expression.

The concept of safe spaces on campuses often comes up first. Some believe safe spaces to be essential elements of campus life; others believe them to be a sign of “coddling” our twenty-first-century students.⁹ Just as our student bodies and faculties are increasingly diverse, so too should be our campuses. As educators, we should provide students with *safe* spaces and *brave* spaces in which to live and learn. Both are important to human development and flourishing, especially during students’ high school and university experiences.

Most campuses do, in fact, provide a combination of safe spaces and brave spaces for students. Most people benefit from some sort of safe space in their life. That might be as simple as the kitchen or “hearth” at home to which we retreat after a busy

day, surrounded by family or friends. This safe space is an environment in which one can “be oneself” in a manner different from the public-facing persona one assumes during the rest of the day.

Campuses should ensure that students have this sort of safe space in their lives. At residential schools, that safe space might be a dorm room or a dorm common space. It might be an affinity group for students of a particular background, race, gender, ethnicity, sexuality, or faith. Students of Jewish background might congregate at a university’s local Hillel, for instance.¹⁰ It might be the locker room of a sports team that a student plays on or the café adjacent to the theater or music building. The specific nature of these spaces matters less than their purpose: these are environments that allow for students to express themselves in a manner that feels materially different—safer—than in the classroom or in the town square. These spaces are often run by adults or peers who are well trained in facilitation and support for students in certain marginalized groups. Students need these environments to decompress and to explore ideas without fear or a sensation of risk.

One of the ironies of the opening letter from the University of Chicago’s dean is that Chicago itself offers environments that they call “safe spaces,” in fact explicitly. To make matters more complex, the dean who wrote the letter decrying safe spaces is himself listed on a public university website as a member of the “Safe Space Ally Network” for LGBTQ students.¹¹ For all the apparent clarity and bluster of his letter, the dean appeared to be a supporter of safe spaces—appropriately—in certain circumstances. (In subsequent statements, the University of Chicago has told representatives of FIRE, the Foundation for Individual Rights in Education, that despite the language of the letter, the

university has not issued an outright ban on space spaces and the use of trigger warnings.)¹²

Campuses must also create brave spaces for students, in addition to these safe spaces. The classroom is an obvious example; so, too, might be an amphitheater or a public quadrangle. Ideally, these brave spaces are environments where students are encouraged to engage in serious, respectful, and empathetic discourse as part of their education. Campuses at large need to remain places where students learn to confront the uncomfortable and the unfamiliar and respond in ways that enable them to grow.

This distinction between safe and brave spaces has the added benefit of revealing the way the First Amendment works. An essential step in determining whether a speech act is protected is to evaluate the forum in which the speech occurred. The type of forum helps to guide the level of restriction of speech that a court will deem permissible. For instance, a traditional public forum—such as a public park, or “Speaker’s Corner” in London’s Hyde Park—is customarily afforded the highest level of speech protection. Campuses often have designated public forums as places set aside for public interaction. Nonpublic forums, such as a room in a dormitory or in an administrative building, might be subject to greater degrees of restriction, consistent with the purpose set forth for that location.

This distinction between the rules appropriate for certain forums and contexts plays out every day. Consider a heckler who stands in a public park near a street corner, waiting for a candidate for a public office to walk by. When the candidate passes in front of him, the heckler shouts a series of epithets at her or him. The police would be hard-pressed to arrest the heckler, unless his speech were truly extreme—provoking imminent harm to the

candidate, for instance. If that same heckler were to stand up in the middle of a televised debate between the candidate and a rival and say the same things, the heckler could be removed by security guards for disturbing the proceedings. Various factors come into play in this example: the police and security guards represent different bodies and invoke different kinds of force. The police are agents of the public, while the security guards are privately hired. At its essence, this example demonstrates that the forum and context matter a great deal in the extent to which a speech might be regulated.

An incident reported on the campus of DePaul University, not far from the University of Chicago, put the topic of safe spaces in yet another light. According to news reports, a hotly debated speaking event drew a mix of DePaul students and outsiders to the campus. Some of the people attending the event popped their head into a campus multicultural center to taunt those inside: “Is this your safe space?”¹³ The cruelty of this reported act sets in context the debate over safe spaces: Is it really too much for campuses to provide gathering spaces where young people can learn without being mocked for their identity, if they desire to congregate with others from a similar background for part of a day?

To support safe spaces is in no way to turn one’s back on brave spaces in academic communities. Many college presidents and deans issued opening statements in the fall of 2016, calling on students to engage in uncomfortable conversations and to face hard ideas and topics. We must aim to get our students to stretch, just as great schools have always done, and we should also support them wholeheartedly. The only thing that has changed with time is that we now realize that we ought to be more broad-minded about the nature of the support we

provide and the range of safe—and brave—spaces we make available to students on our campuses, especially as they grow more diverse.

A second flashpoint: trigger warnings. Imagine a course in the literature department in which students are about to read a novel. The book contains an especially graphic and potentially upsetting scene of rape. The teacher who is about to teach the course is aware that sexual assault on campus has continued to be an area of concern, after a quarter or more of the undergraduates have reported experiencing assault. Several student protests during the previous term have drawn attention to the notion that a “rape culture” pervades the community and must be addressed. Before the students begin the reading assignment, the teacher mentions that the book may have a “triggering” effect for those who have been affected by sexual assault, either directly or indirectly. On the same campus, when a violent film is about to be shown, an administrator might issue a similar warning at the outset of the event, informing students of the film’s potential triggering effect.

The concept of trigger warnings has prompted critics to say that our schools are “coddling” students and promoting self-censorship. Trigger warnings, the critique goes, represent a trend in which schools stay away from assigning challenging texts and thus “dumb down” their curricula. Faculty members refrain from assigning certain texts, the concern goes, for fear that they will lead to student protests or complaints.

The critics of trigger warnings have several points in their favor. Trigger warnings could be taken too far; it is easy to make them seem ridiculous. For a school or university to mandate trigger warnings before students are exposed to any text, speaker,

movie, play, or other public event would be a mistake. Such a rule would be extraordinarily hard to interpret and enforce. Since part of the job of schools and universities is to prepare students for the world outside academia, it would be a terrible mistake—and an extension of a nefarious trend in parenting—to create a false environment in which students never experience or endure discomfort of any kind. Trigger warnings, mandated and carried out to an extreme, would be counterproductive to some of the most essential goals of education.

That does not mean that trigger warnings are inherently bad. Trigger warnings, used sensibly in moderation by caring people, are simply good teaching. Put another way, borrowing the language of *The Economist*, trigger warnings are “good manners.”¹⁴ A school or university that supports its teachers and administrators in using trigger warnings where, in their judgment, they are advisable hardly involves censorship of the material that might be offensive to students. To the contrary, trigger warnings may make students better prepared to handle exactly the kinds of challenging ideas that critics are concerned are being banished from intellectual life on campus. Yes, a trigger warning might cause a student to opt out of a certain public event, for instance, but that student has always been free to skip a lecture and perhaps find another way to engage with the material in another context.

There might be at least three possible policies on trigger warnings. One policy might ban trigger warnings—the approach that the University of Chicago dean of students seemed to call for in his 2016 opening address. A second policy might mandate trigger warnings. A third policy might support teachers and administrators, as well as student organizers, in using trigger warnings when their judgment calls for it. From the perspective

of academic freedom, the first two policies (the ban or the mandate) are the least satisfactory. The right approach is the third policy, one wholly consistent with principles both of free expression and academic freedom. To the extent that one supports the autonomy of teachers in the classroom, one must permit trigger warnings by teachers, or whatever the teacher decides to call them.

A third flashpoint: microaggressions. One effect of the increased diversity in academic environments is that some people experience inequities more directly and consistently than others do. This problem is not exclusive to the academy; it is part and parcel of the world we live in. In the United States, it is more likely, overall, that an African-American customer in a high-end retail outlet will be followed around by a store employee than a white customer will. An African American is much more likely to be stopped for a traffic violation or put in jail for a drug offense. These differences are empirically proven over and over again.¹⁵

Student activism has focused in recent years on the experiences of those who feel—and often are—marginalized on campuses. Student leaders, with support and backing from adults, have pointed to many areas where schools and universities still have a long way to go to be equitable and inclusive. Many elite institutions, especially in the United States, are still predominantly white in terms of visible leadership, faculty, and student composition. The *Chronicle of Higher Education* has shown that 33 percent of first-year students at four-year institutions in the United States identified as people of color (Asian, black, and Latino/a, combined) as of 2014.¹⁶ That same survey showed that about 20 percent of faculty members self-identified in these

same categories.¹⁷ In 2013, the National Center for Educational Statistics showed that 16 percent of full-time college professors identified as people of color and 84 percent as white.¹⁸ This representation of people of color in higher education remains sharply lower overall than in U.S. society as a whole. While demographics and other factors are changing quickly in certain places, the fact remains: many students and adults of color feel less welcome and less central to life in their academic communities.

The experience of feeling marginalized is not exclusively linked to race and ethnicity. A whole slew of factors can lead to these experiences—differences in social and economic class, gender, sexuality, faith, types of ability, age, and political viewpoints can make students feel marginalized on campus. The experience of marginalization is context specific and often overlooked, but it is very real in any community that is meaningfully diverse.

This experience of inequity is tied to the fact that at many schools and universities, at a macro-level, students from underrepresented minorities, despite similar aptitude, can find it harder to attain grades as high as the grades achieved by students in other demographic groups. As legal scholar Lani Guinier has shown, even when these students come in with roughly equivalent test scores and previous grades, they often do less well academically than their counterparts from other groups. Guinier's work prompts us to ask the important question of why this particular form of inequity should persist in our elite educational institutions.¹⁹

The dynamic of intersectionality leads to some of these inequities. Intersectionality is the notion that forms of difference can be compounded for people in a community—that they intersect in ways that increase the effects of prejudice felt by the adult or student. The students and adults who experience the highest

degree of marginalization in an academic community are often those whose backgrounds have placed them in the community's minority in more than one respect. In other words, the experience of a heterosexual, Asian male might be quite different from the experience of a bisexual, Asian woman, and so forth. This intersectionality creates a kaleidoscopically complex picture in terms of the range and confluence of possible experiences on campus.

Against this complex backdrop, the discussion of microaggressions comes into relief. In the course of daily life on campus, some people experience more slights—both intended and unintended—than other people do, and for a range of reasons. Over the past forty years or so, several academics have developed theories trying to explain microaggressions: Harvard's Chester M. Pierce, MIT's Mary Rowe (who also used the term *microinequities*), and Columbia's Derald Wing Sue.²⁰ Other scholars, including Stanford's Claude Steele, have linked the notion of microaggressions to the notion of stereotype threats.²¹

Let's stipulate for a moment that the issue of microaggressions is real. (Not everyone agrees; some will surely read these words with dismay or trepidation.)

The first frame of reference is to acknowledge that there is a difference between intent and impact. One of the critiques of the term *microaggression* is that it implies that the person uttering the slight or carrying out the insensitive action is intending to be "aggressive." The intent/impact distinction helps resolve this tension. It is entirely possible, and in fact often true, that a speaker means one thing and the listener hears something quite different. That divide may be the result of power dynamics, cultural differences, an absence of additional cues (especially in the context of digital media), or other factors. This distinction

neither undercuts the fact that the person speaking may have no intention of causing harm, nor does it dismiss the experience of the listener of feeling slighted.

A second frame of reference is a culture that encourages addressing the existence of microaggressions without fear of reprisal. Microaggressions make many people worry as—regardless of race or background—we are all liable to carry out microaggressions by accident. No one could possibly predict all the ways one's words or actions might slight another person. The concept of implicit bias means that everyone holds biases that we do not fully understand ourselves. Every culture and community has its own distinct history. This means that we all might end up acting insensitively to culturally different others. As our communities grow more diverse, the probability of microaggressions grows as well.

In setting policies, schools and universities must draw their own lines between issues that can be handled informally—through a one-on-one or mediated conversation—and matters that have to be treated more formally. A common strategy is to establish a mechanism for bringing up a case of microaggression to an adult trained professionally to resolve issues of equity and inclusion. That adult can help to calibrate the appropriate level of concern and help the person affected seek proportionate redress within the campus community. The most harmful cases are commonly referred to administrators or faculty who assess hazing, harassment, and bullying, often under the mandate of a state law.

It would be a mistake for every microaggression to lead to a sanction or to a formal institutional response of any kind. To do so would slow the gears of a community to a near-halt, given how frequently microaggressions occur. To do so would also

establish a culture in which students would be hard-pressed to learn how to cope with the inevitable slights that await us all outside the doors of the academy. In addition, aggressive institutional responses to microaggressions could lead to the chilling of speech. It is possible to accept that microaggressions matter, without committing to turning each one into a disciplinary case. It is reasonable, too, to acknowledge that microaggressions occur disproportionately to some members of our communities; that because of intersectionality some people may experience a compounded effect of microaggressions; and that campus leaders have an obligation to take them seriously when they get in the way of the business of teaching and learning. Ideally, the way schools handle microaggressions would give rise to new opportunities for teaching and learning the important skill of cultural and intercultural competency.

A fourth flashpoint: disinviting speakers. In the past several years, the list of speakers disinvited from giving speeches on campuses has grown long. The invitation to Condoleezza Rice, for instance, to speak at Rutgers University led to a petition to disinvite her for her role in the decision making that led up to the second Iraq War. An invitation to Christine Lagarde, the first woman to run the International Monetary Fund, to speak at Smith College led to a petition to disinvite her because, the critics said, the IMF stood for capitalist values antithetical to those of the college community.²²

Those who oppose campus speakers, of course, have a right to express their contrary opinions. Administrators and trustees need to devote real care to inviting speakers who will meaningfully add to campus discourse. And choosing commencement speakers deserves special care, given that the ceremony has great

significance for graduates and that “avoiding” the speech is more difficult than avoiding a voluntary lecture or program offered in the middle of a term. Moreover, the venue for a speech, the way the institution introduces the speaker, and the age of the students enrolled all make a big difference.

Insisting on disinviting speakers because of their political views, particularly at major universities, runs counter to the basic principles of academic freedom and rigorous intellectual discourse. These “disinvitation” calls undercut the legitimate concerns about the importance of viewpoint diversity and of efforts to make our campuses truly inclusive, equitable, and ethical. There are better ways to counter speech that might be antithetical to the viewpoints of students on campus without violating the principle of academic freedom. Hold signs outside the event. Hold a press conference about how outrageous the speaker’s position is. Host a competing event, or two or three. Write op-eds. Advocate zealously. Campus activists—who so often have an important point to make about how we run our academic institutions—lose credibility when they call for banning controversial guest speakers, especially those whose words can be easily avoided.

A fifth flashpoint: the renaming of prominent campus spaces and symbols. Rather than obscure with hyperbole what is really going on in these campus disputes, we should focus on how to teach, challenge, and engage our students in a robust debate, while respecting that students have a point about the climate on our campuses and the history of our institutions. The climate on campus can and does feel different to students, depending on where they come from and how they are treated in our communities. Conflicts are highly likely, perhaps inevitable, on our

campuses, especially as we (rightly) strive to make them more diverse along many dimensions.

As an example of a positive way to honor these twin principles while engaging students and adults in debate, consider the way that Harvard Law School Dean Martha Minow addressed concerns about the school's shield in 2016. In 1936, the Harvard Corporation adopted for the law school a shield based on the family crest of an eighteenth-century slaveholder, Isaac Royall, who had given funds to support the first chair in law at Harvard.²³ Dean Minow asked a veteran law professor, Bruce Mann, to lead a group of faculty and students to consider whether the shield continued to make sense as the school's symbol at this moment in history. The committee conferred with more than 1,000 people. After public forums and thoughtful consideration, Dean Minow and the Harvard Corporation in 2016 accepted the committee's recommendation in support of a change in the image on the shield.²⁴ The Harvard Corporation may or may not decide on a new shield in the coming years as Harvard Law School prepares to celebrate its 200th anniversary year. Online exhibits and materials about the school's history have been mounted to promote continued discourse. At least one professor on the committee, the historian and law professor Annette Gordon-Reed, and one student, Annie Rittgers, disagreed in a public statement released along with the school's decision.²⁵ This serious and respectful exchange of ideas has led to a greater understanding of the school's history and its values—and will continue to do so over the next few years.

Harvard Law School has had plenty of company when it comes to calls to change a school's symbol or reconsider an old naming decision. Faced with similar questions, Yale University has adopted a thoughtful policy for how to consider historical

symbols on campus, such as the name of one of its residential colleges, which honors former U.S. Vice President John C. Calhoun, one of history's most outspoken supporters of slavery (initially retained, now planned to be changed).²⁶ Oxford University hosted formal and informal debates over whether the statue of Cecil Rhodes should be removed from the facade of Oriel College (it remains).²⁷ Princeton hosted a similar debate as to the legacy of Woodrow Wilson, his racist views, and the naming of its Woodrow Wilson School of Public and International Affairs (it, too, remains).²⁸

The topics of safe spaces, trigger warnings, microaggressions, and disinviting speakers are all worth thinking about carefully, but they are neither the main point nor the end point of the conversation about free speech and diversity on campus. These topics need not be set up as litmus tests for administrators for whether they are “for” diversity or “for” free expression, separating people into one camp or another. In every academic community, we must strike a delicate balance between competing perspectives and values. We must do so here, too.

The other reason to avoid quick solutions and to take a deep breath is that many descriptions of this particular tension are often far overblown.²⁹ The culture war about free expression and diversity has become a proxy fight for other issues. The headlines, even from mainstream news outlets, that today's college students comprise a “generation that hates speech” contradict the facts, which tell a different story.

Young people overwhelmingly continue to support the First Amendment. In fact, the evidence suggests that support for the First Amendment among them is going up, not down. Professor Ken Dautrich of the University of Connecticut designed a

survey of high school students in 2004 and, commissioned by the Knight Foundation, has fielded it a total of five times since then (Dautrich 2006, 2007, 2011, 2014, and 2016; also see Dautrich and Yalof 2006, 2007, as well as Dautrich, Yalof, and López 2008). In the 2016 survey of high school students, 91 percent of students said that people should be able to express unpopular opinions, up by 8 percent from a survey in 2004. While adults (76 percent) were twice as likely as students (37 percent) in 2006 to disagree that “the First Amendment goes too far in guaranteeing free expression rights,” student support has steadily increased to 56 percent (while adult views remain at similar levels to a decade ago). The bottom line: student support for the First Amendment across the past six surveys has been growing steadily. In nearly every indicator in Dautrich’s surveys, student support for free expression rights appears robust and is heading up, not down. One of the survey’s most compelling findings is that there is a correlation between students who express support for free expression and those who get their news on mobile devices and engage extensively in social media usage.³⁰

College students, likewise, continue to express support for free expression on campus and beyond. A 2016 survey of 3,000 college students in the United States, commissioned by the Knight Foundation and the Newseum Institute, showed that students are highly confident about the security of each of the five First Amendment rights, particularly freedom of the press (81 percent), freedom to petition the government (76 percent), and freedom of speech (73 percent). In each of these areas, college students had a stronger sense of the security of the First Amendment than a corresponding group of adult respondents. By a margin of 78 to 22 percent in that same survey, more students said colleges should expose students to all types of speech

rather than prohibit biased or offensive speech. Seventy-three percent of students believed that a school should not be able to restrict expression of potentially offensive political viewpoints. A full 90 percent of respondents said that freedom of the press is just as important to democracy as it was twenty years ago, if not more so.³¹ A smaller survey of 800 students on campus reached a similar finding in 2015: over 80 percent of college students said that freedom of speech should be either less limited on college campuses or there should be no difference compared to society at large.³²

These findings hardly suggest an entire “generation” that “hates speech.” The fact that a subset of student activists who, in their enthusiasm for a cause or when caught up in the emotion of a fraught interaction, call for new restrictions on speech does not represent the views of an entire generation—a generation of students learning about how society operates and forming their views about essential issues such as free expression. (Others take a dimmer view of student views on free expression: leading scholars Howard Gillman and Erwin Chemerinsky were “surprised by the often unanimous willingness” of students they were teaching “to support efforts to restrict and punish a wide range of expression.” I certainly support their conclusion: “Don’t mock or ignore students’ lack of support for free speech; teach them.”)³³

The problematic aspect of the 2016 survey data that gives rise to concerns by free speech advocates has to do with the way young people think hate speech should be handled, not with the general support for the First Amendment. Sixty-nine percent of college students said that schools should be able to restrict slurs and other intentionally harmful language. Fifty-four percent of respondents said that the climate on campus prevents them from

saying what they believe because others might find it offensive. The split among institutions on approaches to hate speech on campus—between those that regulate hate speech through campus speech codes and those that hew more closely to the First Amendment as the guide—mirrors the split among students.³⁴ These data point to something hopeful: there is much room for good teaching to be done on this topic.³⁵

With seriousness of purpose, a high degree of tolerance, and deep empathy as the mode of operation, it is possible to embrace diversity and free expression at the same time. Rather than fanning the flames of a heated national cultural war in public statements, academic administrators can build on the strong support for free expression and diversity to bring people together and to educate. When structured with care, these processes can inform and teach as they resolve conflicts on campus—turning flash-points into periods of introspection and learning.

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Safe Spaces, Brave Spaces

Diversity and Free Expression in Education

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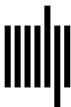
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