

## 7 Why the Diversity and Free Expression Debate Matters

In the fall of 2016, while doing research for this book about free expression and diversity, I took a short break from my steady diet of serious nonfiction. As engaged as I was with the topic at hand, I welcomed the prospect of escape that fiction offers from all else that consumes us. Reviews of British author Ian McEwan's new book, *Nutshell*, tempted me to drop everything and read it as soon as I could get a copy.

It turned out that I wasn't escaping the topic after all. Near the end of the novel, McEwan pulled me back into the reality of the moment and the political disputes on our campuses. The story in *Nutshell*—roughly, a “whodunit”—is narrated by an about-to-be-born child. I won't say any more that might spoil the plot other than to quote a passage, told from the child's perspective, looking ahead to his education:

A strange mood has seized the almost-educated young. They're on the march, angry at times, but mostly needful, longing for authority's blessing, its validation of their chosen *identities*. The decline of the West in new guise perhaps. Or the exaltation and liberation of the self. A social-media site famously proposes seventy-one gender options—netrois, two-spirit, bigender ... any colour you like, Mr. Ford. Biology is not destiny after all, and there's cause for celebration. ... If my identity is that of a

believer, I'm easily wounded, my flesh torn to bleeding by any questioning of my faith. Offended, I enter a state of grace. Should inconvenient opinions hover near me like fallen angels or evil djinn (a mile being too near), I'll be in need of the special campus safe room equipped with Play-Doh and looped footage of gambolling puppies. Ah, the intellectual life! I may need advance warning if upsetting books or ideas threaten my very being by coming too close, breathing on my face, my brain, like unwholesome dogs.<sup>1</sup>

As a satirist of today's students, McEwan has a lot of company. Newspaper columnists, think tank analysts, television pundits—they all have taken shots at the easy mark of college students and administrators as we adjust to a changing educational landscape. The satirists abound in part because, too often, they have plenty to take aim at. Student activists can certainly avoid making themselves such an easy mark; it is true that the overreach is a common feature of campus debates led by earnest, enthusiastic undergraduates. As academic administrators know from experience, too often student activists undermine their own good causes when they take aim at people who are in fact their allies in the larger scheme of things or seek redress on issues that are well beside the point.

Snarky critiques of student activists distract from the underlying issues that are in fact fundamental, issues that run to the deep-seated racial and class tensions in the United States and much of Western Europe today. As communities become more diverse than ever before—in cities and on campuses alike—we will need, repeatedly, to work out the tension between diversity, equity, and inclusion on the one hand and free expression on the other. The increasing interconnection between online and offline conversations means that these debates will continue to grow in their reach and importance. The outcome of what appear to some to be frivolous debates is in fact consequential.

Communities will be strongest if we can find a sound resolution—neither in the form of a facile synthesis nor a one-sided rout, but rather in the form of a sustainable pathway forward. The health of our educational institutions and our democracies depends on it.

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Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.

—President Franklin Delano Roosevelt<sup>2</sup>

Free expression is part and parcel of the way students gain the laudable educational benefits of diversity in a campus community; diversity is part and parcel of how students gain the benefits of an open, challenging educational environment. It is through this connection, and through the citizens we teach in our schools, that education can lead to a stronger democracy.

The tolerance theory of free expression, proposed by legal scholar and university president Lee Bollinger and examined at several points in this book, makes plain this connection. A primary rationale for free expression derives from its propensity to increase tolerance in individuals and communities. The tolerance theory holds that the act of forgiving those who express hurtful views develops empathy and strength in those who forgive. And young people benefit from being able to express their views freely—up to a point—regardless of whether they perceive adults to be expounding a “right answer.”

The educational imperative to focus on a positive learning environment should guide the way a school or university handles the most difficult speech-related cases that are sure to arise. There are, of course, limits to the speech that can be

permitted—even under the tolerance theory and even for those state universities and others that follow the First Amendment as their guide. Other communities may choose to draw the lines around impermissible speech more sharply. A grade school community, for instance, might establish tighter limits on expression than a high school, which in turn should have tighter limits than a university. As among private universities, there is bound to be a range of approaches, depending on the institutions' goals. The essential point that joins these varied approaches is that the values of free expression and tolerance for the views and backgrounds of others in education transcend the requirements of law.

A degree of pluralism in the educational approaches of schools and universities is a good thing. Rather than decrying this form of diversity, we would do better to embrace it. Schools make plain to prospective students their approach to education through the way they handle issues of free expression and diversity. While my personal preference as a student happens to have been to study in a large university setting that takes the First Amendment as a guide and that also emphasizes a strong equity and inclusion program, others may choose to attend another type of college with a different emphasis. The University of Chicago has staked out its position very clearly; others do so through their communications and their policies. This diversity in approaches within higher education, and in private schools at all levels of learning, is a strength of our system of academic freedom.

Students from all political stripes can benefit from learning in a campus environment in which their teachers and invited guests are free to express a broad range of viewpoints. Many schools and universities, so capable in teaching the liberal arts

in all their breadth, are not doing so well in presenting a heterogeneity of political viewpoints on campus. While there are various reasons for the left-leaning tilt to many faculties and for the prevalence of far-right views on others, this absence of serious and diverse views on campuses can do our students a disservice. A range of viewpoints among the faculty and staff as well as among the students leads to a stronger academic environment, just as it does in a democracy at large. Without this heterogeneity, it is hard to argue that our campuses are in fact devoted to free inquiry.<sup>3</sup>

The absence of a heterogeneity of viewpoints on our campuses is both cause and symptom of the culture wars that have been dividing our academic and political communities. Campuses that in fact do limit the range of political discourse enable those who wish to politicize diversity to pit it against free expression. As forcefully as I believe that free expression and equity and inclusion are not only compatible but interconnected, it is also plain to me that campus environments can chill speech on both the left and the right—expression that is a long way from hate speech—in ways that are counterproductive. It would be a mistake to graduate a generation of students who feel that they cannot express political opinions in their schools and universities for fear of reprisals. We must resist any impulses that lead in this direction.

Those on both sides of the political spectrum stand to gain from a combination of diverse backgrounds, diverse views, and a robust right to free expression. The Free Speech Movement of the 1960s at Berkeley was led by the far left, ensuring that their voices would be heard in protest against the conservative mainstream of the day. Today, Colin Kaepernick, the star quarterback for the San Francisco 49ers, can refuse to stand for the National

Anthem or to salute the American flag precisely because the right to free expression allows him to do so.<sup>4</sup> As upset as they are by his message, those who challenge Kaepernick's right to express himself in this clear way are both failing to hear his message and failing to honor the flag that they profess to support so unflinchingly. Outsiders of all political stripes throughout U.S. history have relied on the right to free expression to ensure that they may be heard.

Those all along the political spectrum should also honor, in equal measure, a commitment to diverse, equitable, and inclusive communities. On campuses, all students stand to benefit from a diverse array of peers—especially when we turn our various forms of diversity into community and individual strengths. The Supreme Court, likewise, based its decisions with respect to affirmative action—in the *Fisher*, *Grutter*, and *Gratz* cases—on the educational benefits of diversity. These cases also highlight the distinction between establishing laudable goals and enacting the practices that help students realize these educational benefits.<sup>5</sup> Every academic community should strive for a positive campus climate for teaching and learning, one in which building and promoting tolerance is a key goal. Students, in turn, gain essential skills—skills that they will need just as much as the substantive knowledge gained in their courses—to cope with a rapidly changing world.

Finally, everyone involved in the debate about free expression and diversity would benefit from a greater degree of listening to and empathy for others with a different political viewpoint. For those who claim there has been a “decline” in free expression rights, there is merit in stopping and listening more closely to the underlying concerns raised by campus activists, studying the data collected about youth attitudes to free expression,

and seeking to help address them rather than satirizing them. For my own part, I have heard from campus activists that we have a long way to go in terms of creating truly equitable and inclusive learning environments, even in schools that have relatively strong track records on diversity in admissions. On the flip side, campus activists who wish to quell the views of others with whom they disagree would do well to listen more and to recall that the same speech restrictions used to stifle views of opponents today could be flipped easily in the future. The cost of chilling speech on campus, whether by the left or the right, is a real danger to the proper functioning of a school, university, or state. Genuine, shared values of tolerance, respect, and empathy in a community can ensure that free expression and diversity both thrive on campuses and in the world at large.

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These campus debates are consequential on several levels. Although the context in schools is different than the context of our public squares, academic communities are microcosms of the societies in which they are embedded. Getting it right in the intentional community of a campus can be instructive in getting it right in the growing “cosmopolis,” as Timothy Garton Ash calls it.<sup>6</sup> Our campuses are the places where many of our young people come of age and learn to act as citizens in their own right—an essential part of their education. The lessons we learn together on our campuses can help point the way toward living civilly and harmoniously in diverse communities. These debates are not, as the satirists might have us all think, frivolous academic squabbling; they are serious political disputes with long-term consequences.

Our students graduate into a world in the midst of unprecedented, seismic changes. As they enter adulthood and the

workforce, they face a fast-changing workplace and culture, due to massive globalization combined with unheard-of demographic shifts. As economies spread and technologies improve, and our appetite for growth markets continues unabated, the world is becoming more and more interconnected. At the same time, political disputes are frequently fractured and polarizing—in 2016 alone, witness Brexit in the United Kingdom, the national referendum in Colombia, and the divisive presidential election in the United States. Put one way, our students are growing up in a world in which, in the words of critic Jeff Chang, “the energies of anxious whites have been diverted from class uprising toward racial division” due to the efforts of a string of candidates “from Wallace and Nixon to Palin and Trump.”<sup>7</sup> Put another way, the racial and economic divides in our democracies are growing rather than shrinking, in frightening ways.

The potential for interconnection among people through technology is increasing just as these racial and economic divides are growing. At the advent of the Internet era, many hoped that the Internet would be a great boon for democracy, a space in which unfettered speech would lead to better decision making, greater transparency in government, and less corruption. While there have been gains in these areas in some respects, the use of the Internet and social media has instead often tended to have a less positive effect on democracies: increased divisiveness along political and other lines. The effect of hateful speech has grown when the conversation takes place online, reaching more people and often in harsher tones, egging individuals on to sharper and sharper positions. The vexing problem of the spread of “fake news” within and across online communities stems from similar dynamics. One of the main reasons why this tension between



free speech and diversity is so important to resolve today is the interconnection between digital and offline communities and what it means for the functioning of democracies.

The importance of social media in our shared public lives is growing with time. Many of the acute disputes on our campuses, one way or another, involve online media in concert with face-to-face interactions. Young people on campuses use popular applications, such as Yik Yak, on which anonymous and hateful messages spread quickly. Applications that often involve real names are popular too: from Snapchat to Facebook, Instagram to Tumblr to who-knows-what tomorrow. These online communications spill over into classrooms and public forums on campuses, sometimes chilling speech or adding to the tension around sensitive issues. Students who learn to act as responsibly—and to make their case as forcefully—online as they do in face-to-face environments will be poised to thrive in the communities they join when they graduate. It is our job as their educators to teach these lessons in supportive environments while they are in our care.

Perhaps the most immediate and seismic of these shifts is demographic. If current trends continue, the United States will become a “minority majority” country by 2044.<sup>8</sup> This phenomenon mirrors trends in many other liberal democracies, playing out globally as well as at the city, state, and regional levels. It is most easily seen in the demographic shifts in incredibly diverse cities such as Toronto, Berlin, and Miami. As the composition of our communities becomes more and more diverse, our schools and universities seek to admit qualified students of all backgrounds, regardless of their ability to pay, their race, or their religion. These changes make the coexistence of a strong commitment both to equity and liberty an urgent matter.

Why? We ought to find a way to balance these two goals in order to ensure that everyone invited into an educational community feels welcomed, that everyone belongs, and that everyone has an equal opportunity to thrive in the community. That is the clear message that student activists have brought to campus after campus in recent years. These activists have demanded that both adults and young people of all sorts on campuses do better at this work of equity and inclusion, and they are right. Diversity itself is just about numbers; it is not a goal in itself. Equity and inclusion are the goals with meaning. Social science research shows that students who do not have a sense of belonging in a school community tend to perform less well. The same seems to be true about “performance” in the economy at large: those who feel engaged in a community and welcomed are more likely to contribute to the well-being of the whole. That is a major reason the United States feels so divided after the election of 2016 and why the United Kingdom feels so divided after the Brexit vote earlier that year. The absence of inclusion affects most underrepresented people of color and it affects poor, middle-aged whites in rural areas; these absences can become yawning divisions on campuses and in democracies alike. The process of becoming a diverse community and then achieving equity and inclusion for all is long and arduous. It requires hard work over an extended period of time by everyone in the community, not just those who perceive themselves to be at the margins for one reason or another.

We should honor the experience of every student because the act of doing so is itself a skill—a form of excellence—that every student should have by the time they graduate from school or university. This skill should be seen as part of a liberal arts education in the twenty-first century. Today’s students need to learn

how to live in a society where difference is the norm, not the exception. This skill—to be able to work and live across multiple lines of difference, to make it a blessing and not a curse, to find ways that it strengthens democracies, not undercuts them—is one that will serve students for the rest of their life. Parents and students alike should seek out those diverse communities that make this sort of learning and growth possible for our youth. It will serve individuals, economies, and political systems extremely well.

The rationale for free expression and the rationale for diversity are more alike than they are different. Freedom of speech, like diversity, provides legitimacy for the exercise of power. They both promote an informed, engaged public. They both help to establish the set of rules necessary for an equitable distribution of power in a democracy. These principles make democracy work more effectively and more equitably.

In the long run, no one stands to benefit from pitting these ideals against one another, as convenient as it may seem for political purposes in a heated moment, in the midst of a culture war. Too often, those who wish to silence protesters point to free speech as being threatened. Instead, we ought to acknowledge the reality in the vast majority of these examples: for campus activists, these acts represent free speech being *used*, not resisted.<sup>9</sup> And campus activists ought to ensure that their speech is not crowding out the legitimate political speech of others.

An essential part of the work of education is to prepare young people for lives of active citizenship. The role of an engaged citizen in a highly diverse, interconnected culture is different today than it once was. As educators and as students, we need to work at growing our empathy and compassion for one another. We should work toward preserving and honoring our cultural

differences, while avoiding a form of color blindness that pretends that no differences in experience exist across race, class, gender, faith, and other dimensions of identity. As we do so, we must preserve a strong form of intellectual freedom in which discourse and disagreement on important topics are not just tolerated but encouraged. With seriousness of purpose and respect for one another, there is no reason that free expression and diversity cannot and should not coexist on our campuses and in increasingly diverse communities at large—enriching the lives of all students and all citizens along the way.

In setting educational policies today, our focus must be on the long run. Those of us who set these policies ought to engage our communities in collective problem-solving when tension arises on campuses. We should set sensible ground rules that ensure that community members feel included and encouraged to participate broadly. If we are to save our planet, create new jobs, reduce world hunger, mitigate the effects of conflict and war, and improve healthcare for those in every society, our students will need to hone the skill of working across differences—solving hard problems while also being able to disagree. This skill is necessary to develop in our young people if democracy is to work at any scale, much less at a global scale. We need to prepare graduates who will thrive as citizens, producers, and leaders in a world of increasing diversity, complexity, and connectedness. We need to teach explicitly the way that free expression benefits all people in a society and how the First Amendment works in practice—often best learned through shared experience in solving problems together. The hard work of teaching and learning these types of skills needs to be happening on all of our campuses and to extend to the world beyond the campus walls.

Since well before the founding of the United States, liberty and equality have been in tension. The debate about free expression and diversity is today's manifestation of that long-running tension. Historically, we have done a better job at ensuring liberty for some than for others. Strong feelings about that inequity have given rise to many of the campus protests we have witnessed—or been a part of—in the last few years. As we look to the future, our goal ought to be to have liberty and equality, free expression and diversity, in more or less equal measure for all citizens. This goal is not easily achieved, especially given the passions involved. As educators, we hold the potential to bring about this bright future in our hands every day. We must not squander it.

