

Free Speech Isn't Dead on College Campuses, But It Might Be Ailing

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Last week, students at George Mason University demanded the swift termination of Associate Supreme Court Justice Brett Kavanaugh, who was engaged by the law school to teach a summer course for students in Runnymede, England, where the Magna Carta was first signed.

Runnymede is some 3,700 miles from Arlington, Virginia, and yet student-activists claimed that survivors of sexual assault on campus would no longer be safe.

“The hiring of Kavanaugh threatens the mental well-being of all survivors on this campus,” said one such student.

Such complaints—that allowing a certain person to speak on campus, or affiliate with the university at all, violates the safety of students—have become much more commonplace on American college campuses in the last few years. Elite institutions are often the most affected by this new wave of safety-based activist censorship: Harvard University recently agreed to investigate a tenured law professor, Ronald Sullivan, because his decision to represent accused sexual abuser Harvey Weinstein in the director’s legal disputes was deemed “trauma-inducing” by 50 student protesters. And students at Sarah Lawrence College have demanded the power to review a tenured professor, Samuel Abrams, whose New York Times op-ed offended them.

These and other high profile speaker shutdowns—the physical attacks on conservative authors Charles Murray and Heather MacDonalD at Middlebury College and Claremont McKenna College, respectively; the harrowing ordeal of Evergreen College’s Brett Weinstein, a liberal professor forced off campus by left-wing activists he had criticized for their militancy; the investigation of Northwestern University’s Laura Kipnis, another targeted op-ed writer; and so on—have prompted some observers of higher education culture to ask whether college is in the throes of a free speech crisis. President Trump even signed an executive order in March that would deny federal research funds to universities that violate free speech in order to combat this perceived scourge of censorship.

But is the crisis really that bad? I thoroughly researched this question for my forthcoming book, Panic Attack: Young Radicals in the Age of Trump—visiting campuses across the country, and speaking with all kinds of students. Here’s my answer: It’s a stretch to call it a full-blown crisis, but there is significant free speech problem.

First, the good news: While salacious incidents make the news and stick in our memories, the fact remains that most campuses are not Harvard or Middlebury. Tons of speakers come to campuses each year, give their remarks, and leave unmolested. Students everywhere are taking advantage of protections for free expression at public university campuses (as well as many private ones) and are engaging in intellectual diverse and academically stimulating

conversations. The number of outright shutdowns of free speech tallied by organizations like the Foundation for Individual Rights in Education, the foremost defender of free speech on campus, remains small.

There is some research that suggests the college experience makes students more tolerant of different views, not less: University attendance “is associated, on average, with gains in appreciating political viewpoints across the spectrum,” according to one recent study.

Now, the bad news: Other studies have produced less optimistic results. A 2017 survey conducted by the Cato Institute found that current students were more likely than Americans overall to think that disrespectful people should lose their free speech rights and that the government should do more to police hate speech. And a YouGov poll found that 58 percent of students wanted a campus free of “intolerant” ideas, however broadly defined.

Irrespective of the polling, most students are not inclined to take steps to censor a visiting speaker, or retaliate against a professor who offended them. But many campuses possess a small number of extremely far-left students who view speech that discomforts them as a threat to their mental well-being, and ultimately their physical safety. When these students take matters into their own hands, the rest of campus—other students, faculty, and administrators—often have no idea what to do. Many disagree with the mob, but do not wish to become their next target. Indeed, professors routinely tell me that they are afraid of provoking their most liberal students.

You may have noticed that many of the speech-threatening disinvitations, shutdowns, and investigations have something to do with sex-based grievances. (The first two examples I cited, Kavanaugh and Sullivan, concerned speakers that were deemed unacceptable by alleged survivors of sexual trauma.) That’s because Title IX, the federal statute that forbids sex-based discrimination in public education, has long been activist students’ secret weapon. Under the Obama administration, the federal government pursued an expansive definition of sexual misconduct and harassment, and encouraged universities to interpret prohibited conduct so broadly that silencing an enemy for Title IX-related reasons became trivially easy on many campuses. Education Secretary Betsy DeVos took steps to correct her predecessor’s mistakes, though problems remain.

Finally, many conservatives seem convinced that liberal professors are brainwashing their students to hate free speech. But it’s been my experience that the most hardcore anti-speech students are actually learning from each other—and often outside the classroom. Social media has made it easier for activists at Berkeley and Portland to spread speech-restricting ideas to their radical peers at other institutions.

It would be wrong to succumb to generational fatalism: As a whole, the “kids these days” probably aren’t significantly less enthusiastic about the First Amendment. But there’s more than enough reason to be concerned that an anti-speech minority is getting its way, and the majority isn’t sure what to do about it. For all those who want college campuses to remain places where controversial speech is welcome, something’s gotta give.