

# Review | Speak Freely: Why Universities must Defend Free Speech

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Keith E. Whittington, *Speak Freely: Why Universities must Defend Free Speech*  
232pp. (Princeton: Princeton University Press, 2018); £19.95 (US \$24.95)

*Abstract.* This book defends the idea that free speech is a constitutive ideal in a university – that a university somehow fails to be the kind of institution it's meant to be if it doesn't maintain an overriding commitment to free speech. In this review I present a fairly sympathetic summary of the book's arguments, but I then place a little bit of critical pressure on them. In particular, I challenge Whittington's suggestion that the political polarisation that's occurring on campuses, and the resultant challenges for the university's commitment to free speech, stem from a kind of left-wing intolerance of conservative ideas.

The university's job is to create and disseminate knowledge. Everyone agrees. Well, nearly everyone. Some corporate philistines think the pursuit of pure knowledge is pointless, and want universities to just focus on training tomorrow's worker. And there are a few radicals who say that universities are nothing more than gatekeepers to middle-class occupations, once all of their self-aggrandising rhetoric is stripped away. But these are marginal views. Most of us – people inside and outside the tertiary sector, progressives and conservatives alike – think of knowledge-production as the university's rightful *raison d'être*. The culture wars around universities are less about what their purposes are, and more about how those purposes ought to be pursued.

One of the nice things about *Speak Freely* – a fresh foray into the campus culture wars, by the Princeton political scientist Keith Whittington – is its clear-sighted emphasis on the university’s core epistemic purpose. The reason universities must defend free speech, on his view, is that their defining intellectual mission will be compromised if they don’t. In this he enthusiastically echoes John Stuart Mill’s famous claims in *On Liberty*. We advance knowledge “only by subjecting our most treasured beliefs to careful scrutiny” (p. 43). Scholars won’t achieve new insights if they’re pressured to align their beliefs with inherited dogmas. And they can’t effectively share the fruits of their inquiry using methods of indoctrination. So far as we care about the university’s constitutive epistemic purposes, then, we must allow its inhabitants to think for themselves and to speak their minds.

There is also a secondary argument: the man can’t be trusted. Even if we all agree that a certain speaker does nothing to advance knowledge, we should be loath to empower anyone else to silence them. Whittington defends this by recalling the battle around America’s Alien and Sedition Acts of 1798, which expanded the state’s ability to deport people, while also prohibiting anti-government commentary. These powers were soon used to imprison the ruling Federalist party’s opponents. But popular resentment over this resulted in a sweeping change of government, and the ascent of a more principled understanding of the First Amendment’s free speech and free press clauses. The redeeming lesson from the whole debacle was that “the power to limit speech would inevitably be abused”, and hence that “the only safety was to err on the side of liberty and let the people themselves hear all sides” (p. 36).

It isn’t unorthodox to view the university through this classical liberal lens. Indeed, Whittington is merely promising ‘reminders’ about the principles of a free society (p. xiii). What makes the book distinctive is the way that his reminders are pitched. He begins by saying that there is a “crisis of free speech on college campuses” (p. xi), and that we would have to be wilfully blind to deny this (p. 4). In sounding these notes – and in identifying as a political outsider, who harbours an ‘inner Texas populist’ – Whittington is signalling his affinities with the conservative-minded reader, who feels that something is rotten in the state of higher education. But he is doing this in order to be more effective in challenging that reader’s misconceptions. The pundits say that most professors are postmodern degenerates, railroading the young towards a reckless, nihilistic radicalism. Whittington bursts this bubble. “Most faculty seek to pursue the truth as best they can, in a spirit of open inquiry and disciplinary rigor”, he says, and “to introduce students to that enterprise of discovery” (p. 27). Arguments from nostalgia are likewise punctured. “There was no golden age”, Whittington says (p. 51). As long as there have been universities, there have been efforts to co-opt them for partisan ends. The aim in all of this is to replenish our optimism regarding the university’s ability to withstand the corrosive effects of hyper-polarisation, and to hold firm in its pursuit of knowledge. We are reminded that for more than a

century, despite a backdrop of near-constant political strife, “the aspiration toward robust free speech on campus has grown. Universities struggled to gain more autonomy from legislatures and trustees, and to a significant degree succeeded” (p. 52).

So where is the crisis, then? If Whittington thinks the university’s arc is bending the right way, why does he say free speech at universities is “under as great a threat today as it has been in quite some time” (p. 4)? We get a better sense of his anxieties by working through his critical diagnoses of the specific policy controversies at the centre of today’s campus culture wars. Consider trigger warnings. Whittington offers a few concessions on their behalf. Many subjects at university involve distressing material. Educationally inclusive institutions must figure out how to support the learning needs of students with mental health issues in engaging with this material. They should be “committed to helping those students manage the obstacles that they might face in navigating the demands of higher education” (p. 62). And trigger warnings could play a role in this, if they’re incorporated into established medical accommodation models for students. The problems arise when administrators pressure teachers to impose blanket trigger warnings for any potentially distressing material. If we’re obsessed with minimising the risk of harm, rather than weighing-up these risks against our fundamental educative aims, then the mission of the classroom will succumb to “a free-floating worry about the psyche of fragile students” (p. 62). And if administrators are charged with overseeing this trade-off, then the educational imperatives will often fall by the wayside.

Or consider the problem of campus hate speech. Again, Whittington makes some concessions. “Scholarly inquiry and the rigorous testing of ideas” are “unlikely to suffer” simply because racial slurs, harassment, and personal threats and invective are excluded from campus (p. 86). Indeed, on the educational side of things, we have a positive *responsibility* to restrict threats and harassment (p. 93). This is partly about protecting victimised students from having their education spoiled, but it’s also about instilling into all students a sense that proper inquiry proceeds via arguments and evidence, rather than sheer aggression. Again, though, problems arise when administrators, instead of researchers and educators, are left to design the policies that mediate these balancing acts. A number of anti-hate speech codes in American universities have been overturned – rightly, in Whittington’s view – because “administrators tended to adopt rules that gave them great discretion to punish... anything they found demeaning or offensive”, and which offered students “little guidance as to how to avoid charges being filed against them” (p. 89). If universities continue down this path, he says, then eventually they will be known “not by their willingness to boldly explore new ideas, but by their unwillingness to grapple with the very ideas that occupy the public sphere, and that can be found at the corner bookstore or on the cable news show” (p. 93).

There is a pattern here. The threats to free speech don't owe to the mere fact that we want to manage the types of communication that happen on campus. (Indeed, our aims in research and education *demand* that we try to manage this.) They owe to the fact that the policy instruments used to this end are designed by actors – often administrators – who betray no real commitment to the university's epistemic mission. This point comes to the fore again in Whittington's discussion of debates around speakers being 'disinvited' from university speaking engagements. It's a good thing for a student body to invite speakers to address issues that are of pressing concern to them. But this opportunity to advance debate and inquiry is squandered if it's given over to vacuous provocateurs, with nothing of substance to say (pp. 132-33). In a similar vein, it's a good thing to have engaging figures delivering commencement addresses. But when these slots are routinely assigned to celebrities, simply because they play well in marketing brochures, this is "an embarrassing failure of universities to sustain their core values" (p. 118). The real issue, again, is with these core values. For the marketing admin who's busily trying to keep the student-clientele satisfied, or for the upstart student leader, making a name for herself by booking a speaking gig for a big-name troll, the university's core epistemic values represent little more than a hollow corporate mission statement.

The threats to free speech, then, today, are largely about the challenges of governance. Higher education institutions are being shaped by people who aren't invested in the university's defining mission. But by the time Whittington is done surveying these problems, he has dialled-down the crisis-talk. "There are troubling currents swirling through college campuses", he says, "but campuses are not yet in crisis" (p. 177). They "do not need to be dismembered", but "they do need to give attention to their foundations" (p. 177). In these remarks he turns from pacifying the disgruntled everyman (and lambasting the short-sighted college administrator) in order to address his peers. "Members of the campus community have a choice to make", he says (p. 178). They must decide "whether they are committed to a joint project of learning" (p. 178), or whether their real mission is being "a force of progressive social and political change" (p. 176). Intriguingly, this suggests that today's free speech crisis is also, partly, a crisis of faith. Most academics lean progressive. In ever-more-polarised societies, the temptation is to think of one's institution as an uncompromising bastion of progressive sanity – one of the few places where conservative dogmas can be named as the falsehoods they are, and their advocates side-lined, rather than being given airtime in the name of a spurious notion of balance. Whittington advises us to resist such thinking. If we are keeping faith with the university's epistemic mission, the right response to hyper-polarisation is to be *more* concerned about making a place for conservatives in the community. "The representation of thoughtful conservative scholars and teachers on college campuses", he says, "is likely to encourage greater tolerance, engagement, and dialogue on campus and beyond" (p. 178).

The power of this appeal would be greater if Whittington could say more about how the university's privileging of epistemic ideals interacts with the hyper-polarisation of modern democracies. "When few conservative faculty members can be found on campus", he says, "students and others seeking to hear a conservative perspective on matters of public concern by necessity must look beyond campus" (p. 167). That's almost true by definition. But what should we make of this insight when it comes to areas of inquiry where mainstream conservative opinion is overtly *hostile* to the intellectual norms that define academic research? To take an obvious example: anti-scientific climate change denialism is an ingrained strand of conservative politics in many liberal democracies. It's no accident that students have to look outside the campus in order to find prominent people endorsing this 'conservative perspective on a matter of public concern'. The university's sidelining of this perspective has occurred precisely *because* it has cleaved to the intellectual ideals that Whittington espouses. In saying academics must decide whether they're committed to progressive social change versus "a joint project of learning", Whittington makes it sound as if the politicisation of academic disciplines is a result of scholars putting on "ideological blinders" which create "an academic culture that is inhospitable to dissenting ideas" (p. 177). For certain disciplines, that sort of explanation about why there is a widespread aversion to dissenting conservative viewpoints is, at best, glaringly incomplete.