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A Response to a Controversy

Students, professors, and lawmakers vehemently debate the question whether colleges and universities in the United States ought to preserve constitutionally protected speech. The right proclaims the First Amendment should be firmly upheld, whereas the left wants to prevent unjust harm or victimization. Although these are the most generic arguments from either side, there are several approaches to the topic, for speech comes in many forms. The controversy can be framed in both political and moral terms, and when presenting arguments, I will refer to those who support free speech as the "affirmative side" and those who support restrictions as the "negative". For example, the affirmative side presents a framework of self-realization, a fulfillment of one's purpose. By maximizing the freedom of expression, they claim an individual most easily reaches his or her desired goals in life, and that restricting this path is morally wrong (Redish, 593-594). The negative establishes a framework of institutional duties. In more clear terms, a student comes to college to receive an education governed by an administration. The institution is most just by delivering a curriculum that the student signed up to learn. Speech on campus, they say, should therefore be pragmatic and direct. My goal in this paper is to offer relevant context to the controversy, present other affirmative and negative arguments under their respective frameworks, compare how speech is valued in various university settings, and conclude with how Lafayette students should react.

Our society's democracy rewards us with an invaluable mechanism to reach our potential. The students at University of California Berkeley raised its importance during the Civil Rights Movement. Most students were indifferent to the social aspects of the Movement; however, when free speech became part of the platform, students saw an "outlet for the feelings of hostility and alienation" that they had for their university (Weinberg). Jack Weinberg, a then student activist and campus journalist at Berkeley, reported that through avid protests, students showed a college's responsibility goes beyond the education factory (Weinberg). Students felt disconnected from their learning goals and assignments; in practice, they felt cheated for their money. The school administration failed to recognize the students as human beings, who needed their voice to challenge it. This is a pivotal affirmative point because it directly answers the negative frame. At the point that a government or administration treats its constituents as revenue streams rather than rational entities, their institutional duty to educate has no moral purpose. By having free speech, students realize their own education and effectively take charge of their own future.

The affirmative warrant raises an interesting perspective on higher education. Is college education a rigid or dynamic structure? When a professor distributes the syllabus, is that document the same as a contract, or is it more of a guide? Interpreting it as a guide leaves more jurisdiction to the professor who represents the institution. A just professor will remain balanced and teach the curriculum with necessary supplements; however, a bright line must remain. For example, as the negative claims, religion in a physics class is out of place.

Another argument stands that when free speech is maximized, a figurative "Marketplace of Ideas", a place for free thought exchange, flourishes (Glaser, 265). The affirmative asserts this marketplace facilitates learning best because individuals' ideas compete for

legitimacy. Professors, students, and other faculty must defend their arguments, a life-skill censoring prohibits. Although the negative insists the marketplace leads to potential hate speech and victimization, the affirmative holds that all opinions are *legally* equal (Glaser, 270). Major advances in civil rights eventually become the dominate discourse and bigotry stagnates. However, obtaining this discourse is only possible by promoting it (Glaser, 270). The affirmative sees fostering free speech not merely an institutional responsibility, but a duty. The reasoning derives from a symbolic social-contract that a university has with its students. Under an educational contract, the guarantee of friendship and harmony is outside a university's scope, for "the unorthodox is revered to prevent an authoritarian administration's dictating on what should and not be said" (Yale). By voluntarily taking up membership in a university, individuals have an obligation to encourage free speech and avoid its obstruction.

Outside of hate speech, a major negative viewpoint focuses on the university's obligation to prepare students for the future. Speech must be limited to a curriculum because a university must educate for "citizenship, employment, knowledge, and improvement in the quality of life" (Shaker). Therefore, the university is accountable for a lot of ground in the negative frame, and in some cases, restricting speech promotes that "diligence, competence, and objectivity" (Leslie, 2). To achieve these burdens, the negative recognizes the university's right to manage curriculum. When students sign up for a physics class, they expect to learn physics. In such hard science classes, there is little room for religious beliefs like those a professor expressed at the University of Alabama (West). The dynamic versus rigid structure dilemma is revisited. The negative challenges the affirmative frame by asking how free speech can be before the university fails to fulfill their instructional contracts with their students.

The negative highlights the speech restrictions in certain university settings. The United States Military Academies are recognized public universities and have strict speech codes. The Naval Academy stresses, "The first and last words out of your mouth will nearly always be 'sir' or 'ma'am'. There is also one additional response – the correct answer. Learn to speak in the third person, never guess or say, 'I think', otherwise you may be a sea lawyer and pay for it in push-ups" (Naval Academy, 3). In an environment where future students are officers in our military, there must be discipline. Without discipline, a country fails in battle. This discipline demands the honor code; there is literally no room for impractical speech. The welfare and safety of all rests in a leader's integrity; it is the responsibility of these academies to instill integrity to their students. Any breach in military honor code – rather it be from an instructor or student – endangers lives (Carter). The negative distinguishes the fact that universities are not just a community, but a preparatory service, warranting speech codes.

The affirmative replies to this viewpoint by arguing military academies are five very special cases, and when the question is more generally approached, there are significant harms to our judiciary system when speech is restricted. An interesting example involves law schools. Rejecting constitutional speech rejects everything that a law school stands for (Glaser, 285). Their purpose is to develop lawyers who will represent citizens in court by instilling the crucial advocacy skills for their clients. Defense lawyers will have to represent the bigots and the criminals, for everyone has the right to representation. Lawyers ought to hear all voices so their critical thinking skills are sharp – there are no "proper opinions" in the courtroom (Glaser, 285). For example, Wisconsin law schools are extremely vulnerable to this disadvantage because graduating students are automatically admitted to the Wisconsin bar, meaning their law schools are an imperative preparatory environment (Glaser, 285).

The affirmative also answers the negative by suggesting free speech fosters individual growth and betters the university's service. Janet Napolitano, the current University of California president, asserts the function of a college is to produce resilient and creative thinkers; free speech is intrinsically linked to that value (Napolitano). Her words show the fifty-year continuity of values from the Civil Rights Era, praising American universities as the bulwark of free speech. If speech is lost at the university level, the affirmative believes a slippery slope to overreaching governmental policy is inevitable (Carpenter).

On the other hand, the negative contends that absolute free speech hinders the quality of education to disadvantaged groups. Speech is used for instruction, and at colleges for the deaf, this is highly problematic. Oralism, or the instruction by spoken word to the deaf, was first mandated at the Milan Conference of Death Educators in 1880 (Jowers-Barber). Since then, deaf educators mix which method of instruction to use – manualism (signing) or oralism (Snyder). The negative pleads that oralism makes deaf students feel inferior because of its natural difficulty, decreasing an individual's quality of life. Michel Foucault, a renowned philosopher, audaciously claimed that oralism "is the silent visuality and manualism of the deaf culture that are defined as the dangerous origin of de-subjectivation, the loss of self-government, and the affective 'animalization' of human beings" (Siisiäinen, 62). A reason for his view may derive from profound nationalism of the time, where countries silenced minority languages, stirring discrimination (Baynton, 48-51). The emotional language Foucault uses is comparable to the students' frustration at Berkeley during the 1960s. The negative thus pushes the argument that restricting speech is necessary under certain pedagogical circumstances. Students are more satisfied in their education when the learning environment is safe and including.

After discussing the various stakeholders and major viewpoints from the affirmative and negative, we should assess how the current political climate is reacting to this controversy. The transition of administrations creates a sharp divide among conservative and liberal students on college campuses. Just this month, harsh violence broke out at Berkeley over a pro-Trump demonstration on campus; and a month prior, conservative speaker Milo Yiannopoulos was disinvited to speak on campus due to his conservative rhetoric (King and Vives). A contrast to the 1960s, Berkeley students now appear to value political correctness and equality in speech, rather than a mechanism to challenge institutions. Perhaps modern students now frame speech as a social issue rather than a basic rights concern. They assume the right to speech will always exist, so they feel political correctness is more proper in the university. The affirmative still disagrees with this approach, for, as they claim, any constitutional restrictions are susceptible to the domino effect (Glaser, 271).

In response to that shift in framing speech rhetoric, universities establish safe-zones to censor conservative speech; however, schools like the University of Chicago find that those practices overstep the purpose of the university, which is to create a diverse, rigorous academic environment open to all ideas (Belkin). That is not to say that speech does not deserve supervision, for administrations are culpable for all campus activity. Often college administrations allow zealous demonstrators to speak freely because it is less demanding to regulate. Administrations need to realize that freedom of speech does not give a person a right to harass or belittle – not all speech is constitutionally protected (Napolitano). What is needed is a restoration of First Amendment values, a push for the same values students at Berkeley fought for before our time (Leef). We ought to push for not only speech that we love, but for speech that we may disagree, while always keeping integrity, character, and honesty true to heart.

Students at Lafayette College are directly impacted by this controversy. After the election, students felt divided on several political issues and observed posters in protest. President Alison Byerly distributed several emails concerning inclusion for all peoples, emphasizing a "safe-zone" ideology. Students on campus need to ask themselves how we can balance the modern dilemma of government concerning freedom and equality. There ought to be a clear balance – a balance history and courts have fought for. The affirmative needs to keep in mind the fine line between constitutionally protected speech and racism; however, the negative must recognize civil rights advancement has never gone backwards; the marketplace of ideas fosters rich, competitive debate, accepting only the most warranted arguments.

Lafayette students especially must be aware because we attend a private school, where free speech rights can be regulated. I recognize the rights the administration has when establishing their agenda; however, students should not lose sight of constitutional values. To incorporate free speech values at Lafayette, students should first read Steven Glaser's article published in the *Marquette Law Review*, criticizing speech codes. The article highlights the important values of free speech and relevant court cases that show how speech codes are unconstitutional if specific language is targeted. He uses his ethos as a law student to explain how he is affected by speech codes. Next, there should be a student discussion on why students feel they need these codes on campus. By directly addressing students' fears, we can more pragmatically reach solutions without broadly shunning conservative or insulting rhetoric. Last, Lafayette students should encourage all types of speakers to come to campus, including far left and right. We should not block speakers, such as Yiannopoulos or Ann Coulter like the current students at Berkeley now do, rather encourage a diverse political spectrum. Lafayette can be the next beacon for speech rights.

The controversy of free speech on college campuses will continue in debate. From the late 19th century to mid-20th, the controversy revolved around the efficiency of speech as an instructional method. The modern controversy focuses on freedom and equality. All stakeholders agree that the university is a service to prepare its students for the future. They disagree on the extent that speech is used as a gateway to success. Certain environments benefit from open ideas, such as law schools, and others are harmed, such as military academies. The affirmative believes open speech in a marketplace promotes the best learning environment, while the negative stands contrary, asserting that speech codes best fit a university's mission of education by inclusion and discipline. This topic is extremely relevant to current college students, who take words and speech rights to heart, as several incidents at Berkeley prove. The question is raised whether it is more pedagogical effective to let students find their own voice, or should the college regulate that path. Only by recognizing diverse views in a respectful manner can we transcend violence and rights infringement. The university's purpose is to prepare students for their lives. We will not agree with everything we hear, but hopefully we can remember the courteous values and rights many fought for through history.

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