

# CIVIL

IN THE FREE SPEECH BATTLES OF TODAY, IT'S NOT JUST STUDENTS



# WARS?

VERSUS THE ESTABLISHMENT, BUT PEER AGAINST PEER BY SARA IVRY



PHOTO BY KEY NGUYEN





**NEW FACES,  
NEW VOICES**

erational rift, no muscular national student movement taking on government policy and the “establishment.” Instead, campus activism more often mirrors the political sparring on cable television and the Internet, where peers provoke one another with sound bites and attempt to silence the opposition.

Amidst these episodes, university administrators have become more mediators than foes, as they negotiate how to balance the principles of free speech, to which they pay credence, with students’ safety and well-being. Administrators’ varying positions—whether to allow a game such as Find the Illegal Immigrant to go forward, as NYU did, or to shut it down, as both Michigan State and Penn State opted to in 2006—indicate how precarious and cloudy the issue of free speech has become. While some observers laud a new era of outspokenness, others worry student voices are being increasingly stifled.

“Free speech and academic freedom are in very serious trouble,” says lawyer Harvey A. Silverglate, co-author with Alan Charles Kors of the 1998 book *The Shadow University: The Betrayal of Liberty on America’s Campuses* (The Free Press). In 1999, the pair co-founded the Foundation for Individual Rights in Education (FIRE) in response to what they see as a suffocating climate of suppression. The watchdog group monitors incidents of what it deems

ensorship and rates schools on their free-speech records. Most fare poorly by the group’s standards. A 2006 FIRE report stated that of 334 schools surveyed, 229—including NYU, Columbia, Harvard, and Emory—received the worst possible rating, a red light. At the other end of the spectrum, only eight schools nationwide got a green light.

FIRE’s ratings reflected, in part, events where expression may have been curbed. However, the institutions were graded largely on the number of written policies that, cobbled together, form a speech code of sorts governing student conduct and harassment, and which most universities forged out of a desire to promote tolerance and respect, rather than repression, on campus. To Samantha Harris, FIRE’s director of legal and public advocacy, this is an insidious development that shields [REDACTED] [REDACTED] [REDACTED] young people from real world realities. “There is this genuine belief that has grown on campuses that students have a right to not be offended,” she says. “If your child graduated from high school and got a job or went to war or all the other things you can do at 18, they wouldn’t have these kinds of protections; they’d be out in the world where they’d be getting their feelings hurt regularly.”

The expanding presence of conduct and harassment policies is in part an outgrowth of a visible development on college campuses: diversity. In the past three decades, the share of minorities enrolled in college has doubled, from roughly 15 percent in the mid-1970s to 30 percent, according to the National Center for Education Statistics, [REDACTED]

[REDACTED] a division of the Department of Education. More specifically, the proportion of Hispanic students has jumped from 3.5 to 10.5 percent; African-American students from 9.5 to 12.5 percent; and Asian and Pacific Island students from 0.8 to 6.4 percent. At the same time, the number of students from foreign countries has almost doubled, from 2 percent of undergraduates nationwide to nearly 3.5.

“You don’t have to censor people when they all go to the same country club,” explains Stephen Duncombe, a professor at the Gallatin School of Individualized Study who’s written extensively on cultural resistance movements. “When you get people from different cultures, you have different ideas of what is appropriate to say. The tensions that go with free speech increase when you have a multicultural university, but that’s all the more reason you need it.”



**CAMPUS ACTIVISM MORE OFTEN MIRRORS THE POLITICAL SPARRING ON CABLE TELEVISION AND THE INTERNET, WHERE PEERS PROVOKE ONE ANOTHER WITH SOUND BITES AND ATTEMPT TO SILENCE THE OPPOSITION.**

2. MINUTEMAN PROJECT FOUNDER JIM GILCHRIST BEFORE THE NOW INFAMOUS COLUMBIA MELEE.





WHEN MINUTEMAN CIVIL DEFENSE CORPS FOUNDER CHRIS SIMCOX ROSE TO SPEAK AT AN NYU PANEL ON IMMIGRATION LAST SPRING, HE WAS SHOUTED DOWN AND HALF THE AUDIENCE TURNED THEIR BACKS. SIMCOX TOLD FOX NEWS IT WAS THE “MOST UNRULY” CAMPUS EVENT HE EVER EXPERIENCED.

What, though, has led some students to expect that they should not be offended or that they have the right to silence another’s freedom of expression? The answer lies in the 1960s, says Robert Cohen, a professor of social studies education at the Steinhardt School of Culture, Education, and Human Development and co-editor of *The Free Speech Movement: Reflections on Berkeley in the 1960s* (University of California Press). In that era of radicalism, students were seen as adolescents in need of guidance, unable perhaps to defend against ideas they found objectionable. To help protect them, then, universities restricted free speech.

“There was less free speech than there is today,” Cohen says. “Later the issue is once the students got empowered, what about people who didn’t agree with the left, and that’s where there was a lot of

tension. If somebody came to campus who was pro-war, they’d get booed.” Now, he adds, there is less discourse generally about political issues on campus, even though arguments over reproductive rights, immigration, and the war in Iraq dominate the news cycle. Instead, there is a proliferation of stunts, such as illegal immigrant hunts, masquerading as debate.

### BALANCING ACT

Sometimes universities find themselves on the front line of veritable conflicts, not stunts, which epitomize the complexities of safeguarding speech. In 2006, NYU was awkwardly placed at the center of the clash over cartoons that depicted, among other things, the prophet Muhammad as a terrorist. Cooked up by

a conservative Danish newspaper, the images violated the Islamic law prohibiting the display of images of the prophet, igniting an international wildfire on the Web and riots across the Muslim world.

NYU’s Objectivist Club, which anchors itself to [REDACTED] the ideology of author Ayn Rand, had planned a forum on how various publications seemed to have silenced themselves by not including the images in their reportage of the controversy. When NYU’s Muslim community—and Muslims from around the world—got wind of the club’s intention to display the cartoons, they vehemently protested to school administrators. The Bengali Students Association even urged its members in an e-mail to “go to Ticket Central, get two tickets for this event, and rip them up.” According to John Beckman, NYU’s vice president for public affairs, because of the university’s

