UC SANTA BARBARA

THE Current

May 25, 2018
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The Cost of Free Speech

What is the role of a university in preserving First Amendment rights for its community? Are the expectations different for an institution of higher education than, say, for a governmental agency? Can a college campus protect free speech and still foster an inclusive environment for all?

Constitutional law scholar Howard Gillman will address such questions at UC Santa Barbara, when he delivers the 2018 Wade Clark Roof Lecture on Human Rights. His talk, “Free Speech on Campus,” is presented by the campus’s Walter H. Capps Center for the Study of Ethics, Religion and Public Life. Free and open to the public, the event takes place in Campbell Hall.

The chancellor of UC Irvine, Gillman co-authored the 2017 book “Free Speech on Campus” with Erwin Chemerinsky, dean of UC Berkeley’s School of Law. Gillman also is co-chair of the advisory board for the National Center for Free Speech and Civic Engagement, which was launched by the UC in 2017 to support and advance research, education and advocacy on such issues.

“Most fundamentally, universities exist to generate and transmit knowledge, and this mission cannot be performed successfully unless all ideas can be expressed and assessed,” Gillman said in an interview. “Most of what we currently believe — about the natural world, about the proper ordering of human society, about what should be considered beautiful or worthy of study — was at one point a heretical challenge to the strongly held beliefs of the powerful. If you are in the knowledge-creation business you must be willing to listen to anyone who is willing to explain why they

think you are wrong about the world. Speech that challenges conventional wisdom has been a driving force for progress. Speech that makes us uneasy may compel us to reconsider our own positions. Hearing offensive or even hateful viewpoints provides opportunities for those sentiments to be exposed, engaged and rebutted — and in the act of rebutting, we place our own convictions on firmer footing.

“Public universities have a constitutional obligation to allow all views to be expressed without censorship or punishment,” he added, “but the obligation to allow all ideas to be expressed exists for any institution dedicated to the pursuit of knowledge.”

Controversy over free speech today is an increasingly frequent occurrence on college campuses. Impassioned demands to censor any expression deemed hateful, disrespectful or bullying — and to ensure an inclusive, nondiscriminatory learning environment — are constantly being weighed against equally fervent advocacy for completely free speech, and charges that censorship threatens free inquiry. Such debates are nothing new, and “have been around as long as campuses have been around,“ said Gillman. But some of the players have swapped roles.

“In the 1960s campuses such as Berkeley tried to prevent students from using campus spaces to engage in civil rights organizing, on the grounds that campus spaces should be used only for scholarly activity — steps that triggered the vitally important Free Speech Movement at Berkeley,“ he said. “What is most noteworthy about today’s debates is that it is often students who are demanding that campus administrators become censors. The concerns animating these students are quite valid and important, but too often the debate about rights of expression are conducted without adequate knowledge of the history of campus censorship, and the advantages of allowing all ideas to be expressed.“

In his talk, Gillman will examine why campuses must provide supportive learning environments for an increasingly diverse student body, but can never restrict the expression of ideas. After discussing the central arguments for prohibiting the censorship of ideas on campus, he will review what colleges can and can’t do when dealing with free speech controversies, including controversies around large-scale demonstrations that create risks of violence.

“The stakes are high,” Gilman said, “and I hope we can all dedicate ourselves to proceeding as universities should proceed: with more knowledge, better arguments,

and respectful engagement of alternative points of view.”

Kathleen Moore, UCSB professor and department chair in religious studies, and interim director of the Capps Center, sought to bring Gillman to campus after a string of high-profile incidents on college campuses related to free speech.

“Free speech is a human rights issue,” said Moore. “All the controversy around delivering free speech, and at what cost to public universities, made me think this was a good topic to consider. It’s relevant to our campus, to the entire UC system and to universities everywhere. The question is whether or not we can exclude speakers form being on campus when there are student groups that say they’re too offensive.

“There is a desire to protect their right to speak, but also a desire to protect students from hate speech, so how do we figure those things out?” Moore continued. “Howard Gillman’s talk provides an excellent opportunity to think about that. I hope people leave this lecture with the idea that we need to talk about the very core of the university mission. There are questions here about academic freedom, which is essential, and it’s going on globally.”

About UC Santa Barbara

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