

Harm, “No-Platforming” and the Mission of the University: A Reply to McGregor



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Abstract Joan McGregor argues that “colleges and universities should adopt as part of their core mission the development of skills of civil discourse” rather than engaging in the practice of restricting controversial speakers from making presentations on campuses. I agree with McGregor concerning the need for increased civil discourse. However, this does not mean universities should welcome speakers to publicly present any material they wish without restriction or oversight. In this paper, I make three main arguments: (1) Colleges and universities have a duty to protect members of the campus community from the harm and exclusion resulting from hateful or harmful speech, in the same way that they must protect them from sexual assaults and concussions. (2) In the vast majority of cases, this duty can be fulfilled by holding speakers to standards of discourse that prevail in academic debate, and insisting on a number of procedural requirements. (3) We should be wary of conservative arguments framed in terms of free speech, because they can be deployed to undermine important functions of the university in a democratic society, namely, to teach students how to be discerning citizens, and to protect thinkers willing to be critical of the government and the ruling classes.

1 Introduction

We have recently heard from a variety of conservative legislators, think tanks, media commentators and student groups that free speech is “under attack” on college campuses. This attack is said to be carried out by various mechanisms, including the enforcement of political correctness, the proliferation of trigger warnings and “safe spaces”, and the practice of “no platforming”. These strategies are viewed by conservatives as attempts to limit speech by defining what count as “acceptable” terms, topics and views. For example:

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- Requiring the use of terms respectful of marginalized and oppressed people is seen as “language policing”.
- The use of trigger warnings, in which people are alerted to content that might prompt episodes of post-traumatic stress due to historical trauma, is seen as requiring that certain topics be discussed in ways that reflect victims’ understandings or not at all.
- The practice of “no-platforming,” in which controversial speakers are restricted from making presentations either because what they will say is unacceptable, or because they have historically been associated with unacceptable views, is regarded as straightforward censorship.¹

It is this last phenomenon that I will be most concerned with here.

Additionally, it is claimed that the perpetrators of this “attack” are progressive faculty and students who do not wish to engage in a free exchange of ideas with their more conservative counterparts. The implication is that any restriction of free speech is damaging to democracy and is especially pernicious in a setting where students should be encouraged to engage with difficult ideas and so to develop into critical thinkers and listeners.

Joan McGregor (2020) offers a rich and timely discussion of these issues in her chapter in this volume. She examines these various phenomena in the context of her larger argument that “colleges and universities should adopt as part of their core mission the development of skills of civil discourse, which is the foundation of the virtue of civility, a necessary virtue for deliberative democracy, and one that is sorely lacking in current times” (2020, p. 77). She explains that civil discourse involves the following set of practices:

- Show respect for those with differing views
- Listen to the views of others
- Provide reasoned arguments for one’s views
- Be open to other’s ideas and perspectives, not ridged and dogmatic
- Hold those beliefs based on the best evidence and be able to defend those beliefs.
- Focus on the issues and not on *ad hominem* attacks
- Dialogue relies upon information that can be verified by all involved (2020, p. 88).

She then argues that restricting speech and prohibiting certain visiting speakers is nevertheless unjustified, and it would be dangerous to allow university administrators the power to control what can be said on campus.

I agree wholeheartedly with McGregor’s conclusion about the need for civil discourse on campuses. Certainly, universities and colleges should be developing students’ ability (1) to critically engage with ideas with which they disagree, and (2) to be active and informed citizens. However, I argue that hosting speakers who

¹Of course, proponents of these practices emphasize their importance in fostering equal respect and inclusivity within the campus community, as well as their role in correcting historical injustices.

disseminate deliberate misinformation and hate speech will not accomplish this mission, since these speakers themselves do not wish to engage campus communities in ways that reflect the elements of civil discourse. By permitting them to speak, universities are merely validating the anti-intellectual sentiments and practices of the political right. Examples of such speakers include Ann Coulter, Milo Yiannopolous and Ben Shapiro. I will use examples from their speeches throughout the paper to illustrate my arguments.

I therefore disagree with McGregor that “with the exception of threats and harassment” and subject to “reasonable time, place and manner restrictions” universities should welcome speakers to publicly present any material they wish without restriction or oversight (2020, p. 89).² Instead, it is my argument that colleges and universities have an obligation to protect members of the campus community from the harm and exclusion resulting from hateful and harmful speech. However, I argue that in the vast majority of cases, this duty can be fulfilled by holding speakers to standards of discourse that prevail in academic debate, as well as instituting procedural requirements such as submitting remarks in advance and answering questions from a moderator. The practical implication of my view is that instances in which it is necessary to prohibit a speaker on the basis of their substantive views will be extremely rare.

The paper proceeds as follows: First I explain McGregor’s arguments against restricting speech and respond to each of them. Then I offer several recommendations concerning how conservative viewpoints can be brought into campus debates while simultaneously promoting civil discourse as McGregor describes it. Finally, I suggest that a deeper anti-intellectual purpose may be concealed by the vigorous championing of the unfettered right to free speech on campus.

2 No Speech or More Speech? When Bad Speech Happens

McGregor’s main arguments against prohibiting certain speakers characterize campuses as places where students must learn to engage all types of ideas. First, she claims that forbidding a certain speaker from coming to campus denies the students who invited him the right to hear his views. She observes that the “right to speech is also the right to hear, [and] silencing speech violates that right” (2020, p. 81). Further, she asserts that protecting students from “hearing positions on issues, even ones that are personal to them, infantilizes them and does not help them develop the skills and abilities to intellectually engage and respond to controversial ideas” (2020, p. 82). Even if it is the intent of the college to “prevent hateful,

²I will set aside the issue of whether or not restricting who can give presentations at universities is unconstitutional. Regardless of what the US law says on this issue, there may still be good reasons to restrict speech on campuses both in the US and elsewhere, even if this might not always be practicable.

demeaning speech on campuses where [minority students] . . . are trying to establish their rightful place and be able to learn,” she maintains that restricting speech “does not empower students” or “prepare students to engage with ideas” (2020, p. 83).

Rather than pre-emptive restriction by the university administration, McGregor’s preferred response to hateful and offensive speech is more speech. This, at least, does not allow administrators to determine what is said and heard on campus. She also mentions that students who do not support a given speaker can ignore him or her, not attend the talk, or protest the speaker outside the venue (2020, pp. 81 and 86–87). She wants us to remember, following Mill, that students’ responses to hateful speech can re-invigorate those arguments in the university setting and so contribute to students’ ability to fully understand and evaluate them.

As McGregor points out, conservatives wish to visit university campuses because they maintain that “students do not hear conservative views at universities” and “all professors are liberals indoctrinating students” (2020, p. 80). These seem like good reasons to encourage students to hear and discuss non-liberal viewpoints, especially if student groups ask particular speakers to do so. However, this depends crucially on whether figures such as, for example, Ann Coulter and Milo Yiannopolous generally present material compatible with the requirements of civil discourse. If they do not, then these speakers are not well suited to the task of broadening the minds of students.

I will now illustrate how many of these speeches regularly feature name-calling and *ad hominem* attacks. I will also demonstrate that these speakers trade in purposeful untruths and hate speech. In this way I hope to show that even if my later claims are rejected as a basis to restrict speech, we should at least recognize that much of what is said by these figures models behavior that we would not tolerate in the normal course of academic debate.

McGregor rightly asserts that threats, harassment, *ad hominem* arguments, and name-calling are not forms of speech compatible with civil discourse. It is certainly not necessary for someone to abuse others in order to communicate his or her view. Nonetheless, many of these controversial figures do this at some length in their presentations. For instance, Ben Shapiro told the students protesting his visit to Berkeley that they could “go to hell” and described them as “pathetic lying stupid jackasses”. He also suggested that anyone who believes that the U.S. is worse off under the Trump/Pence regime, must “have [their] head so far up [their] ass [they] can actually see [their] own colon firsthand” (Shapiro 2017). Yiannopolous called Professor Daniel Brewster, of West Virginia University, “Professor Fatass” and “Professor-Stuff-Your-Face-With-Fruit-Loops” because he organized another event at the same time as Yiannopolous’ presentation. Yiannopolous also called Lena Dunham “a hideous man-hating dyke” (Yiannopolous 2016).

Insults aside, it is my view that like other types of potential harm (such as sexual assaults and concussions from sports) universities should be aware of the ways hate speech harms their students and should endeavor to protect them. McGregor herself recognizes that hateful speech can be a form of assault or threat, and so can harm the person or group towards whom it is directed (McGregor 2020). Nevertheless, unless such speech crosses over into the area of harassment, she does not endorse any

content restrictions.³ People targeted by hate speech experience emotional distress, including “feelings of humiliation, exclusion and self-hatred” (Sumner 2004, p. 61). They might begin to question their competence and self-worth. Targeted groups could come to doubt that they are really an accepted part of the larger campus community. These harms occur because it is possible to do things with words other than express opinions or state facts. Hate speech is a form of abuse. As Rae Langton argues, “a certain kind of speech can be an illocutionary act of subordination” (Langton 1993, p. 303).

Langton explains that speech can subordinate when it (a) ranks a group of people as having inferior worth, (b) legitimates discriminatory behavior by others, and (c) deprives members of the group of some powers (Langton 1993, p. 303). For example, in one speech, Coulter repeatedly likened Dreamers to children of rapists and called them criminals. She later declared, “Dreamers should be deported first!” (Coulter 2017). Here, she is clearly indicating that young people who are permitted to remain in the U.S. under DACA have worse characters than “normal” Americans, and implies that they should be reported to authorities. If any Dreamers were to hear this speech on their college campus, they might, in consequence, be justifiably afraid to disclose their status in that environment.

Once we recognize that there are costs associated with unfettered speech *and* costs associated with allowing certain types of speech, only then can we balance these costs and determine who should bear them. It is simply not justifiable that members of oppressed groups should bear all the costs for the sake of the “common good,” created by hearing all types of views on a university campus. It is also not enough for the university to communicate after the fact that it does not endorse these views or even that it condemns them, that is, for the university to respond with more speech. Once the university has given these speakers a privileged opportunity to speak, the damage to students subjected to hate has already been done.

Neil Levy explains why the university cannot simply distance itself from what has been said and thereby ameliorate the harm and exclusion experienced by members of targeted groups. He argues that providing a university platform is one way to provide evidence that a particular speaker is worthy of consideration.⁴ Contrast this with speaking from a homemade podium in the park, for instance. Levy calls this “higher-order evidence,” (Levy 2019). He explains,

³I take it that for something to constitute “harassment” here a specific person must be targeted often enough such that she cannot go about her regular business on campus any longer. I would argue that one incident is enough if the background conditions are such that people already feel threatened in other contexts, in which case the distinction between an instance of hateful speech and harassment would collapse. Regardless, even single incidents of hate psychologically harm those who are subject to them.

⁴It is worth noting that there is a difference between being invited to speak at a college by the administration, say as a commencement speaker, and being invited by a student group. Those of us in academia understand that the amount of credibility conferred on the speakers is different in the two cases. However, I doubt that the public at large generally perceives this difference, since as Levy notes, credibility stems from both “the fact of selection” and the “prestige of the venue” and these are the same in both instances.

An invitation to speak at a university campus, a prestigious event or to write an opinion piece for a newspaper provides (*prima facie*) higher-order evidence. It is evidence that the speaker is credible; that she has an opinion deserving a respectful hearing. . . . An invitation to speak at a credible venue is evidence that the person is competent, and is sincere. It therefore provides weighty higher-order evidence.

In addition, while it is possible for the university to rebut the views of a particular speaker, what cannot be done after the fact is to rebut the established belief that “*the invitation certifies [their] expertise*” (Levy 2019, italics original). The invitation has legitimated the speaker. It has brought them into the fold of genuine academic inquiry. Once that has occurred, merely disagreeing, even strongly, with their first-order views cannot undo the impression that this is a person who is to be taken seriously.

It must be admitted that occasionally restricting who is able to speak on campuses, even in colleges where free speech and academic freedom are highly valued, might have some chilling effect. However, this must be balanced against harms to the targeted students (and faculty) and the benefits they reap from being fully participating members of the campus community. Unlike the rest of society, where people often have to endure hateful and biased comments due to their location within the existing power structure, the university should be a place where people learn to disagree *as interlocutors who are each afforded equal respect*. Such an environment is both fragile and worthy of protection, since only in such conditions can students learn to exhibit the values required for civil discourse and to appreciate the force of arguments and evidence. They cannot do this if some students are subordinated and marginalized in the name of protecting “everyone’s” freedom, and others feel free to dismiss and ignore the views of those who have less social power than them.

Also problematic is the attitude of many speakers to the appropriate use of evidence. Civil discourse requires that any evidence used should be verifiable by all parties and that arguments and beliefs be grounded in that evidence. Unfortunately, the current climate of “fake news,” conspiracy theories, and outright lying in public discourse has created an environment in which it is common to make claims without ever providing evidence or engaging contrary evidence. For instance, Coulter has claimed that “migrant children photographed in varying stages of distress were ‘child actors’” (Rosenberg 2018). She further claimed that they “are being coached. They are given scripts by liberals” (Rosenberg 2018). Yiannopolous mentions the “growing epidemic of fake hate crimes” and asks why “lesbians commit so many of them” (Yiannopolous 2016). When asked where she obtains her data during a Q and A period at Oxford, Coulter responded that she does not trust ordinary data sources and so prefers to do her own research (Coulter 2018).

This is troubling, especially because it seems clear that this type of claim is not simply made in error. People who make these claims both know that they are false and do not care. In many cases it is plausible to think that the person making the claims is aware of contrary evidence (or at least knows how to obtain it), but does not think evidence is necessary.

Since it was possible for the *Washington Post* to track down the photographer who took the picture of the migrant children Coulter was discussing, presumably

Coulter could also have made this effort to confirm what happened. So too could those people publishing material suggesting that the shooting at Sandy Hook was a hoax (Haag 2018). The reason these types of claims are not fact-checked and substantiated is that they are intended to float free of evidence. They are not intended to be verifiable or falsifiable at all. When defenders of such claims are challenged by multiple sources of contrary evidence, they routinely fall back on conspiracy theories or “research” not available to the public. The point is to repeatedly *make* the claims, not to argue for them based on evidence.

Claims like these make a mockery of the work done in universities and colleges. McGregor asserts that “the ability to engage in civil discourse is necessary to advance knowledge and search for truth,” (McGregor 2020, p. 88), and I agree. However, this ability cannot be developed by engaging with interlocutors who reject both the use of evidence, and the importance of truth. The traditional Millian “marketplace of ideas” is premised on the assumption that people are fallible, and so make mistakes. It does not apply to situations in which people have no interest in either telling or discovering the truth. The value of free speech is thereby weakened to the extent that those doing the speaking entirely disregard the truth as well as any methods that might serve to substantiate or disprove their claims.

Further, as Bhiku Parekh argues, it is naïve to think that the marketplace of ideas is neutral in the first place. He asserts that we should not suppose “false ideas will always lose out in their battle with true ones. Ideas do not operate in a social vacuum. They are bound up with interests, the prevailing structure of power, and so on, and the victory often goes to those that enjoy the patronage of powerful groups or prey on people’s fears and anxieties” (Parekh 2017). Legitimizing speakers with a history of telling lies reinforces their positions of power and enhances their ability to cultivate social division based on racial and socioeconomic differences. Their free speech does not serve the purposes of enhancing democratic debate and giving ordinary people the tools to scrutinize those in power, but rather further entrenches the status quo. We should be mindful of this when we suggest that simply ignoring a racist or sexist talk, or refraining from attending a speech amounts to a response, since “walking away” does nothing to alter existing power relations.⁵

3 Our House, Our Rules: Some Recommendations

A few policies might be implemented to greatly improve the quality of discourse on campuses while minimally restricting content. While I personally am in favor of ruling out any acts of hate speech, the suggestions I make here focus on form rather

⁵It also seems unlikely that one could protect oneself from harm using this strategy, since members of a campus community are likely to hear about racist or other hateful speech via social media or text even if they are not physically present at an event.

than content. There are several established academic conventions that could be utilized when speakers are invited that would discourage name calling and *ad hominem* arguments, and would ensure that reasoned argument and evidence is not being replaced with slogans and hollow conspiracy theories. If potential speakers are to benefit from added the credibility that accompanies campus invitations, then they should be willing to meet campus community halfway by conforming to the practices and formats that are customary at the host institution.

First, invited speakers could be asked to provide their comments in advance to the organizing group on campus. In addition, efforts should be made to engage a moderator or commentator who is expected to hold them to the remarks they have submitted, plus a few questions. This suggestion might not eliminate inappropriate jokes and name calling entirely, but it would tend to discourage talks that are mainly made up of personal anecdotes, insults and jokes that do not have much substance except to appeal to audience members of a specific partisan background. It would also encourage speakers to frame their talks as an arguments rather than as mere lists of claims unsupported by sources. The idea here is not that the university administration should use the text of the talks to tell the speaker what to say, but simply that the speaker observes the convention of sending prepared remarks to the faculty and students who invited her.

Second, faculty should be engaged in campus visits as more than hands-off student group advisors. Faculty should help students research potential speakers, and engage qualified people on campus as moderators and commentators. Too often we pay lip service to modeling civil discourse and reasoned debate but then do not participate in these activities with students outside the classroom. They can only learn what expert argument and respectful disagreement looks like if they see us engage in it. Otherwise, they assume that what they see on TV and the Internet is all that is required for a rational debate. Faculty can set the tone at these events by focusing them on the substance of the issues rather than on the celebrity of the speaker.

Third, for those speakers with some history of “skirting” the truth, it might be useful to have them agree to a formal debate with a strong moderator and a question and answer format, as in political debates. The speaker could be paired with someone else very knowledgeable on the agreed subject matter.⁶ The contrast between someone who is not willing to provide a straight answer to questions, or who cannot provide evidence to support his views with someone willing to do both would be instructive for students and would tend to raise the level of discourse overall. This strategy is one way to counter bad speech with more speech, certainly. However, it also provides an opportunity for integrity and expertise to be demonstrated in real time. Whether or not both sides are well informed and clear, or one side is very much superior to the other, the message that evidence, argument, and preparation matters

⁶This strategy worked surprisingly well in a debate between Steve Bannon and David Frum sponsored by the University of Toronto’s Munk School of Global Affairs and Public Policy (Ferraras 2018).

will be received by the audience. Indeed, one of the most difficult lessons to teach students is that they should be critical consumers of information and policy, but that they also must be well-informed and prepared for their encounters with the subject matter. It is not enough simply to listen passively and then take either a skeptical or enthusiastic stance. Watching debates rather than monologues would reinforce this message.

Finally, we should also make an effort to bring respected conservative thinkers to our campuses and offer to engage with them on issues that matter to us. It is not a coincidence that many of the figures that are willing to hurl insults and make wildly unsubstantiated claims are not academics. They are not part of our wider community, or of our closer, campus communities. This means that they do not either seek or require our esteem or our cooperation. Engaging with those with whom we disagree on particular issues but who also care about the truth and about fostering a constructive learning environment for students would be a more fruitful way to address ideological differences on campus. It would also quell any number of fears that campuses are indoctrinating students rather than teaching them to be independent thinkers, and would help produce an atmosphere of responsible disagreement and intellectual accountability.

Having made these recommendations, I recognize that instituting only formal restrictions will not always be sufficient to curtail uncivil speech. It will no doubt be difficult to make the decision to prohibit a person from speaking when that person has complied with all formal requirements, but such a circumstance could foreseeably arise. Like McGregor, I am uncomfortable with having university administrators make the final determination in these cases, since public relations considerations can loom overly large at that level. I would suggest instead that a committee of faculty, and representatives of affected student groups make an assessment based on the material the speaker has provided. Historical ties to certain causes (such as support for Israel, or alternatively, Palestine) or earlier work (such as questioning whether sexual assaults on campus are widespread) should not be sufficient for “no platforming,” since these may have little bearing on what the person intends to present. Assessment should be made on the basis of whether hosting the speaker in this particular instance and at this time (and so conferring legitimacy upon them by doing so) will harm members of the campus community, foster discriminatory behavior, and/or limit the ability of members of targeted groups to participate fully in campus activities without fear or intimidation. This is a standard well above what any individual or interest-group “finds offensive” or “does not agree with.” No speaker on campus should send a message that it is permissible to treat others as inferior, to abuse them, or to make them afraid. If we do not permit swastikas to be painted on campus walls, then we should not permit other speech that has the same message and effect.

4 Conclusion: Not Just Free Speech

It is worth noting that so far I have accepted the typical framing of this debate, that is, I have accepted that it is a dispute between advocates of free speech who think any restriction is unjustified, and those who wish to reduce harm by restricting certain kinds of speech. Usually this is characterized as a tension between free speech and equality, or some people's right to say things that treat certain people as "less-than" versus other people's right to be treated with equal respect and dignity.

However, this framing of the question leaves out salient details of our current "post-truth" condition. It focuses so tightly on whether and why speech can ever be restricted that it directs our gaze away from the wider political context in which these events have taken place. In a context in which the free press are characterized as "enemies of the people" and "liberal elites" are disdained and dismissed as out of touch with the "real world," we should be asking why these alt-right figures want to speak on college campuses at all.

One possibility is that they are using free speech as a pretense to undermine two key functions of the university in a democratic society: (1) to teach students how to be discerning citizens, and (2) to protect thinkers willing to be critical of the government and the ruling classes. By coming onto college campuses and flouting even the most basic requirements of logic and evidence, and by substituting insults and conspiracy theories for expertise and research, they sabotage our ability to speak authoritatively about social issues and power structures even when we have spent our lives studying them. By putting talk show hosts on the same level as political science professors and televangelists on par with climate scientists, they are attempting to make educated criticism irrelevant. It is a way of devaluing the main skill of their political opponents, and inoculating themselves against those who point out the bad consequences of their policies for the people they claim to represent. If our invitations legitimate them and their messages, then conversely, their presence on campus suggests that academic methods and expertise are unnecessary. Their desire to occupy academic spaces is not about freedom but rather about power and influence: increasing theirs and decreasing ours. Free speech is a good, but it is not the only good we have to defend in our capacity as academics. We would do well to consider whether in the current political climate it is the one most in need of our support.

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