

Reframing the Free Speech Debate

Ian Bushfield

Engage with many Humanist, atheist or freethinking groups online these days and it won't take long before someone starts complaining about the assault on free speech. At the broadest level, it's definitely a concern I share. With the collapse of the traditional media, a preponderance of defamation litigation, ever more restrictions on protest and the strength of authoritarian politics across the world, the threats seem legion. Yet, these are not the dangers that seem to preoccupy rationalist circles. Instead, they argue, we should really be afraid of the social justice warriors, the postmodernists, the regressive left or some other epithet-du-jour.

As many of the recent editorials in this very magazine argue this line, I thought it pertinent to reflect upon Humanism's long commitments to free speech and how that can inform the debates that seem to dominate the current discourse.

Why Humanists support free speech

To find the Humanist basis for supporting free speech, I searched through the various declarations and manifestos of Humanism that have been produced over the last 100 years. Surprisingly, I found few direct references to freedom of expression or speech. The first Humanist Manifesto, written in 1933, makes no reference even to human rights or civil liberties. The closest it comes is when it says, "The goal of humanism is a free and universal society." The first Amsterdam Declaration was agreed to in 1952

by the newly formed International Humanist and Ethical Union (IHEU). It included several general references to liberty but again lacks a specific commitment. When it was renewed in 2002, the Declaration added caveats on individual freedoms such as that they be "compatible with the rights of others." This Declaration is the definition of Humanism adopted by most Humanist groups in Canada including Humanist Canada, the BC Humanist Association and Canadian Humanist Publications, the publisher of *Humanist Perspectives*.

With renewed global tensions around freedom of thought, expression and belief, IHEU's World Congress felt it pertinent to pass the Oxford Declaration on Freedom of Thought and Expression. That document is worth reading in its entirety but in short it affirms a position that freedom of belief "is absolute but the freedom to act on a belief is not" and that "there is no right not to be offended." Any restrictions on the freedom of expression should be consistent with the protection of the rights and freedoms of others.

Looking at the history of Humanist thought on this, and in particular the caveats in the Oxford Declaration, it suggests Humanists are open to possible limits on freedom of expression. I asked Bob Churchill, Director of Communications with IHEU, by email about this possibility and he replied, "Of course there are still debates among people who value free expression what that means or where the limits are, and it's well within the margin of apprecia-

tion for Humanism that Humanists will answer these questions differently.” He then gave an example of a restriction that most Humanists would agree with: It’s within your right to say what you want on a sidewalk but if you’re yelling at someone’s window incessantly at four in the morning, most reasonable people would consider that harassment or a nuisance that merits a legal recourse. Similarly, nearly no one is arguing for the wholesale abandonment of defamation and fraud laws or the freedom to falsely yell fire in a crowded theatre.

How Humanists defend free speech

With these distinctions in mind, I asked Churchill what threats freedom of expression is facing internationally. He told me his primary concern is with states that are using blasphemy laws to censor atheists and religious minorities. He described these as “any law that restricts criticism of religion, or ‘insults belief,’ or ‘hurts religious sentiments’.” Churchill wrote, “These are always bad laws. They are inconsistent, they are subjective, and they violate free expression on topics that very often need to be talked about. They lead to discrimination against religious and non-religious minorities and they lead to locking up of dissidents.”

IHEU documents these restrictions in its Freedom of Thought Report. The report found 22 countries which criminalize “apostasy,” including 12 where the punishment is death. Blasphemy laws exist in 74 countries, including Canada at the time of writing.

IHEU and its member organizations have successfully campaigned for the repeal of blasphemy laws in Malta, Iceland, Norway, France and Denmark. Ireland voted in October to repeal blasphemy from its constitution and New Zealand is in the process of repealing its law. But not all is promising – some of the worst countries are as entrenched as ever.

The false campus free speech crisis

Despite this progress advancing freedom of expression on the international stage, the

discourse, at least in Canada and in recent issues of *Humanist Perspectives*, is not how the biggest threats to free speech are coming from theocratic and authoritarian regimes but rather “social justice mobs,” particularly on university campuses.

It’s very easy to find media stories of a perceived crisis of free speech on campuses. Some pundits seemingly make their entire living on this narrative, churning out story after story and column after column. This process continues until what might otherwise be a string of anecdotes becomes an established norm.

Digging beyond the headlines, it’s hard to demonstrate in a rigorous way that colleges and universities are any more hostile to freedom of expression today than in previous eras. Vox’s Matthew Yglesias and Zack Beauchamp surveyed the research they could find earlier this year. They found that support for free speech in the USA is actually rising, particularly among liberals and college graduates. Unfortunately, Canadian data are harder to come by. While there are several well-known incidents, it still takes a logical jump to assume they are representative rather than exceptions used to drive a political narrative.

Writer and activist Nora Loreto is an outspoken critic of the campus free speech crisis narrative. She told me by email that rather than there being some left-wing cabal running Canadian universities, “professors in Canada vote along very similar lines to average Canadians.” A 2008 study in the *Canadian Journal of Sociology* largely confirms Loreto’s claim, with professors voting in the 1993, 1997 and 2000 elections at roughly equivalent rates to the general population for the Liberals. The authors did find that professors voted at lower rates for the conservative parties and at a rate of two to four times higher for the NDP. Asking professors directly where they place themselves on a left-right spectrum did show there were about five on the left for every professor on the right, but the overwhelming majority, 62%, placed themselves in the political centre. This was considerably higher than the 43% of Canadians who self-identified as centrists. In other words,

professors are a largely moderate group, and the minority who aren't tend to lean left. A 2011 study also rejected "sweeping characterizations of the Canadian professoriate as 'left-wing' or 'right-wing'." In their findings, over a third of professors were centrist, while the remainder lean left, with significant ideological diversity.

One hypothesis that can explain the seeming obsession of much of Canada's punditry with a campus free speech crisis is the fact that each of the anecdotes that rises to the top serves a broader narrative: that the censorious left is attacking the dangerous truths that challenge its perceived consensus. We can see this most clearly when we look at which stories of campus censorship gain traction and which go relatively ignored.

By now, most are familiar with the story of Lindsay Shepherd. Briefly, after Shepherd showed clips of Jordan Peterson in a first-year communications class at Wilfrid Laurier University, she was brought before a panel of her supervisor and two university administrators. In the meeting, she was told the clips created an unsafe learning environment and Shepherd was brought to tears. After releasing a recording of the meeting to the media, the University and her supervisor quickly apologized for the incident.

That all said, it's worth pulling out a few critical facts here. First, Peterson's claims about Bill C-16 (adding gender expression and gender identity to the Human Rights Act) that were the subject of the clips have been repeatedly shown to be false. Not only have multiple legal experts, including the Canadian Bar Association, rejected his arguments, the reality is that no one in Canada has been legally sanctioned for using incorrect pronouns since the bill became law. Second, when the incident occurred, there was near universal condemnation of WLU's actions. Academics from across the spectrum decried the meeting as an inappropriate response and I was unable to find a single voice defending the decision to bring Shepherd to that meeting. Rather, the conversation that was largely obscured by the focus on Shepherd's "free speech" was on how to best ensure classrooms are spaces where students of all backgrounds are best

able to learn. Finally, we need to keep in mind that Shepherd was a teaching assistant at the time. Her job was literally to assist the course instructor who has ultimate authority over content. Her duty, therefore, was first and foremost to facilitate the learning of the students in the class per the course syllabus and the instructor's guidance.

Despite the nuance and complexities of this situation, Shepherd has become a martyr of the campus free speech crisis narrative. She amassed tens of thousands of followers and launched a speaking tour off the controversy. More recently, she also gained further notoriety for hosting events with noted white supremacist Faith Goldy.

Where Shepherd has risen to fame, another student, Masuma Khan, received far less attention following her academic censure. Khan was a member of the Dalhousie University student council executive when it passed a mo-

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tion to abstain from Canada 150 celebrations in solidarity with indigenous students and communities. This earned criticism from campus Conservatives and others, to which Khan replied on social media that, “White fragility can kiss my ass. Your white tears aren’t sacred, this land is.” Following this, several students filed complaints with the university who opened an investigation into Khan. It later closed the investigation.

Contrasting the response to the stories of Shepherd and Khan, the difference in the media’s reaction is telling. A Google Trend comparison of the stories shows that interest in Shepherd was five times as high as for Khan when their respective stories broke. But aside from volume of coverage, the tone was also markedly different. Where the media coverage of Shepherd’s controversy was near universal in its condemnation of WLU’s approach, a number of columnists pushed back on Khan. The most extreme example is a *Toronto Sun* column by Tarek Fatah, where he simultaneously criticizes WLU for Shepherd’s treatment while suggesting Khan “tear up her Canadian passport” and leave the country if she doesn’t like it (Khan was born in Halifax).

Several other people I wrote to referred to this tendency seen in Fatah’s piece. Matthew Sears, Associate Professor of Classics and Ancient History at the University of New Brunswick, told me it boils down to “free speech for me, but not for thee.” He described the problem as “free speech activists [who] only seem to fight for a certain kind of speech, namely far right, even hate speech.” Building on that, Sears suggests that these selective defenders of free speech are conflating “free speech” with “consequence-free speech.” He says, “there seems to be a desire to use anti-immigrant (or anti-trans, anti-feminist, etc) rhetoric without being called on it.”

Similarly, Nipissing University Professor of Political Science David Tabachnick called the people who use free speech as a distraction from their far right policies “free speech warriors” in *The Conversation*. He wrote, “[free speech warriors’] unflinching support for people

to express sexist, racist, homophobic and anti-trans opinions is actually a guise to maintain or return to a more conservative society, where women are primarily mothers and wives, immigration is rolled back, same-sex marriage is prohibited and legislation like Bill C-16 is withdrawn.” Mari Uyehara similarly called them the “Free Speech Grifters” in *GQ*. She wrote, “the Free Speech Grifters never seem to be concerned with exactly whom they are entertaining with their performative indignation and why. It’s kayfabe for those who are perfectly comfortable with enforcing the status quo.” And unlike terms that seem to have moving definitions and lack tangible examples like “regressive left,” Tabachnick and Uyehara name specific people like Canadians Gad Saad and Jordan Peterson and Americans Ben Shapiro, Christina Hoff Sommers and Dave Rubin in their articles as perpetrators of these tactics.

Real threats to free speech on campus

Nevertheless, for Loreto, the administrators that censored Khan and Shepherd do present a tangible threat to freedom of expression on campus: “Administrations are bodies with a lot of power and very little accountability.” She highlighted to me that rather than targeting students’ political activities, most code of conduct infractions relate to plagiarism or academic dishonesty. In her own experience, those most often censured under these provisions are international students whose first language isn’t English and who don’t have a Canadian understanding of plagiarism. This asymmetry has racial implications that are largely ignored by these debates.

Further, in the latest episode of her podcast she also talks about how the corporatization of universities is undermining free speech. For example, she cites how universities that have come to depend on funding from Canadian mining companies have been inhibited in their ability to engage with the impacts of those companies’ practices in Africa. Concordia University English Professor Paul Barrett echoes Loreto’s concerns, writing in *The*

Walrus that, “the increased use of part-time, adjunct instructors has curtailed the function of scholars to speak freely, offer unpopular truths, and criticize power.”

Besides the corporatization of universities, other academics told me that they are still concerned about the effects of the “war on data” undertaken by the previous Conservative government. While the government changed in 2015, many of the policies and communications infrastructure that gagged public scientists have largely remained intact. It’s in this context that I remain incredibly skeptical of conservative politicians pitching mandatory free speech policies for universities.

Finally, there is little discussion about the restrictions on academic freedom at private religious universities. The largest in Canada is Trinity Western University, who fought all the way to the Supreme Court of Canada for the right to open a law school. While the case was fought over its Community Covenant that effectively excluded LGBTQ+ students, the school also requires faculty to sign a statement of faith that espouses a belief in a literal hell. After losing its case at Canada’s highest court, TWU has now made its Covenant voluntary but maintains its mandatory statement of faith for faculty. The Canadian Association of University Teachers ran an inquiry into TWU in 2009, which concluded TWU’s policies restricted academic freedom.

Reframing the free speech debate

With the preponderance of free speech grifters selectively and disingenuously deploying free speech as cover for odious ideologies, the future of free inquiry and honest debate may seem hopeless to many progressive Humanists. But by reframing the debate, we may have a possible path forward. To accomplish this, I propose that we return to those core Humanist values that I began with. From there we can restore our image of the university as the vehicle for academic freedom.

The Amsterdam Declaration says: “Humanism advocates the application of the

methods of science and free inquiry to the problems of human welfare.” Freedom of expression, as a subset of free inquiry, is therefore a tool for the furtherance of humanity and not merely a value in and of itself. We rely on science because it’s proven to be the best tool we have to gain reliable knowledge. Our goal for our universities therefore should be the generation of such knowledge so as to advance human progress.

Tabachnick touched on this in his emails to me. While he maintained that “universities are a good forum for young people to express different and diverse ideas,” he also acknowledged universities have served as “gatekeepers of knowledge” from their earliest conceptions. Therefore, he said it was “ridiculous to demand that they host speakers that do not advance knowledge or higher learning or, as you say, an improvement in the human condition.”

For Sears, there is a conflation between free speech and academic freedom. He told me, “Those two concepts are related in certain ways, but are different and serve different purposes. Academic freedom is meant to ensure that scholars and teachers can do their jobs without fear of censorship or losing their jobs, whereas free speech (or freedom of expression, in Canada) is merely to protect people against state censorship or punishment.” Again, universities aren’t open forums but institutions with a clear public mandate to create and disseminate knowledge.

So yes, as Humanists we absolutely stand in defense of freedom of expression. However, we should not let our outrage at inflammatory headlines cause us to forget that that support is subservient to our broader pursuit of the liberation and the maximum possible fulfillment of everyone everywhere. •

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References

Please see our website for references.