The United States safe space campus controversy and the paradox of freedom of speech

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ABSTRACT
The article examines a remarkable paradox between the overwhelming public view supporting free speech as a principle, as attested by specific polls about the issue, and the fact that most people require establishing boundaries on certain types of speech. Particularly, while American society seems to openly accept free speech and even hate speech, the new generation of America requires ‘safe spaces’ without offensive speech. This paradox seems to be a blow to the liberal position regarding freedom of speech, specifically to the principle of tolerance. John Milton’s call for liberal tolerance based on Voltaire’s enlightened conception is explored in contrast to the classical understanding.

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1. A report of free expression support
In November 2015, The Pew Research Center published a report that explored the global public opinion in 38 countries about some main democratic principles such as religious freedom, free press without censorship, equal civil rights for women, Internet without censorship, honest elections and freedom of speech.

Freedom of religion emerges as the most important principle, and as a human good – recognized as a human right – it is closely related to other forms of freedom (political, speech, etc.). In this paper, The attention will be focused on the data related to the expression free speech, free press and Internet freedom, because of the close relationship among them.

Table 1 of this survey shows how the 38 nations support free speech as a principle in its three manifestations, with very high averages (89, 88 and 81). This data confirms that freedom of expression is a widely shared value worldwide.¹

Table 2 summarizes the assent to different manifestations of freedom of expression. It reflects the common opinion among the 38 nations, wherein a median of 56% think that it is very important to live in a country where people can say what they want without censorship. Furthermore, 55% think that it is very important that the mass media can report the news without being censored (Pew Research Centre 2015).
It is interesting to note the differences between the diverse geographical areas: Americans, Europeans and Latin Americans express the highest support for freedom of expression as a principle. Particularly, the U.S. citizens strongly support freedom of expression free speech (71%), free press (67%) and Internet freedom (69%); only Spain, Germany, Lebanon, Chile and Argentina reach higher averages.

As the report says, the highest support for Internet freedom tends to be in nations with higher rates of Internet usage and technological development. (Pew Research Centre 2015) As we see in some countries in Africa and the Pacific, the less people use the Internet, the less they care about the censorship in Internet.

As we can observe in Table 3, when the questions go further and look at specific instances of free speech, support to free speech strongly changes. The following table identifies five types of public speech statements: ‘criticizing government’s policies,’ ‘offensive to minority groups,’ ‘offensive to religion or beliefs,’ ‘sexually explicit’ and ‘calling for violent protests.’

While a global average of 80% believe that people should be allowed to freely criticize government policies, only 35% think they should be allowed to make public statements that are offensive. So people perceive that not everything goes with respect to the content of free speech, because there are some values that are prized and more respected.

In most of the countries reviewed, the majority wants a government that is able to prevent speech that is offensive to minority groups or on the issue of religion
Table 2. Geographical assent to the three manifestations of freedom of expression. Broad support for fundamental democratic principles

|                      | People can say what they want w/o censorship | The media can report news w/o censorship | People can use the internet w/o censorship |
|----------------------|---------------------------------------------|-----------------------------------------|-------------------------------------------|
| U. S.                | 71%                                         | 67%                                     | 69%                                       |
| Canada               | 61%                                         | 65%                                     | 60%                                       |
| Europe               |                                             |                                         |                                           |
| France               | 67%                                         | 46%                                     | 50%                                       |
| Germany              | 86%                                         | 73%                                     | 69%                                       |
| Italy                | 62%                                         | 64%                                     | 61%                                       |
| Poland               | 57%                                         | 54%                                     | 55%                                       |
| Spain                | 76%                                         | 75%                                     | 69%                                       |
| U.K.                 | 57%                                         | 58%                                     | 53%                                       |
| Median               | 65%                                         | 61%                                     | 58%                                       |
| Middle East          |                                             |                                         |                                           |
| Turkey               | 43%                                         | 45%                                     | 44%                                       |
| Jordan               | 38%                                         | 45%                                     | 33%                                       |
| Lebanon              | 85%                                         | 73%                                     | 64%                                       |
| Palest. ter.         | 35%                                         | 38%                                     | 29%                                       |
| Israel               | 58%                                         | 48%                                     | 51%                                       |
| Median               | 43%                                         | 45%                                     | 44%                                       |
| Asia/Pacific         |                                             |                                         |                                           |
| Australia            | 52%                                         | 57%                                     | 53%                                       |
| India                | 44%                                         | 41%                                     | 38%                                       |
| Indonesia            | 29%                                         | 35%                                     | 21%                                       |
| Japan                | 57%                                         | 45%                                     | 40%                                       |
| Malaysia             | 43%                                         | 44%                                     | 32%                                       |
| Pakistan             | 51%                                         | 41%                                     | 25%                                       |
| Philippines          | 50%                                         | 53%                                     | 40%                                       |
| South Korea          | 56%                                         | 52%                                     | 50%                                       |
| Vietnam              | 38%                                         | 34%                                     | 36%                                       |
| Median               | 50%                                         | 44%                                     | 38%                                       |
| Latin America        |                                             |                                         |                                           |
| Argentina            | 77%                                         | 72%                                     | 71%                                       |
| Brazil               | 68%                                         | 71%                                     | 57%                                       |
| Chile                | 76%                                         | 79%                                     | 68%                                       |
| Mexico               | 65%                                         | 66%                                     | 54%                                       |
| Peru                 | 60%                                         | 65%                                     | 50%                                       |
| Venezuela            | 69%                                         | 70%                                     | 64%                                       |
| Median               | 69%                                         | 71%                                     | 61%                                       |
| Africa               |                                             |                                         |                                           |
| Burkina Faso         | 35%                                         | 50%                                     | 21%                                       |
| Ghana                | 55%                                         | 62%                                     | 45%                                       |
| Kenya                | 43%                                         | 53%                                     | 31%                                       |
| Nigeria              | 48%                                         | 54%                                     | 44%                                       |
| Senegal              | 50%                                         | 43%                                     | 32%                                       |
| South Africa         | 56%                                         | 60%                                     | 55%                                       |
| Tanzania             | 32%                                         | 55%                                     | 28%                                       |
| Uganda               | 41%                                         | 58%                                     | 28%                                       |
| Median               | 46%                                         | 55%                                     | 32%                                       |
| Russia               | 43%                                         | 46%                                     | 44%                                       |
| Ukraine              | 61%                                         | 65%                                     | 56%                                       |

Source: Spring 2015 Global Attitudes survey. Q56a–f. Pew Research Center

(Pew Research Centre 2015). Only a few countries admit freedom to offensive speech with a percentage of agreement over 60%, like the United States and Canada.

The United States is the country that shows the greatest tolerance to offensive speech (offense to minorities: 67%; offense to religion & beliefs: 77%).
Only small groups of people around the world admit that it is permissible to say things that are sexually explicit, in public. Most of the other countries consider that the government should restrict this kind of speech. Spain rates the highest in permissiveness (70%).

The opposition to speech that calls for violent protests is particularly prevalent in Lebanon (94%), Senegal (89%) and Germany (88%). Some countries are more divided regarding this topic, like South Africa (58%) and Latin American countries (56%), perhaps for their particular history in recognizing civil liberties.

This scenario points out the first side of the paradox: society supports free speech as a principle, and strongly so in some countries, but at the same time some societies want limits on offensive speech in specific instances. Now, it is the time to draw the other side of the paradox, which the new generation of university students brings in its attitudes regarding free speech in Campuses. I will focus on the U.S. Campuses.

### 2. Campus triggers

In 2015, polemics related to freedom of expression have increased in some American Universities, such as the University of Chicago, Missouri, Northwestern University, Columbia, Colorado, Yale, Princeton and Harvard. There are many students requiring ‘safe spaces’ without offensive speech that could hurt the feelings of anyone. These students demand offensive speech to be prohibited.

Some cases are noteworthy. Judith Shulevitz, a journalist at The New York Times, reported that, at a student’s meeting at the University of Chicago, a Muslim student rebuked the guest speaker (a Charlie Hebdó journalist) for his magazine’s lack of respect toward Islam. The guest did not yield, and the dialogue got tense. A few days later the organizer of the event had to apologize. In the same line, Shulevitz also relates the turmoil caused by the distribution of pamphlets against homophobia in Columbia, the cancellation of a debate on abortion by the threats of feminist groups at Christ Church College, in Oxford University (U.K.) and the opposition of a group of students from Brown University at a conference where a speaker would speak of ‘rape culture’ (Shulevitz 2015).

Different newspapers have reported many cases of this widespread controversy. At Yale, a dispute arose about how Halloween costumes can be ‘potentially offensive’
(Shulevitz 2015). At Princeton, students blocked the graduation speech rapper ‘Big Sean’ because they claimed that his lyrics were misogynistic (Parts 2015). At Harvard, there was a protest against a law professor, claiming that he should not mention denounced violations in their classes because of the risk of stirring up traumatic memories (Wright 2015). In Colorado, they blocked the film showing of ‘Stonewall’ because it did not represent the role of African Americans in the U.S. history.

In all these cases, activist students plead for ‘safe spaces’ from the administration, to protect the Campus environment from offensive speech that may hurt the feelings of any of the students. The consequences of these protests and demands have driven some leaders of the universities to apologize publicly, interrupt or request a speaker to call off discussions on several occasions (Shulevitz 2015).

In this paper, I will face the controversy as a whole without entering into the details of each argument presented. I will outline the main standpoints of the protagonists of this debate.

It is well-known for centuries that Universities have been the spaces of free cultural debate. In the 1960s, they became relative safe harbors for fighting the cultural battles regarding sexual liberation and civil rights. However, currently the students’ claim seems to be the exact opposite, and the liberal principle of absolute tolerance of speech seems under siege. If so, who is to be blamed for it?

There are many groups involved in this affair: students, faculty, parents, alumni, administrators, trustees, citizens and politicians. I will only focus on the three main participants in the debate – the students, the Faculty and the University administrators – and their core standpoints.

2.1. The activist students

1. They demand that campuses be free of offensive speech related to sexuality, gender, race and religion.
2. The students demand protection from images, words and ideas that could offend them.
3. Their goal is to turn their campuses into a ‘safe space’ in itself. The placement of ‘safe space stickers’ around Campus (Colleges, Faculty offices, etc.) indicates support for such attitudes, and it means that potentially harmful stances should be left out, even before a discussion begins (Wright 2015).

2.2. The faculty

1. Safe spaces attempt to immunize academic life from the intellectual challenge of debating conflictive views. The University is a place to confront different standpoints, and a place to acquire the intellectual courage to argue with ideas that one could disagree with, oppose or even find offensive. The goal of higher education includes acquiring skills for critical thinking. Safe spaces create an immature atmosphere (Espinoza, Rayner 2015; Sherlock 2015; Zeronian 2015).
2. Restricting the free exchange of ideas is like destroying an open and democratic society. Universities need to identify freedom of thought and discussion as their central value, and educate students in this principle (Espinoza, Rayner 2015).
3. By contrast to these arguments in favor of free speech, it has to be mentioned that some members of the Faculty partly sustain the position of the students (Shulevitz 2015).

2.3. The university administrators

1. They stand for a pragmatic attitude. The statutes, by which universities are governed, command them to respect and balance two requirements: to preserve Campus from any ‘hostile environment’ providing protection and security, and also to guarantee freedom of expression.

2. The real fact is that a student’s family that pays around $60,000 a year becomes a customer, and the concern for the administrators is to satisfy the client’s requests.

3. Administrators have to deal with budget requirements, investments and donations from the trustees. So, the irony of the situation is that perhaps the first principle for them is not freedom of thought, but rather donors and ‘clients.’

After a quick overview of the three different positions, it is apparent that some liberal principles related to freedom of speech are under siege, mainly tolerance in the face of all kinds of discourses, and the openness of a free marketplace of ideas. But the question is How can freedom of expression be restored when so many of those who should defend it on campus (Faculty and administrators), have either turned against it or have surrendered or at least subordinated it to other ideals? (Kurtz 2015).

Kurtz suggests that, to restore free speech on Campus, it is necessary to recover the policy modeled in the Yale’s Woodward Report of 1974 and the University of Chicago’s Kalven Committee Report of 1967. Going into the details of these reports goes beyond the aims of this research, but I will make a brief mention.

It is worth noting that the Chicago Report was written before the Vietnam protests, the Kennedy assassination and the cultural revolution of 1968. It was, in short, another era. The Yale’s Report was particularly focused on defending an intellectual growth through unfettered freedom of thought and expression. Following the same track, in 2015 appeared the Chicago statement (Stone 2015). However, in many areas of the U.S. politics, liberals and non-liberals appeal to this era as an ‘idyllic past’ in which despite all the tensions, they overcame the problems with free democratic politics.

The context of the safe spaces complaints that we explore in this paper is very different from the atmosphere of the 1960s and 1970s. It is not my interest to make a parallel between them. My aim is to show the paradoxical situation that this case of the ‘safe spaces’ sets today against the classical principle of tolerance of a democratic society. Perhaps, it is necessary to critically analyze the standpoints of the tolerance theory of free speech, and try to reflect and offer some suggestions for action.

3. ‘Correctness’ and ‘Liberal tolerance’

We cannot forget that today’s generation of students has received a strong cultural formation of ‘protection’ and ‘security’ that started after 11 September 2001. They belong to a ‘culture of prevention’ against different enemies including Al-Qaeda, AIDS, economic crisis, etc. So this education on safety and prevention is widespread
regarding health, sexual life, happiness, personal aims, etc. We cannot offer a complete overview of the sociological situation, but this hint summarizes the educational background of these students.9

The liberal position on freedom of speech holds some absolute values that we could summarize briefly in tolerance, openness and ethical neutrality. (Bollinger 1986) All three principles are related to each other and share the philosophical roots of liberalism.

At the same time, during the twentieth century, a civil libertarian tradition has arised with a nihilistic background that allows transgression, irreverence and offense, as a romantic and stoic program of civility that could be characterized by the phrase ‘defending your enemy’ (Neier 1979).10

As a reaction to the brazenness and arrogance of the libertarian position, we find the group of political correctness, as a civil program based on self-control, respect and refinement (Peters 2005).11 We can distinguish between two different approaches to correctness; the first one enforces censorship in the name of some imposed values, as a reaction to the extremes that came from the Enlightenment. The other one offers a more positive shape of correctness, and with the similar modern-enlightened aim to pursue wisdom and to improve society.

In the second half of the twentieth century in the U.S., there arises an alternative to liberal action to enable the model of ‘passivity.’ This stance is the one that struggled for Civil Human Rights in the 1960s and 1970s in the U.S., using the ‘power of passivity and drama’ (Peters 2005), performed by non-violent testimony and civil disobedience.

The previous paragraphs are only a brief sketch, so as to have an idea about the huge debate regarding communication and democracy. A detailed study exceeds the scope of this paper. As I said before, my point is to focus on tolerance as a key factor in this debate. To face this issue I will explore some arguments of John Milton, one of the forerunners of freedom of speech, and try to confront his tolerance theory with the classical understanding of tolerance.

4. Do we stand for tolerance or permissiveness?

Tolerance is not properly a virtue12 (John Paul II 1990) in the classical understanding (Aristotle).13 Rather, it is an attitude of recognizing the objective difference between a positive and a negative fact, and accepts this negative circumstance in order to obtain balance (Pius XII 1953).14 That is why it is important to note that ‘tolerance’ is different from ‘permissiveness.’ The first one makes room in society for the error and evil, but considers that good and truth are permanent values. Permissiveness implies a lack of objective moral values.

The Enlightened philosophers, particularly Voltaire (1694–1778),15 rebuilt the classical concept of tolerance. They suppressed the reference to truth and good, and pointed to subjectivity and ethical suspension, that is, relativism. The European Enlightenment starts the aspiration toward a ‘universal tolerance.’ The point is, under that view, the unique possible attitude of tolerance is the relativistic one (Kelsen 1929).16

Voltaire is an emblematic figure for this core idea of modern tolerance. Though he was not the first to talk about this topic, he made an important contribution to spread
what he called ‘the spirit of tolerance.’ Near the end of his life, he called himself the ‘Patriarch of Tolerance’ (Ocáriz 1979).

In the eighteenth century, tolerance was conceived in many ways, but there was one common understanding shared by the vast majority of modern thinkers: tolerance as the opposite to fanaticism. For many modern philosophers, fanaticism comes from tradition and religion. They want to build a ‘scientific ethics’ without reference to any standing criteria, values or truth, because truth is just understood as an ‘experimental verification’ (Fabro 1969; Cardona 1973; Ocáriz 1979). At least, for Voltaire and many others, skepticism becomes the high ground as well as the foundation of tolerance (Ocáriz 1979).

John Milton also enforces this principle of tolerance in Areopagítica (1644) (Milton 1644), becoming one of the heralds of free speech. In that famous speech he develops this core idea Good and evil grow up together, truth and falsehood must grapple in a free and open encounter (Kendall 1960). Milton follows the thought sustaining that the knowledge of good and evil are equally inseparable, as twins, concluding ‘that is to say of knowing good by evil’ (Milton 1644). So from a dialectical starting point of ‘good–evil,’ ‘truth–false,’ he grants to evil the power of being a catalyst. For Milton, it is necessary to explore the regions of evil, hell and sin without restraint, to go further: ‘And this is the benefit which may be had of books promiscuously read’ (Milton 1644). For Milton, censorship is the only forbidden sin, and he advocates a ‘spirit of free and critical thinking’ (Milton 1644). So, following Milton’s thought, there is no reason for any protected speech. It is an insult not let the truth stand up for itself: ‘Let Truth and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?’ (Milton 1644).

Milton’s theory of tolerance and liberty comes from this dialectical conception of truth; allowing all kinds of speeches is socially healthy and wise, because Truth has been broken into a thousand pieces, and scattered to the four winds (Milton 1644). The purpose of Milton’s grappling is ‘confuting of error’ not finding out what ‘is true’ (Milton 1644).

The preliminary distinction about tolerance and permissiveness permits us to say that the Miltonian ‘exploration of evil without limits’ it is not related to the classical virtue of tolerance, but to permissivity.

I also think that Milton’s sympathy for evil gives birth to certain alleged rights to evil and error, as necessary values. As I understand, this framework validates and justifies the ‘right to offend.’ It is in this conceptual basis that most theorists of freedom of expression have found their intellectual developments.

5. Milton’s approach to tolerance on harmful speech

There are two different statements about the issue of tolerance of harmful speech, which are interesting to note. The first one by Vincent Blasi, who says that legal systems influence more by way of exerting authority to ‘protect dissenters’ than teaching about tolerance (Blasi 2002). By contrast, Lee Bollinger advocates for a pedagogical understanding of tolerance as the best protection to free speech from the individual’s impulse to intolerance (Bollinger 1986).
Bollinger paraphrases Milton recalling that only ‘acts’ cause injury, not words. The classical theory of free speech considers the consequences of actions, not words, as verifiable damage (Bollinger 1986). As a result, speech is an unrestricted and ambiguous area where Milton’s principle of absolute tolerance reigns, through which all harmful speech is allowed, in a free and open confrontation of ideas.

From an ethical point of view, speech is man’s deed because his freedom of will, which can turn out into an instrument of hate or lie. From the anthropological perspective, speech must serve truth and charity (Luño 2014). Thus, language can be true or false, unite or divide, hurt or help. So, words (as any speech) have the power to do things by themselves.

In discourse, in general, and in news, in particular, ‘what is said,’ the content of speech, the locutory dimension, is not the only thing that counts. There is also the pragmatic, elocutive dimension: speech (and so the words it contains) does things. Cabú, an artist who was killed in the terrorist attacks to Charlie Hebdo magazine in 2014, said ‘A vignette is a rifle shot.’ In some instances, discourse also has a perlocutie effect. The cartoons of the French satiric magazine were meant to provoke some reaction, and an awful reaction followed, regardless of whether it was unexpected. It means that words have the power to act. When a journalist tells a lie, he is doing wrong, and a result he may be fired from the newspaper, apart from other possible consequences; when an advertiser makes an advertisement he expects that the potential client might be moved to buy it. The fact that it is difficult to say what a fiction or an artistic work does in the receiver is not tantamount to saying that it is irrelevant or does nothing.

There are words that can hurt and there are also intimidating acts. The meaning and interpretation of acts and words are often open, but not to allow misuse. The ‘ambiguity’ and ‘elasticity’ of meaning that is sometimes attributed to them is unnatural: ambiguity cannot be forced endlessly (Matsuda 1993). On the other hand, saying ‘let speeches compete and be balanced by the reactions of society’ is an optimistic but irresponsible assumption allowing ‘more speech’ is worthless because it only leads to further abuse, or could place the offender in a position of authority over the victim’ (Matsuda 1993).

These words of Pope Francis go along the same line ‘Jesus reminds us that words can kill! When we say that a person has the tongue of a snake, what does that mean? That their words kill! Not only is it wrong to take the life of another, but also it is wrong to bestow the poison of anger upon him, strike him with slander, and speak ill of him. This brings us to gossip: gossip can also kill, because it kills the reputation of the person!’ (Pope Francis 2014).

Free speech is a precious value for human flourishing and democratic society, and therefore it is necessary to defend it; but it is not an absolute principle. The exercise of freedom of speech requires not only respect for law, but also for ethical responsibilities like personal and common duties of justice: respect to common good and to honor, fame and privacy (Luño 2014). So the ambiguity of noxious speech that Milton defends is a theoretical stance that can harm human dignity. Milton’s view of tolerance (permissiveness) has ‘social costs,’ which are necessary to evaluate critically because of the conflicts it authorizes.
As we saw in Table 3, citizens agree that there are some values that have to be safeguarded because not every speech can be accepted. Common sense resists Milton’s absolute tolerance (permissiveness) to insult and hate speech.

From a liberal point of view, ‘absolute free speech’ can become anti-liberal when it enables inhuman attitudes, because the ‘intellectual position’ of absolute tolerance of allowing all kinds of speech without restraint can easily create a refuge wherein criminals can hide (pedophilia, pornography, racism, discrimination, trafficking, etc.). I deem it is necessary to rebuild some ethical foundations of the freedom of speech, because the exercise of freedom has some moral principles and its exercise entails responsibility. It is not about censorship but the common good and human flourishing.

6. Should there be protected values?

In spite of what I have said before, we notice that today there are certain kinds of protected values, for example, speech against ‘black’ people, Jews, homosexuals, etc., people whom one cannot argue with, not just neutrally but also legally, because it’s socially punished: racism, Holocaust denial, homophobia, etc. I guess that we also agree with the fact that you do not insult or abuse an idea but a person. Human dignity makes the difference and requires protection. That is why there are some human values that we protect by law, but as McKinnon notes, protection has to be for all groups, not only for those lobbies or ideological groups with more power of influence. Free speech has to respect equality (McKinnon 1999).

In this issue, we face a conflict between freedom of speech and discrimination, since only certain speech is protected. Paradoxically, most of the defenders of absolute tolerance of noxious speech do not allow any criticism or dissent of their positions, as we have seen show in the case Elton John vs. Dolce & Gabbana.20 When the Italian couple criticized the methods used by some homosexuals to have children, Elton John and the gay lobby reacted with great aggressiveness, urging the ‘media lynching’ of those who dare to disagree, and even appealing to boycott. In fact, the modern call to neutrality and skepticism opposes such protection but allows its aggressive narrative.

Although liberal tolerance embraces neutrality, on the one hand we observe that reality is not neutral: belligerent speech and verbal abuse about race, sex or religion can stigmatize, oppress or violate the privacy of individuals. And on the other hand, there certain protected speech is privileged (gender and race, for example).

So there is some contradiction going on, because some ideological groups are playing with the advantage of protected values and with no disadvantage to its own hostile narrative against all those who support opposing values in the public sphere. In my opinion, this contradiction comes from a principle of tolerance (and free speech) without foundation.

However, going back to the students’ call for safe spaces without offensive speech, I think that from a liberal point of view, there are some standpoints that are not easy to sustain, because of these contradictions.

7. Conclusions

It seems to be that reliance on freedom of expression has weakened in the Anglo-American culture today because of offensive speech (violent ideas or symbols,
obscenity and pornography, etc.). Perhaps, it is because there are no clear boundaries between hate speech and free speech. This distinction could offer an interesting framework to develop an upgraded discourse about free speech.

There is a commonly shared view that the university should be an experience to help students mature, a period to open their minds and expand horizons. But the nostalgic rhetoric of the kind ‘All ancient times were better’ or ‘in our day the University was superior’, does not help to identify the problem. Are we facing ‘hypersensitive’ reactions of the students, or are we facing a post-traumatic reaction to the bombardment of hate speech? To answer this question we should have a complete overview, with independent sociological and psychological research.

The question is about tolerance to noxious discourses in the public square. A strong academic criticism is really necessary, as well as a sound intellectual debate. There is also a need to unmask transgressions that are more an act of visual or verbal violence, rather than constructive criticism. The moral of opposites advocated by Milton is a kind of ethical neutrality and skepticism that ends nowhere, because reality is not paradoxical, as if to say ‘to defend freedom it is necessary to defend enemies of freedom.’ Evil exists and it is useful for human growing, but evil and offense are not a moral right to be defended. Those who advocate absolute freedom of expression must weigh the social price to be paid by this intellectual position.

Higher education requires challenging ideas and some ‘intellectual jolt’ for human and academic growth. Education in critical thinking is absolutely necessary. From my point of view, the lesson we may get in analyzing this controversy is that society demands a moral and political re-thinking of freedom of speech, since this cornerstone of modern democracy is no longer taken for granted. As I have insisted throughout this paper, the point is about the proper foundation of the liberal concept of tolerance. With a relativistic approach to the problem, one cannot oppose the students’ claims because they also appeal for (protected) freedom. As I understand, the deepest problem in this controversy is not tolerance but the moral foundations of freedom of expression.

Notes

1. This topic is a present debate that is taking place at this moment in many university campuses at the U.S. That is the reason why in the first part of the article (n. 1 and 2), to describe the situation I mainly focused on secondary data (a report from the Pew Research Center), and different newspapers from 2015.
2. Source Pew Research Center: Spring 2015 Global Attitudes survey. Q30a–e. To check the details of all countries: see reference Pew Research Center (2015).
3. In the new campus lexicon, a ‘safe space’ is: ‘A room, offering a place of refuge, where students feel they can talk safely without fear of micro-aggression’ (Sherlock 2015).
4. In the 1980s, emerged a school of critical thinkers against absolute freedom of expression. They put together a series of articles on what they call the Assaultive Speech, which denounce the use of words as a weapon to hurt, humiliate or degrade. These thinkers stablished a direct link between offensive speech and racial exclusion, both in schools and college campuses and other social structures. In turn, they criticized some of the liberal foundations, such as the neutrality and objectivity of the State; the distinction between public and private for the offense which supposedly was only possible in the private sphere; they argued that the impersonality in the public domain is a “refuge” for
offending (Matsuda 1993). In particular, M. J. Matsuda took part in the debate about Safe Spaces, and argued that students in the College shouldn’t be victims of ‘violence of the word’ because many of them ‘are away from home for the first time and are in a vulnerable period of psychological development’. Shulevitz, ”Infantilized” College Students Need “Safe Spaces” to Avoid Scary Free Speech,” March 21, 2015.

5. Jonathan R. Cole, professor at Columbia university, has written two pieces that deal with the reports and explain their context (Bilgrami 2015; Cole 2009).

6. At the University of Chicago President Beadle created a Faculty Committee, in which Harry Kalven was the chairman, to prepare a statement about the University’s role in political and social action. The result was the reaffirmation of some principles related to the mission of the university: truth seeking, critical thinking, freedom of inquiry, etc., far from political battles and lobbying. Therefore, the university as an institution is neutral and does not have a collective position. www.uchicago.edu/ KalvenRprt.pdf

7. In 1974–1975 at Yale University there were hotheaded debates about race and war that divided students and Faculty. The Administrators settled a collection of principles to support protest and counter-protest in a document known as the Woodward Report. www.yalecollege.yale.edu/report-committee-freedom-expression-yale. To know more about the context, refer (Oviatt 1916).

8. At the end of 2014, as a response to the growing climate of censorship by students, the rector of the University of Chicago commissioned a group of experts to prepare a statement, which was published in January 2015. This document follows the track of the Kalven Report (1967) in favor of freedom of expression. Throughout 2015, other universities joined the Chicago Statement. The FIRE platform (civil rights in education lobby) echoed this situation in its 2015 annual report that evaluates more than 400 universities (Stone 2015).

9. Some works that can help to properly characterize this generation of students may be the following: (Beamish 2010; Coomes and DeBard 2004; Smith 2012). The Pew Research Center also offers some data about this student generation: http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/

10. Judges Holmes and Brandeis, both at the Supreme Court, advocate for a civic education program based on learning to live with hate speeches. This means defending the harmful discourse in the public sphere (”Defending the thought you hate”), as a theoretical position to educate political freedom and democracy, through tolerance (Peters 2005). Another example of this strong position is Neier’s memoir, the executive director of ACLU for several years, see the reference (Neier 1979).

11. In 1741, Benjamin Franklin created the American Philosophical Society, inspired in the British Royal Society. These societies were established among the good education in social manners, trying to build a public-social sphere of style, virtue and political correctness (Peters 2005).

12. As John Paul II said in 1990: ‘Tolerance is not a passive virtue, but is rooted in active love and is meant to be transformed into a positive commitment to ensuring freedom and peace for all’. ‘If you want peace, respect the conscience of every person’, 4, 12.8.1990 (John Paul II 1990).

13. Aristotle raises the question of the ‘lesser evil’ in the context of justice: ‘the lesser evil is preferable to a greater evil’ (see Aristotle 1886). The treaty of Saint Agustine On Order holds the view that it is fitting that those who govern tolerate certain evils that are reasonable, so that other assets are prevented or to avoid greater evils (St. Agustine 2007). In the same sense, Aquinas considers talking about the tolerance to the rights of unbelievers: ‘Accordingly in human government also, those who are the authority, rightly tolerate certain evils, lest certain goods be lost, or certain greater evils be incurred’(Aquinas 1966).

14. The Roman Catholic Church teaches that the duty to prevent evil ‘is not absolute and unconditional’ (Pius XII 1953). Tolerance is based on the relationship between a hierarchy of goods (individual and common good).
15. Before Voltaire, there are many works about political tolerance that he knew, and for sure, made a deep influence in his Treatise on Tolerance (1763): Michel de Montaigne, Essays, 2nd Book, tract XIX (1580); Baruch Spinoza, Tractatus Theologico-Politicus (1670); John Locke, Epistola de Tolerantia (1689), among others.

16. The link between democracy and relativism comes from Kelsen (1945).

17. John Milton developed the same idea in the epic poem Paradise Lost (1667) and in Milton (1644).

18. To see a complete explanation about the sense and the background of this expression refer Kendall (1960, 462).

19. To see a complete explanation about the sense of this expression on Truth refer Kendall (1960, 449–453).

20. The famous Italian homosexual couple Dolce & Gabbana gave an interview to the Italian magazine Panorama (12.3.2015), where stylists made a speech opposing the statements of gay-lobby on family and reproductive rights of homosexual couples. Among other issues, they claimed that a child needs a father and a mother to be educated properly, and were opposed to surrogacy motherhood and artificial insemination. The lobby triggered reaction was very aggressive against Dolce & Gabbana, animated largely by various LGTB groups, especially from the time when Elton John, in a post, urged the boycott of the Italian brand. The debate on freedom of expression was served.

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The author reports no conflicts of interest. The author alone is responsible for the content and writing of this article.

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