

Free Speech on Campus and Academic Freedom: An Analysis
on Trigger Warnings and Outside Speakers

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Chapter I: Introduction

In recent years, debate has proliferated on issues pertaining to freedom of speech on college campuses. This debate is by no means new, having ignited decades ago and existed in some form since universities became more than an indoctrination ground for the next generation of elites; however, the extremely politicized environment of the last decade has created a flashpoint. Debate rages on even as I complete this project, as issues of free speech on college campuses have been the subject of op-eds in the *Washington Post* and the *New York Times* within the last month. Each of these articles discusses different events on different elite universities, with the Post platforming an indictment of Yale Law School¹ and the Times giving space to a critique of the University of Virginia².

The purpose of this project is not to discuss these instances at length, but rather to characterize the debate of which they are part and to build towards an effective speech framework. The debate around free speech on campus is not precisely two-sided, but there are two chief concerns that define different positions on the spectrum of the conversation — the value of free speech and the importance of inclusivity. The importance of inclusivity on college campuses motivates my arguments in this project, so I will introduce this concern here.

It is no secret that American universities today differ greatly in their composition as compared to even fifty years ago. As racial justice movements and other progressive reforms have driven society forward, university doors have opened to a number of groups which had previously been completely, or almost completely, shut out of higher education. To take a pair of striking examples, the proportion of Latinx individuals between age 18-24 who are enrolled in college grew from 13.4% in 1972 to 39.2% in 2016, and the parallel proportion of Black

¹<https://www.washingtonpost.com/opinions/2022/03/24/yale-law-school-silberman-protest/>

²<https://www.nytimes.com/2022/03/07/opinion/campus-speech-cancel-culture.html>

individuals increased from 18.3% to 36.2% over the same period (National Center for Education Statistics). Statistics covering a broader stretch of time would paint a more clear picture of near-zero enrollment among Black and Latinx populations earlier in the twentieth century, but such statistics are hardly even available because 1972 was the first year during which the National Center for Education Statistics tracked Latinx college enrollment. There is still much work to be done with respect to equal access to higher education, but progress already made remains significant.

To me, this dramatic uptick requires that we reevaluate the norms of universities, speech norms included. The traditional idea that all legally permissible speech ought to have a place on a university campus may have served institutions well when almost all of their students and faculty came from privileged backgrounds, but that same notion may not serve universities in the same way now that their membership has diversified.

More specifically, there is reason to question whether the traditional guidelines of university speech are the most beneficial for university communities because some speech acts as a silencer, shutting out other perspectives, ideas, and voices. A plentiful literature identifies and describes the mechanisms by which this effect manifests, and I do not seek to defend these authors' arguments in this paper, instead taking the silencing power of harmful speech as an established phenomenon³. I do, however, wish to note this sort of silencing disproportionately affects and harms members of marginalized groups due to generations of discrimination, so the increased presence of historically underrepresented groups at universities warrants a thorough consideration of the consequences of this silencing effect on college campuses. As university communities become more diverse, and specifically welcome more individuals from less

³For an in-depth discussion of this power, I would suggest that one turn to the work of Katherine McKinnon, Mary Kate McGowan, and Ishani Maitra.

privileged backgrounds, it becomes increasingly important for universities to promote inclusion. And the pursuit of inclusivity does not always call for the same actions as protecting freedom of speech.

There are plentiful reasons to believe that a modern evaluation of university speech ought to lead to a speech framework that does its best to protect members of marginalized communities from harm, but I seek to provide epistemic reasons for the adoption of a speech framework that differs from the orthodox, everything-goes model and give readers an idea of what such a framework might entail. Delivering a complete, defensible free speech framework is beyond the scope of this project, so I focus on two issue areas in the debate that I view with particular curiosity — the delivery of trigger warnings and the presence of speakers from outside the university community on campus.

These two issues are the subject of my analysis and the problems for which I provide policy prescriptions throughout this work largely because they relate to the interplay between inclusivity and freedom of speech at universities and pose a set of questions I find interesting. It is worth noting here that this paper focuses on moral arguments and matters of policy, not the First Amendment and legal concerns. I do not seek to argue that the orthodox free speech framework violates the First Amendment nor that some alternative would survive strict scrutiny.

Arising largely from the silencing effect introduced above, inclusivity concerns pertaining to outside speakers surround the idea that the platforming purveyors of ignorant, offensive, or hateful ideas may harm the dignity of campus community members and effectively shut their voices out of intellectual discourse. This sort of silencing has significant epistemic consequences that I will discuss throughout this paper, so it merits policy consideration, especially when weighed along with the value of the expression of unpopular ideas on university

campuses. One may wonder whether universities should engage in content-based discrimination in the invitation and platforming of outside speakers, who should be making those discriminatory decisions, if anyone, or how universities should respond to the introduction of intolerant, offensive, or hateful ideas to their campus, and I will address different perspectives on these questions while presenting and advocating for my own.

As for trigger warnings, their delivery, or lack thereof, bears epistemic consequences insofar as it effects students' capacity to engage with emotionally challenging material. Trigger warnings are generally offered by faculty to advise students of forthcoming course content that may be harmful to them as a result of past trauma, and this interacts with inclusivity concerns in that historically marginalized and underrepresented groups on university campuses, such as women and people of color, experience trauma at a disproportionately high rate⁴ and thus are more likely to be impacted by the presence or absence of a trigger warning. Given this, and different views on the pedagogical value of trigger warnings in terms of increasing or decreasing engagement, there is reason to investigate questions regarding when trigger warnings should and should not be offered, and, in relation to the academic freedom⁵ of faculty, whether or not they should be administratively mandated, or even encouraged.

In this project, I seek to give the reader an understanding of the university free speech debate by beginning with an explanation of the traditional views on the issue before progressing towards newer and more unorthodox arguments. All the while, I weave in my perspective on the questions inherent to the issues of trigger warnings and outside speakers and carve an argument

⁴Proving this point lies outside the scope of this paper, but, for evidence of this point, read "Distribution of Traumatic and Other Stressful Life Events by Race/Ethnicity, Gender, SES and Age: A Review of the Research" by Stephani L. Hatch and Bruce P. Dohrenwend.

⁵An explanation of the term "academic freedom" is forthcoming in Chapter II, section i subsection c.

for a set of policy prescriptions I see to be epistemically beneficial with respect to those two issue areas.

I begin in Chapter II by introducing and critiquing the views of what I refer to as the ‘free speech orthodoxy.’ At the heart of the free speech orthodoxy lies a strong commitment to the epistemic value of free speech on college campuses: According to this traditional group of views, it is counter to the university mission to restrict objectionable speech because the consideration of even the most ignorant and demonstrably false ideas contributes to a university’s pursuit and dissemination of knowledge. This chapter starts with an explanation of these arguments’ objectives and justifications before moving into the issue areas introduced above. I detail the free speech orthodoxy’s arguments pertaining to outside speakers and trigger warnings in turn and conclude this chapter by critiquing these authors’ views in order to advance my argument and set the stage for the chapters to come.

In Chapter III, I move to the work of Sigal Ben-Porath, who makes an important departure from the free speech orthodoxy in her recognition of the importance of inclusivity to the university environment. In her book, *Free Speech on Campus*, Ben-Porath puts forth a novel framework she calls ‘inclusive freedom’ that focuses on protecting freedom of speech on university campuses in a manner such that it supports the creation and maintenance of an inclusive environment. I begin this chapter by distinguishing Sigal Ben-Porath and her inclusive freedom framework from the authors discussed in Chapter II before discussing that framework at length. In considering inclusive freedom, I describe Ben-Porath’s sentiments and prescriptions with respect to outside speakers and trigger warnings before critiquing her policies in regards to each of those issues. Ultimately, I take Ben-Porath to be making an important ideological step forward but missing the mark when it comes to actualizing her ideology. I commend

Ben-Porath's effort to consider inclusivity and use freedom of speech to create an inclusive environment, but I believe that her policy prescriptions for both outside speakers and trigger warnings can be improved. Specifically, I argue that her proposed policies could be altered to more effectively advance the university's epistemic goals through the promotion of inclusivity.

In Chapter IV, I credit Ben-Porath for her important contributions to the university speech debate and transition into an introduction of the work of Karen Intemann and Robert Mark Simpson, two authors between whose work I build a connection. In discussing Intemann, I use her arguments for the epistemic value of diversity to build the epistemic case for the importance of inclusion, and I introduce Simpson and his academic freedom-governed framework as a possible answer for how to found a speech framework that provides for that epistemic benefit. Simpson's framework envisions the university as a space governed by the rigor, thoughtfulness, and deference to academic expertise of formal academic spaces both in those spaces and the more public areas of campus, rejecting the traditional place of general free speech principles on university grounds. In this chapter, I introduce Simpson's argument and analyze it with respect to trigger warnings and outside speakers. Simpson does not actually discuss trigger warnings, so I extrapolate from his work and extend his framework to this issue. I also shore up what I believe to be holes in Simpson's defense of his position, ultimately positing it to be a compelling option for an epistemically-minded speech framework regarding the issues of trigger warnings and outside speakers.

Finally, I conclude in Chapter V that if one sees the university mission as being the production and dissemination of knowledge, as all of the writers cited in this project do, then one has reason to value inclusivity highly and that, with respect to the issues of trigger warnings and

outside speakers, that value should lead them to the policy prescriptions I propose in Chapters III and IV of this project.

Chapter II: Describing and Critiquing Orthodox Views

i. What Constitutes the Free Speech Orthodoxy?

In this section, I seek to introduce and describe in detail what amounts to orthodoxy on issues of university free speech. The content I lay out here will be an agglomeration of traditionalist arguments presented by a group of writers that at times present different points of view but nevertheless make similar prescriptions and proscriptions with respect to key topics in campus free speech debates. To properly lay out these views for examination, I will first explain the motivations which they find for their positions, generally speaking, before presenting their arguments and conclusions with respect to my chosen issue areas of outside speakers and trigger warnings.

It is worth noting here that when I refer to ‘free speech orthodoxy,’ I intend that term to identify the claims and standards advanced by authors like Keith Whittington, Erwin Chemerinsky, and Howard Gillman. Throughout the remainder of this chapter, I will center my description and analysis on Whittington’s work. In their book, *Free Speech on Campus*, Chemerinsky and Gillman corroborate the philosophical and legal foundation that Whittington lays for his argument and make clear that they share the same view regarding the importance of free speech. I do not dive into their analysis in this chapter, however, because their arguments are either parallel to Whittington’s or legal in nature⁶.

These writers espouse the virtues of free speech on college campuses, declaring it essential to unfettered inquiry and thus development of knowledge. Relatedly, they disavow any restrictions of free speech on campus besides those which follow from the limits of constitutional

⁶Though Chemerinsky and Gillman are not discussed at length in this chapter, their work becomes relevant again in Chapter IV as Robert Mark Simpson responds to their claims.

free speech and those, specifically in the formally academic sector of the university, which are essential to knowledge production and the maintenance of academic standards. These authors' views are distinct from others who ascribe similar value to freedom of speech at universities, like Sigal Ben-Porath, because they pay little to no mind to the silencing power of harmful speech.

a. General Sentiments and Justifications

If one statement could be made to generalize the position of the university speech orthodoxy, it would be that its proponents stand adamantly opposed to the restriction of free expression on campus in all but the most limited forms. As such, and because they see themselves as fighting an ongoing battle against censorship and silencing, the purveyors of traditional views on university speech make most of their claims with the intent to resist the restriction of expression.

In establishing their justifications for that resistance, authors advocating for this perspective make intentional efforts to distinguish the university from the rest of society. While these individuals almost certainly support broad speech protections beyond university grounds, they focus their arguments on the specific importance of free expression on campus, with universities being set apart as unique spaces that require broad speech protection for reasons unto themselves. This distinction manifests in the form of a focus on the importance of 'the university mission' and the necessity of free expression to the pursuit of that mission.

Whittington's work in *Speak Freely: Why Universities Must Defend Free Speech* exemplifies that distinction. As he notes in the introduction, "the argument I want to develop here is that we should understand free speech as central to the mission of a modern university" (Whittington, 6). With this statement of intent, Whittington makes it clear that he sees free speech's essentiality to the university mission as the primary reason to eschew restrictions of

expression. And he further develops this line of reasoning when he continues “the right to free speech is not an extrinsic value to a university ... [that serves] ends that have no connection to the goals of higher education itself. Rather, the value of free speech is closely associated with the core commitments of the university itself” (Whittington, 6).

The natural question at this point is, of course, ‘how so?’, and developing the answer to that question begins with understanding the purpose of the modern university. According to Whittington, as well as Chemerinsky and Gillman, the core mission of a university is to produce and disseminate knowledge (Whittington, 13 and Chemerinsky and Gillman, 52-53).

Whittington, like his fellow orthodoxy advocates, recognizes that different universities do this in different ways, and with different agendas and prerogatives, but he sees all universities as being “recognizably engaged in that common enterprise” (Whittington, 13). The question posed at the beginning of this paragraph thus becomes more specific: in what ways is the proliferation of free expression necessary for the production and dissemination of knowledge?

Whittington provides a succinct response to this second question, declaring that universities must protect free speech “because that is how scholars can make progress refining our understanding of the world and in improving the understanding of others” (Whittington, 30). Whittington sees free speech as valuable to universities because it facilitates the generation, testing, and communication of ideas — three processes which he believes are constitutive of advancing and disseminating knowledge. To expand upon this point, Whittington leans on two historical strands of thought: (1) the Jeffersonian advocacy for dissent at the turn of the 19th Century and (2) the liberal philosophical tradition advanced by John Stuart Mill.

Beginning with (1), Whittington reminds readers of the Sedition Act of 1798, a law that amounted to partisan censorship and brought about the first free speech controversy in United

States' history. The Sedition Act criminalized the publishing and speaking of anything “‘false, scandalous and malicious’ that might bring the federal government or federal government officials into ‘contempt or disrepute’ or excite against them ‘the hatred of the good people of the United States’” (Whittington, 32).

In using this disgraced piece of legislation as a rhetorical tool, Whittington turns to the term ‘false’ in the act. Specifically, he points out that the Federalists’⁷ promise that they would only punish false statements proved to be functionally worthless as truthful statements were suppressed because “no one could be confident that they could ‘establish the truth to the satisfaction of the court’” and mere opinions were labeled false, leaving dissenters no recourse to vindicate the truth of their perspective in the contemporary partisan environment (Whittington, 35). Whittington does not intend this account to be a condemnation of the early-American Federalists, but rather an example through which to make the general assertion that “empowering some to judge for everyone else what speech was worthy of hearing risk[s] significantly shrinking the public sphere” (Whittington, 35). Building on this point, Whittington notes the chilling of truthful speech that occurred under the Sedition Act as he comes to the conclusion that “once the power to suppress speech [is] granted, it [tends] to expand in ways that [aid] those in power and hurt those who are powerless” (Whittington, 35). He sees the bestowing of suppressive authority as an inescapably slippery slope only avoidable by barring anyone from punishing speech. Whittington makes this point using an exclusively political example, but one can imagine its implications for a university. If a university allows its administration to suppress speech, Whittington posits, this will inevitably restrict the ideas brought into campus discourse, thus limiting the university’s advancement and dissemination of knowledge.

⁷The Sedition Act was passed by the Federalist Party-dominated government of the late 1790’s and used as a tool for the quelling of Jeffersonian opposition.

In his analysis of the Sedition Act scenario, Whittington intimates that the existence of fundamental disagreement over what was 'true' and 'false' created the base-level issue with affording one group the authority to control the speech of another. This implication is a great point from which to begin the description of (2).

Whittington suggests that John Stuart Mill's brand of liberal philosophy is helpful in assessing universities because of his principal reason for valuing and protecting freedom of speech: he believed that "free speech is essential to the advancement of knowledge" (Whittington, 39). Whittington describes Mill's argument in three parts (the argument from humility, the argument from arrogance, and the argument from conviction), and these arguments combine to produce what is traditionally referred to as the argument from truth (Whittington, 39-47). However monikered, Mill's reasoning suggests ways in which free expression, and particularly free expression of dissent and unpopular opinions, is vital to the development of knowledge and the proving of truth. Whittington subscribes to Mill's arguments and presents them in support of his case for unfettered freedom of speech on campus.

Beginning with Mill's argument from humility, Whittington emphasizes the fact that humans are all fallible. This is relevant to freedom of expression in that those who seek to suppress speech based on its content presume that the speech they disagree with or find offensive "is false and thus not worth hearing" (Whittington, 39). These individuals, according to Whittington and Mill, make the mistake of forgetting their own fallibility; they mistake their beliefs for absolute truth and silence an opinion on the authority of that miscalculation.

This argument presents inherent concerns about the suppression of speech by questioning the authority of any group to properly do so, and Whittington believes the greatest concern stems from the implications of such silencing on the advancement of knowledge. As he

writes, “our own ability to realize the truth requires that we keep an open mind and be willing to listen to others who might turn out, against all expectations, to have some useful points to make” (Whittington, 40). Focusing on the latter section of Whittington’s statement, he sees suppression efforts against unpopular or offensive opinions as at least sometimes taking something away from the discourse on a subject. Individuals are not able to fully realize the truth of a matter because they close themselves off to relevant perspectives because they incorrectly believe them to be objectively untrue and valueless.

Moving now to the argument from arrogance, Whittington identifies it as an extension of the argument from humility that centers on the common good rather than self-interest. Whereas the fallible speech suppressor in Mill’s argument from humility merely stalls their own truth-seeking effort by refusing to hear out a potentially valuable perspective, the fallible suppressor in Mill’s argument from arrogance prevents others from encountering those opinions as well (Whittington, 41). This extension certainly seems reasonable in the case of a university campus; there is no sense in denying that a group of protestors who shut down a speech event prevent more people than just themselves from taking in the ideas of the speakers in question.

Whittington takes issue with this suppression for a number of liberty-centric reasons, but he again focuses on its impacts on the pursuit of truth. Returning to the idea of fallibility, Whittington notes that if we prevent others from hearing certain ideas, and “if we happen to be mistaken [...], then we have arrogantly damaged others by forcing them to accept our mistaken beliefs as gospel” (Whittington, 41). Just as someone who closes off their own mind to other ideas constructs obstacles to their own realization of truth, someone who prevents others from hearing those same ideas mistakes themselves as an infallible judge of opinions and constructs obstacles to others’ realization of truth.

Finally, Whittington turns to Mill's argument from conviction with the simple question of "how would we even know whether the opinions we hold dear are true?" (Whittington, 42). For Mill, the answer to this question is simple: to be confident in our opinions, we must see them weather serious challenge. This belief stems from Mill's paradigmatic argument that truth gone unchallenged transforms into dead dogma, a mere repetition of ideas no better than superstition. Mill believes that truth-seekers may only escape this sad transformation by testing their ideas in intellectual battle. They must become "keenly aware" of the weaknesses of their own argument if they wish to retain any hope for their ideas to become "firm, and justifiable, convictions" (Whittington, 43).

One may naturally question whether an individual could develop this awareness without giving light to ideas they find objectionable or offensive, but Mill's — and Whittington's — answer to this proposition is a firm 'no.' As Whittington states the matter, "if we wish to advance knowledge, we need to seek out diversity of thought and be willing to engage in an honest assessment of the merits of our antagonists' arguments and the demerits of our own" (Whittington, 44). Such an assessment, with its particular emphasis on diversity of thought, cannot be done while one side of the debate is muted.

Mill's three arguments as Whittington presents them comprise a demonstration of the truth-seeking value to hearing dissent, even when that dissent involves opinions that are unpopular or offensive to some. Whittington's takeaway from Mill's reasoning can be expressed in a single sentence: "We must be willing to defend our ideas and give a fair hearing to our critics, not for the sake of our critics but for our own sake" and the sake of others whom we wish to persuade with our arguments (Whittington, 47).

Together, Whittington's discussion of Jeffersonian dissent and Millian arguments from truth lay the principled bedrock for constructing a speech-positive environment that bears relevance to the university if one accepts his supposition that the primary mission of modern universities is to produce and disseminate knowledge. Pursuant to this primary mission, the only restrictions of free speech that Whittington looks upon favorably are those that are necessary to advance that purpose. Whittington consistently argues that "universities should strive to make speech available for their members to hear," but clarifies that "scholars have to work as gatekeepers who try to filter out bad information while letting in good information" (Whittington, 49 and 50). Whittington does not describe scholars' gatekeeping role in detail, but his commitment to free speech on campus leads me to believe it extends only as far as protecting the sanctity of their disciplines by controlling speech that makes its way to formal academic settings.

b. Outside Speakers and Campus Confrontations

Before beginning this subsection, I would like to note that I will be introducing the work of Rex Welshon near its conclusion. I introduce Welshon in supplement to Whittington, Chemerinsky, and Gillman because his article "Hate Speech on Campus: What Public Universities Can and Should Do to Counter Weaponized Intolerance" focuses directly on the issue of outside speakers and thickens my discussion of the free speech orthodoxy.

In applying the Jeffersonian and Millian pro-dissent arguments that guide his vision for campus free speech, Whittington stands opposed to the restriction of outside speakers based on the ideas they can be expected to discuss. This stance stems largely from his support of Mill's argument from truth, as Whittington recognizes that "we gain the most for good ideas [...] if we demonstrate why bad ideas are mistaken rather than treat them as taboo" (Whittington, 94). It is

very simple to transfer the dichotomy in this quote to the issue of outside speakers: to make content-based distinctions as to who is invited and who is not is to treat so called ‘bad’ ideas as taboo, whereas allowing speakers of diverse ideology to present and participate in open campus dialogue creates the opportunity to illustrate the flaws in bad ideas. As such, broad perspectives, including those which are unpopular or offensive, being welcomed into campus dialogue is Whittington’s goal (Whittington, 94).

I take it as truth throughout this paper that offensive outside speakers can and do cause harm to members of the university community vis-a-vis the silencing power of their speech, but that harm is not the focus of Whittington’s analysis on the matter. Instead, he focuses on the educational value of such speakers and the discussions they participate in, stating that “the intellectual environment on a college campus would be significantly impoverished if it were reduced to its core of formal teaching and research” (Whittington, 116). Moreover, Whittington champions the importance of the myriad offerings of outside speakers. While we may be tempted to disinvite or refuse platform to an individual because of their views and think it acceptable to do so because “the marginal value of one event might be relatively small,” Whittington warns against such decisions because it is the aggregation of individual events that “enrich[es] the intellectual life on campus” (Whittington, 117). Essentially, each seemingly insignificant event plays a vital role in the creation of a meaningful whole.

Transitioning to a more practical discussion, Whittington spends time discussing commencement speakers as an example of an outside speaker. He notes the trend of students becoming more critical of their university’s chosen speakers and makes several points regarding what he sees as proper university policy and student behavior in this issue area.

First, Whittington makes a statement about appropriate forms for student protest of outside speakers. He makes this claim through the juxtaposition of the following two anecdotes. He first introduces the case of students at Bethune-Cookman booing then-Secretary of Education Betsy DeVos throughout her address, and critiques these students as “embarrassing their campus” (Whittington, 120). After delivering this rebuke, Whittington describes the case in which Notre Dame students walked out of their commencement when Vice President Mike Pence stepped up to speak, and he praises their actions as “far better” because they managed to “express their dissent without disrupting the event” (Whittington, 121). By comparing these two real-world examples, Whittington lays out an argument that comes as the logical conclusion of his general views on campus free speech: students may protest the presence of outside speakers to their heart's content so long as they do not disrupt the event or prevent others from listening to the speaker. It is the disruption, not the dissent, that is problematic.

As is the case in most of his arguments, Whittington’s justification for this distinction is rooted in the advancement of knowledge production and dissemination through freedom of speech. To Whittington, dissent should be seen in a positive light, but disruption is destructive because it prevents students and other members of the campus community from hearing the ideas presented by the speaker. And following the argument outlined in section i subsection a of this chapter, that prevention demeans university community members’ ability to pursue truth by sparing their ideas from challenge and depriving them of the opportunity to engage with and refute a differing argument.

Secondly, and on a related note, Whittington implores university administrators to “be more accepting of expressions of dissent, even when parents are in town” (Whittington, 122). Whittington thinks allowance for student dissent against outside speakers, so long as it is

expressed without disruption, to be important to campus free speech, so he recommends against control or limitation of such dissent by university administration (Whittington, 119). One may ask why Whittington sees value in such dissent, and while he does not answer that question directly, the most likely response would be because it advances a form of campus dialogue and debate.

Third, Whittington warns against revoking the invitation of a speaker to campus once it has been extended. Whittington recognizes the legitimacy of a desire to avoid unnecessary conflicts as he gives this warning, but he maintains that “once a speaker is selected, it does not speak well for a campus community if the response is an insistence that an invitation to a speaker be revoked” (Whittington, 119). He sees calls for removal as representative of a campus community that suffers from being “too gun-shy about controversy,” and thus concession to such demands becomes undesirable because it legitimates those anti-controversy attitudes (Whittington, 119).

Fourth, Whittington demands that universities “[make] space for a diverse array of [public outside speaker] events” (Whittington, 123). Whittington does not assign the responsibility for making that space to any group within the university, instead simply describing it as the characteristic of a thriving intellectual community. He does, however, explain why these events, like commencement speeches and other large-venue speaker events, are important. While Whittington acknowledges that these events are further removed from the realm of scholarship than the invitation of visitors to speak at individual classes or faculty workshops, he purports that they derive significant value from “[engaging] members of the campus community at large with issues of general concern” (Whittington, 123).

Fifth, and finally, Whittington counsels against the invitation of provocateurs like Richard Spencer and Ann Coulter to campus. As he writes, “given a range of options, they should not be the first choice for those seeking to hear from thoughtful advocates of the contesting positions on the issues of the day” (Whittington, 133). When Whittington makes this prescription he returns to the words of Mill, advising against the invitation of extreme provocateurs because “assessing the merits of ideas currently on the margins [of contemporary American life] requires grappling with them not as caricatures but in their strongest form” (Whittington, 134). This line of reasoning draws from Mill’s argument from conviction detailed in section i subsection a of this chapter as Whittington notes that “a university community benefits from considering ideas that are currently on the margins,” but he simply assumes that speeches of provocateurs do not constitute the strongest arguments on behalf of those ideas.

If there is one question left unanswered by Whittington, it is about what university administrators are to do once provocateurs bring intolerance to their campus. Rex Welshon, however, focuses on this question in “Hate Speech on Campus: What Public Universities Can and Should Do to Counter Weaponized Intolerance.”

In his work, Welshon adopts the Millian perspective that “it is contrary to [the university] mission not to consider, analyze, and re-analyze beliefs and claims that are unpopular, dangerous, noxious, unjustified, or already discredited” (Welshon, 54). Without explicitly stating much, he adopts the same understanding of the university mission as Whittington, Chemerinsky, and Gillman — that the university’s primary mission is to advance and disseminate knowledge. To corroborate this assertion, Welshon does note “universities are storehouses of existing knowledge, crucibles for discovering new knowledge, and laboratories for transmitting existing and new knowledge to students” (Welshon, 54). Though Welshon does not expound on this point

much further, it seems reasonable to hold that he finds the necessity of universities' commitment to free speech in the same place as the authors introduced in subsection a of this chapter — its supposed value to the advancement of knowledge.

Welshon combines this epistemic commitment with the status of universities' public spaces as public fora as affirmed by the United States' judiciary to confirm universities' responsibility to tolerate intolerance. He does, however, recognize a limit to this commitment. Namely, Welshon argues that universities must only tolerate intolerance if that intolerance “does not jeopardize the dignity of their community members or imperil their academic norms and standards” (Welshon, 46). Welshon builds on the work of Jeremy Waldron, declaring the harm done by weaponized intolerance⁸ on university campuses as being dignitary in nature. One may question the combination of Welshon's conclusions with Whittington's as the former recognizes the relevance of dignitary harms in a way that the latter does not, but Welshon's prescriptions and proscriptions are derived from the same commitment to liberal philosophy held by Whittington. Similarly, as noted above, Welshon and Whittington share the view of the university mission as being to advance and disseminate knowledge, and share the same Millian conviction that broad freedom of speech is essential to the pursuit of that mission.

So, to answer the question of how universities ought to respond to provocateurs and their intolerance, Welshon offers two classes of prescriptions based on the limit of universities' duty to be tolerant: (1) those for cases in which the dignity of university community members is not jeopardized and (2) those in which it is.

Beginning with (1), Welshon holds that the university is obligated to tolerate intolerance in these cases despite intolerance being contrary to their values, norms, and standards (Welshon,

⁸This term is defined at length on pages 47-48 of “Hate Speech on Campus...” For the purpose of this work, this term can be thought of as the speech of outside speakers who come to campus with objectionable ideas that can be reasonably thought of as highly offensive to certain groups.

53). It is not exactly clear what Welshon means by ‘tolerate,’ but one would assume that it involves not doing anything called for in response to (2). Moreover, this class of prescriptions is underdeveloped because Welshon does not provide any examples of intolerance that would fit into this category nor details of a proper response; the focus of his article falls squarely on (2).

Moving now to (2), Welshon imposes a three-pronged obligation on university administrators to (a) denounce intolerance, (b) provide protest space for those opposed to it, and (c) protect members of the university community from harm (Welshon, 46). And recognizing that the list of requirements above is substantially vague, he further clarifies what actions ought and ought not to be taken to achieve those goals. In particular, Welshon determines public denouncement of weaponized intolerance and affirmation of norms of tolerance, providing protest forums of equal standing to the platform of the speaker for university community members, and providing safe spaces for harmed university community members to be in order for (a), (b), and (c), respectively. And on the other hand, Welshon declares hecklers’ vetoes, student speech codes, and speaker bans on intolerance advocates to be out of order for both their unconstitutionality and the epistemic consequences of their damage to freedom of speech on university grounds. Additionally, he determines that disruptive protest that comes short of hecklers’ vetoes to be allowable for students, but not faculty, on account of professional standards for faculty (Welshon, 55).

Finally, before concluding my discussion of Welshon, I want to further emphasize his stance on speaker bans and disinvitations. In his prescriptions for (2), Welshon defines speaker bans as strictly out-of-bounds. So, considering that he allows some intolerance towards intolerant speech in (2) and none in (1), it stands to reason that Welshon disavows bans on intolerant speakers no matter the effects of their particular intolerance. This conclusion is further supported

by Welshon’s commitment to constitutionality: to make such a speaker ban would serve as a form of prior restraint, effectively precluding any confirmation of which category a given event would fit into and thus defeating the purpose of his framework.

I see this conclusion as naturally extending to disinvitation of controversial speakers, even though Welshon himself does not discuss disinvitation. After all, a speaker disinvitation based on controversy is essentially an individual instance of an intolerant speaker ban. Expanding on this point, all of Welshon’s prescriptions are reactive — they are all items to be done or not done in response to the delivery of intolerant speech, not in advance of its expression. Given the commitment to freedom of speech he assigns to universities, it would be unreasonable to posit that Welshon would cosign the removal of an outside speaker’s right to speak on campus on account of controversy that their impending presence creates.

c. Academic Freedom and Trigger Warnings

Just as in subsection b of this chapter, before beginning this subsection, I would like to note that I will be introducing the work of Greg Lukianoff. I introduce Lukianoff in supplement to Whittington, Chemerinsky, and Gillman because his book chapter “Trigger Warnings: A Gun to the Head of Academia.” centers on the issue of trigger warnings and further substantiates my discussion of the free speech orthodoxy’s views in this area.

Before jumping into Whittington’s view on trigger warnings, it is imperative that I explain ‘academic freedom.’⁹ Academic freedom is often conflated with freedom of speech, but that is a mistake. Generally speaking, academic freedom is the institution that seeks to shield scholars from economic, political, and social pressures that come from sources like university administration, students, politicians, or the general public. Regardless of where these pressures

⁹I introduce the idea of academic freedom here for this purpose, but a much more complete account of academic freedom will come in Chapter IV.

come from, the idea incumbent in academic freedom is that these pressures impose limitations on the academic pursuits¹⁰ of scholars and thus restrict the university's pursuit of its knowledge production and dissemination mission.

Academic freedom is misrepresented as freedom of speech as frequently as it is because its preservation is often accomplished through guarantees of free expression (e.g. a professor cannot be fired for publishing research findings that advance a position that their institution's administrators disagree with). However, as Whittington notes, academic freedom is a concept unto itself, and it is academic freedom that Whittington seeks to defend when he discusses trigger warnings (Whittington, 66).

Diving into that discussion, Whittington situates his stance quite clearly. He believes that trigger warnings as a practice have a "reasonable core" that can and likely should be acted upon, but he takes serious issue with the "more expansive form in which they have mostly been deployed on college campuses" (Whittington, 60).

To begin with the reasonable core that Whittington recognizes, he seems to accept the original use of trigger warnings to alert people living with PTSD to the presence of trigger stimuli. In fact, Whittington describes this type of use as "a useful precaution to a specific, but also specifically relevant, set of readers who feared that exposure to particular content might cause them psychological harm" (Whittington, 60). Whittington believes that trigger warnings have expanded beyond their usefulness since they existed only in that form, but he still recognizes the potential efficacy of a university trigger warning implementation model that remains narrowly tailored to that original use. Specifically, he sees promise in the idea of a system for trigger warnings that exists within a medical framework, drawing a comparison between students with severe allergies and student with PTSD and arguing that "for students in

¹⁰Both in research and in teaching.

either situation, it would be useful and appropriate to identify what might trigger their symptoms, and it would be appropriate to try to find accommodations that will minimize the risk of harm to them” (Whittington, 60).

Practically speaking, Whittington sees the offerance of trigger warnings existing within the framework of universities’ disability accommodations system. Just as students with a variety of neurological and cognitive conditions receive extra time on timed tests, Whittington envisions a world in which students with PTSD are assessed and offered individual accommodations “deployed with an eye toward both facilitating the student’s educational progress and preserving academic standards” (Whittington, 61). Whittington makes it clear that being informed of what materials they could expect to encounter when they enroll in a given class could be seen as a proper accommodation for a student with PTSD, thus endorsing a very specific usage of trigger warnings.

Whittington sees this model of trigger warning offerance as valuable insofar as it “takes seriously the underlying concern of the discourse of trigger warnings, the possibility that some students are living with mental health difficulties that could impact their ability to take full advantage of their educational opportunities” (Whittington, 61 and 62). He holds that universities should be committed to helping students take such advantage of their educational opportunities and believes that an extension of disability accommodations to students with PTSD properly fits into the sub-objective of universities to commit more resources to student mental health in pursuit of that greater goal (Whittington, 62).

Beyond cases in which students are diagnosed with PTSD and the university recognizes that diagnosis, though, Whittington does not see much utility in the offerance of trigger warnings. He makes arguments against their use and against their mandate.

Beginning with the mere use of trigger warnings, Whittington first notes the nature of such warnings, stating that they deem a reading, for example, to be not only “controversial or offensive, but to have the capacity to cause, or trigger, immediate psychological harm” (Whittington, 62). Whittington finds no problem with this labeling in the individual case of a student with PTSD, but does not feel the same about the blanketed use of trigger warnings that are significantly more common in today’s university landscape. As he notes, “in the absence of any specific PTSD diagnosis, however, there is no possibility of assessing the relative risks or harms that might be associated with any given text” (Whittington, 62). Even with Whittington’s stance against the expansive use of trigger warnings, this claim is surprising because it is so strong. Regardless, Whittington sees an individual diagnosis of PTSD as a boundary within which trigger warnings can operate, an anchor to the principle of maximizing engagement and a measuring stick for determining which texts may be more harmful than others. Outside of such a boundary, though, Whittington sees the determination of what requires warning as a discussion that is “immediately biased toward minimizing the risk of harm rather than evaluating that risk and balancing it against other considerations, such as the intellectual or pedagogical value of the texts in question” (Whittington, 62).

One may reasonably wonder, as I do, what the problem is with leaning towards minimizing harm when labeling trigger warning-worthy content. Whittington’s answer to this quandary comes in his concern that “dissociated from the specifics of a clinically diagnosed condition, the claim that something might be ‘triggering’ becomes an all-purpose means for avoiding or silencing disfavored speech in the name of harm prevention” (Whittington, 63). Stated simply, Whittington has a very pessimistic view of trigger warnings. He spotlights a few cases in which ‘triggering’ content was formally banned or university administrators called for

the removal of ‘triggering’ content from course materials, and he treats those cases as the inevitable path of the blanket use of trigger warnings (Whittington, 63 and 64). Whittington, like the American Association of University Professors, disavows the voluntary use of trigger warnings on syllabi for its tendency to prioritize comfort over intellectual engagement, and he fears that the logical conclusion to that prioritization is the elimination of controversial content from college classrooms (Whittington, 65). And as Whittington places great value on the discussion of controversial content in university settings¹¹, this fear colors his opinion decisively against voluntary trigger warnings.

Whittington provides an additional argument against the use of trigger warnings that I will label *the avoidance rationale*. The avoidance rationale is relatively straightforward, dictating that trigger warnings are problematic because they allow for and encourage the avoidance of sensitive material and thus lower engagement with content of that sort. Whittington, in particular, does not sketch this argument in great detail, but he takes it to be significant. He notes that the tendency of a patient to avoid perceived triggers is commonly seen to be a symptom of PTSD, and he suggests that “campus trigger warnings lean into, rather than attempt to ameliorate, what might be clinically diagnosed as PTSD” (Whittington, 63). Whittington says as much on the grounds that trigger warnings let those with trauma know that a trigger is coming and thus give them an avenue for avoidance; he thinks that they interrupt patients’ treatment efforts “to engage and confront and ultimately surmount triggering stimuli” (Whittington, 63).

To add further context to this rationale, Greg Lukianoff also champions it in “Trigger Warnings: A Gun to the Head of Academia.” In “Trigger Warnings...” Lukianoff advances a view of trigger warnings that is very much in line with the authors already introduced in this chapter. Lukianoff’s views are a natural pair for Whittington, Chemerinsky, and Gillman’s as he

¹¹As shown in section i subsection a of this chapter.

similarly believes that the use of trigger warnings has gone overboard and would be better served if directed specifically at individuals with diagnosed PTSD. Moreover, he shares Whittington's belief that the blanket use of trigger warnings threatens freedom of speech, diluting the university intellectual environment and leading to the censorship of challenging and controversial content (Lukianoff, 58-62). Lukianoff lays out a list of reasons to fight against the proliferation of trigger warnings, but I will focus on the avoidance rationale here.

Lukianoff's justification for the avoidance rationale has two prongs: (1) that trigger warnings train students to avoid their trauma and (2) that a trigger warning-filled environment will lead students to not seek support after engaging with their trauma. To explain (1), Lukianoff argues, citing psychiatrist Sarah Roff, that training students to avoid certain topics can be detrimental to those with trauma. Roff notes that avoidance is often one of the most impairing symptoms of trauma, and the active implication is that trigger warnings provide an avenue for that avoidance. Moving onto (2), Lukianoff does not provide much detail, but suggests that an expectation of trigger warnings for sensitive content will lead students to shift blame to professors when they are exposed to trauma-related content without warning. Lukianoff argues that students will do this by filing claims against faculty, leading them both to compromise the academic freedom of those professors as well as avoiding seeking support and resources for handling their own struggles (Lukianoff, 63).

Lukianoff's first claim is almost an exact mirror to Whittington's lending further credence to the concern, and he adds new material to *the avoidance rationale* in his discussion of blame shifting and a decrease in propensity for students to seek support after engaging with traumatic material sans warning. I will combat both of these elements later in this paper.

Moving forward to Whittington’s argument against the institutional mandate of trigger warnings, this is where the idea of academic freedom becomes important. In fact, Whittington’s argument against mandatory trigger warnings, which I will label *the surprise rationale*, relies entirely on the notion of academic freedom. To explain, Whittington leads by emphasizing that “faculty must routinely consider how best to expose students to difficult material in order to advance their understanding of the subject at hand” (Whittington, 65). This responsibility is part of a scholar’s duty as an instructor, and, according to Whittington, it should exist without bounds. As he notes: “While it would seem unwise to toss students unprepared into such emotional maelstroms¹², it is at the heart of academic freedom that faculty be allowed the flexibility to introduce such materials” (Whittington, 66). It is not precisely that Whittington supports the pedagogical practice of surprising students with sensitive content, but that he believes instructors must be at liberty to do so if they deem it to be in the best educational interest of their course. Whittington implies that the authority over course instruction decisions is the professional right of faculty, and he seems to believe that this right provides benefit to the university community. Even as he considers surprises to be facially “unwise,” he announces that “passing such critical decisions about course content to college administrators risks stifling innovation in teaching and restricting the scope of the educational experience” (Whittington, 66).

ii. Critiques of the Free Speech Orthodoxy

Having now laid out the views I refer to as the free speech orthodoxy, I wish to levy three critiques of this class of arguments. These criticisms are not an exhaustive list of the issues I take

¹²The “such” in this sentence refers to an instance in which an Africana studies program at Lehigh University sought to allow students to confront the remains of slave markets by taking them to Ghanaian slave dungeons and providing for “a very emotional experience in that space” (Whittington, 66).

with the views of the free speech orthodoxy, but an important subset that motivate the remainder of this paper.

First, I would like to reiterate that these authors are united by their complete confidence that a campus speech environment which allows and encourages all speech protected by the First Amendment best advance the university's mission of knowledge production and dissemination. In fact, these authors see any limit to speech beyond those legal categories as demeaning the university's capacity for inquiry. And while I recognize that knowledge production could not effectively take place without some degree of speech protection, I question whether an unfettered freedom actually maximizes the university's pursuit of its epistemic mission.

These authors neglect to seriously consider the silencing power of speech, which I see as problematic deficit in their analysis. As they make so many arguments asserting that hearing all ideas in intellectual discourse, including the unpopular and offensive ones, is essential to advancing knowledge, they ignore the possibility that these offensive ideas they seek to protect may prevent other ideas from being heard. And it seems to me that this possibility makes the epistemic calculations around allowing the speech of provocateurs more complicated than how the free speech orthodoxy presents them. When some speech precludes other speech in a university context, the epistemic harm done by that silencing must be considered alongside the epistemic good done by the allowance of the speech itself. The authors in this chapter neglect to make this consideration.

Next, I take issue with the avoidance rationale presented by Whittington and Lukianoff because I do not believe that it reflects what actually transpires in practice. The pair argue that trigger warnings are problematic because they encourage students to avoid sensitive material, thus lowering engagement with that content and subsequently harming the university's pursuit

and dissemination of knowledge. And if it were true that these warnings lead students to avoid the triggering content, then this concern would be an important one. Universities would be less effective in disseminating knowledge because fewer students would learn about sensitive issues, and one can imagine harms, certainly in the long-run if not in the moment, done to universities' pursuit of knowledge by that sort of failure in dissemination.

I do not, however, accept these authors' assumption that trigger warnings lead to avoidance. Whittington and Lukianoff fail to provide any empirical or anecdotal evidence that this avoidance effect takes place, and, absent that proof, I believe that there is an argument to be made that the offerance of trigger warnings actually allows for increased student engagement. I expand on this argument in Chapter III.

Finally, Whittington and Welshon make their arguments regarding the speech rights of outside speakers with the understanding that a university's informal spaces ought to be a public forum. These authors believe that this understanding benefits the university's epistemic aims by allowing students to engage with as many arguments as possible, and thus that the expressive interests of all persons, student, faculty, or outsider, should be weighed equally. I question this logic, though, partially on account of the silencing power of speech discussed in my first critique and partially because I think it represents a misunderstanding of the nature of universities. So as to avoid redundancy, I will expand on only the second point here.

Though many universities are public institutions, they are by their nature exclusive. I do not mean this statement to refer to the admissions process, but rather to the simple fact that only a select group of people — students, staff, and faculty — can reasonably be considered part of a given university community. And, disregarding non-instructional staff for the moment, it is these

people, not the general public, who engage in the university's pursuit and dissemination of knowledge.

Given this, it seems odd to me that universities need to, as Welshon asserts, tolerate intolerance despite intolerance being contrary to their values, norms, and standards. Presumably universities uphold these values, norms, and standards because they help universities thrive in the pursuit of their mission, so why should somebody from outside the university be allowed to imperil them? Perhaps there would be reason in some cases for universities accept this intolerance for some epistemic good that would come along with it, but it seems to me that some arm of the university ought be able to protect the institution's standards. This is an argument I will come back to briefly in Chapter III and expand in Chapter IV.

Chapter III: Sigal Ben-Porath's Inclusive Freedom Framework

In a departure from free speech orthodoxy, Sigal Ben-Porath recognizes that a traditionally free and open exchange of ideas — comparable to a *laissez-faire* economic approach — is not truly free or open (Ben-Porath, 43). Instead, she notes that such an exchange often excludes members of the community as a result of the ability of some harmful speech to silence other voices. This recognition complicates the narrative of campus free speech because it eschews the sort of free speech idolatry that defenders of robust debate tend to participate in and introduces concerns of inclusion to the conversation.

Interestingly, though, Ben-Porath does not follow her concerns surrounding inclusion to the conclusion that speech must be restricted in order to create a welcoming campus environment. Rather than making that statement, Ben-Porath rejects the standard belief that free speech and inclusivity exist in opposition. She believes that an inclusive campus community can be created without regulating or censoring speech based on its content, and she holds that the university will be better off in its epistemic pursuits for having maintained its commitment to free speech.

In her book, *Free Speech on Campus*, Ben-Porath puts forth a speech framework that seeks to create such an inclusive campus community, a framework she refers to as “inclusive freedom.” According to Ben-Porath, her inclusive freedom framework “is aimed at protecting free speech for all members of the campus community in ways that support the development of an inclusive environment” (Ben-Porath, 37). In this way, she hopes to leverage freedom of speech to create a campus environment in which all members of the university community are able to equally participate.

While she takes a step away from the free speech orthodoxy, Ben-Porath does concur with its proponents on some key points. Most importantly, she shares the views that the purpose of universities is to pursue and disseminate knowledge and that freedom of speech is essential to their ability to do so. As such, Ben-Porath's inclusive freedom does not prescribe many speech restrictions and in fact attempts to avoid them wherever possible. Instead, she seeks to provide for and use freedom of speech in such a way that all members of the campus community are equally able to involve themselves in the university's epistemic pursuits.

i. Detailing Ben-Porath's Framework

a. Outside Speakers and Campus Confrontations

To begin, Ben-Porath takes a hard stance against "no platform" movements, declaring their advocates' calls for universities to give no platform to certain speakers misbegotten. As she sees it, such an avoidance of objectionable perspectives denies the ideas their due dialogue and does nothing to advance the 'right' side of the argument (Ben-Porath, 39). In evoking the Millian argument from truth, Ben-Porath establishes a right for controversial, even reprehensible, arguments and perspectives to be spoken and heard on college campuses, imploring university administrators to refrain from refusing invitation to or disinviting contentious speakers on account of their views¹³.

Instead of engaging in such content discrimination, Ben-Porath urges universities to "focus, rather, on providing ample opportunities for students to develop and express their views,

¹³It is worth noting here that Ben-Porath states that "when inviting speakers, it is wise to consider the contribution that they can have to the campus debate and the extent to which their words and ideas are thoughtful and well-founded, even when they are provocative," which suggests that there may be some cases in which she supports withholding invitation, but her overall commitment to content-neutrality makes me believe these would be few and far between (Ben-Porath, 111).

question, and even rebel” (Ben-Porath, 44). The ultimate goal in reacting to offensive speech on campus should be productive response, not censorship, Ben-Porath believes, so universities should “aim to enable multiple forms of expressive and political speech, guided by no more than broad legal requirements and a thin, flexible commitment to an inclusive atmosphere” (Ben-Porath, 44). One could reasonably construe this as an endorsement of preparation in place of prevention; Ben-Porath’s point is not that inflammatory speakers should be able to run roughshod on a docile university community, but that universities should create avenues for speech-positive protesting by members of its community and ensure that both sides’ rights to express their views receive equal and ample protection.

Ben-Porath does not provide a wealth of specifics as to how such protection should be guaranteed, instead choosing to leave that decision largely to individual institutions. However, she does give one prescription — “open expression monitors.” This position is intended to be a volunteer role for university students, faculty, and staff, particularly those with strong conflict-resolution skills, to “ensure the protection of free speech as detailed in the campus guidelines or rules” (Ben-Porath, 113)¹⁴. These volunteers are to attend events at the invitation of concerned organizers, and their existence and services are to be advertised throughout the university community. While the monitors are invited by organizers, they serve a two-fold purpose, defending the rights of both organizers and protesters. Ben-Porath clearly states her views on the ideal transpiration of campus confrontation in her description of the responsibilities of open expression monitors:

When protesters disrupt a speech or an organized event, the observers approach the protesters and make sure that they are allowed to express their dismay or disagreement as

¹⁴Ben-Porath states that these individuals are to undergo training to serve in this role, but she does not make any suggestions regarding the intensity, nature, or content of the training (Ben-Porath, 113)

clearly and powerfully as they wish (rather than being shouted down or thrown out). They will also work to ensure that the event can still take place (rather than being shut down by protest). . . . they have no authority to provide security services to an event (for example by choosing who gets to come in or who needs to leave). Their role is to support the organizers in making sure that their event proceeds as smoothly as possible while preserving the right to protest by those who object to the event (Ben-Porath, 114).

What Ben-Porath describes here is the maintenance of an environment through deescalation and conflict management such that both sets of speakers with competing speech interests can be heard during a confrontation. The choice of deescalation and conflict management as the methods for achieving this outcome, rather than threat of stringent punishment or police action, seems a natural one given Ben-Porath’s aversion to regulation. And, in keeping with her objective of including as many voices as possible in campus dialogue, this system makes the grade in that it averts content-based silencing and allows both organizers and protesters the right to speak in the campus forum.

b. Classroom Interactions and Trigger Warnings

Although Ben-Porath concurs with more orthodox views of campus free speech on the importance of procuring a formative atmosphere¹⁵, she disagrees with their decision on one major issue of classroom free expression — “trigger” warnings. She stands in staunch opposition to the views of Whittington and Lukianoff described in Chapter II, even outrightly denying the *surprise rationale*¹⁶ when she writes “intellectual candor does not demand springing surprises on students to see how they respond or how resilient they are” (Ben-Porath, 92).

¹⁵An atmosphere conducive to learning and growth because it allows for individuals to make mistakes and learn from them rather than face severe consequences.

¹⁶ This refers to the idea that taking away a professor’s ability to surprise their students infringes upon their academic freedom.

Ben-Porath declares that trigger warnings “should be seen as a matter of good pedagogy and academic practice” (Ben-Porath, 92). This conclusion stems from a line of reasoning in support of planning and intentionality: Ben-Porath sees the introduction of controversial topics in a planned and thoughtful matter as paramount to the development of an informed, critical, and engaged discussion on those issues, and she views the offerance of trigger warnings as a valuable element of that planning, one that expresses respect and compassion on the professor’s behalf and increases engagement in many cases (Ben-Porath, 93 and 107).

Moreover, Ben-Porath disavows the avoidance rationale¹⁷ put forth by Lukianoff and Whittington, rejecting their premise that students will avoid challenging material if given the opportunity with a trigger warning. In fact, she believes that the offerance of trigger warnings often increases student engagement. According to Ben-Porath, trigger warnings allow students “to participate rather than shut down or avoid class” (Ben-Porath, 107). She does not delve into the details of how this actualizes, but, based on her framing of the issue as one of preparation and “fair warning,” it seems that she envisions students who receive trigger warnings taking the preparation time afforded to them by their instructor to mentally and emotionally prepare themselves to engage with the challenging material, whatever that may mean for the individual in question.

This ability to prepare and engage carries an ostensible benefit for students to whom a trigger warning bears relevance: whereas they would otherwise be deprived of the opportunity to learn the material in the context of the course and learn from their peers’ and instructor’s perspectives on the issue at hand, preparation time allows students to do just that. Additionally, skipping course material or class periods often comes with academic consequences beyond the loss of a learning opportunity for students — usually in the form of a missing assignment or

¹⁷This refers to the idea that students will avoid difficult material if offered a trigger warning.

ill-preparation for an exam — and the opportunity to engage instead of avoid prevents such a punishment for past experience. Ben-Porath does not directly recognize these benefits, but she implies them in her practical guidelines for the implementation of trigger warnings (Ben-Porath, 107). I will discuss those guidelines later in this chapter.

It is noteworthy that Ben-Porath suggests that there are benefits to all students that stem from the offerance of trigger warnings. Specifically, she suggests that those students who may have otherwise shut down or avoided the class period likely have valuable perspectives on whatever weighty topic is being discussed by virtue of their prior experiences, and thus their peers are granted an opportunity to learn from their perspectives and experiences should they wish to share their thoughts or feelings (Ben-Porath, 107). The idea incumbent in Ben-Porath's argument is that the group as a whole would have been deprived of these individuals' insights had they been denied opportunity to prepare and meaningfully engage with the challenging material and the class.

When it comes to the implementation of trigger warnings on a university campus, there are three important elements to consider: (1) what sorts of subjects require trigger warnings, (2) how these trigger warnings will be delivered, and (3) what courses of action will be available to students should they feel uncomfortable engaging with the content even with prior warning. Ben-Porath discusses elements (2) and (3); her failure to address element (1) will be an element of my critique later in this chapter.

With respect to the issue of delivery [i.e. element (2)], Ben-Porath does not set forth any rigid prescriptions or proscriptions, but she does imply that the authority over how trigger warnings ought to be delivered properly falls to professors. The most she says on the matter is that it is the pedagogical responsibility of instructors to identify troublesome topics and give such

warnings and that delivery in class and in syllabus are both acceptable (Ben-Porath, 91 and 107). Additionally, it is very clear throughout her conversation on the matter that these warnings are to be given well in advance of the time at which the content will be discussed. No exact time frame is specified, but it is clear that an announcement at the beginning of the class period during which the material will be discussed or an update to the syllabus that morning would not suffice.

Ben-Porath does, however, set expectations with regard to the issue of available courses of action for students. She first discusses the avoidance of class in light of a trigger warning, stating that “in most cases, there is no need or strong justification to permit students to avoid a class because of its ‘triggering’ — painful, traumatic, harmful — content, but sometimes that allowance is acceptable” (Ben-Porath, 92). In that statement, Ben-Porath makes it clear that the offerance of a trigger warning should not be viewed as a panacea. There are still cases in which the nature of a student’s trauma prevents the preparation time afforded to them by a prior warning from substantively changing their circumstances to a point where it is wise for them to engage with the material. Instead, it is in their best interest to avoid the class period, and Ben-Porath believes it incumbent upon the instructor to allow them to do so.

In addition to discussing the avoidance of a class period, Ben-Porath raises the issue of what should happen if a student finds a particular assignment too painful to complete. She recognizes that this is possible in some cases, and declares it to be good pedagogical practice for professors to offer a student an alternative assignment to complete in such a case (Ben-Porath, 107). Ben-Porath assigns the responsibility of creating an alternative to the instructor and encourages collaboration between the student and instructor to find a solution that results in the student doing equivalent work to their peers (Ben-Porath, 93 and 107). Returning to my earlier mention of the academic consequences of skipping course material, Ben-Porath views this

pedagogical mechanism of alternative coursework as a solution to the issue of students suffering punishment for past experience because it “allows these students to take [and have an equal opportunity for success in] the class rather than avoid it altogether” (Ben-Porath, 107). This mechanism represents another way in which Ben-Porath sees trigger warnings as allowing for increased student engagement with challenging content.

It is worth noting that Ben-Porath assigns almost all responsibilities related to trigger warnings to instructors; from the identification of difficult content to the delivery of a warning to students to the allowance of class absence and creation of alternative assignments. She does not even give mention to university administration, the other possible authority on the issue, beyond a brief reference to the letter disavowing trigger warnings that was sent by the Dean of Students to incoming freshman at the University of Chicago in 2016¹⁸. Given the conspicuous absence of institutional responsibilities, the onus on instructorial responsibility, and Ben-Porath’s staunch opposition to regulation as a means of governing matters of campus free speech, it appears almost certain that Ben-Porath would not support the institutional mandate of trigger warnings nor punishment, in any form, for a professor who fails to offer a warning before discussing traumatic content. It is important also to note the limits of Ben-Porath’s vision for trigger warnings on an inclusive freedom-driven campus. As she notes, “expanding the demand for trigger warnings to include exemptions from classes or assignments for trivial reasons undermines the overall justified cause of this pedagogic mechanism” (Ben-Porath, 93). It is clear from this statement that Ben-Porath does believe that the call for trigger warnings can go too far. Rather than being limitless, she sees them as properly bound by some sense of seriousness.

¹⁸This letter is described in more detail in Chapter IV, but, for clarity, it amounts to a statement by the Dean of Students that the University of Chicago’s commitment to academic freedom means that the university will not offer trigger warnings to students for sensitive class material, among other things. Ben-Porath references this letter mainly to note that it received a great deal of negative feedback from the University of Chicago’s faculty.

Ben-Porath does not describe the methodology by which decisions regarding the “triviality” of a demand for exemption’s reasoning should be made, but, based on her lack of remark on the subject and her general support of compassion and respect on the part of instructors with respect to trigger warnings, I would assume she hopes professors will look on students with generosity and understanding while using their best judgment to make decisions.

In many ways, Ben-Porath’s stance on trigger warnings is emblematic of her vision for classroom interactions¹⁹ more generally. Just as she supports the offerance of trigger warnings and accommodations for affected students in order to increase student engagement with challenging material, she focuses her conversation regarding standard classroom interactions on the importance of engaging with controversial issues and engaging in debate on those issues. As Ben-Porath writes:

Shying away from controversy in the college classroom (and in college more generally) by stemming speech and averting debate teaches students that there is no proper way to disagree, no room for considering other opinions, and no way to bridge the gap between opposing views. Delving into controversial issues (including those that are politically charged), scientific disagreements, and other difficult topics is key to the education of both researchers and citizens (Ben-Porath, 91).

While Ben-Porath does not believe that students should be thrust into difficult conversations on challenging topics without prior warning, she does believe that such topics must be discussed. And, just as she puts the onus on instructors to deliver trigger warnings and offer alternatives to their students, she assigns the majority of responsibility for managing the debate on these issues to professors and other instructional staff. The only expectations placed on students are that they

¹⁹By classroom interactions, I mean speech that takes place in the classroom.

comply with their instructor’s classroom ground rules and communicate without insulting one another, or speaking in epithets or slurs.

ii. A Critique of Inclusive Freedom

I believe Ben-Porath’s objective in valorizing inclusive freedom to be a noble one. On today’s university campuses, with their unprecedented diversity, to say that an unfettered, unmonitored exchange would truly bestow equal standing to all members of the campus community borders seems unreasonable, but Ben-Porath makes a strong point in contesting that free speech protections are paramount to the pursuit of the university mission and should be upheld in the process of creating an inclusive environment. The issues I take with her arguments, then, are not with their premises or motivations, but with their conclusions and prescriptions. Ben-Porath makes an important departure from free speech orthodoxy, but her inclusive framework can and should be improved.

a. Outside Speakers and Campus Confrontations

Starting again with Ben-Porath’s discussion of outside speakers, I endorse her claim that universities should pursue productive response to offensive, objectionable ideas rather than resorting to content-based censorship, generally speaking, but I question whether university engagement in content-based discrimination is always unacceptable — particularly when discussing outside speakers.

As Ben-Porath states, inclusive freedom “is aimed at protecting free speech for all members of the campus community in ways that support the development of an inclusive environment” (Ben-Porath, 37). The key phrase I want to pull from this statement of intention is

“for all members of the campus community”; in specifying whose rights to free speech ought to be protected, Ben-Porath makes an assertion as to who is entitled to rights of expression on university campuses. And her assertion is clear: members of the campus community are entitled to free expression on university campuses. That sentence may come across as a statement of the obvious, but its limited nature is significant in relation to my critique of Welshon and Whittington from Chapter II.

Ben-Porath does not paint university campuses as a public forum in which all members of society receive equally broad speech rights and protections — which is how they are traditionally conceived — but rather as an environment intended for the participation of members of its own community²⁰.

Given this line of reasoning, I think two possibilities to be reasonable: (1) that universities are morally justified to make content-based decisions regarding the expression they will allow and not allow outside speakers to bring to their community and (2) that universities would be justified in making those decisions based on the potential of such expression to degrade the speech rights of members of the campus community. I do not seek to attempt the administrative calculus necessary to decide whether making such decisions would be in a university’s best interest in today’s politicized environment, but I do assert that the idea of privileging community member expression over outside speaker expression merits consideration and that its implementation would help to create an inclusive campus environment for those for whom the environment is intended — campus community members.

Ben-Porath opens space for the line of reasoning above, but she still weighs outside speakers’ expressive interests equally to those of the community. And, as I did in Chapter II, I wish to raise doubt as to whether that is the best decision for a university to make. If speech from

²⁰“Members” of a campus community can probably be properly conceived as students, staff, and faculty.

someone outside the university community would silence one of that university's community members, does protecting and providing for that speech not undermine the central aim of inclusive freedom? I would presume the answer to that question to be 'it does,' and, since Ben-Porath adopts the inclusive freedom framework in pursuit of the university's epistemic goals, that affirmative answer should be cause for epistemic concern.

Before progressing further, I want to note that the inside vs. outside community distinction is not a perfectly clear one. Take, for instance, the invitation of a controversial speaker by a student group. Sure, the speaker is not a member of the university community, but the individuals in the student group are. And they are entitled to free expression both as individuals and as a collective. Thus, insofar as their invitation of a speaker constitutes a speech act, and it certainly does, the speaker's expression becomes an extension of the students' expression. Censoring such a speaker's speech then becomes a restriction on the speech rights of students based on their beliefs, which is problematic. This sort of case is likely a place where Ben-Porath's ethos of preparation rather than prevention and her associative prescriptions could be usefully employed.

Though that complex scenario complicates the issue, I believe that content-based discrimination regarding outside speakers' expression on college campuses may be a productive avenue by which Ben-Porath's objective of inclusivity could be more effectively obtained without restricting the speech rights of university community members. Robert Mark Simpson provides one intriguing model for the implementation of such a system that I will analyze in Chapter IV.

b. Classroom Interactions and Trigger Warnings

Moving now to Ben-Porath's discussion of trigger warnings, I must lead by stating that I agree with everything that she said. I ardently support her claim that trigger warnings ought to be seen as good pedagogical practice, and I found her counters to avoidance and surprise rationales to be particularly cogent. I also commend her delegation of the choice to deliver and the actual delivery of trigger warnings to individual instructors, as the former precludes the oft-abused slippery slope argument of institutional control and the latter supports a supportive relationship between instructor and student as well as a compassionate classroom environment. That all being said, I do believe that Ben-Porath's implementation of trigger warnings is missing an administrative component.

To start with a more minor point, Ben-Porath herself repeatedly asserts that instructors should offer trigger warnings and accommodations for those significantly affected by the content, but she never asks university administrators to make the same suggestion. I am sympathetic to Ben-Porath's desire to steer clear of a university-wide mandate and ensure that instructors have autonomy on this matter, but I think there is a place for a university stance encouraging professors to consider offering trigger warnings. Such an expression of support would not require action by instructors, but would show students that their university wishes to treat their individual experience with compassion and would likely increase the probability of warning offerance (based simply on the fact that more professors would be led to consider offering warnings).

One who values academic freedom would likely be concerned that an administrative expression of support for trigger warnings jeopardizes instructors' right to decide whether or not to offer such a warning. Though the lack of mandate would protect instructors from institutional

punishments and the loss of their job, a statement that encourages instructors to give such warnings could, and quite possibly would, become a tool for the criticism and vilification of instructors who elect not to offer trigger warnings to their students. That criticism and vilification, though less severe than outright job loss, is still a significant burden for instructors to bear and could easily infringe upon their academic freedom in the classroom.

I am sympathetic to this concern, so, in its light, I find it important to clarify that a statement of support ought to encourage instructors to consider their course content and whether or not it merits a warning to students, not outrightly encourage instructors to offer such warnings. A statement directly encouraging instructors to offer warnings places undue administrative pressure on those instructors, while an encouragement merely expresses that the university wants its instructors to consider the needs of their students while granting autonomy to instructors to make whatever decisions they deem appropriate.

Onto what I see as a more significant revision, I wish to return to the idea of what sorts of subjects require trigger warnings that I alluded to earlier in this chapter. More specifically, I take issue with the assignment of unilateral responsibility for making that decision to individual instructors. Although I agree with Ben-Porath that “part of planning [for instructors] can include identifying topics that can hurt or offend some students,” and I actually think it is very important that instructors take the time to do so in order to create a compassionate and productive classroom environment, I think that assigning full responsibility for identifying such topics to individual instructors would inevitably result in sensitive material slipping through the cracks.

Essentially, I contend that Ben-Porath’s implementation of trigger warnings is missing a prescription — that universities offer their instructors guidelines for determining topics about which they should consider giving warnings. It would be impossible for any set of guidelines to

be entirely comprehensive, but such a list could be regularly updated to reflect changing times and societal developments, and the keepers of the guidelines could even solicit student suggestions to help serve the needs of university community members.

I would be remiss if I did not discuss “the keepers of the guidelines” further. There is something disquieting about asking one person to anticipate what material could offend or evoke trauma for individuals amongst a large group. One person, even with the best intentions, can only have a limited breadth of experience and thus cannot be expected to anticipate and comprehend all of the experiences and perspectives of a group of people who come from different backgrounds and have lived different lives than their own. This issue is compounded by the fact that university instructors are disproportionately white, disproportionately male, and disproportionately privileged in a number of other ways²¹: assigning the responsibility for identifying traumatic topics for members of an increasingly diverse student body to individuals who are likely more privileged than most feels particularly troublesome. As such, it seems that it would be helpful to include a larger group of people with a broader range of backgrounds and experiences in the topic identification process. Having a university Office of Multicultural Affairs, for example, maintaining a set of guidelines would likely help instructors make informed decisions for themselves. Instructors would be able to refer to the guidelines when writing their syllabi and planning their semester and use it to inform their decisions to warn students and their approaches to different material.

In keeping with my effort to maintain instructors’ academic freedom to make whatever decisions they deem appropriate regarding the offerance of trigger warnings, it is important that I note that whatever guidelines a university offers to its instructors, they must not be so specific

²¹One can find statistics supporting this point in these articles from Pew Research Center and Inside Higher Ed: <https://www.insidehighered.com/quicktakes/2021/03/29/faculty-more-likely-have-wealthier-highly-educated-parents> and <https://www.pewresearch.org/fact-tank/2019/07/31/us-college-faculty-student-diversity/>.

that students could attack instructors for being negligent. If a set of guidelines included a provision that all written depictions of violence should bear a warning, for example, then a professor would be effectively restricted from choosing not to offer a warning in any such case. If that same sort of guideline instead encouraged instructors to offer warnings for written depictions of violence in cases where they believe doing so would not demean student's interaction with the material, however, instructors would retain the ability to make whatever decision they feel is best.

Chapter IV: Building off Ben-Porath toward a More Effective Framework

i. Crediting Ben-Porath and Establishing a Desire for Further Thought

As shown in Chapter III, Ben-Porath sets herself apart from more traditionalist speakers in the free speech on campus debate by recognizing the ways in which speech by some can shut others out of the conversation. I would first like to affirm the significance of this distinguishing factor: With university faculties and student bodies more diverse than ever before, the potential of speech by some to silence others has become increasingly relevant as legacies of discrimination, marginalization, and exclusion lead to speakers from historically underrepresented groups being shut down at a disproportionate rate.

This silencing effect of speech deserves mention in this project because it has a direct effect on the arguments presented by the free speech orthodoxy in Chapter II. Specifically, if the purpose of freedom of speech on college campuses is to promote the knowledge advancement and dissemination mission of the university, then we must consider how speech that silences can harm that mission. In the eyes of Whittington, Chemerinsky and Gillman, and Welshon, freedom of speech advances that twin-mission by allowing unpopular, disagreeable, and offensive perspectives to be heard. Accepting the Millian argument stated in Chapter II that such perspectives can contribute to the discourse on a topic and help advance the truth of the matter, could not the perspectives of silenced speakers have done the same if they were not shut down by that unpopular, disagreeable, or offensive speech?

It seems as if Ben-Porath would answer affirmatively to the question above, and Karen Intemann provides reason to believe that she is correct.

Intemann's argument does not relate to speech directly, but it substantiates concerns from Ben-Porath that there must be attention paid to inclusivity insofar as the pursuit of the

university's mission is concerned. There is a natural, positive relationship between the inclusivity of environment and its ability to foster and sustain diversity, and Intemann establishes that diversity has real consequences in the pursuit of knowledge. In her argument, Intemann establishes that the historical exclusion of certain groups in scientific fields is problematic beyond the lens of social justice, instead bearing two sorts of epistemic consequences (Intemann, 2009).

The first of these consequences is referenced in what Intemann refers to as the *talented workforce rationale*. In this line of reasoning Intemann raises the concern that social, political, and economic barriers that inhibit or discourage members of historically underrepresented groups from participating in scientific fields may improperly limit the pool of potential scientists and erroneously exclude people who otherwise would have become some of the world's brightest scientific minds.

Intemann cites empirical evidence in support of this concern, specifically noting a pair of worrying demographic trends. First, Intemann notes that the number of minority²² faculty in science and engineering departments in the United States, especially at leading research institutions, is disproportionately small even in spite of recent increases to the percentage and number of doctoral degrees in the fields being awarded to these historically underrepresented groups. Additionally, Intemann notes that women's participation in certain scientific fields, like psychology and biological sciences, has increased but remains far below proportional in other science and engineering disciplines.

Intemann uses these statistics, and some others, to point out that underrepresentation of these groups perpetuates biases that disfavor their members, essentially making the point that as

²²Intemann explains that "minority" should be taken to mean Black, Hispanic, and Native American/Alaskan Natives in the context of this statistic.

long as gender bias and racial bias exist in judgements about scientific expertise, the scientists who have the power to make such decisions will remain overwhelmingly white and overwhelmingly male.

Using this information and line of reasoning, Intemann concludes that

...if we want to achieve the most talented pool of scientists possible, it may be necessary to take positive steps towards ensuring that women, people of color, and other under-represented groups do not face unjust formal or informal barriers in becoming full members of the scientific community (Intemann, 253).

What is meant by “full members” here is unclear, but, regardless, I think that this conclusion provides interesting material for consideration when it comes to what norms should be pursued when it comes to university speech. It seems entirely reasonable that taking steps to alter the university speech environment in a way that prevents the silencing of some speech could serve as a possible ‘positive step.’

Relatedly, Intemann argues that participation of underrepresented groups in scientific fields has benefits in that this participation leads to increased objectivity — Intemann terms this the *increased objectivity rationale*. In constructing this argument, Intemann borrows the idea from feminist philosophers of science that a diverse community of researchers can promote the objectivity of scientific communities and minimize the negative effects of bias in scientific reasoning. The main idea here is not that those from underrepresented communities are themselves less biased as researchers, but that

...when scientific communities are comprised of researchers with diverse life experiences and values, and there are mechanisms to ensure that all members of the scientific community have opportunities to critically scrutinize research and have those criticisms

taken seriously, then any problematic assumptions or biases inappropriately influencing scientific reasoning are more likely to be caught (Intemann, 255).

Intemann expands upon this idea by arguing through a myriad of example cases in which absence of diverse perspectives harmed research quality or introduction of new perspectives immediately and materially improved research quality that a diverse scientific community provides epistemically superior research in seven ways. These avenues for increased objectivity and correction of individual biases are as follows: 1) generating new research questions; 2) identifying limitations with existing models and propose new models; 3) proposing a fuller range of alternative hypotheses and interpretations of data; 4) accessing more accurate and complete data from human subjects; 5) opening up new lines of evidence; 6) revealing “loaded” language in descriptions of phenomena; and, 7) more adequately identifying and weighing potential risks. Intemann does not claim that all of these seven sorts of benefits are or would be engaged in every scientific project, but that each of them provide epistemic advantages in a significant set of cases.

Ultimately, Intemann concludes that these benefits of a diverse scientific community with participation from underrepresented minority groups lead to epistemically superior research.

While Intemann’s arguments are not directly related to speech, and in fact focus solely on STEM fields, I do not think those two details disqualify her statements from relevance in this conversation. With respect to her STEM focus, I think the transition to thinking about other fields is natural, and there is perhaps even further reason to believe that diversity provides an epistemic benefit in social science and humanities fields because perspective and lived experience are of more accepted importance in those fields. And regarding her lack of commentary on speech, I do not see that as an issue. The question of how to construct a university speech framework is not the problem that she wishes to solve, but elements of a

speech framework that promote inclusion of diverse voices may produce epistemic benefits according to her arguments. And these benefits are of acute relevance to this project as every author whom I have discussed in this paper has identified the university's mission, the very object they wish to promote through their speech frameworks, as chiefly, if not solely, epistemic.

The knowledge-advancement benefit provided by diverse perspectives is lost when speakers from underrepresented backgrounds are silenced, so there is epistemic cause to pursue inclusion on college campuses, and a campus's speech framework should not be excluded from that pursuit. This is a point that Ben-Porath makes with her construction of inclusive freedom, but, as my critiques of her concept in Chapter III point out, I question whether her prescriptions and proscriptions do enough to create an inclusive environment. She pursues a goal of advancing inclusivity through robust free speech, but I am left wondering whether a free speech framework that treats the university largely as a public forum to be governed by ordinary free speech doctrine can properly respect the importance of diversity to the pursuit of the university mission. It is for this reason that I turn to the work of Robert Mark Simpson.

ii. Introduction of Simpson and My Assessment of his Arguments

a. Disentangling Academic Freedom from Freedom of Speech

The core of Simpson's argument made in "The Relation between Academic Freedom and Free Speech" relies on the rejection of a distinction to which I have made passing references thus far in this project: While Whittington, Chemerinsky and Gillman, and Ben-Porath all separate universities into two speech zones — one academic and one public — Simpson rejects the functional difference between these two spaces. To elaborate, these authors split the university into an academic zone that consists of classrooms, faculty meetings, and other traditionally knowledge-focused areas and a non-academic zone consisting of the quad, student organizations,

and other less traditionally knowledge-focused areas. The academic zone ought to be governed by academic freedom according to the authors listed above, while the non-academic zone ought to be governed by general freedom of speech principles. Simpson, on the other hand, puts forth a university speech framework in which academic freedom governs all speech that happens “under the university insignia”, in both academic and non-academic zones (Simpson, 315).

As he begins his work, Simpson takes an essential step towards a nuanced understanding of academic freedom — acknowledging that ‘academic freedom’ is not merely ‘free speech as applied in academic settings’.²³ This acknowledgement provides Simpson with room to analyze the particular elements of academic freedom that differ from freedom of speech as well as the role academic freedom ought to play in the university.

Simpson emphasizes that the core purpose of academic freedom lies in the insulation of academics’ professional conduct from the influence of outside pressure — whether that pressure comes from government actors, institution administrators, or external political groups. In providing this insulation, academic freedom consists of a set of rights and freedoms that allow professional academics to determine the fundamental content of their own research and publication and make important decisions regarding the content and terms of their teaching. The institutionalization of this set of rights is where Simpson draws his first distinction between academic freedom and freedom of speech: he does not describe how free speech is institutionalized, but explains that academic freedom differs in that it is institutionalized through specialized contractual arrangements, like tenure (Simpson, 291).

This core purpose and distinct method of institutionalization create a helpful lens through which to view further distinction between academic freedom and freedom of speech. Notably,

²³He also acknowledges that Whittington and Chemerinsky and Gillman make this distinction in each of their works. Simpson does not discuss Ben-Porath’s work, but she makes a similar distinction.

academic freedom takes a smaller scope than freedom of speech; it pertains only to affirming and protecting the professional freedoms of faculty in their research, knowledge production, and teaching. Given this professional nature, the limits of these freedoms are determined by professional competence. According to Simpson, to say as much is to say that an academic may teach and research as they see fit, but that these efforts are subject to quality controls on the basis of accuracy, coherence, and defensibility. This limitation is an important difference between academic freedom and general freedom of speech that Simpson illustrates, particularly in light of Whittington's and Chemerinsky and Gillman's arguments advocating for unfettered free speech outside of the university academic zone.

A central tenet of those arguments is the unacceptability of content discrimination. Following the claims made by Whittington and Chemerinsky and Gillman, debate outside of the classroom, seminar hall, or faculty meeting should be free-wheeling — tolerant of all opinions and arguments regardless of how outlandish, offensive, unsupported, or otherwise unpleasant. These arguments all follow the classical logic of “the best answer to bad speech is more speech,” but Simpson purports academic freedom to operate differently. Though academic freedom seeks to eliminate ideological constraints placed upon academics and academic disciplines, Simpson does not purport it to eschew content-based discrimination. In particular, Simpson sees academic freedom as embracing content-based discrimination in the sense that poorly supported ideas will be sidelined according to professional standards.

This idea can properly be seen as the establishment of an elevated standard for speech to be protected. If an academic's proposed publication meets professional standards of diligence, decorum, and argumentative strength — or their teaching methods comport with relevant professional standards — their actions will be protected and their speech provided for. If that

same academic's actions do not make professional muster, though, restriction is both acceptable and expected (Simpson).

b. Simpson's Academic Freedom Framework

Ultimately, Simpson is not convinced by the epistemic case for free speech on campus, which leads him to construct a model of an academic freedom-governed university speech environment. This model envisions the university as a different sort of intellectual polis than it is under a two-zoned model, "one in which the communicative climate of the campus at large is characterized by the same kinds of rigor, thoughtfulness, and deference to academic expertise as those of the lecture theater or faculty research seminar" (Simpson, 299). Gone under Simpson's model is the sort of freewheeling debate that free speech traditionalists transfer from the park square to the university campus. In its place sprouts a limited forum that operates under content-based guidelines.

1. Simpson's Challenge to Free Speech on Campus

Noting that Simpson intends for academic freedom to govern speech in both the academic and non-academic zones of a university, it is important to consider the reasons why he breaks from the two-zoned view advanced by Whittington, Chemerinsky, Gillman, and Ben-Porath. Broadly speaking, Simpson's argument breaks down to the following claim:

We do not have particularly good reasons [...] for thinking of the university as a special venue for extra-academic speech immune to content-based restrictions, as if it were just another form of free-speech-protected public discourse (Simpson, 289).

I have stated clearly in this paper that the authors referenced above view free speech as a fundamental necessity to the pursuit of a university's mission of producing and disseminating

knowledge, and Simpson cosigns this account with specific respect to Whittington, Chemerinsky, and Gillman. It is this fundamental necessity, though, that he questions; Simpson challenges his fellow authors' implicit assertion that academics should be able to make rigor-based regulations as to what ideas are heard and not heard within the academic setting but not in the broader campus environment (Simpson, 295-96).

In mounting that challenge, Simpson starts from the following two premises:

1. The university's mission is to discover and disseminate knowledge of a kind that is only realizable via the regimented methods of inquiry that operate in mature academic disciplines; and,
2. Part of how we fulfill this mission is by empowering academic experts to amplify or suppress viewpoints based on a substantive appraisal of their merit relative to disciplinary standards (Simpson, 297).

If one accepts these two premises, they might reasonably ask Simpson why this power of academic experts to regulate speech should apply beyond the traditionally academic realm of their discipline. And in reply, Simpson would extend the rationale used to justify such regulatory systems in their traditional form. As he notes, we allow "communicative platforms [e.g. *Nature*²⁴] to be strictly moderated [...] in part because we believe that the purposes of biological science are more effectively advanced over the long-term" as a result of that regulation. They are able to more effectively advance knowledge, Simpson claims, largely because their regulated platforms allow them to "postpone some of the tasks involved in [that epistemic pursuit], for example, trying to defend the whole enterprise against fanatical opponents" (Simpson, 299). One who supports the two-zoned view of Chemerinsky, Gillman, Whittington, and Ben-Porath would argue that the academic zone fulfills this need for isolation from the fanatical, or perhaps more

²⁴An academic journal in the biological sciences.

generously, the un- or ill-founded, but Simpson counters that the standards governing those spaces “can — and for the sake of our epistemic aims, [quite possibly should] — be broadly applied in the institutional home of the professionals responsible for achieving those epistemic aims, and who are the custodians of those standards” (Simpson, 299). Simpson believes that the same “good reasons” academics have for restricting “ignorant, specious, or otherwise incompetent speech” in formal academic spaces are *prima facie* good reasons for similar restriction in informal academic settings, like commencement addresses and university-sponsored student group talks (Simpson, 302).

Simpson uses the words ‘*prima facie*’ to say that there are good reasons, on face, to restrict “ignorant, specious, or otherwise incompetent speech” in informal academic spaces and elects to leave the nature of those reasons unexplained. Instead, he places the burden of proof on the proponents of free speech on campus to defend the importance of a free speech zone. For now, I will accept that placement and move forward looking at Simpson’s arguments as to why free speech on campus proponents fail to meet that burden. Then I will come back and interrogate Simpson’s position in subsection 3 of this chapter.

2. Simpson’s Assessment of the Arguments for Free Speech on Campus

Given the *prima facie* case for academic freedom’s governance that stems from knowledge-related nature of the university mission, Simpson implores the advocates of free speech on campus to provide strong epistemic reason for the maintenance of a free-speech zone, and he believes that those advocates have thus far failed to do so. In establishing this belief, Simpson interrogates and responds to a variety of arguments — including some made by Whittington, Chemerinsky, and Gillman — that compose the epistemic case for free speech on campus. I will track these interactions in this subsection.

First, Simpson investigates Chemerinsky and Gillman's assertion that academic freedom alone is not sufficient to sustain an anti-dogmatic research culture. The pair of authors hold that free speech supplements academic freedom in this case by "nurturing a spirit of tolerance within the broader campus community that allows all ideas to be subjected to debate and assessment" (Simpson, 304). Simpson, however, counters this argument on two grounds.

He first questions how the cultivation of a tolerant academic ethos is furthered by "nesting the disciplines in an 'anything-goes' free speech environment" (Simpson, 304). Simpson notes the case of Ben Stein, a would-be commencement speaker at the University of Vermont who was disinvited in response to a letter-writing campaign that called for disinvitation on account of his intelligent-design creationist views, and ponders how tolerance in the academy would have been promoted if Stein had been allowed to speak. Perhaps some academics would have heard Stein speak or learned of his invitation, inferred an institutional attempt to evince an ethos of tolerance, and resolve thereafter to be less dogmatic in their engagement with new ideas in their discipline. Or perhaps, if the University of Vermont regularly opened platforms to speakers like Stein, academics at the University would "gradually internalize the institution's 'hear-them-out' attitude" (Simpson, 305). Simpson concedes the plausibility of these two mechanisms, but, absent any evidence beyond "speculative armchair sociology," Simpson holds that it would be just as easy to imagine alternate hypotheses that cast doubt on the value of free speech on campus to the advancement of a tolerant academy. Perhaps, he notes, "at universities that offer speaking platforms to shills and trolls, academics may become disenchanted about the administration pandering to special-interest groups, or to the [intellectual] appetites of the student body" (Simpson, 305).

Additionally, Simpson points out that “academic disciplines are run by people who are already acculturated into an ethos of tolerance [...] grounded in the procedurally defined intellectual standards of the discipline they were trained in” (Simpson, 305). This is to say that free speech on campus likely does not advance an ethos of tolerance within the academy because such an ethos already exists. Yes, the laissez-faire nature of a general free speech principle is more broadly tolerant than a discipline’s academic standards, but disciplines’ requirement that all methodologically sound ideas are tolerated “seems like a fitting way to implement an antidogmatic ethos in an institution whose *raison d’être* is the pursuit of knowledge and inquiry” (Simpson, 306).

Next, Simpson grapples with the supposition that the epistemic purpose of maintaining a free speech zone on campus is to defend against cases in which academic communities are descending into close-minded sectarianism (Simpson, 307). And while he identifies combatting such scenarios as an important goal, Simpson questions how a free speech zone could achieve it. Citing the example of an economics department that acknowledges only a neoclassical economic framework, Simpson casts doubt on the efficacy of Marxist activism by students and student groups in changing the minds of economics faculty members. While a free speech zone “ensures that these dissident perspectives can be preely propounded,” it does not guarantee that academics will be influenced by their presence. And, according to Simpson, it is exceptionally unlikely that such influence will manifest from outside the disciplinary community:

Academic disciplines are typically made up of people who share technical skills, esoteric vocabularies, and a large stock of common knowledge. As a result of [these argumentative advantages], an academic discipline which begins to conduct itself like a

conformist sect is unlikely to change course simply as a result of its headquarters being located in a marketplace of ideas (Simpson, 308).

The core argument Simpson advances is that disciplinary reform comes from within a discipline, not from the outside environment. And while Simpson recognizes that this pro-free speech argument could gain strength with more evidence, he concludes that it falls flat absent further development. For the argument to become more convincing, Simpson claims, there would need to be proof that individuals and groups who drove reforms within their disciplines derived some element of their willingness or drive to do so from the “formative impetus of a campus free speech culture” (Simpson, 308).

Finally, Simpson transitions from considering an academic community operating in a very flawed manner to one operating “as it should” and considers the possible benefit a free speech-environment could have on such a community (Simpson, 308). Specifically, Simpson explores the possibility that being nested within a free speech-environment may “embolden academics to not only tolerate outré ideas but also champion them” (Simpson, 309). Simpson believes this line of reasoning to be a more promising beginning to an epistemic argument for free speech on campus, but does not analyze it much further because it is as of yet undeveloped and unsubstantiated. Could substantial evidence be procured in defense of this claim, Simpson concedes, it could become a strong argument, but he does not see it currently sufficient to defeat his doubts of the need for free speech on campus.

3. Interrogating Simpson's Framework and Demonstrating its Value

In my view, the greatest weakness of Simpson's argument is the lack of justification he provides for his framework. By choosing only to challenge the arguments presented by free speech advocates rather than advance his own, Simpson neglects to justify an academic

freedom-governed university speech framework. If I were seeking to argue in opposition to Simpson's framework, that failure to justify would be my first point of attack. However, I wish to credit and supplement Simpson's framework, so I will instead make an argument for the merits of an academic freedom-governed framework.

Returning to the point introduced in Chapter I and expanded upon in section i of this chapter, there is strong evidence that there are epistemic consequences associated with the silencing capabilities of offensive speech. And given the definition of the university mission as being epistemic, specifically the advancement and dissemination of knowledge, those epistemic consequences are of direct relevance to the creation of a campus speech framework. If a campus speech framework is supposed to advance the university's mission, as has been claimed by the authors discussed in this paper, then it should be designed for the deliverance of positive epistemic benefits and the avoidance of negative epistemic consequences. I contend that an academic freedom-governed framework similar to Simpson's is designed as such with respect to the epistemic benefits of diversity. In keeping with the scope of this paper, I only assert this claim insofar as trigger warnings and outside speakers are concerned.

Before proceeding, I should note Simpson's framework to all non-academic speech would require a lot of challenging considerations — including a determination of enforcement mechanisms and how epistemically harmful speech could actually be prevented, as well as a dedicated effort to make sure students could still make and learn from their mistakes. But, in the limited scope of this paper, and with specific respect to outside speakers, these considerations are more easily made because the issue area lends itself to a framework like this in two ways. First, the nature of outside speaker events means that they require planning, which affords the university to vet speakers' proposed event content before inviting them to speak. And second,

unlike speech in some other non-academic spaces, most outside speaker events ostensibly relate to academic standards because speakers come to campus to educate students, make arguments, or raise issues for debate. These factors will become relevant again when I discuss the application of Simpson's framework to outside speakers and trigger warnings in section iii of this chapter.

Should those considerations be made, it seems to me that a campus environment in which professional standards for academic speech governed a broader set of speech acts would make possible the exclusion of some of the silencing speech earlier described frameworks allow and about which Intemann raises epistemic concern. After all, the words Simpson used to describe the sort of speech to be restricted by academic freedom were "ignorant, specious, and offensive." And would not the speech of the intolerance advocates discussed by Welshon, the harmful sort of speech that shuts out members of historically underrepresented groups from university discourse, benefit at least one of those three terms?

Take Charles Murray for example: Murray is an influential social scientist who advances White supremacist and eugenicist theories of socioeconomic divide that are based in racist pseudoscience²⁵. He has been invited to speak about his work in public events on college campuses, and controversy, protest, and chaos often follow in his wake, as they did when he spoke at Middlebury College²⁶. Making the reasonable assumption that Murray's words cause harms to the students of color whose intellectual and psychological capabilities he attacks, or, to use Intemann's term, damages their status as full members of the intellectual community, then it stands to reason that Murray's presence on campus²⁷ has epistemic consequences. And advocates of campus free speech and Simpson stand starkly divided on how to handle Murray's invitation.

²⁵<https://www.splcenter.org/fighting-hate/extremist-files/individual/charles-murray>

²⁶<https://www.middlebury.edu/newsroom/information-on-charles-murray-visit>

²⁷Murray's individual presence on one occasion likely has only anecdotally displayable impacts, but, in concert with the invitation of other speakers and repeated instances of other damaging expression, that impact becomes significant.

Free speech advocates would argue that Murray must be allowed to speak in the campus's public forum, and that the university will benefit from that robust free speech. Meanwhile, Simpson's academic freedom-governed framework would invite those deciding whether or not to allow Murray speak to consider whether his work lives up to the academic standards of his field, which happens to be sociology, and make a decision in the affirmative *or* negative based on those considerations. That opportunity, I believe, allows universities to better pursue their epistemic mission.

I will leave it to university faculty to set the precedent for what all is considered in the making of these decisions, but I do wish to note that, following from Intemann's arguments, there is reason to think that universities should be hesitant to invite a speaker that alienates a portion of their community in a manner that damages their participation in intellectual discourse. Diversity brings with it epistemic value, so damage to the diversity of a university's intellectual community harms its pursuit of its epistemic mission. And while a free speech advocate would counter that preventing such speech does severe harm to the university's epistemic pursuits, I question how much knowledge is produced by the propagation of ill-founded myths and falsehoods — does that good really outweigh the epistemic value it robs by harming the dignity of potential knowers?

iii. Applying an Academic Freedom Framework to Trigger Warnings and Outside Speakers

A shift in the governance of campus communication from freedom of speech to academic freedom comes with necessary differences in policy prescriptions, and Simpson makes specific suggestions with regards to outside speakers and various forms of non-academic student speech. As policy pertaining to outside speakers has been a central focus of this thesis and the operation of school newspapers has not, I will discuss the former and leave the latter for another work.

Additionally, while Simpson does not comment on trigger warnings, I will extrapolate what I believe the prescriptions of an academic freedom-governed framework would be on this issue from his work.

a. Outside Speakers

Unsurprisingly, Simpson's proposal surrounding the invitation of outside speakers foregrounds academic faculty. In particular, Simpson argues that "universities should always look to involve academic experts in decisions about which speakers receive speaking platforms on campus" (Simpson, 317). He envisions this as a sort of academic oversight procedure that "subject to sensible provisos, make it possible for faculty to oppose or block invited speakers on academic grounds" (Simpson, 317). Simpson disavows the bestowing of veto power to any individual faculty member, but encourages the implementation of a majoritarian process by which faculty members from "a representative cross section of an institution's academic disciplines" who "reflect the intellectual diversity contained therein" can judge potential speakers against the institution's intellectual standards (Simpson, 317-318). The idea incumbent in this process is that should many or most members of such a representative group of an institution's faculty decide that a speaker "fails to attain to the kind of intellectual standards that further its epistemic mission," then the university should not afford that speaker a platform (Simpson, 317-18).

The most detailed element of Simpson's outside speaker proposal is contained in the paragraph above, but I do note he provides that any managerial oversight on faculty invitations to speakers for academic purposes ought to be "light touch" (Simpson, 317). Simpson does not offer an explanation as to what 'light touch' means in this context, but, considering his commitment to academic freedom and thus faculty autonomy, I presume that it is a gentle way of

saying that administrators should be deferential to what faculty members believe would aid their course, department, or discipline.

There remains an issue in that Simpson's framework is significantly limited. With particular attention to outside speakers, Simpson's framework has a limited scope because not every speaker who may be invited to campus does work or gives speeches that are scholarly in their nature. For example, some speakers, like business leaders or politicians, come to speak about their professional experience. It would seem weird to disallow such a politician from teaching students about what they have learned in the field because their memoir fails to meet citation standards, but these speakers do contribute to academic conversation and the pursuit of knowledge with the perspective they share. As such, academic standards do apply, but in a limited way, which makes these cases more complicated than those like Murray and Stein.

The question, then, becomes one of how such cases should be handled, and answering that question is where I argue the connection between Intemann's work and Simpson's framework ought to grow deeper. As is described in subsection 1 of this chapter, Simpson calls for an academic freedom-governed framework because the standards-based regulations academic freedom calls for allow the university to more effectively pursue its epistemic mission. Following this logic, then, the reasonable barometer by which to measure and make decisions in complicated cases is the benefit or harm that the instance of speech would enact upon the university community's pursuit of knowledge. Such a clear-cut cost-benefit analysis is more easily prescribed than practiced, but university faculty would be empowered to make such decisions based on their best available knowledge and theorization.

b. Trigger Warnings

Moving on to the issue of trigger warnings, his notion of faculty autonomy makes it clear that Simpson would stand against any trigger warning mandate. To require faculty to offer trigger warnings in any context would be to rob them of their professional right to teach their courses as they see fit, and that violates a core tenet of academic freedom. Importantly, an academic freedom-governed framework would stand in equally firm opposition against any administrative edict precluding faculty from offering trigger warnings. Just as a trigger warning mandate damages faculty members' academic freedom, so too does statements like that offered by University of Chicago's Dean of Students proclaiming "our commitment to academic freedom means that we do not support so-called "trigger warnings"²⁸. The Dean may have stated that he stood in defense of academic freedom, but in delivering that statement he stole from faculty members their freedom to offer a trigger warning to their students if they deemed one to be appropriate. Institutional pressure to either offer or not offer trigger warnings would be impermissible in Simpson's eyes, but any faculty member's individual decision would be accepted, so long as it comported with the pedagogical standards of that individual's field.

iv. Final Valuation of Simpson's Framework

Simpson's framework draws my attention in this paper because it acts on the idea that universities should not be seen as traditional public fora. While Simpson does not say as much explicitly, his framework effectively removes the university's status as a public forum by allowing for content-based discrimination against speech in all its domain. I have argued throughout this chapter that such content-based discrimination with respect to the expression of outside speakers could be beneficial to the university's pursuit of its epistemic mission, and so I

²⁸https://news.uchicago.edu/sites/default/files/attachments/Dear_Class_of_2020_Students.pdf

believe that an academic freedom-governed framework merits consideration by universities, at least with respect to that issue.

And returning to the trigger warning policy prescriptions described in section iii of this chapter, I do not believe that these preclude the implementation of the policy framework I put forth in Chapter III for two reasons. First, the assignment of responsibility for trigger warning delivery and choice of how to accommodate student's need for course adjustments to instructors falls in line with Simpson's push for robust academic freedom. And second, I do not think that either administration prescription I proposed violates that freedom. Because I proposed the issuance of administrative support for faculty consideration of trigger warnings rather than direct support for or mandate of their offerance, I believe that instructors retain full discretion to offer or not offer warnings as they please. Similarly, because I stated that any university guideline for that consideration must be sufficiently vague such that they do not force an instructor's hand, I do not think that Simpson's commitment to academic freedom would disallow the creation and maintenance of this assistive resource. As such, I am left thinking that Simpson's framework is promising with respect to both of my discussed issue areas.

Chapter V: Conclusion

Thus far, I have highlighted a narrative within the university speech debate that I think is particularly important in today's university — the relationship between freedom of expression and inclusivity on college campuses. I have looked at trigger warnings and outside speakers in this context of this narrative and made moral arguments to justify policy prescriptions in these two issue areas that I think support the university's pursuit of its epistemic mission to produce and disseminate knowledge. I have advanced an argument that universities ought not be considered public fora as they currently are, but I have not wrangled with legal issues of expression nor do I intend to here.

After introducing this narrative in Chapter I, I began by introducing the free speech orthodoxy — a set of views united by their commitment to the epistemic value of free speech — in Chapter II. I explained these arguments underpinnings in liberal philosophy, detailed their broad views on university speech, and dove into their perspectives and specific policy prescriptions with regard to trigger warnings and outside speakers. I then criticized their arguments for their ignorance of speech's silencing power, the lack of foundation for their beliefs about trigger warnings, and their characterization of the university's non-academic spaces as public fora.

Building from these critiques, I turned to the work of Sigal Ben-Porath and her inclusive freedom framework in Chapter III. Ben-Porath designs her framework to protect free speech for all members of the campus community in ways that develop an inclusive environment, and I commend her recognition of the value of inclusivity before presenting her views on university speech and her policy prescriptions regarding trigger warnings and outside speakers. Ending this chapter with an analysis of her policy prescriptions, I first levy a critique against Ben-Porath's

outside speaker policy for treating university's non-academic spaces as public fora despite recognizing that they are not. This nuanced critique leaves me wondering how universities might be better served if they abandoned the public forum concept and allowed content-based considerations of outside speaker's speech — this curiosity drives my motion into Chapter IV. After this, I built from Ben-Porath's trigger warning prescriptions to put forth my policy proposal on the issue.

To be clear, this proposal amounts to the following: As Ben-Porath does, I assign instructors the responsibility for deciding whether or not to deliver trigger warnings, how and when to deliver them (within reason), and how to accommodate students' need to miss class or receive an alternate assignment. I also supplement Ben-Porath's prescriptions by calling for administrative expressions of support for instructors' considering whether or not to offer trigger warnings and the institutional maintenance of guidelines intended to advise and assist instructors in making those decisions.

As I continued searching for a speech framework that would help the university pursue its epistemic mission with respect to outside speakers, I analyzed the work of Robert Mark Simpson in Chapter IV. Simpson sees the university as an intellectual polis to be ruled wholly by the standards and rigor that currently preside over its formal academic spaces, so he advances a speech framework governed by academic freedom. In this chapter, I advance a case for the epistemic value of diversity and the importance of speech frameworks to realizing that value. I then introduce Simpson's framework and argue that it could be beneficial if implemented not only for the reasons he provides, but also for its help in achieving that epistemic value. Before concluding this chapter, I extrapolate from Simpson's framework to consider his potential views on trigger warnings and claim that they comport with the framework I laid out in Chapter III.

Ultimately, I conclude that an academic freedom-governed university speech framework like Simpson's is promising for its ability to help realize the university's epistemic missions through trigger warning and outside speaker policies.

I make no attempt in this paper to lay out a complete university speech framework, nor do I claim the debate to be over with my issue-focused analysis. However, I believe that I have contributed a valuable consideration to the university speech conversation — that reasons to promote inclusivity on campus are not limited to an advancement of social justice. Instead, foregrounding inclusivity in a university speech framework provides epistemic benefits through the diversity for which it provides. I think this addition to be significant because most participants in the campus free speech debate contend that the university's mission is chiefly, if not solely, epistemic — being to advance and disseminate knowledge — and justify their chosen framework on the grounds that it serves that mission.

It is worth noting that I have only addressed epistemic concerns in this paper, and not looked into any alternative concepts of the university mission. If I were to extend this work, I would look into other views of the university mission, such as its role in creating citizens ready for democratic participation or in preparing students for the workforce, and attempt to ascertain what sort of speech framework would best serve those interests. It is possible that I would land at the same conclusion, as Simpson provides democratic reasons supporting his framework, but that analysis must be saved for another work.

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