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Speech, Academic Freedom, and Privilege

John F. Covaleskie

Abstract

The past decade has seen two opposing movements gather force on college campuses. Advocates of social justice have pushed for campus policies that make campuses safer as well as more inclusive of and welcoming for historically underrepresented or marginalized students. Policy recommendations include trigger warnings, anti-hate speech codes, and more supportive policies for survivors of sexual assault.

Advocates of maximizing free speech and academic freedom describe these policies as political correctness, coddling students who seek protection on campuses, demeaning such students as “snowflakes.” Greg Lukianoff and Jonathan Haidt popularized this argument in “The Coddling of the American Mind,” a widely read and influential *Atlantic Monthly* article.

In this essay I argue that Lukianoff and Haidt (and the general opposition to the safe spaces movement) are incorrect in their portrayal of today’s college student, and that the policies and practices they oppose are necessary responses to the effects of trauma caused by a history of injustice.

The past decade has seen two opposing movements gather force on college campuses. On the one hand, social justice advocates have worked to make campuses safer and more welcoming for historically underrepresented and marginalized students, for example, members of the LGBTQ+ communities, students of color, refugees, religious minorities, and women. The policies recommended to make these students feel more fully part of the campus community include trigger warnings in syllabi and in class presentations; anti-

hate speech codes; sanctuary campuses; and more supportive policies, procedures, and structures for reporting and responding to cases of sexual assault. These policies pervasively affect campus life: syllabi, course material, and lectures; invited speakers (commencements have become particularly contentious); student contributions to class discussions; faculty research, publication, and public statements; student behavior on campus and in campus organizations and activities; and even student behavior off campus, especially on social media.

In response, there has been concerted pushback, with the argument being that these efforts improperly restrict free speech and academic freedom. Concern for marginalized students is conceived as political correctness, as “coddling,” while the students are demeaned as “snowflakes”—excessively and inappropriately fragile. This last point entered mainstream conversation when Greg Lukianoff and Jonathan Haidt published “The Coddling of the American Mind,” an influential article in the *Atlantic Monthly*.¹ The arguments against coddling are rooted in broad understandings of the First Amendment, a particular understanding of academic freedom, and the psychological insight that the development of resilience requires the opportunity to overcome adversity. From this perspective, the movement to create safe spaces deprives students of opportunities to develop resilience.

The nature of democratic life is disagreement and contention, and college campuses, where we shape the leaders of the next generation, are places where disagreements come into sharp focus. Until the recent past, it was generally “liberals” who tried to expand protection for free speech, while “conservatives” maintained that much of what students were doing and saying was so threatening or so offensive to the established order that society was justified in punishing speech to protect itself.

The debate about free speech on campus continues, but the terms of engagement have substantially shifted. The contemporary efforts to set boundaries on speech on campus are driven by marginalized and traditionally underrepresented groups on campus, who have articulated the ways they are harmed by hostile or marginalizing or oppressive speech. Resistance to these efforts has until recently been led by right-wing entertainers such as Rush Limbaugh and libertarian entertainers like Bill Maher, who have defended even the most offensive speech as protected by the First Amendment. This defense takes the form of an absolutist, or nearly absolutist, understanding of the First Amendment’s protections.

Another line of argument assumes that an unrestricted “marketplace of ideas” is the best way to arrive at truth. I will briefly argue that this assumption is untenable. Behind this position is the often-unstated

¹ Greg Lukianoff and Jonathan Haidt, “The Coddling of the American Mind,” *Atlantic Monthly*, September 2015, <https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/>.

assumption that all speech enters this marketplace equally, from which it follows that the best ideas are the ones that win. This is a claim I want to more fully challenge.

Lukianoff and Haidt's article (recently expanded into a book with the same title)² intensified the debate. The article's title page summarizes their argument well: "In the name of emotional well-being, college students are increasingly demanding protection from words and ideas they don't like. Here's why that's disastrous for education—and mental health." The book's subtitle expresses their view even more succinctly: *How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure*. Their argument is mostly false, and deeply pernicious.

Lukianoff and Haidt begin with the premise that the concern with marginalization has led to restrictions on the speech of students and faculty that have interfered with the primary mission of the university, which is to educate. This means, among other things, challenging and discomforting the young, who must expect to be challenged and discomforted. This is at once uncontroversially true and significantly false. As stated, the claim assumes there are no asymmetries of power, status, and civic membership that require democratic education to differentially challenge individuals and groups, not just as a matter of intellectual development but also to confront those with particular privilege with their assumptions about those privileges and their place in society.

However, many students come to school with good reason to question their place in society, with good reason to feel marginalized, and with good reason to feel unsafe. These students deserve support from their institutions in the form of trigger warnings, safe spaces, and university policies and procedures that protect female students from both institutional and individual misogyny and sexual assault, that protect students of color from institutional and individual acts of racial intimidation and violence, that provide safe havens for students who are refugees, and that protect members of the LGBTQ+ communities. If this sounds like I am saying that colleges and universities should actively place themselves on the side of victims of systems of oppression, the most obvious of these systems being white supremacy, misogyny, heteronormativity, and class hierarchies, then I am being clear.

This is not just a matter of rules and enforcement, though rules and enforcement are part of what we may need. More important is the establishment of a set of norms that define who we are, what the campus community stands for.³

² Greg Lukianoff and Jonathan Haidt, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure* (New York: Penguin, 2018).

³ John F. Covaleskie, *Membership and Moral Formation: Shame as an Educational and Social Emotion* (Charlotte, NC: Information Age, 2013).

Lukianoff and Haidt: The Case against Coddling

Lukianoff and Haidt offer two different but related objections to the current movement to make campuses safer for traditionally marginalized and excluded populations: the first is the argument based on free speech or academic freedom; the second is the argument based on psychological development. Both lead them to say that virtually unrestricted free speech leads to both educational and psychological outcomes that are better, for the enterprise of education as well as for the psychological development of the young.

Their argument based on free speech and academic freedom is simple and direct: first of all, they assume free speech and academic freedom to be necessary for the pursuit of truth: in “the marketplace of ideas,” the best ideas and the truest claims will be victorious. This assumption justifies the constitutional protection of even the most offensive speech and the institutional protection of academic freedom. Since we can never be absolutely certain about truth claims and beliefs about the world, all claims are susceptible to challenge, and no claim should be exempted.

Further, they argue that a function of a university is to challenge students’ preconceptions, though this can and often does create discomfort. Consequently, the creation of safe spaces and the use of trigger warnings violate the university’s mission. Education worthy of the name will create discomfort, challenging the ideas and worldviews of the young, their conception of the world, and their place in it. The creation of safe spaces and protecting students’ comfort will cause professors and other students to self-censor. In this way education—the very purpose of the university—will suffer when political correctness shapes and limits what and how professors can discuss and teach.

So, they argue, a concern for safety and comfort, however laudable in intention, will violate the constitutionally protected free speech rights of some students, stifle the academic freedom of some professors, and impede the realization of the educational goals of the university. And that is not all: the students these practices are meant to protect will be harmed, and to a much greater extent than if the practices did not exist. Their reasoning here is twofold: one related to the nature of democratic life and the other rooted in the authors’ understanding of psychological development.

The nature of democratic life is contentious and often bruising. The give and take of democratic debate and disagreement can be difficult to endure. Being a democratic citizen, according to this view of democracy, requires self-assertive confidence and resilience. However, and this is where we move to the psychological part of their argument, since resilience is acquired by facing and overcoming adversity, students who are shielded from adversity will fail to fully develop resilience. Hence “coddling” the young—protecting them

from conflict, insult, and trauma, especially in the form of microaggressions—inhibits their development and leaves them ill-suited for the give and take of democratic life.

We should therefore maximize protection of free speech, even insulting and assaultive free speech, both in the pursuit of truth and in the interest of psychological development. Similarly, we should maximize academic freedom because doing so gives professors maximum ability to confront students with uncomfortable and challenging material, which both spurs their intellectual development and contributes to their psychological growth.

In the next section, I will argue that Lukianoff and Haidt are wrong in almost every particular of their argument, and that the argument for maximizing free speech and academic freedom, even when that minimizes protection of marginalized and oppressed students, is an exercise in privilege that conceals and reinforces the patriarchal white supremacy that defines US society and history.

In Defense of “Coddling”

There are several lines of argument to develop against the regime suggested by Lukianoff and Haidt. Let me begin with what is perhaps the most controversial, which says something about us as a society: Why should we prefer toughening children as citizens to softening society? The view of democratic life many hold—that of a raucous, contentious, bitterly contested marketplace of competing ideas—suggests that preparation for democratic citizenship is a form of intellectual mixed martial arts contest, where what counts is winning.

However, there are other conceptions of democracy. In the early twentieth century, AAUP cofounder John Dewey wrote thoughtfully and extensively about a democratic life that was more communal than competitive, where public speech was shaped around a pursuit of the public good.⁴ He did not believe there would be no disagreement, but he did believe it was possible to enter a public conversation in search of a common solution to common problems. The modern version of this communitarian view of democracy is articulated by such as Amitai Etzioni and Michael Sandel, not to mention Barack Obama’s 2004 address to the Democratic National Convention, in which he famously claimed that there was not a red America and a blue America but only a United States of America.⁵ This view of education sees its role as to reform our agonistic democracy, not perpetuate it.

⁴ John Dewey, *The Public and Its Problems* (1927; repr. Athens, OH: Swallow Tail, 2016).

⁵ Amitai Etzioni, ed., *New Communitarian Thinking: Persons, Virtues, Institutions, and Communities* (Charlottesville: University Press of Virginia, 1995); Michael Sandel, *Liberalism and the Limits of Justice*, 2nd ed. (Cambridge, MA: Cambridge University Press, 1998); Barack Obama, Democratic National Convention Keynote Speech, Boston, July 27, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A19751-2004Jul27.html?noredirect=on>.

Now, it is certainly true that in today's climate of extreme cynicism, this vision of democratic life seems hopelessly naive. However, First Amendment fundamentalists should be wary of reaching that conclusion: the Enlightenment view of humanity that validates democracy-as-the-search-for-the-common-good is rooted in the same assumptions about human nature that led thinkers of the Enlightenment to the principle of free speech in the first place: truth will win out in the marketplace of ideas only if humanity is on the whole interested in the pursuit of the truth more than the pursuit of power.

Belief is as much a matter of emotion and moral membership as of rationality.⁶ Just as it has become difficult if not impossible to imagine a public square devoted to the pursuit of a common ground and common good, it is difficult to believe that truth and good ideas will win out in the marketplace: significant numbers of Americans believe, despite all the evidence to the contrary, that Barack Obama was born in Kenya, that climate change is a myth, that vaccinations cause autism, that humans coexisted with dinosaurs, and that the story of Adam and Eve is literally true, to name just a few reasons to doubt the efficacy of the marketplace of ideas as a truth-producing phenomenon.⁷ The pragmatic and epistemic assumptions that underpin free speech fundamentalism are far less sturdy than we like to believe.

Further, the argument Lukianoff and Haidt make regarding the effects of adversity is inconsistent with both the research on the relationship between stress, adversity, and resilience, on the one hand, and the circumstances of marginalized people in our society, on the other. They argue that facing and overcoming adversity develops character—specifically resilience—which is highly correlated with success in later life: life often places obstacles in one's chosen path, and the experience of overcoming these obstacles is empowering. One's previous successes encourage one to persist, which increases one's likelihood of success, which creates a virtuous circle in which success feeds on success, building a solid sense of efficacy. All of this is true, and if it were the whole story it might justify maintaining college campuses as high-risk environments. However, that is not the whole story, and the complicating research directs us in the opposite direction. Specifically, the research on stress is relevant to the objections to safe spaces that Lukianoff and Haidt raise.

While the research on resilience does indeed show that overcoming obstacles contributes to the development of resilience, this is a finding within a limited range of stress: when stress is an event, not a condition, it can foster resilience; persistent and overwhelming stress has exactly the opposite effect. And here again we come to the nature of structural inequalities in our polity and our culture, in ways that subject

⁶ Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Vintage, 2013).

⁷ Haidt, *The Righteous Mind*.

some, but not all, members of the polity to precisely the sort of stressors that are shown to inhibit performance.⁸

Further, this argument assumes the functional equivalence of all obstacles, when in reality some, but only some, obstacles are within one's power to surmount. If the obstacle one faces is within one's power to surmount—say learning algebra, or French—and one does so, then one's self-efficacy and resilience are thereby enhanced. But if the obstacle is that one is African American in a racist society, that is beyond one's control, and one's sense of self-efficacy and one's resilience are likely to be diminished. This should make a difference in how we view our students: if they come to us damaged by the toxicity of their social environment, then in order for them to be successful in college, we may indeed need to take positive steps to make them feel safer on campus than they might otherwise. Those students for whom adversity is just an event may well flourish on a campus dedicated to unfettered—even offensive—speech, but many students do not fit that description. To assume otherwise is to reveal more about the privilege of the assumer than the condition of our students.

We learn who we are from the messages we receive about ourselves,⁹ and if those messages are consistently negative, it is difficult not to think negatively of oneself. And so those students who come to campus damaged from the image their society has imposed on them may not be as prepared to face additional challenges as the generic (white? male?) students Lukianoff and Haidt seem to have in mind. We must keep in mind that many of our students come to us having faced obstacles we cannot easily imagine. Their problem is not that they face too little adversity but too much, and, significantly, this is institutional adversity beyond their ability to transcend. If overcoming obstacles is good for the development of resilience, what is the consequence of being defeated by insurmountable obstacles on a daily basis?

While it is true that individuals are constantly surmounting what seem like insurmountable obstacles, and while exceptional individuals may indeed realize exceptional success in the face of exceptional hardship, when we build campus institutions that require this kind of performance from traditionally marginalized students, we ask of them what we would not dream about asking of white students.

In a society structured around and with a history of violent white supremacy and patriarchy, treating everyone the same is to make likely the relative success of white men, and the general failure of everyone else.

⁸ See Mehmet A. Karaman, Eunice Lerma, Javier Cavazos Vela, and Joshua C. Watson, "Predictors of Academic Stress Among College Students," *Journal of College Counseling* 22 (April 2019): 41–55; Dory E. Quinn, Jeffrey Cornelius-White, and Ximena Uribe-Zarain, "The Success of First-Generation College Students in a TRIA Student Support Program: Application of the Theory of Margin," *Critical Questions in Education*, 10, no. 1 (Winter 2019): 44–64.

⁹ George Herbert Mead, *Mind, Self, and Society* (1934; repr., Chicago: University of Chicago Press, 1962).

The argument that there is no relevant difference between discomforting traditionally marginalized groups and discomforting white males is simply false. There is a deep injustice in expecting heroism from others as the norm, while claiming that we are just treating everyone equally.

And in truth, even in white America, the situation is not so anodyne as Lukianoff and Haidt portray. Their portrait of overprotective and overindulgent helicopter parenting may be accurate in some parts of the country and at some socioeconomic levels, but it is about as relevant today as *Leave It to Beaver*. The cossetted and conflict-free childhood Lukianoff and Haidt portray is increasingly not the world of our students, who graduate with greater debt, less security, fewer employment opportunities, lower expectations of funded retirement, and lowered expectations in general than previous generations, and they come from communities suffering from unemployment, dislocation, opioid addiction, and falling life expectancy.¹⁰

In short, a compelling case can be made that Lukianoff and Haidt have things exactly backward: students today are not subject to too little adversity but too much stress.

The discussion about safe spaces and snowflakes is typically conducted at a level of abstraction that perniciously disconnects it from the real-world context in which events happen and our students live. Making a student with beliefs in white supremacy uncomfortable because of those beliefs, or making a student with beliefs in patriarchy uncomfortable with those beliefs, is not at all the same as making African American students believe they do not belong on campus, or making female students believe that they are not fully equal to their male counterparts. This is the power disequilibrium that rhetoric about “snowflakes” conceals.

The reality is that African Americans and Anglo-Americans live in very different worlds. The same is true for American males and American females. There are threats and obstacles women and African Americans face that white men cannot fully appreciate, no matter how well-intentioned. In the aftermath of Trayvon Martin’s killing in Sanford, Florida, I was moved to tears listening to Melissa Harris-Perry read an open letter describing “the talk” that African American parents give their children, especially their sons, telling them how to behave in any encounter with the police, with the understanding that they are always at risk of harm in any such encounter. As a white parent of white children, this danger never occurred to me, and this is significant when considering whose opinion counts in deciding when speech or practice is threatening.

In a column in the *New York Times* (1990), philosopher Laurence Thomas stated, “In my next life, I’ll be white.” In this column, he gives numerous examples of the ways African Americans, especially African

¹⁰ See J. D. Vance, *Hillbilly Elegy: A Memoir of a Family and Culture in Crisis* (New York: Harper, 2016); Arlie Russell Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: New Press, 2016); Luke Runyon, “Why is the Opioid Epidemic Hitting Rural American Especially Hard?” *On Point*, National Public Radio, January 4, 2017, <https://www.nprillinois.org/post/why-opioid-epidemic-hitting-rural-america-especially-hard#stream/0>.

American males, are treated with distrust and as presumptive criminals. I quote Thomas at some length. Though written almost thirty years ago, his essay stands as a strong rebuke to those who criticize today's call for more inclusive campuses:

I rarely enjoy what is properly called the public trust of whites. That is to say, the white person on the street who does not know me from Adam or Eve is much more likely to judge me negatively on account of my skin color, however much my attire and mannerisms (including gait) conform to the traditional standards of well-off white males. . . . Now, I can hear white people, especially white males, telling me that the truly moral person is indifferent to the public trust. So let me just respond with the observation that the public trust that white men claim to be irrelevant is something that they have always enjoyed and take for granted. *People generally do not appreciate the role of a good in their lives when they are able to take it for granted. Indeed, in such instances they often discount its significance.* . . . Psychology is constantly telling us that being affirmed by others is indispensable to our flourishing. It would be stunning if psychology were right, but in general enjoying the public trust was irrelevant to humankind flourishing. . . . As is the case so often with oppression, the victims are made to feel inadequate for insisting upon what their oppressors enjoy and routinely take for granted.¹¹

This powerful essay gets to the heart of what critics of safe spaces deny. In vivid contrast, in an interview with Diane Rehm, Haidt made light of his own privilege while minimizing its effect:

“Prior to about two years ago, I didn’t have anybody tell me to check my privilege. . . . And I have to say . . . nine times out of 10, it’s been from a white male. So I get to watch this used as more of a rhetorical tactic. . . . I’m not going to deny that there’s privilege to being a white male in this society, but I think that it’s a way of sort of avoiding . . . the argument that we’re making.”¹²

There perhaps could be no stronger example of the dynamic Thomas is describing: a working definition of white male privilege is white men telling women and people of color just how much and what kind of adversity is good for them, and why their own privilege is irrelevant.

¹¹ Laurence Thomas, “Next Life, I’ll Be White,” *New York Times*, August 13, 1990, <https://www.nytimes.com/1990/08/13/opinion/next-life-ill-be-white.html>; my emphasis.

¹² *Diane Rehm Show*, National Public Radio, August 25, 2015, <https://dianerehm.org/shows/2015-08-25/the-new-political-correctness-and-why-some-fear-its-ruining-american-education>.

Silencing Voices

Tom Green¹³ gives us important insight into the nature and significance of public speech. First, he notes that public speech is the mechanism by which a public is called into being. Public speech is paradigmatically the sort of civil speech that the First Amendment is supposed to be protecting; public speech *creates* the political public—speaks it into being. This is the public John Dewey analyzed in *The Public and Its Problems*.¹⁴ In this book, Dewey argues that the public is the fundamental unit in and by which the work of democracy is done. The public is created by the shared recognition of a common problem: when we come together to identify a common problem and seek a common solution—one that advances the common good—we are not only acting as a public, but we are also creating one. It is in the process of seeking common solutions to common problems that a democratic public actually comes into being.

The process of problem-discovery and problem-solving conceptualized by Dewey is one in which the members of the public employ what Green calls *public speech*. Green's key insight is about the nature of public speech—what makes it specifically *public*: “*public speech occurs when what is said in one person's speech is heard by others as candidates for their own speech.*”¹⁵ His insight is that what is significant is not that speech is uttered in the presence of others but *how those others hear it*. This allows us to see the working of power, prestige, and privilege that is hidden by abstract claims about the First Amendment, freedom of speech, and academic freedom.

One direct implication of Green's analysis is that those with power have the collective ability to exclude individuals from membership in the public. This is not a matter of legislation but of the collective refusal to hear the speech of X as a candidate for my own speech, the failure of moral imagination that makes it impossible for me to take X's perspective—to see the world as X does. This puts a more complicated frame around any discussion of “free speech,” including any discussion of academic freedom. It is here that the argument against safe spaces fails to achieve legitimacy: it entails a failure of moral imagination that denies the life experience of Laurence Thomas, with a resulting failure to recognize the effect of being seen in a certain way in one's society. We need not silence people with laws. We can exclude people—efface them, make them disappear—by the simple expedient of not hearing them. To grasp the nature and significance of public speech, and its vulnerability, is to understand how a society can have maximum free speech with a minimum of justice and truth.

¹³ Thomas F. Green, “Public Speech,” *Teacher College Press* 96, no. 3 (Spring 1994): 369–88.

¹⁴ Dewey, *The Public and Its Problems*.

¹⁵ Green, “Public Speech,” 375; emphasis in original.

Consider, as an example, the rise of the Me Too movement. For most of our history, on campus as off, women's voices were not heard by those in power. This was not a sign of malevolence—at least in most cases it was not—but of the social reality that men just matter more than women do. Women were not heard, which is to say, men did not take what women said seriously. This was not a matter of law; it was just how things were.

And they still are. One lesson from the Senate confirmation hearings for now-Justice Brett Kavanaugh is that when a woman accuses a man of assault, and the man denies it, there is a default tendency to believe the man, no matter how credible the woman is. As was the case with Anita Hill a generation ago, in the halls of power and in the society at large, the word of a man carries more weight than the word of a woman does. Similarly, on our campuses until very recently, women who were victims of sexual assault had the burden of proof placed on them, and it was very difficult for women to see justice done. Consequently, most assault has historically gone unreported. During the Obama administration, guidelines were issued that made it easier for women to report sexual assault on campus: colleges were encouraged to begin with the premise that a woman who says she has been assaulted has likely been assaulted. As I am working on this section of this paper, guidelines that would make it more difficult for women to report sexual assault are being implemented by the current secretary of education, Betsy DeVos.¹⁶

Students of color also inhabit a very different social reality than their Anglo classmates. When members of the Sigma Alpha Epsilon fraternity on the campus of the University of Oklahoma were videotaped performing a racist chant, many Anglo members of the campus community were shocked and outraged, and the university president, David Boren, immediately suspended the fraternity and expelled the two young men visible in the video.¹⁷ No members of the African American community I know of were surprised by the incident. Nor were they surprised by a more recent incident of video of a sorority member using racial slurs and laughing in blackface, though James Gallogly, who succeeded Boren as President, professed shock, claiming to never have had an experience of such racism in his life. It is deeply concerning that this claim may have been perfectly true.

As African Americans have repeatedly pointed out to white America, the history of this country has largely been about *not* hearing the voices of African Americans and other American citizens of color.¹⁸ When

¹⁶ Stephanie Saul and Kate Taylor, "Betsy DeVos Reverses Obama-Era Policy on Campus Sexual Assault Investigations," *New York Times*, September 22, 2017, <https://www.nytimes.com/2017/09/22/us/devos-colleges-sex-assault.html>.

¹⁷ John Shinn and Michael Kinney, "Boren Expels Two Students Involved in Racist Fraternity Video," *Norman Transcript* March 10, 2015, https://www.normantranscript.com/news/university_of_oklahoma/boren-expels-two-students-involved-in-racist-fraternity-video/article_caa82d6d-8e19-5a1c-b8e2-aefa9552d2ba.html.

¹⁸ Ta-Nehisi Coates, *We Were Eight Years in Power: An American Tragedy* (New York: Random House, 2017).

we lament the loss of the ability to compromise, we ignore the fact that so many of the historical compromises we teach in our history textbooks—Three-Fifths Compromise, Missouri Compromise, the New Deal legislation (which excluded participation of African Americans)—were possible because the people whose rights were being compromised were not at the table.

This is what we conceal when we lament the loss of “compromise” and attribute that loss to “identity politics.” Framing the issue this way conceals the fact that *all* politics is identity politics; it is just more difficult to deny equal rights to groups and individuals who have finally gained a place at the table. The critique of identity politics as a danger to political unity conceals that the “unity” we mourn is the machinery of the state being used to silence the voices of those who do not belong to the identities of power: white men, specifically rich white men.

How Silencing Works

Silencing is so pervasive in American culture that those of us who participate in it are unaware that it is happening, and, often enough, this is also true for those who are its victims. I just want to briefly point out some of the ways that this happens, routinely and in plain sight, particularly to women and people of color, but also to refugees, individuals with handicapping conditions, and members of the LGBTQ+ communities.

Consider that from 1989 to his retirement, Congressman John Conyers introduced a bill in every Congress to create a commission to study the question of reparations for slavery. His tradition is being carried on by Congresswoman Sheila Jackson Lee. Until recently, it was simply ignored. On the rare occasion that reparations were mentioned, they were peremptorily dismissed as impractical. This has changed only slightly since 2014, when Ta-Nehisi Coates published “The Case for Reparations” in *Atlantic Monthly* and the topic became more visible.¹⁹

Consider that people of color living in segregated neighborhoods have been victims of violent police pretty much forever. Most white Americans were shocked at the recent and widely publicized series of deaths of young black men, many of whom were either unarmed or shot in the back, or both. The police involved have been routinely exonerated. Even when they were prosecuted, which they mostly were not, juries simply would not convict police officers of homicide when the victim was an African American male, even when there is video evidence of wrongdoing. People of color have always known and talked about this, and have

¹⁹Ta-Nehisi Coates, “The Case for Reparations,” *Atlantic Monthly*, June 2014, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

warned their children of the dangers that come with any encounter with police, but this serious problem is not talked about seriously in the public—which is to say among white people. White fear kills black men.

Consider that even when there are eyewitnesses—even when there are video recordings—police are not held accountable for actions that seem to be clearly unjustified. The defense is always that the police officers were in fear of their lives. This is the point that Laurence Thomas made so clearly: white men can be and are trusted; black men are not and cannot be. And so members of African American communities are simply not heard when they seek justice. When they engage in violence or mass demonstrations, they are noticed, but they are not heard. This is the world our students of color live in, and it is this world they come to our campuses from.

In the controversy surrounding the Kavanaugh hearings, his defenders argued that it was a case of he said, she said, and that the accused deserves the benefit of the doubt. However, this is not normally the practice when the victim of a crime directly and credibly identifies the perpetrator. If Christine Blasey Ford had accused Justice Kavanaugh of carjacking or purse-snatching, and if there had been supporting behavioral histories that made the charges plausible, he might not be Justice Kavanaugh today. Concretely, if we do treat the case as one of he said, she said, then we must somehow decide how to deal with the fact that the senators gave significantly more weight to what he said than to what she said. Consistently applying the benefit-of-the-doubt-to-the-accused standard means that sexual assault will rarely be punished. This is the situation Secretary DeVos is reinstating.

This is a rather dramatic example of the way women are not heard, but there are many everyday examples: being mansplained and being ignored in meetings are common experiences for women in professional and nonprofessional work environments. Most women know the experience of offering an idea in a meeting that is ignored until it is repeated by a man, at which point it becomes a good idea worthy of serious consideration. Women have long complained about these indignities but have been silenced by a simple refusal to hear.

Consider that in politics, it is now commonplace to observe (and repeatedly be surprised by the realization) that female politicians are judged by different standards than their male colleagues, who are rarely evaluated by how “likable” or “shrill” they are.

What can we do about this?

Unsilencing

I am no role model in this regard, being a seventy-two-year-old straight white cis male, but let me give just two simple examples of how we might succeed in doing what Parker Palmer calls “hearing people into

speech.”²⁰ The first is a story told by a former colleague; the second story is about me and one of my students. Both are examples of what are (often dismissively) called microaggressions.

My colleague was an upper division student with a solid GPA in an advanced French language class when the professor gave as a Valentine’s Day assignment to write a letter to one’s significant other. My colleague was chagrined, but not really surprised, to find that all the masculine adjectives and pronouns in his paper had been changed to female. He is a gay man, but the teacher simply assumed that he was straight— isn’t everyone?—and that he was not proficient enough in French to know to use female forms, despite this being a French IV class, well beyond the point where this distinction is solidly cemented. The student spoke to the teacher, who apologized and adjusted the grade accordingly. The teacher certainly had no malicious intent, which is typical of microaggressions. Such incidents tend to be issues of systemic assumptions that grant privilege to some individuals and groups while denying them to others. In this case, the teacher assumed what our society conditions us to assume: everyone is straight. This assumption is so entrenched that the teacher thought it more likely that an academically strong fourth-year French student would confuse masculine and feminine grammatical forms than be gay.

A big deal? Certainly not for straight people. And, in truth, my colleague did not make a big deal about it either. But we should note two things here. First, we are circling back to our understanding that the social world in which we live forms us and our self-image and self-understanding. Being told they do not belong—they are not normal—is an indignity that straight individuals do not need to deal with, and, as Laurence Thomas reminds us, it is relatively easy for those who do not deal with such incidents to tell those who do deal with such incidents on a regular basis that such incidents are no big deal. This is the essence of privilege.

My own story involves my commission of a microaggression. In an undergraduate class I taught to prospective teachers for decades, I had long included a unit on sexual orientation and classroom practice. I had long before this incident begun including trigger warnings in the syllabus, as well as in oral preparation for upcoming classes that would be addressing difficult issues. On this occasion, in introducing the day’s work to the class I inadvertently used a locution that seemed to distance students who were members of LGBTQ+ communities, something like “Those of you who are LGBTQ . . .” As the words were coming out of my mouth I was already trying to recall them, realizing that I was unintentionally making my LGBTQ+ students the other.

I considered interrupting my introduction, apologizing for my choice of words, and correcting myself before going on. Instead, I decided to circle back around immediately, and rephrase my statement, this time

²⁰ Parker Palmer, *The Courage to Teach: Exploring the Inner Landscape of a Teacher’s Life* (San Francisco: Jossey-Bass, 2007).

speaking about “Those of us who are LGBTQ . . .” Problem solved, I continued with my presentation and the class discussion.

I should note that in addition to a long history of and reputation for being a faculty ally, I had been for many years a presenter in our campus’s Faculty Ally program. In other words, I had some credibility with LGBTQ+ communities on campus. This may have been part of the reason that one of my students came up to me after class, when everyone had left the room. She had stayed behind to tell me that she identified as queer and had found my reference to “those of you . . .” distancing. I listened, apologized, and told her I was aware of my error.

I also pointed out that, realizing what I had said, I immediately rephrased the statement to be more inclusive, and asked if that made a difference. She looked at me with a quizzical expression, and said she had not heard the rephrasing, having been so distanced by my original phrasing that she heard little else I said during that class. I was able to salvage a teachable moment from this exchange, in that I pointed out to her the significance of the things that she would say in passing in her classes, just as was the case with me.

And this points to an alternative way to see the question of “coddling” relative to academic freedom: the privilege of academic freedom is given to us not only to make our research more productive but also to make our teaching more effective. If my presentations in class needlessly alienate my students, that is not an exercise of academic freedom but a betrayal of professional responsibility.

But that is also an oversimplification: my efforts to assure my LGBTQ+ students that they belong in my class, in the university, and in the teaching profession have the inevitable effect of alienating and distancing my (politically and religiously) most conservative students. While I always struggled with this and tried to be open with my students about the conflict, I do not think I ever solved it: as George Counts²¹ rightly pointed out, teachers cannot be neutral on social issues. Neutrality always supports the status quo: things will not change unless someone changes them. In consequence, we teachers must choose whose side we are on.

This does not mean failing students who disagree, or having strong rules, regulations, or codes that constitute a legalistic regime. In fact, I would argue the opposite: communal norms are far more important than the written and formal rules and regulations, which are inevitably interpreted through the lens of those communal norms. This is why University of Oklahoma president David Boren’s response to the SAE racist chant incident was so significant. The students who were identified on the tape were summarily dismissed from the university, and the fraternity chapter was summarily disbanded. President Boren was criticized by the Foundation for Individual Rights in Education (FIRE, an organization headed by Greg Lukianoff), on the

²¹ George S. Counts, *Dare the Schools Build a New Social Order?* (Carbondale: Southern Illinois University Press, 1978).

grounds that the university, as a state institution, had to allow such speech under the First Amendment, especially since the incident took place off campus.

However, although that position is defensible and has some face validity, it is misguided. Boren's actions, which in fact did circumvent the university's own procedures for adjudicating such incidents, had the effect of signaling to the university community, and to its marginalized members in particular, that such behavior would not be tolerated. In fact, it was treated as not just an offense but an outrage, one beyond the normal bounds of illicit behavior, accordingly requiring an extraordinary response. The message was that the campus would be a safe place for students of color but far less welcoming of open racists. Boren was affirming—or seeking to establish—a communal norm that saw racism as simply antithetical to who the community is. This may not have been strictly accurate, but it was importantly aspirational, and students of color on the campus appreciated his response.

There is another complication that prevents this from simply being a First Amendment case: even where the First Amendment does apply, speech that is so strong and individually directed as to constitute “fighting words” can be legally prohibited and punished (*Chaplinsky v. New Hampshire* 315 U.S. 568, 1942). Further, credible threats are not protected (*Virginia v. Black* 538 U.S. 343, 2003), though they can be restricted only if a “reasonable person” would see them as genuine (*Watts v. United States*, 394 U.S. 705, 1969).

At this point we enter very tangled terrain: Who is this “reasonable person”? Here the disconnect between the highly abstract and theoretical argument about “coddling” and the real world of lived experience is highly significant: a white man might find fraternity members engaged in racist chants objectionable, even offensive, but not the sort of credible threat that would justify restricting free speech in the face of the First Amendment. And he would certainly be reasonable in so judging. However, a black student who has been, or whose friends or family have been, subject to the violence of racism might very reasonably find that same chant to be a real threat. The presumptions at the heart of the conversation about “coddling” are indications of how deeply the norms of white supremacy (and other oppressive ideologies) are embedded in our social and educational practices. What is not offensive to a white man can be legitimately disturbing—even threatening—to a perfectly reasonable woman or black man. To privilege the judgment of the white man in these cases is profoundly racist, and, if it interferes with the academic success of our students, profoundly unjust.

Conclusion

There is a serious problem when privileged white males presume to adjudicate how much harm is done to women and people of color by systems of white supremacy and patriarchy, and what the response of these

marginalized communities should be. Efforts to make campuses more inclusive are not just well-intentioned, they are morally and professionally obligatory. To make clear to students that racism will not be accepted is not an infringement of anyone's rights: there is no right to create a climate of oppression. To expect faculty to prepare students for difficult material with trigger warnings, or to be sympathetic and supportive when class material or discussion actually triggers a panic attack or breakdown is not an infringement of academic freedom; these practices can and do help us to be more effective teachers. There is a substantive difference between the experience of white men and that of people of color and women, and to refuse to address this is to perpetuate the injustices that have always been part of our history. Privilege *allows* us to pretend that all we need to do is to treat everyone the same, but morality *requires* us to recognize that to do so is to participate in injustice against our students.

John F. Covaleskie is a professor emeritus of educational studies at the University of Oklahoma and Northern Michigan University.