

## Freedom of Expression Submission from UBC FSC

Neil Guppy and his team have attempted to draft a statement that reflects not only the benefits and necessity of free expression at a university, but also the importance of responding to expression that threatens the expression of others at the university. There are evident internal tensions within the document due to the difficulty in reconciling these ideas. And yet, it is clear that the ideas are not entirely irreconcilable. The document clears a good starting path, but could be improved by specifying and defining harmful types of speech in light of the end goal of freedom of expression, which is facilitating the robust exchange of ideas in order to better our society.

The statement can be broken up into two sections. The first section, consisting of paragraphs 1-7, articulate the importance of free expression and its necessity at the university. Here, the statement should be commended for connecting free expression to the core purpose of the university in paragraphs three and four. It should also be commended for affirming that although people can have stubborn assumptions or have different values, persuasion is possible. It also affirms that feeling intellectually uncomfortable and even offended is an unavoidable and beneficial part of the university experience. All of these elements make the first section a strong defence of free expression.

The second section examines the benefits of free expression in light of certain types of expression that can hinder the expression or rights of others. It recognizes that expression such as hate speech, dehumanization, or ad hominem attacks actually undermine the purpose of free expression articulated in the first section. These types of speech, the statement says, can also violate rights of others, such as equality rights.

There are undoubtedly many people that would say that the entire second section should be struck. I do not agree with this position. Freedom of expression is not an end in itself. It is more accurately described as a means to an end, as is articulated in the first section of the statement. At a university, free expression exists not simply so that one can say anything one wants with impunity, but for a higher purpose: so that we as a community may bring all of our ideas together, no matter how offensive and unpopular, and share them with each other; in doing so, we will then find the best ideas through reason and argument (as the statement affirms) and use those best ideas to make our society better.

It is beneficial for this exchange to be as free and open as possible. The more that this exchange is restricted, the more likely it is that ideas which are initially unpopular but nonetheless true could be precluded from ever seeing the light of day. The ideas that change the world are often unpopular or offensive at first, such as the idea of racial equality, or the idea that the earth revolves around the sun.

I believe that protecting this robust exchange of ideas that we use to better society should be the measure by which we create and judge all of our policies on freedom of expression. If we accept this premise, then some limits on expression must be accepted, because some types of expression do exist to hinder that exchange. The question is what those limits should be.

Here, the statement shows a shortcoming. It fails to define the terms it uses to identify harmful expression, including the terms "hate" (paragraphs 8 and 9)," "wellbeing" (paragraph 2), and speech that "harms the proper working conditions of the academic community" (paragraph 9). What types of expression could be captured by these terms? An ambiguous term is the ally of any party wishing to suppress the expression of those they do not like, because the term can easily be stretched and abused

to suit their ends. For example, could it be said that pointing out the privilege of white men is “hateful” to said group? Or could a group state that arguing that abortion is immoral injures the wellbeing of people on campus? And surely someone could say that an argument that men and women have biological personality differences compromises the proper working conditions of the academic community. And yet, all of these arguments are ones that the university must allow to take place if it is to fulfil its role so accurately expressed in the first section of the statement.

So, how should the terms be defined? Here, I cannot state a definitive position on behalf of the club because there is a great diversity of opinion on the matter. The most libertarian defenders of free expression would argue that only expression intending to incite violence against any person or group should be censored. Others might draw the line more conservatively and say that expression that is *likely* to cause violence against any person should also be censored. There are other types of expression, such as speech intended to defame a person and his/her reputation, which should undoubtedly be considered as well. I cannot say where the precise line should be drawn, only that the line drawn should be precise. As suggested above, the line should also be measured against the end goal of protecting our robust exchange of ideas that we use to make our society better. Furthermore, we should aim to allow as much expression as possible to ensure that no unpopular but potentially true ideas are precluded from being heard.

The discussion on the values of equity, diversity, and inclusion mentioned in paragraph 10 should be subjected to the same analysis. The club has no issue with affirming the right to equality. But again, we must carefully consider any restriction of speech in light of the university’s goal of protecting our robust exchange of ideas in an effort to better society. Speech that makes individuals or groups feel uncomfortable or offended must, as paragraph 7 of the statement affirms, be protected in the university setting. And if we truly believe that reason and truth will prevail in the free exchange of ideas, then we should believe that equality will be the product of free expression, not a casualty of it.

The prospect of such a policy of free expression is certainly uncomfortable. In the process of attempting to admit as many ideas as we can, we may find that some of those ideas are incorrect and anathema to our society. But we must still examine them in the belief that we will be able to reach that conclusion through argument instead of through censorship. We must trust, as stated in paragraph 6 of the statement, that “persuasion is still possible, that thought and evidence and reason can lead to solutions for the many grand challenges we face.”

The university has trusted in this idea for centuries, and it has brought us remarkably far. We must trust that it will continue to drive us forward.