

Opinion

What ‘Snowflakes’ Get Right About Free Speech

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This article has been updated to add a disclaimer.

At one of the premieres of his landmark Holocaust documentary, “Shoah” (1985), the filmmaker Claude Lanzmann was challenged by a member of the audience, a woman who identified herself as a Holocaust survivor. Lanzmann listened politely as the woman recounted her harrowing personal account of the Holocaust to make the point that the film failed to fully represent the recollections of survivors. When she finished, Lanzmann waited a bit, and then said, “Madame, you are an experience, but not an argument.”

This exchange, conveyed to me by the Russian literature scholar Victor Erlich some years ago, has stayed with me, and it has taken on renewed significance as the struggles on American campuses to negotiate issues of free speech have intensified — most recently in protests at Auburn University against a visit by the white nationalist Richard Spencer.

Lanzmann's blunt reply favored reasoned analysis over personal memory. In light of his painstaking research into the Holocaust, his comment must have seemed insensitive but necessary at the time. Ironically, "Shoah" eventually helped usher in an era of testimony that elevated stories of trauma to a new level of importance, especially in cultural production and universities.

During the 1980s and '90s, a shift occurred in American culture; personal experience and testimony, especially of suffering and oppression, began to challenge the primacy of argument. Freedom of expression became a flash point in this shift. Then as now, both liberals and conservatives were wary of the privileging of personal experience, with its powerful emotional impact, over reason and argument, which some fear will bring an end to civilization, or at least to freedom of speech.

My view (and, like all the views expressed here, it does not represent the views or policies of my employer, New York University) is that we should resist the temptation to rehash these debates. Doing so would overlook the fact that a thorough generational shift has occurred. Widespread caricatures of students as overly sensitive, vulnerable and entitled "snowflakes" fail to acknowledge the philosophical work that was carried out, especially in the 1980s and '90s, to legitimate experience — especially traumatic experience — which had been dismissed for decades as unreliable, untrustworthy and inaccessible to understanding.

The philosopher Jean-François Lyotard, best known for his prescient analysis in "The Postmodern Condition" of how public discourse discards the categories of true/false and just/unjust in favor of valuing the mere fact that something is being communicated, examined the tension between experience and argument in a different way.

Instead of defining freedom of expression as guaranteeing the robust debate from which the truth emerges, Lyotard focused on the asymmetry of different positions when personal experience is challenged by abstract arguments. His extreme example was Holocaust denial, where invidious but often well-publicized cranks confronted survivors with the absurd challenge to produce incontrovertible eyewitness evidence of their experience of the killing machines set up by the Nazis to

exterminate the Jews of Europe. Not only was such evidence unavailable, but it also challenged the Jewish survivors to produce evidence of their own legitimacy in a discourse that had systematically denied their humanity.

Lyotard shifted attention away from the content of free speech to the way certain topics restrict speech as a public good. Some things are unmentionable and undebatable, but not because they offend the sensibilities of the sheltered young. Some topics, such as claims that some human beings are by definition inferior to others, or illegal or unworthy of legal standing, are not open to debate because such people cannot debate them on the same terms.

The recent student demonstrations at Auburn against Spencer's visit — as well as protests on other campuses against Charles Murray, Milo Yiannopoulos and others — should be understood as an attempt to ensure the conditions of free speech for a greater group of people, rather than censorship. Liberal free-speech advocates rush to point out that the views of these individuals must be heard first to be rejected. But this is not the case. Universities invite speakers not chiefly to present otherwise unavailable discoveries, but to present to the public views they have presented elsewhere. When those views invalidate the humanity of some people, they restrict speech as a public good.

In such cases there is no inherent value to be gained from debating them in public. In today's age, we also have a simple solution that should appease all those concerned that students are insufficiently exposed to controversial views. It is called the internet, where all kinds of offensive expression flourish unfettered on a vast platform available to nearly all.

The great value and importance of freedom of expression, for higher education and for democracy, is hard to overestimate. But it has been regrettably easy for commentators to create a simple dichotomy between a younger generation's oversensitivity and free speech as an absolute good that leads to the truth. We would do better to focus on a more sophisticated understanding, such as the one provided by Lyotard, of the necessary conditions for speech to be a common, public good. This requires the realization that in politics, the parameters of public speech must be continually redrawn to accommodate those who previously had no standing.

The rights of transgender people for legal equality and protection against discrimination are a current example in a long history of such redefinitions. It is only when trans people are recognized as fully human, rather than as men and women in disguise, as Ben Carson, the current secretary of housing and urban development claims, that their rights can be fully recognized in policy decisions.

The idea of freedom of speech does not mean a blanket permission to say anything anybody thinks. It means balancing the inherent value of a given view with the obligation to ensure that other members of a given community can participate in discourse as fully recognized members of that community. Free-speech protections — not only but especially in universities, which aim to educate students in how to belong to various communities — should not mean that someone’s humanity, or their right to participate in political speech as political agents, can be freely attacked, demeaned or questioned.

THE STUDENT ACTIVISM that has roiled campuses — at Auburn, Missouri, Yale, Berkeley, Middlebury and elsewhere — is an opportunity to take stock of free speech issues in a changed world. It is also an opportunity to take into account the past few decades of scholarship that has honed our understanding of the rights to expression in higher education, which maintains particularly high standards of what is worthy of debate.

The recent controversies over the conflict between freedom of expression and granting everyone access to speech hark back to another telling moment. In 1963, Yale University had rescinded an invitation to Alabama’s segregationist governor, George C. Wallace. In 1974, after unruly protests prevented William Shockley from debating his recommendation for voluntary sterilization of people with low I.Q.s, and other related incidents, Yale issued a report on how best to uphold the value of free speech on campus that remains the gold standard for many other institutions.

Unlike today’s somewhat reflexive defenders of free speech, the Yale report situated the issue of free speech on campus within the context of an increasingly inclusive university and the changing demographics of society at large. While Yale bemoaned the occasional “paranoid intolerance” of student protesters, the university also criticized the “arrogant insensitivity” of free speech advocates who failed to

acknowledge that requiring of someone in public debate to defend their human worth conflicts with the community's obligation to assure all of its members equal access to public speech.

It is perhaps telling that in the 1980s and '90s, while I was also a doctoral student there, Yale ultimately became the hotbed of philosophical thinking that acknowledged the claims of people who had not been granted full participation in public discourse. Their accounts, previously dismissed as "unspeakable" or "unimaginable," now gained legitimacy in redefining the rules of what counts as public speech. Lyotard taught at Yale in early 1990s, and his and others' thoughts on how to resolve the asymmetry in discussions between perpetrators and victims of systemic or personal violence, without curtailing speech too much, seeped into other disciplines.

Lyotard and others were interested in expanding the frames of discourse, as they had been before, when married women were granted full legal status after centuries of having their very being legally suspended upon marriage.

When Yale issued its guidelines about free speech, it did so to account for a new reality, in the early 1970s, when increasing numbers of minority students and women enrolled at elite college campuses. We live in a new reality as well. We should recognize that the current generation of students, roundly ridiculed by an unholy alliance of so-called alt-right demagogues and campus liberals as coddled snowflakes, realized something important about this country before the pundits and professors figured it out.

What is under severe attack, in the name of an absolute notion of free speech, are the rights, both legal and cultural, of minorities to participate in public discourse. The snowflakes sensed, a good year before the election of President Trump, that insults and direct threats could once again become sanctioned by the most powerful office in the land. They grasped that racial and sexual equality is not so deep in the DNA of the American public that even some of its legal safeguards could not be undone.

The issues to which the students are so sensitive might be benign when they occur within the ivory tower. Coming from the campaign trail and now the White

House, the threats are not meant to merely offend. Like President Trump’s attacks on the liberal media as the “enemies of the American people,” his insults are meant to discredit and delegitimize whole groups as less worthy of participation in the public exchange of ideas.

As a college professor and university administrator with over two decades of direct experience of campus politics, I am not overly worried that even the shrillest heckler’s vetoes will end free speech in America. As a scholar of literature, history and politics, I am especially attuned to the next generation’s demands to revise existing definitions of free speech to accommodate previously delegitimized experiences. Freedom of expression is not an unchanging absolute. When its proponents forget that it requires the vigilant and continuing examination of its parameters, and instead invoke a pure model of free speech that has never existed, the dangers to our democracy are clear and present.

We should thank the student protestors, the activists in Black Lives Matter and other “overly sensitive” souls for keeping watch over the soul of our republic.

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