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Campus Protests Stifle Free Speech

By J. Kennerly Davis, Jr. September 14, 2024

Urged on by [senior Hamas official Khaled Mashal](#), U.S. students have resumed the disorderly anti-Israel demonstrations that wreaked havoc on so many college and university campuses last spring. Cornell, Columbia, NYU, George Washington University, the University of Michigan, and other schools around the country have seen some combination of demonstrations, confrontations with police, destruction of university property, and hate-filled threats of violence leveled against Jewish students and teachers.

The surge of open and frequently violent antisemitism since October 7 has had a devastating effect on the sense of community, respectful civility, and commitment to free speech that ought to characterize academic life. On many campuses, [Jews conceal their Jewish identity](#), fear for their physical safety, and feel abandoned by their universities. And, according to a national poll, a majority of all students [do not feel comfortable](#) even discussing the conflict between Hamas and Israel.

The response of many university administrators to these outrageous developments has been disturbingly limited. Expressing a desire to balance the right to protest with the need to protect student safety, many administrators have been content simply to tweak their policies and procedures governing what are often referred to as “expressive activities.”

Harvard now requires protesters to get advance approval to use bullhorns. The University of Pennsylvania now requires protesters to take down their posters and banners two weeks after putting them up. Indiana University now requires protesters to suspend their demonstrations each day at 11.00 pm.

Despite the extremely limited nature of the new requirements, the American Association of University Professors [has denounced them](#) as “overly restrictive policies,” saying that “colleges and universities should encourage, not suppress, open and vigorous dialogue and debate even on the most deeply held beliefs.”

The message to protesters is clear. In the name of free speech, universities will continue to support campus protests, at least when the demonstrations are on behalf of a cause like this one that enjoys support within the academy. This message is clearly wrong. The moral and intellectual muddle that confuses “dialogue and debate” with mob action and “deeply held beliefs” with racist antisemitism threatens the very existence of our institutions of higher education.

The university is an institution of the Enlightenment. Its purpose, its only legitimizing purpose, is to further knowledge and understanding of the world around us and to transmit that knowledge and understanding across generations. To fulfill its purpose and maintain its legitimacy a university must, first and foremost, maintain the safe, secure, peaceful campus environment that is essential for academic endeavors.

Each university must, of course, comply with all laws that apply to it, including civil rights laws, and effectively protect the members of its community from unlawful discrimination, intimidation, and threats of physical violence. Each university must also enact and vigorously enforce the codes of conduct needed to ensure the safety, security, and well-being of every member of its academic community.

Time at university is a once-in-a-lifetime opportunity for students to broaden their awareness and deepen their understanding of the world around them, a severely time-limited opportunity for them to develop the intellectual capabilities they will need to succeed in their chosen careers and to lead a fulfilling life.

Time at university is a time to perfect literacy and numeracy, to develop the capability to engage effectively in empirical, deductive, inductive, and abductive reasoning, to learn research skills, to learn to write and speak clearly, and to discuss and debate in a civil manner, ever mindful of the opportunity to learn from others.

Disruptive activities that conflict with these vitally important intellectual endeavors have no place at a university. Disruptive activities that seek to substitute partisan political activism for open-minded scholarship have no place at a university. And disruptive activities that seek to intimidate, threaten violence, and violate the law or official codes of conduct have absolutely no place at a university.

Students who engage in such disruptive activities betray the trust of their academic communities. They should be subject to consequential discipline including suspension and expulsion. Faculty and staff who engage in such disruptive

activities, or foment them, betray the trust of their academic communities and should also be subject to consequential discipline, including suspension and termination.

Those who say that universities must carefully balance the right to protest with the need to protect student safety are profoundly mistaken. Students, and all citizens, have a constitutional First Amendment right to peacefully assemble and protest in public spaces, but not on the campuses of private colleges and universities. The law allows private property owners wide latitude to implement and enforce rules of conduct appropriate for the activities on their property that define their enterprise. And even public educational institutions have a recognized right under law to prohibit disruptive activities by protesters that substantially interfere with the orderly operation of the institution and threaten the rights of others.

Speech is not action. And action is not speech even if it's called "expressive activities." Universities must draw a well-defined distinction between the two and make clear that they offer students and teachers a place where they can come to better understand the world, and most certainly not a place where they can come to try to change the world through the on-campus application of activism and agitation.

Students and faculty with positions on the Middle East, or any subject, should be judged by the depth of their knowledge and the intellectual force of their presentations in formally established venues that demand intellectual rigor and respectfully civility. They should not be judged by the decibel levels of their mindlessly chanted sloganeering, even if they got prior approval for the use of their bullhorns.

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