

Los Angeles Times

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From the Los Angeles Times

## DUST-UP

### A right to not be offended?

Do universities have a customer-service responsibility to their students to rein in expression that makes students uncomfortable? Greg Lukianoff and Michael Shermer debate.

April 15, 2008

*Today, Lukianoff and Shermer discuss what roles, if any, a school has in monitoring the expressions of its students. Previously, they weighed accusations of widespread bias in college classrooms. Later in the week, they'll debate ideological diversity in curricula, lifetime tenure for professors and more.*

#### Anti-free-speech zones

By Greg Lukianoff

Hello Michael,

It's rare that I hear a new argument for policing offensive speech on campus, but a "customer service" obligation is pretty novel. Excuses for censorship abound on campuses, including repression in the name of tolerance, civility, fighting words and more. Yet campuses are supposed to be marketplaces of ideas. If you limit speech to only that which students and administrators find "comfortable" (a category that seems to get smaller daily), academic freedom and free speech on campus will die. If colleges and universities have any "customer service" obligation, it is to expose students to diverse views, not to censor them. Higher education's function is to serve as a forum for serious debate, discussion and intellectual innovation. Done correctly, feelings will be hurt, beliefs will be challenged, and sacred cows will be barbecued. Being offended is what happens when you have your deepest beliefs challenged, and if you make it through college without ever having been offended, you should ask for your money back.

But students and faculty members already are being censored, silenced and punished for having unpopular or offensive views on a regular basis. Here are just a few examples of cases going on right now:

\* At Indiana University-Purdue University Indianapolis, a student-employee was found guilty of racial harassment for [reading a book](#). The book, *Notre Dame vs. the Klan*, was apparently offensive because it has pictures of Klansmen on the cover -- never mind that the book actually celebrated the defeat of the Klan by Notre Dame students in a 1924 riot.

\* At [Colorado College](#), students were found guilty of "violence" ([pdf](#)) for publishing a satire of a feminist flier ([pdf](#)). The joke flier ([pdf](#)) celebrated manliness and talked about "chain saw etiquette," "tough guy wisdom" and the range of a sniper rifle. Dick Celeste, former Ohio governor and Colorado College president, [defended the punishment](#) on his blog by citing the Virginia Tech and Northern Illinois University shootings. The title of my recent blog, "What Can the Virginia Tech Tragedy Do for Me?" tells you what I think about that rationale. The flier was a parody, and everyone knew it. Yet Celeste shamefully invoked national tragedies as an excuse for his mistake.

\* At Brandeis University, a professor of 47 years was found guilty of racial harassment for using the word "wetback" in a Latin American politics class in order to explain and decry the epithet. The administration there has arrogantly refused to overturn the finding.

\* At Georgia's Valdosta State University, a student was expelled for a "threatening" collage on Facebook. While the university backed down from that punishment in January, the school maintains a "free speech zone" that is only available from noon to 1 p.m. and 5 to 6 p.m. -- and only on 48 hours notice.

\* At Tufts University, a student publication was found guilty of racial harassment of parodying affirmative action but, far more disturbing, for publishing true -- if uncomplimentary -- facts about radical Islam. Tufts has also refused to overturn the finding.

\* At Lake Superior State University, a professor has been ordered to remove conservative cartoons and jokes on his office door despite the fact that professors who have more liberal views are regularly allowed to post what they want on their own doors.

\* Meanwhile, 75% of the 346 American colleges the Foundation for Individual Rights in Education surveyed in 2007 [maintain speech codes](#) that would not pass constitutional muster. FIRE even runs a "Speech Code of the Month" feature that highlights the worst of them. I have always been a fan of [Davidson College's](#) sexual harassment policy, which prohibits the use of "patronizing remarks" such as "referring to an adult as "girl," "boy," "hunk," "doll," "honey" or "sweetie" and further prohibits "comments or inquiries about dating." How, exactly, do people date there? And do people really use the word "hunk" anymore?

I could go on. The fact is that campuses have been using a hodgepodge of excuses to punish or prevent unpopular, non-politically correct or defiant speech for decades despite their reputations as citadels of free expression. We should not give them new ideas on how to justify it.

*Greg Lukianoff is a constitutional lawyer and the president of the Foundation for Individual Rights in Education ([thefire.org](http://thefire.org)). He is a frequent guest*

on national TV news programs and a blogger at the Huffington Post.

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### Schools have rights too

By Michael Shermer

Wow, Greg, you really nailed it here. I find myself in near-agreement on the excessiveness of political correctness on college campuses. Indeed, how do students date without checking the code book for acceptable words? And, really, what's wrong with some of these terms? If a woman called me a "hunk," I might just call her my "sweetie." So two cheers for your post.

Why only two cheers? Because I believe in free enterprise and the rights of companies and organizations to set their own rules that the government has no business rewriting. Yes, of course, violations of civil liberties and constitutional rights are the exceptions here. But I will make a free-market case for treating universities and colleges as corporations that offer products and services (education and diplomas) to potential customers (students). As such, each academic corporation sets up a mission statement about what it stands for, what it offers and especially what it expects from its customers when they are on company property; that is, its rules.

I graduated from Pepperdine University, a private religious school affiliated with the Church of Christ. When I attended, Pepperdine was extremely conservative -- politically, religiously and socially. Politically, the administration had ties to the Republican Party, and President Ford spoke at the university, as did physicist Edward Teller on the validity of mutually assured destruction as a Cold War strategy. Religiously, my professors were Christians, and twice-weekly chapel attendance was required, as was a set of religion courses. Socially, student activities were closely monitored, with dancing prohibited and opposite-sex dorm-room visits forbidden. But because I was a born-again Christian riding the wave of an inchoate evangelical movement, this was exactly what I wanted in a college. As a paying customer, my needs were well met by Pepperdine.

We did not have a speech code at the time (this was before the PC movement swept across academia), but it seems reasonable to me that parents paying \$40,000 a year can reasonably expect the atmosphere of the college campus would be one that is conducive to that of a Christian environment, and that would probably include restraints on language and behavior that is not in keeping with that faith. Thus, the university administration has an obligation to establish a well-defined set of rules, and the means and power to enforce them, in order to meet its contractual obligations and fulfill its mission statement.

Certainly the speech codes have gotten ridiculous over the decades since I was an undergraduate, and it is always wise to distinguish between the letter of the law and the spirit of the law. But, in principle, I can see where speech codes might fit into a set of rules that are part of a larger mission statement. Now, I offered Pepperdine as an example on one end of the spectrum, but of course on the other end of the spectrum there could be colleges and universities that take pride of place on being radicals for free speech and free expression of all kinds, making it equally clear in their mission statement that restrictions on speech and other forms of expression will not be tolerated, and students who are offended by words and ideas different from their own should go elsewhere.

Such is the way of the marketplace of ideas.

*Michael Shermer is the publisher of Skeptic magazine (skeptic.com), a monthly columnist for Scientific American, an adjunct professor in the School of Economics and Politics at Claremont Graduate University and the author of 10 books.*

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