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# Will Colleges Respect Your Child's Rights?

Wednesday, August 24, 2005

By Wendy McElroy

Hundreds of thousands of families across North America are now preparing their children for college. As parents hustle to buy clothing, repair secondhand cars and otherwise fret about the impending separation, they should consider how their son or daughter's human rights will fare on campus.

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Their freedom of speech is particularly vulnerable.

The Foundation for Individual Rights in Education (FIRE) has just released its **Speech Code of the Month Award** for August, which recognizes abuses of First Amendment rights.

The winner? **Richard Stockton College** of New Jersey, a public institution allegedly bound by the Constitution.

Stockton's **speech code** policies contain several now-standard provisions. For example, it prohibits "All forms of unlawful discrimination based upon race, creed, color, national origin, ancestry, age, sex, marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information ... or disability."

It considers discrimination to be present "even if there was no intent ... to harass or demean another."

The policy is both vague and broad. Key terms such as "derogatory" and "demeaning" are undefined but — whatever they cover — classroom speech is included. Thus, a student who argues an unpopular position in class — e.g. 'affirmative action is racist because it discriminates against white men' or



'gay marriage is against Biblical teachings' — may be punished if another student feels offended. Objective discrimination or intent to harm does not need to be present.

Stockton is not unique. Indeed, its speech code policy is drawn directly from the widely-applied New Jersey State **"Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace."**

The publicly-funded William Paterson University, also in New Jersey, draws upon this code. Recently William Paterson **censured a student-employee** for responding in private e-mail to an unsolicited university announcement that promoted a lesbian movie. He made the "mistake" of asking to be unsubscribed due to religious objections.

William Paterson deemed his response to be harassment and a threat of violence.

New Jersey's campuses are far from unique. That's why **FIRE** lists close to 100 recent speech code cases in its files. The complaints against students include "sexually suggestive staring" and "inappropriately directed laughter."

FIRE also offers a free online book, **"Guide to Free Speech on Campus."** As well, it provides a state-by-state searchable **database** on university policies (see **Harvard** as an example).

Many parents begin to financially plan for higher education at their child's birth and many delay retirement in order to pay tuition. They should be outraged by how little respect their daughter or son receives for that stiff price.

Parents may also be puzzled about why some universities oppose free speech instead of championing it.

One approach to an explanation is to view the phenomenon as part of a general societal trend that has pitted freedom of speech against tolerance as though they were enemies. This trend claims that expressing my dislike or criticism of the gender, race or lifestyle of others is tantamount to violating their civil rights.

The trend rests on a specific definition of "tolerance." For many, that means being broadminded. It means acknowledging the legal right of others to a dissenting opinion, religious belief or peaceful lifestyle such as homosexuality.

The foregoing definition of tolerance does not require stifling your own opinions or preferences, which have an equal legal status. It does not require you to personally accept what you tolerate. Defending people's right to be different doesn't involve taking them out to dinner and a movie.

The current campus definition of tolerance inverts the more traditional meaning and demands personal acceptance. Tolerance becomes the active celebration of "diversity" and toleration requires the suppression of the speech, views or peaceful behavior that supposedly hinder diversity by making "diverse others" uncomfortable. The others are usually members of a group that has been historically oppressed, such as women and are deemed to now deserve special legal protection.

Thus, a bizarre scenario occurs: Advocates of tolerance call for censorship. Champions of diversity narrow the range of expressible attitudes. This is a form of **Newspeak**, the fictional language in George Orwell's novel "1984" that depicts a totalitarian future. Orwell explained the purpose of Newspeak: To reduce the very ability of people to express subversive ideas and attitudes (**"thoughtcrimes"**).

A fundamental way in which the reduction is achieved is by destroying the meaning of objectionable words by redefining them as their opposites. For example, "War is Peace," "Tolerance is Censorship" and "Diversity is the Removal of Wrong Attitudes."

Making these new definitions work means eliminating the old definitions and those who use them. In Orwell's dystopian future, certain ideas or attitudes become "unspeakable" and punishable. On campuses, certain ideas or attitudes violate speech codes and are punishable.

Both reflect an attempt to change how society thinks through changing or eliminating words.

Parallels between Orwell and current academia can be carried too far. But the existence of clear parallels should concern every parent who has a child heading toward campus.

Those parents should to do a speech code search for the relevant campus in FIRE's database. Then, they should do a similar FIRE search on due process — that is, how does that campus handle your child's right to due process should he or she express an "unspeakable" idea or attitude?

*Wendy McElroy is the editor of ifeminists.com and a research fellow for The Independent Institute in Oakland, Calif. She is the author and editor of many books and articles, including the new book, "Liberty for Women: Freedom and Feminism in the 21st Century" (Ivan R. Dee/Independent Institute, 2002). She lives with her husband in Canada.*

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