

Safety on campus shouldn't require the muzzling of ideas

MELANIE RANDALL

CONTRIBUTED TO THE GLOBE AND MAIL

NOVEMBER 22, 2017

<https://www.theglobeandmail.com/opinion/safety-on-campus-shouldnt-require-the-muzzling-of-ideas/article37053271/>

Melanie Randall is an associate professor at the Faculty of Law, Western University, and researches and teaches in the areas of Canadian human-rights law, and gendered violence and law

The debates about the limits of free speech have become divisive, fractious and polarized. The "no platforming" of viewpoints considered noxious, the mistaken belief that airing controversies must be stopped because it is equivalent to creating a "toxic environment" and the terrible, twisted distortion of legitimate feminist ideas about the need for safety – which have degenerated into absurd claims that safety requires silencing speech that some find threatening – have taken us into some strange and troubling terrain, particularly on university campuses.

Safety does not require the muzzling of dissenting ideas, most especially not in institutions of higher learning. This state of affairs is unfortunate and destructive. How did we get to this place?

The recent debacle unfolding at Wilfrid Laurier University is but one glaring example of just how bad things have become. In a first-year communications course, teaching assistant Lindsay Shepherd showed her students a TVO debate in order to demonstrate the highly controversial politics of grammar, gender and the use of non-gendered pronouns. After one or more anonymous student complaints to the administration, Ms. Shepherd was summoned to a meeting with university officials, which she recorded.

This meeting reveals some of the worst excesses of the current situation, perhaps expressed by people who mean well and who may genuinely want to create a better, more inclusive and peaceful world, but who nevertheless seem to have used their institutional power against an extremely junior, vulnerable employee and graduate student, in seriously misguided, even chillingly totalitarian ways.

Moreover, these academics have seriously misunderstood the law – both the Charter of Rights and Freedoms and human-rights law. Furthermore, their invocation of the university's "Gendered and Sexual Violence Policy," of which the teaching assistant's supervising faculty member, Nathan Rambukkana, seemed unaware (evident from his repeated questions about the policy's name), was a very unfortunate administrative manoeuvre, setting back the university's positive work to end the scourge of gendered

violence and possibly making the public wary about the important functions of these policies. We cannot afford these kinds of clumsy setbacks in the progress made to end sexual violence.

Prof. Rambukkana's reference to Canada's Charter of Rights and Freedoms in the meeting with Ms. Shepherd, was both incoherent and legally wrong. There is nothing in the Charter's freedom-of-expression jurisprudence that would prohibit Ms. Shepherd from using the TVO debate to educate her students about the language issues she sought to illuminate; in fact, the Charter does not apply to universities. While Prof. Rambukkana repeatedly referenced the federal Canadian Human Rights Act, it has no relevance, and it is extremely unlikely that Ms. Shepherd's educational intervention with her students could possibly give rise to anything actionable under the Ontario Human Rights Code.

Tuesday's apology from Laurier president and vice-chancellor Deborah MacLatchy and the announcement that an independent party will conduct an investigation are important first steps toward remedying the damage at that particular university. Prof. Rambukkana's open letter to Ms. Shepherd inspires less confidence. It is astonishing to think that the obvious and profound power dynamics wielded by those in authority in the meeting to which Ms. Shepherd was summoned could have escaped anyone's attention. One shudders to think what the outcome might have been had the meeting not been recorded and available for public scrutiny. This whole fiasco is emblematic of wider pathologies requiring examination and redress.

The discussions over transgender rights seems to have ignited some especially intense, ferocious and vituperative reactions. Why is respectful discourse over how to resolve the complicated issues, often over language and pronouns, in this area so difficult to achieve? Of course there will be unease and resistance to the radical and sweeping transformation being proposed to the conceptual gender schema that organizes how we recognize, think and speak about ourselves as human beings. Isn't that to be expected? Isn't it possible that there are multiple valid ways to proceed, and that we can move past apparent deadlocks? Doesn't more speech facilitate this? We need a realm of public reason in which appeals to emotions and identities are neither the starting, nor the end points.

Shouldn't experienced social activists and scholars have more sophisticated and nuanced approaches to winning hearts and minds on these challenging issues, which includes exposing students and communities to a range of views, including those of Jordan Peterson and his ilk?

In the span of just a few short years, we have witnessed a revolutionary series of successes in entrenching legal and social recognition for trans rights. Should we not take a longer-range view on how social change comes about and shouldn't this include a fierce commitment to the respectful airing of a diversity of perspectives under the banner of free speech? Indeed, our laws demand and protect it.