

Forum: Legal Committee

Issue: Strengthening the freedom of speech on university campuses through legal frameworks

Student Officer: Ali Ekim Yenice

Position: Deputy Chair

Introduction

All kinds of advancements are achieved through the freedom of the intellectuals. This contains the physical, economic, and expressive liberties as well as accessible spaces for discourse among the population, to encourage the Academia. Countries vary in their policies from granting rights to be a step forward to specifically limiting their academies so that free thought doesn't bother the states' legitimacy.

Furthermore, freedom of speech is the constitutional protection of citizens in presenting their ideas without the fear of being censored by the government. The benefits can be put to an extent from an individual's existential questioning to putting checks and balances on a government. The academy's impact on all these benefits is crucial as it is one of the few independent institutions that serve as a hub for free ideas, accessible to everyone who is also searching for answers in specific subjects.

Definition of Key Terms

Academic Freedom

Academic freedom can also refer to the freedom of academics to engage in social and political criticism. Academic freedom is the ability of educators to impart knowledge and the freedom of students to learn in a classroom environment free from external influence.

Hate Speech



The phrase "hate speech" lacks a universally accepted definition and has multiple meanings. "Public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation" is how the Cambridge Dictionary defines it. The usage of slurs against marginalized groups of society is an example of hate speech.

Free Speech Zones

Free-speech zones are places set aside especially for protesters and demonstrators to use their right to free speech on college campuses and at certain public gatherings, such as political conventions.

Trigger Warnings

Trigger warnings, also known as content warnings, alert readers to the possibility that certain words, pictures, or ideas in a work may be upsetting to certain individuals. With sexual abuse, animal cruelty, and self-harm being examples for cases where it could end up with a trigger warning, hate speech is considerable as well.

Censorship

Censoring is the act of altering, suppressing, or outlawing writing or speech that is thought to be contrary to the interests of the general public. Although it can be found in all forms of authority to some extent, it has gained particular significance in contemporary times when it comes to the rule of law and governance.

Intellectual Diversity

The existence of a range of ideas, opinions, and points of view within a certain intellectual or educational community is referred to as intellectual diversity.



This variety might include variations in scholastic fields, experiences, beliefs, and cultural origins.

Civil Discourse

When members of a group respectfully discuss differing viewpoints and work toward understanding and productive communication, it's called civil discourse and it improves the learning process.

University Code of Conduct

Codes of conduct outline what conduct is appropriate or inappropriate in the classroom and in any other context connected to the school. In general, codes of conduct outline the behaviors that students are expected to exhibit.

Background Information

Historical Context

The concept of free speech as a whole also referred to as "parrhesia", has a history that traces back to the civilizations of Ancient Greece and Rome. Settings like Plato's Academy or Aristotle's Lyceum opened up spaces for intellectuals and students for civil and scientific discourse which were defining characteristics of these civilizations.

The fall of Rome and barbarian tribes invading Europe resulted in a dark age for Europe in terms of its economy, demographics, and scientific advancements as well. The rapid spread of Christianity as well as feudalistic urbanism blocked the way for societies to improve themselves and got trapped in a non-systematic way, provided by the Scholastic idea influenced by the Catholic Church. Still, with the late Medieval Age, a few universities were the only places that encouraged scholarly debates. The University of Bologna and the University of Paris are a few examples of



these places that contributed to environments for free discussion of ideas, only within the constraints of the Catholic Church's beliefs.

The 17th century came with philosophers who influenced or created ideas like individualism, reason, and intellectual freedom. Also referred to as "The Enlightenment Era", there comes the establishment of many other universities in Europe which emphasized academic freedom as one of their core principles with the pursuit of knowledge without external interference.

The academic freedom of these European universities resulted in a large chunk of scientific improvements. Some may argue that it is those scientific advancements that opened the path to grandiose, worldwide wars, which is the sole reason the freedom a university has had been way less in the 20th century than of those in the 18th and 19th centuries. Many American academicians were kicked out of their occupations as they were suspected of communist sympathies, which led to a climate of fear in expression.

These occurrences of events then precipitated the "Free Speech Movement" of students at the University of California, Berkeley from 1964 to 1965. This movement protested against regulations of the university that were to avoid political activities and free expression which ultimately led to greater recognition of free speech rights of students.

Challenges to Free Speech on Campuses

The globalizing world in the 21st century with the process of diversifying student population in universities came with challenges to free speech. Hate speech, cultural sensitivity, political correctness, and imbalance between expression and inclusivity are just some of the issues that become significant each day with globalization exponentially growing by itself.

As universities are primarily at the forefront of the media's attention when the debate is around free speech, these institutions have a natural incentive to balance



the need for free expression and maintain an inclusive atmosphere for everyone. Various challenges make it a more complicated issue for all institutions that have a say in this topic, with these topics being related to hate speech, trigger warnings, safe spaces, censorship, and content neutrality.

Hate speech is one of the actions that result in discrimination of individuals or groups due to their attributes like race, religion, preference, etc. Constitutional protection of free speech may be The First Amendment of the United States, which protects all forms of speech unless it is inciting violence directly, which isn't enough to cover every single type of hate speech. This principle that implied that a speech is required to be restricted by the law if it is in support of lawless action was established in the case of *Brandenburg v. Ohio*(1969).

Unlike The States, European nations aren't fond of tolerating any kind of hate speech and have way stricter laws against it. Germany holds laws that prohibit all kinds of speech that hold values of hate against any part of the population or call for violence against a group. Universities must be guided through these legal frameworks to strengthen their policies while not staying close to censorship.

Furthermore, other concepts heat debates, for instance, safe spaces and trigger warnings. The idea of safe space is to designate areas that open up a place for individuals to not be involved in an existing discussion that they find harmful. This is aimed at providing inclusivity primarily for marginalized groups of a community. However, some may argue that these safe spaces are limiting exposure to diverse viewpoints which avoids intellectual growth. It is believed that universities should be at peace with challenging ideas instead of escaping them.

Trigger warnings are talked about similarly as well. Notices that are given before an action that can evoke an emotional response from other individuals like a discussion of race or violence are contentious. People who support this argue that trigger warnings help create an environment that is respectful and tolerant, while



people who are against may state that a trigger warning can result in self-censorship and avoidant behavior, which are considered barriers to academic freedom.

Some of the central regulations that universities prefer to solve these issues are censorship and content neutrality. Censorship is rooted in the suppression of speech considered subversive. In the context of a university, a few examples could be restricting student publications, limiting protest activities, or disinviting speakers. Censorship has its limits, and a university's policies that attempt to push this limit the stifling of academic freedom and undermine the exchange of ideas which creates an environment where individuals will self-censor with the fear of facing repercussions.

Content neutrality is structured around the opposing idea of censorship though, which is a principle that gives value to every form of expression, however controversial it is, it is worth having an academic discourse upon. Ensuring this can be challenging, specifically when an individual is complaining about a speech that is directed at themselves and is considered offensive.

The Role of Technology and Social Media

Furthermore, with the digital age also spreading, how free speech is exercised has undergone an evolution as they are provided as new venues for discourse and expression, but it also comes with the cost of challenges like cyberbullying, misinformation, and the spreading of extremist views.

Twitter, Facebook, Instagram, and other social media platforms are considered powerful tools for the amplification of voices that would be marginalized if it weren't for them. Organizing protests, raising awareness about issues, and having discussions that are beyond the campus are possible as student activists use these platforms. The 2015 University of Missouri protests were heavily influenced by social media as it provided mobilization.

One of the characteristics social media is most known for is the speed at which information is spread. This can be considered beneficial when looked at its



effects on raising awareness and promoting dialogue, but it comes with the cost of misinformation and harmful speech coming as quickly as every other type of information. The lack of such a mechanism forces universities to contend with the rapid dissemination of all content, which also influences the public's perception

Another crucial characteristic is anonymity, which increases instances of online harassment and cyberbullying. Not only the students, but the faculty as well can face threats online, which creates a hostile environment and deteriorates open expression. Many universities attempted to implement policies to address cyberbullying like codes of conduct for online behavior and mechanisms to address incidents. Hotlines and support services have been established in some universities to provide this.

Not only universities are the institutions disturbed by online harassment, though. Social media platforms themselves engage in looking out and moderating these types of content or dialogue in their platforms as well. However, it is worth noting that what is considered harmful and how the criteria are for a completely different institution varies, which sparks debates about content removal and how it should be executed as well. Universities have increasingly started developing guidelines for social media use in the last few years that aim to balance free speech and preventing harm.

As technology continues its exponential growth, accessibility, and evolution, it will bring additional challenges and opportunities for free speech on campuses. What a university is responsible for is remaining adaptable and proactive in addressing the changes. The ongoing discussions about the ethics and legal frameworks of governing online dialogue are essential to reach somewhere before it becomes more complicated for universities to take action. Policymakers, social media platforms, and universities must keep a dialogue together to create an environment that protects free speech and prevents harm. The impact of technology is a global issue considering universities worldwide face similar challenges, and



international collaboration assisted by the UN can help to develop the most effective strategies possible.

Case Studies and Key Events

In response to all these challenges, universities have attempted court cases, legislative actions, or even institutional reforms to shape a newer environment of free speech in higher education.

Berkeley Free Speech Movement

This movement changed the course of campus free speech completely. In September 1964, it began as a protest at the University of California, Berkeley that responded to university regulations that blocked political activities and free speech. Led by student Mario Savio, a massive sit-in was organized on December 2, 1964, and over 800 students were arrested. Over a month later, administrators agreed to lift the restrictions, expanding free speech entirely. This movement became a symbol for all the upcoming student protests later on.

Charlottesville Incident

The year 2017 came in with the rise of far-right groups with the help of social media, and the Unite The Right rally is one of the many. This rally was held at the University of Virginia, which underscored its challenges in managing hate speech. This event influenced national debates on how hate speech should be considered hateful, and what type of role a university should have in protecting the safety of its campus.

The University of Missouri Protests

The University of Missouri has been criticized by the media for its handling of racial incidents and allegations of racial discrimination. That resulted in students protesting against the administration during the fall of 2015. It gained significant momentum with the help of efficient use of social media as students were able to



share the process and their experiences, which forced the president of the university, Tim Wolfe to retire. This event highlights the power of social media as a tool for the voice of the students who have a say in the problems they are facing.

University of Chicago Letter

The University sent a letter to all accepted students that they are fully in support of free expression and they won't be finding trigger warnings or safe spaces or any other related implementation. This became one of the most heated debates of 2016 alongside the elections, in having the balanced point between free speech and complete inclusivity for all. The stance of UoC shows the struggle to protect academic freedom while protecting the needs of every single student.

Middlebury College Incident

Political scientist Charles Murray, known for his controversial work "The Bell Curve" was invited to the Middlebury College and it faced a negative reaction from the students, claiming their university to remain pure of any academic or student that has alleged racial motivations against marginalized groups. The protest resulted in the injury of a professor, and it opened up debates on the limits of a protest and what responsibilities a university holds to protect free speech and maintain its order.

Hong Kong Protests

Even though these protests were driven against a proposed extradition bill, university students were heavily involved. Chinese University of Hong Kong and the Hong Kong Polytechnic University were one of the main battlegrounds for pro-democracy demonstrators. The protests faced crackdowns from the police and the Chinese government, which proved the nature of academic freedom and free speech and how sensitive it is to political issues.

University of Cape Town (UCT) Rhodes Must Fall Movement



March 2015 was the date when students rose for the removal of the statue of a British colonialist named Cecil Rhodes. The movement expanded itself on South Africa's issues with healing from the former Apartheid state, and the institutionalized racism they have been facing. This movement named Rhodes Must Fall also became the inspiration for other students in other South African universities to establish their movements rooting for the decolonization of education. This movement showed the student's effect in opening up national political discourse on systemic inequality.

Major Countries and Organizations Involved

United States

The USA is one of the countries that holds a rich array of events around free speech advocacy, especially on campuses. While The First Amendment guarantees each citizen its freedom of speech, court cases like *Tinker v. Des Moines* and *Brandenburg v. Ohio* contributed to the shaping of expression in educational settings. Other than its court cases, the country has also seen many student-led movements rooting for free speech, such as the Berkeley Free Speech Movement and the University of Missouri protests.

United Kingdom

The UK protects free speech on campuses with the Human Rights Act 1998, which incorporates the European Convention on Human Rights. Universities have the responsibility to uphold free speech and protect the safety of the students at the same time. The population is divided under the debate of "no-platforming" policies, where speakers considered controversial can be denied from their speaking



opportunities as it has been very prominent in the UK. The protests of the University of Oxford for Marine Le Pen arriving as a speaker is one of the examples to this.

France

A state known for its tradition of free expression and secular/laïcité beliefs since 1789, it still is one of the governments that struggled to find the balance between these principles and preventing hate speech. The May 1968 protests, which has a significant influence in shaping the modern French state, universities have been important social and political movements' arenas.

Germany

Germany's history with specific events such as the Holocaust made it have stringent laws against hate speech and Holocaust denial as well. These laws influence the process of free expression in the universities as well, universities prohibit all kinds of speech that incite violence or hatred. There is a tension between protecting these legal restrictions and adhering to free speech, which is evident in cases of far-right student groups in universities.

South Africa

The post-apartheid era's political and social transformation is heavily influenced by South African universities. Movements like Rhodes Must Fall highlight the role of student groups in addressing political problems which some argue as a proof that students have a right to reach all freedoms of speech in campuses.

China

China is one of the states that regulate freedom of speech heavily, and universities aren't an exception to all these regulations. The influence of the Chinese Communist Party over academic discourse also resulted in dissenting voices being



suppressed. The Hong Kong protests of 2019 is one of the protests that saw significant influence of university students, and these events let international organizations to address a more important issue, citizens not being able to support the human rights they have to be given in a restrictive environment.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO is one of the UN-related international organizations that acts upon protecting human rights. Since 1947, freedom of expression is also considered one of the international human rights. The role of UNESCO in their advocacy of free speech includes research, supporting initiatives and developing policies that are fond of free speech in education.

European Court of Human Rights (ECHR)

The ECHR's influence in shaping the legal landscape of free speech as a whole in Europe was significant. By adjudicating the cases related, ECHR is also responsible for ensuring all member states don't violate the values and limits enshrined in the European Convention of Human Rights.

Amnesty International

Amnesty International is a global human rights organization that is in support of free speech on campuses. Its main mission is to monitor and report violations of human rights, which censorship in universities is one of these violations. With its campaign organizations as well, Amnesty International works to protect the rights of individuals and institutions that promote free speech.

Scholars At Risk(SAR)

SAR is an international network that dedicates itself to protect academic freedom worldwide. SAR provides help and support to scholars that face threats and



advocates for policies that advocates for policies that resonate with free expression. The organization's work highlights the global nature of free speech challenges and the importance of international solidarity in addressing them.

Timeline of Events

Date (Arial size 12 bold, centered)	Description of event* (Arial size 12 bold, centered)
10 October 1810	Founding of the University of Berlin: An establishment that emphasized academic freedom, became the modern model of universities.
26 September 1940	American Association of University Professors (AAUP) Statement of Principles: A set of principles to protect free speech in academic institutions.
1950s	The McCarthy Era: Many academics in US were investigated for alleged communist sympathies, deteriorating the free speech of the academy during the Red Scare.
14 September 1964	The Beginning of the Free Speech Movement: Students of University of



	California, Berkeley begin this movement.
24 February 1969	Tinker v. Des Moines: The U.S. Supreme Court rules that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," significantly expanding free speech protections for students.
September 2015	Protests In University of Missouri: Protests rose as a response to racial discrimination and the administration's handling.
24 August 2016	University of Chicago's Letter: UoC sends a letter to incoming students to inform them that they are committed to free expression and aren't fond of trigger warnings or safe spaces per se.
23 May 2017	Evergreen State College Controversy: Protests erupt over a proposed change to the college's annual Day of Absence, resulting in a heated debate on free speech and racism. The event gains national attention and highlights



	tensions between free speech and social justice advocacy.
August 11 2017	Charlottesville Incident: Unite The Right rally and other white supremacist groups involving in violence, sparked intense debate about free speech and the role of universities.

Relevant UN Resolutions and Other Documents

- UN General Assembly Resolution 59(II) on Freedom of Information(1946)

This is the first international declaration that considers freedom of information and speech as one of the crucial human rights. It served as a groundwork for successor efforts to protect free expression in a global extent.

- International Covenant on Civil and Political Rights(ICCPR)(1966)

ICCPR, specifically Article 19 touches on the freedom of expression including the freedom to hold, receive importation and ideas of every kind. The covenant serves as legally binding for all its signatories and provides a legal framework for all.

Possible Solutions

The delegates of states must write their resolution by putting balancing free expression and preventing hate speech at the center of all the solutions that will be provided. How will harmful expression be prevented, is there the need to implement



policies like safe spaces or trigger warnings, or should all universities find censorship as the answer to all its problems are just a few of the questions that must be answered before finding clarifications.

Bibliography

Tinker v. Des Moines, 393 U.S. 503(1969)

Brandenburg v. Ohio, 395 U.S. 444(1969)

United Nations General Assembly. Resolution 59 (I) on Freedom of Information.
December 14, 1946.

Ben-Porath, Sigal R. Free Speech on Campus. University of Pennsylvania Press, 2017.

Lukianoff, Greg. Unlearning Liberty: Campus Censorship and the End of American Debate. Encounter Books, 2014.

Whittington, Keith E. Speak Freely: Why Universities Must Defend Free Speech. Princeton University Press, 2018.

