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Intelligence Squared U.S.

Trigger Warning: Safe Spaces Are Dangerous

For the Motion: David Hudson Jr., Suzanne Nossel

Against the Motion: Ashutosh Bhagwat, Michael Roth

Moderator: John Donovan

AUDIENCE RESULTS	
Before the debate:	After the debate:
57% FOR	56% FOR
25% AGAINST	35% AGAINST
18% UNDECIDED	9% UNDECIDED

Start Time: (00:00:00)

John Donovan:

If you have attended a university in the past five years or so or perhaps are about to or live near one or work in one, then you know that one of the hottest issues stirring up campuses is the question of how best to respect and to accommodate the perspectives and also the sensitivities of students who belong to traditionally marginalized groups. Forty years ago, it was fairly straightforward. Most students, most, came from basically similar backgrounds and were not likely capable of saying anything in a classroom or in a dorm that would make another student in the group feel attacked or erased because of their membership in the group that he or she, usually he, came from. But it is different when today's campuses are more diverse than ever before, at least in certain categories of identity. For minority students, for LGBT students, for female students, should colleges provide so-called safe spaces in which they know that they won't while they're in those spaces be exposed to speech that wounds in such an existential way?

00:01:08

And if so, how should those spaces be designed? Or does going that way at all come with more pitfalls than benefits? Cancelling out the ethos of free speech and robust discussion that most people would say is the key component of education. Well, we think in all of this we have the makings of a debate, so let's have it. Yes or no to this statement: Trigger Warning: Safe Spaces are Dangerous. I'm John Donovan and I stand between two teams of two experts in this topic who will argue for and against the motion Trigger Warning: Safe Spaces are Dangerous. As always, our debate will go in three rounds and then our audience here at the Fairmont Springs Hotel in Banff, Canada will choose the winner. And as always, if all goes well, civil discourse will also win. So, our motion is Trigger Warning: Safe Spaces are Dangerous. Let's meet the debaters. Here first the team arguing for the motion. Please welcome David Hudson, Jr.

00:02:04

[applause]

David, welcome to Intelligence Squared U.S. You're a professor of law at Vanderbilt. You are the author, co-author, co-editor of more than 40 books, including "Let the Students Speak: A History of the Fight for Free Expression in American Schools." You're also first amendment ombudsman for the Newseum Institute First Amendment Center. That is a lot of first amendment going on in your life. So, what sparked your interest first in free speech?

David Hudson:

John, it was very personal. I uttered a phrase in one of my high school classes and was asked to leave. I got kicked out of class, so that censorship incident is what inspired my interest in speech.

John Donovan:

That is so interesting. All right. Well, thanks very much for that insight into what got you going. And can you tell us please who your partner is in this debate?

David Hudson:

Yes. It's the great Suzanne Nossel.

John Donovan:

Ladies and gentlemen, Suzanne Nossel.

[applause]

Suzanne, welcome also to Intelligence Squared U.S.

00:03:01

You are CEO of PEN America [phonetically spelled]. Before that you were COO of Human Rights Watch, executive director of Amnesty International USA. You also served in the Clinton administration, the Obama administration. You were deputy assistant secretary of state for international organization. The organization you're at now, PEN America, released a widely read and commented on report on the state of campus-free speech. What prompted PEN America to even look at college campuses on that point?

Suzanne Nossel:

Yeah. We were worried that the two sides of this debate were talking past each other, which I know we're not going to do tonight.

John Donovan:

All right. Thank you very much. Again, the team arguing for the motion.

[applause]

And we have two debaters arguing against. Please welcome Ash Bhagwat.

[applause]

Ash, welcome. You are a professor of law at UC Davis. You've written a number of books and articles on a whole wide range of legal topics, including constitutional law and free speech law.

00:04:00

Most recently, you're the author of a book called "The Myth of Rights: The Purposes and Limits of Constitutional Rights." So, [unintelligible], is our rights a myth?

Ashutosh Bhagwat:

Well, to quote the Pirates of the Caribbean, the Bill of Rights is more like guidelines.

[laughter]

You have rights, but they mean a lot less than most people think.

John Donovan:

Oh, how interesting as well. All right. Thanks very much. And can you tell us who your partner is?

Ashutosh Bhagwat:

Michael Roth.

John Donovan:

Ladies and gentlemen, please welcome Michael Roth.

[applause]

Michael Roth, welcome to Intelligence Squared. You are right in the middle of all of this. You are president of Wesleyan University --

Michael Roth:
I am.

John Donvan:
You're a public advocate for liberal education. You're the author of several books, including "Beyond the University: Why Liberal Education Matters." You've been a professor of history. You still teach in the humanities since 1983. That's 35 years by our count. And you've described, sort of your summing up scholarly interest is how people make sense of the past. What does that mean, exactly?

Michael Roth:
I'm very interested in how people carry around their memories, how they work within traditions, sometimes how they deal with past traumas.

00:05:06

And I'm extremely interested, as a teacher, to understand -- when I have students in front of me, how they bring not just that morning's breakfast with them; they also are bringing their past, their memories.

John Donvan:
Okay. Well, I see some relevance for tonight in that. Ladies and gentlemen, the team arguing against the motion, please.

[applause]

And so, to the debate. We will start with Round 1. Round 1 will be opening statements by each debater in turn. Speaking first for the motion, Trigger Warning: Safe Spaces Are Dangerous, here is Suzanne Nossel, CEO of PEN America.

[applause]

Suzanne Nossel:
Okay, great. So, any debate has to begin with a definition of terms. So, the Oxford Dictionary defines "safe spaces" as quote, "A place or environment in which a person or category of people can feel confident that they will not be exposed to discrimination, criticism, harassment, or any other emotional or physical harm."

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Key to that definition is freedom from emotional harm. If we're only talking about physical harm, I don't think there would be much room for debate. No one thinks campuses should be places where assaults, hazards, or other physical harms can occur. Relatedly, I don't think anybody could argue against safe spaces categorically. If I lie on a hammock, reading, or romp in the backyard with my pet, I'm not going to be exposed to discrimination, criticism, harassment, or other emotional harm. Nothing wrong with those kinds of safe spaces. Likewise, at a Shabat dinner on a college campus, an Iftar celebration, or a meeting of Bernie supporters, freedom from emotional harm might be virtually assured. Freedom of association mandates that those groups -- Black House, Hillel House -- are perfectly permissible on campus. Clubs, teams, and religious associations are a vital and vibrant part of university life. The key is that students enter into those settings voluntarily, and the bonds that unite them and the span for disagreement are things that the students navigate themselves. And I really don't think there's much disagreement about those kinds of places.

00:07:01

The use of the term "safe spaces" that has provoked controversy, and what we're really here to discuss tonight, has two elements. One is where it obtains. Is it to large swaths of a university - - a whole dining hall, a residential college, a classroom, or even, as some have argued, a campus as a whole? Places where students have no choice but to be. The second contentious element is the idea that administrators or institutions should be charged with policing or governing what speech is permissible and what is out of bounds. Now, to go back to the definition, if that policing were limited to harassment or discrimination, there'd also be no room for argument. Federal and state civil rights laws and precedents require that both public and private colleges protect students from unlawful harassment and discrimination, and those are legally-defined terms. So, if it were simply a matter of enforcing those second -- settled legal requirements, we wouldn't need the concept of safe space. It's those other elements of the definition -- exposure to criticism or any other emotional harm -- those distinguish enforcement of a safe space from simply upholding legal protections.

00:08:06

And that's really the crux of the matter tonight. For a university administration to assume the obligation to protect students from criticism or other emotional harm would be dangerous, I argue, for six reasons. And I'll go through them quickly. First of all, focusing on enforcing safe spaces is a dangerous distraction from the university's core role. Kids come to college to gain skills, exposure, connections, and networks. If colleges concentrate on enforcing safe spaces, that's going to detract from their responsibility to afford students the opportunity to deal with difficult ideas and uncomfortable situations and build the confidence they need that they can survive. The goal of the university should be to make students feel secure and supported enough so that they can tolerate some emotional and psychological discomfort, not to eliminate such discomforts entirely. Second, enforcing safe spaces can exacerbate dangerous

divisions in our society. Our society is deeply polarized. By sealing off large parts of the campus to guard against certain ideas and viewpoints we're going to make that problem worse.

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We foreclose the possibility of engagement and bridging of differences. Third, defining safety is vague and inherently subjective running the risk of viewpoint-based discrimination. A space that's safe for supporters of the Israeli government could feel very unsafe for supporters of Palestinian activism or vice versa. A space that's safe for religious Muslims may feel unsafe to critics of Islam. For universities to adjudicate such spaces runs the risk of first amendment violations for public universities and a betrayal of purpose for private schools like Yale. Fourth, declaring safe spaces can leave students dangerously exposed once they graduate. If students believe they need and should expect intellectual and emotional safety on campus they may be frighteningly ill prepared for the world they encounter thereafter. Fifth, the conflation of speech and violence is dangerous. Use of the terms safe and unsafe inevitably blurs into questions of physical safety. Some argue safe spaces claiming that speech in itself can constitute an act of violence, but if we accept that, if I say something that you have -- that offends you, you might be justified in punching me in the nose.

00:10:09

That escalates confrontations unnecessarily and dangerously. And finally, the emphasis on safe spaces is triggering a heavy-handed backlash from state legislatures and the Department of Justice that could endanger inclusivity on campuses. Seventeen U.S. states have introduced legislation to police speech on campus and the Department of Justice has intervened in a series of cases. If you don't believe that the government intervention of free speech is the answer you should vote against -- or for the proposition that safe spaces are dangerous. Thank you so much.

John Donovan:

Thank you, Suzanne Nossel.

[applause]

And the resolution again, Trigger Warning: Safe Spaces are Dangerous. And here to make his opening statement against the motion, please welcome Ash Bhagwat, Ash Bhagwat, law professor at UC Davis.

[applause]

Ashutosh Bhagwat:

Thank you all for being here. I am going to try and convince you that safe spaces are not new.

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They're not unusual. They are not really about college campuses and they are not a sign of weakness. My basis point is that all of us are used to safe spaces. They are places to regroup, to gather with people we like, to gather with people we trust, and think together. We call them home. We call them churches. We call them clubhouses. I call them beer night. But it's a standard part of human nature. Free speech is important. I believe in free speech. I've made a career out of writing about free speech. But nobody believes that everyone should be exposed to unlimited free speech everywhere and anywhere and once one accepts that idea one accepts the idea of safe spaces, which is why you should vote against this motion. Most obviously, all of us are going to go home, in my case tomorrow. I'm going to hang out with friends and family. That's a safe space. I expect it to be a safe space. Everyone, my opponents in this debate, feel the same way about their homes.

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That's a normal part of life. Now think about students at a residential campus. Sure, part of the reason they're there is to learn, to debate, to be exposed to new ideas, to learn how to refute ideas they disagree with, but that campus is their home and indeed it is their home in a more full way than even my home. I don't spend 24/7 at home. I leave for my job. They are on campus 24/7. If we all expect to be able to go to a place and feel safe, why shouldn't they? They are after all young people. They have the same rights as we do. Furthermore, when we talk about safe spaces are not limited to home. We often meet with people outside of home. We go to places where we know we'll be comfortable. The idea that college students, the only safe space they're entitled to is their tiny little dorm room, I have seen dorm rooms. You can't have much of a safe space there. It's more like a safe crouch. That's just not plausible. You need spaces on campus. You need spaces in your home area.

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And I have no trouble with the idea that college administrators can accommodate that by designated parts of campus, not all of campus, I am not -- I think that's going far too far, but parts of campus, rooms, buildings, as safe spaces because that just gives students the same things that all of us assume we have. So, what about free speech? The first amendment protects free speech, but the first amendment, as Suzanne said, also protects freedom of association and that is what I am talking about. What I'm talking about when I talk about gathering together with like-minded people, people you trust, people you agree with is in fact freedom of association. It is within these intimate associations that we develop our ideas. We develop our strategies for how to communicate our ideas. We decide what we believe in. We decide what we don't believe in. Speech does not come out of a vacuum, and human beings are not autonomous entities. We are social animals. And we develop our ideas together in these safe spaces, called associations. And that is why, sometimes, associational privacy trumps freedom of speech.

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Think of it this way. I want to gather together a group of people to discuss ways to defend immigrants' rights. I might do that in my house, but I might do that at a seminar room at my law school, because that might be the best place to do it. Are anti-immigrant activists allowed to walk in and express their views? No. Those places -- even if it is a part of a college campus that I work at -- is a safe space. I work at a public campus. It is governed by the First Amendment, but it doesn't matter. I still am entitled to use that safe space for my own purposes. And I think part of what's going on is, the safe spaces debate has become conflated with the debate over controversial speakers on campus, usually conservative speakers, triggering protests. Those are separate questions. I do not think -- sometimes people have said that the entire campus should be a safe space, and therefore it's the same issue. That goes too far. And they're driven by completely different concerns. I think that the safe spaces debate is a debate driven by a desire to be left alone, which I think is perfectly reasonable.

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The controversial speakers debate is driven by anger about -- anger over ideas that students believe -- sometimes legitimately, sometimes not -- to be out of bounds. I think we really need to separate those two questions, because the controversial speaker stuff is complicated. I will say this, though, about the controversial speakers. Speakers have a right to speak, including controversial ones. They're entitled to come onto campus. Let me be very clear about that. Students have a right to speak against them. There are free speech rights at issue on both sides when protesters protest speakers. Obviously, violence is over the top, and obviously, university administrators have the difficult job of accommodating those two interests. But that's a completely different matter. Safe spaces, I think, are standard, normal, and students are entitled to it. So, please vote against this motion. Thank you.

John Donvan:

Thank you. Ash Bhagwat.

[applause]

00:16:01

You have heard the first two opening statements, and now onto the third. You can make your way to the stage. Debating for the motion, Trigger Warning: Safe Spaces Are Dangerous, here is David Hudson Jr., First Amendment scholar and law professor at Vanderbilt University. Ladies and gentlemen, David Hudson.

[applause]

David Hudson:

Good evening. Thanks so much. Safe spaces in the sense of safe spaces that protect students from offensive or disagreeable speech are anathema to the First Amendment and the freedom

of expression that we all hold sacrosanct. Safe spaces infringe upon core fundamental First Amendment principles. The first one is the so-called marketplace of ideas. It's traced back to Justice Oliver Wendell Holmes in his dissenting opinion in *Abrams v. United States* in 1919, when he wrote, "When men have realized -- fighting faiths, they have come to believe that the ultimate good desired is better reached through free trade and ideas.

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That the best test of thought is the freedom of the thought to get itself accepted into the competition of the market." And the United States Supreme Court, in *Keyishian v. Board of Regents* in 1967, proclaimed that the college classroom is peculiarly the marketplace of ideas. If you have a safe space, then you are preventing certain ideas from entering the marketplace, and that conflicts with core fundamental First Amendment principles. The second principle is the counter-speech doctrine. And the counter-speech doctrine essentially means that when we are confronted with harmful, obnoxious, and even repugnant speech, our first response should not be to censor that speech, but to counter it -- to show why it's wrong, to come up with a better alternative.

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This theory is traced back to Justice Lewis Brandeis [spelled phonetically], a contemporary of Justice Oliver Wendell Holmes. In *Whitney v. California* in 1927, he wrote, "If there be time to expose through discussion the falsehood and fallacies to avert the evils by the processes of education, the remedy to be applied is more speech, not enforced silence. The problem with safe spaces is it leads to the silencing and suppression of speech. We don't want that. We want more speech. The third core fundamental first amendment principle is that the first amendment protects a great deal of offensive, obnoxious and even repugnant speech. And the United States Supreme Court has expressed this eloquently many times.

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For example, Justice William Brennan [phonetic], in 1989, in a case called *Texas versus Johnson*, which involved an individual Gregory Lee Johnson [phonetic] who burned an American flag in Dallas, Texas, outside a political convention. Justice Brennan wrote, "If there's a bedrock principle underlying the first amendment it's that the government may not prohibit the expression of an idea simply because it finds it offensive or disagreeable." The idea of shielding students from ideas directly contradicts that principle, right? We want to protect offensive and even disagreeable speech. That's how we learn. The fourth fundamental first amendment principle is that a lot of speech is in the eye of the beholder. What's agreeable to one person may be disagreeable to another.

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Justice John Marshal Harlan [phonetic], II, expressed this principle eloquently in Cohen versus California in 1971 when he famously wrote, "One man's vulgarity is another's lyric." Right? What is offensive to some people may not be offensive to another person. That's why these safe spaces are dangerous. And then just think about human history. Sir Isaac Newton, Copernicus [phonetically spelled], Galileo, Albert Einstein, they were all ridiculed, ostracized when they first issued some of their theories. If we had safe spaces would we shut all those great thinkers down? No. We want speech to enter the marketplace of ideas.

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We want to counter negative speech with positive speech. We want to protect even offensive, obnoxious, and repugnant speech because that's the essence of who we are and that's the essence of education. Thank you very much.

[applause]

John Donovan:

Thank you very much David Hudson. The motion again Trigger Warning: Safe Spaces are Dangerous. Our final speaker in the opening round who will be speaking against the motion, Michael Roth, president of Wesleyan University. Ladies and gentlemen, Michael Roth.

[applause]

Michael Roth:

Thank you. There are a lot of good ideas out here and I don't know if this is actually a marketplace or not, but clearly there are strong feelings on both sides of this issue and the issue can be distorted so that it's easier to take a stand. So, no one is really arguing that all students all the time should be protected against any disagreeable idea. Nobody has ever argued that. That's just never happened.

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The idea of safe spaces originated right after the second World War. It actually comes from corporate America. Corporate America said you know one of the problems with the business world today is that people who work at my company are afraid to tell me the truth. So, I go -- I'm the president of Wesleyan. I go up to say, "What do you think of how I'm doing at Wesleyan?" And people say, "Oh, you're doing fine, sir." I say, "You don't have to call me sir. Just call me President Roth."

[laughter]

And they don't actually tell me the truth. So, after the second World War some good social psychologists, mostly from central Europe, came along and said, "What we need here is a safe space." That's the words they used. They said we need a safe space where employees can say,

you know, President Roth, you've got your head in the wrong direction. You are looking in the wrong places. You are paying attention to the wrong places. You are paying attention to the wrong things. You're adjudicating things you don't know about. And they could do that without fear of retaliation or attack. That was the definition of a safe space. Still works pretty well for me. You can speak your mind without fear of retaliation or attack.

00:23:04

When I was a student at Wesleyan in the '70s it was pretty normal for professors to come to class and think if they were a male professor and coach, [indiscernible] was pretty new at Wesleyan in those days, they said well, I'm a nerdy 28-year-old I want to have sex with someone who's 19 my students are available. So, they use their powers of free expression to comment on students' legs, on their attire. I had a student just call me from my era a few weeks ago, and said that -- well, her professor asked her to come and see him about her thesis. And she was honored, and she said to me, "I was probably silly to be honored." I said, "No, you weren't silly to be honored." She didn't know what he really wanted to do was to take her out and to take her home. Now, he said, "I'm just exercising my professorial duties. I care about that student." Whereas one of my colleagues said to the provost not too long ago, "I want to just take the relationship to the next level."

00:24:05

Yeah. See, we need a safe space for a guy like that. We need a safe space so students can learn, so they can tolerate disagreement. When I was a young professor at a school where there were almost no African Americans, one of my best students -- an African American woman -- she would routinely have professors ask her about the black experience, and other students go up to her and say, "Can I feel your hair?" They didn't mean any harm, but she felt it was an unsafe space. Not because they were disagreeable ideas but because people weren't treating her as a person. When I start my Philosophy in Film class -- which I teach pretty regularly -- I say to my students, "Tonight, you're going to watch a film about genocide. It's horrible. There are images in this film that should turn your stomach."

00:25:00

Next week, you're going to watch a film about murder -- police officers brutally gunned down and the wrong guy sent to jail. It's a documentary." The third week -- they call it "Monday nights with Roth: How to ruin your week" --

[laughter]

-- we watch these films on Monday nights -- the third week we're watching a film about child abuse. And I tell them this because, in my experience of teaching this course, some of them are so shocked at the movies that they can't handle it. So, I tell them this in the first class -- I said, "If you can't handle genocide, murder, child abuse in the first semester, this is not the course

for you. Take another course. I'm not changing the course: we're going to talk about these issues and how to tell the truth about them. But if you can't handle it, this is not the course for you." And then I tell them, jokingly -- "And if you really love this stuff, get help."

[laughter]

Because I want them to see, oh, it's going to be hard, but actually, we're in this together. We're supporting each other.

00:26:00

It's safe enough to disagree. It's safe enough to tolerate real painful subjects; and what may not be so painful to me might be very painful to another kind of student who has a different kind of history. So, I urge you to vote against this motion, that safe spaces are dangerous.

John Donvan:

Thank you, Michael Roth.

[applause]

And that concludes Round 1 of this Intelligence Squared U.S. debate, where our motion is Trigger Warning: Safe Spaces Are Dangerous. Now, we move onto Round 2, and in Round 2, the debaters address one another directly, and they also take questions from me and from you -- members of our live audience in Banff, Canada. The team arguing for the motion -- Trigger Warning: Safe Spaces Are Dangerous -- Suzanne Nossel and David Hudson are telling us, basically, that protecting people from speech is anathema to the purpose of a university -- that what's offensive is always, always going to be in the eye of the beholder, and that is very, very problematic. They point out that laws are in place, in terms of harassment, that further enforcement is not needed beyond that -- that laws would take care of harassment, and definitely of assault.

00:27:09

They make the very strong point -- and I think everyone on the stage agrees that we're not talking about very literal violence, protection from violence. We're talking about safety, but we are talking about issues of emotional harm. The team arguing, again, for the motion, that they're dangerous, feel that students will be graduating into a world in which they have not been prepared for the harshness of that world because they have gone through an experience of being coddled -- that it's one thing to support students enough so that they feel not totally uncomfortable -- uncomfortable all the time, but that it would be the wrong thing to eliminate all discomfort all of the time, that that would be to the detriment to the process of education. The team arguing against the motion -- Ash Bhagwat and Michael Roth -- are -- first of all, they make the point that safe spaces are nothing new; it's not a wild concept. They've existed in business, but they've also existed in the daily lives of all of us -- that that's what home

represents to all of us, and that a campus is 24/7 home for students, and that therefore, it is totally reasonable to expect some parts of some campuses, some of the time, to represent safe spaces.

00:28:13

They point out that the issue of controversial speakers is probably beside the point -- and they also, to a degree, suggest that their opponents are caricaturing the concept of safe space -- that no one is arguing that all students all the time should be protected from all offensive speech. So, those are the rough dividing lines between the two sides and there's a lot to unpack here and I think we can work through it point by point and I want to start with the question going to the side arguing for the motion that you've made the point -- you made the point strongly that we're talking about emotional harm, not physical harm, but I think that I heard your opponents arguing that emotional harm is a real thing, truly debilitating, truly toxic, and can be as disruptive to the process of being in a safe learning environment and destructive to the process of learning as almost as much as a punch in the nose.

00:29:06

That it can really ruin an ability -- a student's ability to exist and participate in the process of learning, that it's a real thing, emotional harm counts. So, Suzanne, why don't you take that on?

Suzanne Nossel:

I think speech can cause harm. I believe -- I agree that emotional harm is real, but that's where I think our harassment and discrimination laws come in. I did not say we don't need to do more to enforce them. I think additional efforts to enforce them are necessary and beneficial, but that's where the focus should lie. I think concept of safe space for all the reasons that we've delineated is so malleable. You know, one person's safe space is the other person's, you know, heart of danger and I just don't think this concept helps. I mean, we don't have to prove safe spaces are always dangerous. If you think about what's classically dangerous in our society, explosives, firearms, tornadoes, they're not always dangerous, but we know they can be dangerous and so therefore we classify them as dangerous and I think we've said a lot to show that this idea of safe spaces can be dangerous.

00:30:04

John Donovan:

But to their idea that an insult, the examples that Michael Roth used of the black woman in his class of, you know, people wanting to touch her hair made her feel -- I'm assuming you're saying alienated and separated and not -- and it made her feel -- he used the words literally "unsafe." Do you not credit that student's experience of feeling unsafe?

Suzanne Nossel:

Yeah. I think the word safety I might quall [spelled phonetically] with because I think it definitely denotes this question of physical safety and I think eliding that and confusing the line between being upset, being offended, affronted, and being actually unsafe is [indiscernible], but I do think it contributes to --

John Donovan:
Okay.

Suzanne Nossel:
--- a sense of victimization that isn't helpful, but I certainly think speech can cause harm if it rose to the level of harassment then absolutely the university needs to step in.

John Donovan:
So, we're talking about in the sense about how much harm in the example that your opponents just gave. Ash, why don't you take that on?

Ashutosh Bhagwat:
I have to say, I -- the reason I disagree with that is because in my view the law of discrimination and the law of harassment are really narrow.

00:31:06

The kind of -- I mean, if you read the cases the kind of behavior you need to prove to actually make out a case of harassment is extraordinary.

[applause]

And it's simply not -- it's not enough and the whole idea of safety -- semantics matters I guess, but I don't -- you know, when we're talking about safety we're talking about feeling like you belong, and I think consistent emotional harm, which tends to be suffered by minorities more often makes you feel like you don't belong and that I think is a problem.

David Hudson:
Well, look. Look, the first amendment is not absolute. Right? There are some narrow unprotected categories of speech. You don't have a first amendment right to utter a true threat. You don't have a first amendment right to engage in fighting words, which is a very narrow category. You don't have a first amendment right to black -- commit blackmail or extort money from someone.

00:32:00

But when we allow the government to go down the dangerous slippery slope of defining what speech is harmful enough to be censored, censorship is a bad thing.

John Donvan:

But David, can I come back to?

[applause]

I want to let you explore that point a little further on, but to stay on this focus of just detailing what we all mean by what is unsafe since there seems to be a disagreement about that and Suzanne has addressed it and Ash, the kind of example that Michael Roth talked about of this student feeling alienated and literally unsafe. Do you accept or reject that definition of just a sense of unsafe [indiscernible]?

David Hudson:

Well, it does hit close to home. My wife is African American. She has very beautiful hair. A couple people came up and touched her hair. One of them touched it in a way that wasn't very friendly. She glared at them. It didn't happen again. I do, and I used to do employment discrimination cases, so I recognize that speech can cause harm, but if we allowed the censorship of speech any time speech causes harm?

00:33:10

That -- we run the risk of engulfing anything that's considered controversial, anything that's considered unorthodox, anything that is -- that stridently disagrees with somebody else's point of view. You know, they're defining safe spaces in this incredibly broad -- I would contend, overbroad -- fashion. What we're talking about is safe spaces in which students are shielded from challenging, difficult, offensive speech.

John Donvan:

And you're talking, at this point, classroom, campus, dormitory, club, or all of the above? Or possibly some of the above?

David Hudson:

It can happen in different places, right?

John Donvan:

Okay. Let me just take it back to Michael Roth to respond to some of what you've heard.

Michael Roth:

Well, I think you're right that censorship is a -- can be a slippery slope, and that you don't want to empower people with authority to define what's offensive.

00:34:08

You do want to empower people who belong to a community to be able to tell you when they're offended, and to claim places where they can feel protected. So, it -- we don't -- we're

not in a position where we have to wait for repetitive harassment to occur so it meets the legal definition of discrimination and harassment. We can actually be proactive -- because when students go to college, they actually are not signing up for a marketplace. They're signing up for a community. And at a community, you can have different kinds of spaces for different kinds of activities. You don't have the same activities in the locker room as you have in the classroom, or in the fraternity as you have in the chapel. And I think providing some students the ability to say, "I will not be harassed in this space, I will not be attacked in this space. I will be seen as a member of the community in this space"

00:35:01

That's a safe space, and it's not dangerous. What's dangerous is to make believe that everybody who comes to a university -- like everybody who comes to a marketplace -- is an equal participant in transactions. And that's just not true when you go to a school that has a history of discrimination and prejudice, and where you are a newcomer, and you're trying very hard to belong.

Suzanne Nossel:

I think --

John Donovan:

Suzanne?

Suzanne Nossel:

Yeah. I --

[applause]

-- yeah, I don't think anyone's arguing that a student who is touched or dealt with in a way that's offensive has every right -- and absolutely should -- articulate that. Allies can come in support of her. The -- to me, that's not a safe space. I mean, when you define safe space, you actually said it should be a space that's safe to kind of say what you -- what's really on your mind. And you know, you talked about the person who touched her hair. And you said, "They didn't mean any harm. They're -- they did this out of goodwill, ignorance." So, you know, to me, that's a fundamental contradiction. If a safe space is a space where you could feel, you know, "I can go out on a limb. I could say what's on my mind."

00:36:00

You know, I wonder something about him and I'm going to, you know, name it, and ask him to find out about somebody who's different from me," you know, if that's a safe space, then it's completely at odds with the idea of an institution, you know, say in the case you're talking about -- you know, bringing charges against someone, you know, who naively, you know, asked someone where they're from or commits, you know, some other transgression that they're not

even aware of. I mean, surely, the way to deal with that is not having the university kind of come in and bring up, you know, a civil rights investigation.

John Donovan:

Let's go to some specific examples, since we're talking about different kinds of safe spaces, and just pick one that I want to have us talk about. Say -- and this is happening on various campuses, where members of a minority group will say, "We want our own dorm. We want a dorm where we can let down our hair, and be comfortable, and not be challenged." Now, dormitories, you know, traditionally -- traditionally -- are sort of -- they're general and they're generic. So, this is saying, "We want to take one part of what has been generic and make it our own."

00:37:03

It's different from, "We want to have a club." This is, "We want to take a piece of the real estate and make it our own so that it's safe." What is your response to that, Ash?

Ashutosh Bhagwat:

So, I don't know about dorms. I have some hesitations there, I'll be honest.

John Donovan:

Why?

Ashutosh Bhagwat:

Because that's a level of separation which I think undermines the community a little bit. But if you want a group -- if you have a group that's defined by some sort of common feature, who wants a space to meet, I think that's fine.

John Donovan:

But I don't think --

Ashutosh Bhagwat:

We are not --

John Donovan:

You're not objecting to that, though --

Suzanne Nossel:

Not at all. [unintelligible] --

John Donovan:

[inaudible] --

Ashutosh Bhagwat:

But I think, then, we're conflating the issues, because that's a safe space. No one is -- the question about college speech codes, for example -- which is what, I mean, you were touching upon -- strikes me as being a completely different question, leading to the question of how we define harassment and so forth. But nobody is talking about censoring public discourse -- these [unintelligible] Yale professor's position. That, of course, has to be uninhibited and wide open, to quote the Supreme Court. We're talking about being able to feel like there are times when you just want to pull back from that political world.

00:38:03

And I think adults do it all the time.

John Donovan:
David?

David Hudson:
John, the problem is that this notion of safe spaces gets wrapped up into these other concepts. There's an environment on some college campuses of censorship. That's why we have the term safe spaces, trigger warnings, micro aggressions, campus speech codes, free speech zones. That's how come this term has come back into vogue. It involves the censorship of even political speech that others find disagreeable or offensive.

John Donovan:
Well, Michael Roth, we often do hear that the pushback against safe spaces is coming from the position that they're promoted by a leftist agenda. Usually serve -- usually protect the interest of people who have a shared ideological position which is to the left and that that's -- again, that's essentially David is repeating that sort of charge that that's really what the safe spaces argument is about.

Michael Roth:
Yeah, I don't think that's what the safe space argument is about.

00:39:02

I think the safe space argument is about building community where people who have been marginalized over time can find places where they can find comfort in one another's company, find inspiration in their varied experiences, but not to define the college experience as a whole as being one where you are cut off from antagonistic ideas. Safe spaces were vitally important for gay rights. They were vitally important for feminism and I think they're coming up today on college campuses because college campuses have more students from under-represented groups who are trying to define their own places on these campuses. They're not trying to censor other people, they are trying to find a way they can belong to historically white and middle-class institutions.

John Donovan:

Well, to that point. I saw a documentary several years ago about George Bush's time at Yale.

00:40:02

And it was some film that was shot at the time and this wasn't George Bush in the sequence, but they were interviewing a young male Yale student at the time when all of the students at Yale were young males and he and his friends were sitting around something like a living room wearing jackets and smoking pipes and the students said to the interviewer, "This is an amazingly diverse place. He's from Montana and he's from Connecticut and this guy's from Florida" and my point is raising the question is that Yale has changed. Most American campuses have changed. There is a clientele. There is a population that wasn't on campus before and the question is do -- are we struggling with this because there is a different population? There are people, as Michael Roth just said, who come from marginalized populations who are in a challenging situation where perhaps the old rules wouldn't have applied. By old rules I mean say whatever you want because it's going to be very, very hard to make a Connecticut Yankee feel upset when you start making fun of him for being a Connecticut Yankee.

00:41:03

Suzanne Nossel:

Yeah, no. I think absolutely. I mean, the demographics of the college population have transformed and I think the colleges and universities are way behind in terms of really taking on board what that means and they have to examine themselves. You know, there's a lot that's been done but there's much, much more that has to be done. I think it's coming to the fore -- I think this generation is demanding new levels of belonging, inclusion, and equality on campus, but I really believe the key is to realize that, to accept their demands, to address their demands, but without infringing on robust protections for free speech and academic freedom. I think that is the problem. The idea that this is a trade-off that in order to make them feel welcome and included we have to constrain speech. You know, whether it's, you know, in a dorm or on campus, I mean, as Ash, you said, you know, they're there 24/7 so, you know, if that's the home 24/7 that becomes an argument for a safe space 24/7 and campus-wide. So, I think it's a very problematic concept and we need to focus on achieving both of these goals, great belonging and inclusion for minority students, but without the -- accepting the notion that that must entail the curtailment of speech.

00:42:10

John Donovan:

Okay. Who would like to respond of the two of you?

[applause]

Michael Roth:

I'm happy to. I don't think there's anyone arguing for the curtailment of speech. When there were gay bars in New York before we had social media, if you had made the argument I have to close those bars because I as a straight white man with my pipe don't feel happy there, that would be ridiculous. When women had take back the night marches where they could feel safe talking about their experience living in a male-dominated culture, it would be ridiculous to say well they shouldn't be able to do that, we should be able to have the fraternity boys go in there and talk about their experience on the football field at the same time in the same space as the women. We're not saying that those guys can't talk about their experiences in their spaces. But there can be some spaces on campuses where people who have felt persecuted by the history of the very institutions we're asking them to belong to, those spaces could be places of solace, inspiration, and robust --

00:43:10

John Donovan:

What about the classroom? Should the classroom be one of those places?

Michael Roth:

The classroom cannot be a place for a robust exchange of ideas if people don't feel safe enough to be acknowledged as human beings in the classroom. They have to feel that they will not face retaliation or retribution, just like those people in the corporations.

John Donovan:

But let me read something that I picked up last year. A student -- a graduate of the university of Chicago published a piece in Vox. He -- the title was, "I'm a black U Chicago graduate: safe spaces got me through college." His name is Cameron Okake [spelled phonetically]. And I'm quoting this: he said, "You want me to elevate mediocre conversations about race with my personal experience and critical lens? Then you better do something about the students who were muttering about affirmative action every time I speak." And you know, I think what he's talking about is possibly a classroom debate where he felt --

00:44:01

-- it suggests he felt directly threatened and undermined in the actual -- his claim to have a place in that classroom undermined by people muttering about affirmative action. Now, the question would be, should that muttering about affirmative action have been ruled out of bounds in that classroom?

Suzanne Nossel:

Yeah. You know, I mean, I know -- I actually know Cameron Okake, and I have his piece here, and I think it's a great piece. And you know, one of the things -- strikes me about it is, you know, even at University of Chicago, where they kind of took this, you know, very assertive position, saying, "No safe spaces" -- you know, they didn't get rid of the multicultural house,

which is the safe space that Cameron talks about being so central to his life on campus. I think he makes, you know, a very powerful, potent point about --

John Donovan:

But he's making -- but this is -- I agree with you. But he's making it -- in this instance, he's talking about something presumably that happened in the classroom. And my question to you - - he gives this very material --

Suzanne Nossel:

A kind of tittering.

John Donovan:

-- very material example -- a tittering about, "Well, you're only" -- the suggestion is "You're here because you don't deserve to be here," is -- which I imagine would be a very toxic experience there.

Suzanne Nossel:

Yeah. I mean, I think it could be perfectly appropriate for a professor --

John Donovan:

Should that be stopped?

00:45:03

Suzanne Nossel:

-- for a professor to, you know, call for an atmosphere of respect. I don't think that's policing speech.

John Donovan:

But isn't that all you guys are saying?

Suzanne Nossel:

You know, and people may --

Male Speaker:

That's what we're saying.

Suzanne Nossel:

You know, people may come back against that. They may say, "You know, we want to have a debate about affirmative action." I think the professor, you know, depending on what the class is about, maybe that's the setting for it or not. I don't think you can say questioning affirmative action, period, full stop, is off limits in campus debate. It -- you know, the setting matters. How it was done matters.

Michael Roth:

So, and I can give an example, if that's okay.

John Donovan:

Sure.

Michael Roth:

We had a protest at Wesleyan, and it was part of a national campaign. It was called "The Affirmative Action Bake Sale." You remember this a couple years ago, where students were in the university center. And they said, "If you're an African American, you pay 50 cents. And if you're a white person, you pay \$1.50," or something along those lines. A group of activists -- many of them students of color -- came to my office and said, "You should shut down that protest because it's making us feel unsafe. It's ruining our day. They're disgusting racists."

00:46:06

And I said, "Well, no, because there -- it's political theater. And you have to get used to the rough and tumble of ideas." So, and they went away, less happy than they wanted to be, but they also had places where they could go -- safe spaces, by their definition, and by their experience -- where they could recharge, where they can find solace and inspiration. And so, I see nothing incompatible with supporting free -- safe spaces and saying they're not inherently dangerous, and also supporting the rough and tumble of argumentation in the public sphere.

John Donovan:

Where do we draw that line, David Hudson?

David Hudson:

Well, I think a lot of what they're talking about is freedom of association. The First Amendment does protect freedom of association, even though the five textually stated freedoms are religion, speech, press, assembly, and petition. The First Amendment does protect the right to freedom of association.

00:47:00

But I think what they're doing is their broad, monolithic, amorphous definition of safe spaces could be subsumed within the First Amendment right to freedom of association. What it should not be allowed to do and cannot be allowed to do is lead to the creation of intellectual safe spaces and the censorship of protected speech.

John Donovan:

Okay. And I want to go to audience questions in just a minute. And the way that will work is if you raise your hand, I will call on you. And if you can wait for a microphone to reach you, I need -- we need to be able to hear your voice. So, please wait for the microphone. We'd appreciate it if you would tell us your name and then ask a very tight, focused question that

advances the debate. But while we're getting set up to do that, I just want to -- actually, maybe we -- should we move straight to the questions? Is anybody ready with a question? Right down here in the front row. Again, a mic is being brought to you from the left-hand side. And if you could stand up, that would be appreciated as well. Thanks.

Male Speaker:

Sure. My name is Michael Bloom, and my question is addressed to the side here that is opposing the motion. I just want to be clear, are you actually saying that a classroom can be a safe space in the sense that a student would be completely free from criticism -- that their ideas themselves could not be criticized, and that those that would level a criticism against an idea held by another student in the context of a classroom could be censored or that a student who says something in a spirit of civility --

00:48:07

-- makes a civil statement and tries to further debate, but one student in the class is in some way emotionally upset about that, that in that case the student could be sanctioned because the classroom itself at a university is a safe space.

Ashutosh Bhagwat:

Absolutely not. I mean, I run a classroom every day. People disagree all the time. That's part of the discourse. That's part of the norm. No one is suggesting that. I don't think -- again, it becomes a -- there's this question of degree, right? And a lot of it seems to me the argument against safe spaces is an argument that well, if you go a little bit over the line then immediately you can't express any ideas that anyone disagrees with. Nobody believes -- no one serious believes that. I mean, that's not -- it's about what the line is and every day classroom teachers have to figure out what the line is. I think the example from the years of Chicago that's over the line, right? Muttering about affirmative action simply when an African American student tries to speak.

00:49:02

That's not civil discourse.

John Donovan:

That should be stopped.

Ashutosh Bhagwat:

That has to be stopped. Otherwise you've -- one group of students --

John Donovan:

What about something that's more substantive, not meant to be -- not meant or intended as an undermining position but actually a closely-held belief, for example, if there is a class with a student who is a gay student who has recently married to his boyfriend and there's a student

who speaks up in class, perhaps it's religion, perhaps it's philosophy, perhaps it's law, who just says I think that that is an abomination that should not be sustained. Is that -- now, that can be incredibly toxic to that individual, but the speaker is not speaking in order to attack that person or to put them down but is sharing his position. What happens then?

Ashutosh Bhagwat:

Well, in my law class, I mean, I teach the same-sex marriage case because I teach constitutional law. That's out of bounds. That's not a legal argument. That has nothing to do, right? It's an abomination for reasons that have -- but if you tell me why you think the Obergefell [spelled phonetically] case is wrong as a matter of law, even if that might upset a student, that's completely --

John Donovan:

Well, as you know there are students who would look to the Bible as their ultimate source of law and I realize that's not the law that you're teaching, but if a person makes a reference to that and I know we're getting very hypothetical here, but I find it an interesting hypothetical, it might be realistic.

00:50:08

Michael Roth:

I'll give you an example.

John Donovan:

Sure.

Michael Roth:

What I would do in that situation is I'd say okay, you -- from here over, you take that side and from here over you take the other side. Whatever our real view is.

John Donovan:

So, you would not stop the conversation, you would go deeper into it?

Michael Roth:

Well, if there's a substantive issue as there might be in that case, depending on how it was expressed, if it wasn't just you shouldn't be married because you're not a full human being, that would not be -- we wouldn't debate that. Is Joe a full human being?

Suzanne Nossel:

But Michael, how does that square with your own definition? I mean, I gave it -- you gave a very different definition of safe space than I did. You said it was being able to speak your mind without fear of retaliation or attack. You know, if I say, you know, I just got married to my same-sex spouse and, you know, someone attacks that act, you know, that's an attack. So, that's an attack on my identity, my union, and so how is the, you know, what you talked about

opening that up for debate consistent with upholding the idea of safe spaces that you articulate?

00:51:04

Michael Roth:

This would not be a real classroom debate. I mean, we would not be debating Michael's marriage to John. I mean, in other words, I wouldn't come to class saying Michael got married let's debate whether he should've been able -- that's just not a real issue. What would be a real issue is what is the nature of marriage and how should we define it. And if you can take it away from an attack on Michael and John and turn it into a conversation about the principles at stake and have everyone in the classroom realize they could make a mistake, they could choose the wrong principle, they can make a bad argument and it won't be retaliation or retribution, then it's a safe question.

Suzanne Nossel:

But for the person who is in a same-sex relationship --

Michael Roth:

It'll be hard for them.

Suzanne Nossel:

Yeah, it would be hard. Precisely. It would be hard for them. and we need to allow these debates, even though they're hard, even though it might not feel safe, right.

Michael Roth:

But it's safe enough for them to tolerate the debate without feeling that they are being excluded from the community. If someone says well, you're only here because we let in people from your race then what we're saying is you don't actually even belong in the room with us.

00:52:06

Suzanne Nossel:

But what if they say to you, you make this debate, you stage this debate, I say to you, you know what? This makes me feel extraordinarily uncomfortable. This is my identity that you're debating here as if it's some abstract ideal. You know, my life and the safety and sanctity of my family hinges on this and I feel profoundly unsafe in this classroom would you shut the debate down?

Michael Roth:

No. I would actually say well let's talk about that and I would try to turn that into a teachable moment where some people -- the class may conclude actually the class may conclude we shouldn't do this but it would be a product of a classroom if people felt I actually count enough, I belong in this classroom I can risk saying things that might be offensive.

Suzanne Nossel:

I mean, I think that's great, but I don't think --

John Donovan:

I want to move on to some more questions and right down in the front here please.

Female Speaker:

My name is Lucy. My question is, do you believe that campuses are currently so inundated by aggressive and critical opinions that they are largely unsafe spaces right now?

00:53:01

And if so, should we not be turning our attention to why this is and why students feel so unsafe?

John Donovan:

Ash, would you like to take that?

Ashutosh Bhagwat:

Sometimes. Not always. I think it depends on the student, I think it depends a lot on the campus. I think it's complicated, right? This is actually one of the reasons why I so strongly do believe in safe spaces -- is because I think it is impossible to make the entire campus entirely safe -- because I agree. A large censorship machine at that level is risky and very difficult to operate. I mean, I wouldn't want to be in charge of it.

Male Speaker:

[inaudible] --

Ashutosh Bhagwat:

Michael -- and you agree. So, while we need to work on that, and while we need to actually -- that is more about teaching. That is more -- instead of silencing, we need to learn to teach students who are saying things which frankly are offending other students why those other students might find it offensive and why that might be reasonable. Now, some students are going to go ahead and do it anyway, right?

00:54:00

But I actually think most people are decent people. Most people don't want to hurt other people's feelings. And so, I don't -- there, I'm a believer, rather, in the educative function of the university rather than the silencing function. But yes, it's a problem.

John Donovan:

David?

David Hudson:

If college and university campuses have a multitude of ideas, that's a great thing to be celebrated. It's not to be feared. We want people from -- with different arguments to come forth with their viewpoints. All right? That's the beauty of a college and university campus. I mean, think about when you went to college -- the divisive topics, right? Abortion, affirmative action, capital punishment, immigration reform, gun control. We want -- if you've always kept the same view on all of those issues, then yeah, let's go have some safe space, be coddled, be thrown in a cocoon and live in an echo chamber. That's not what we want in a free society.

[applause]

We want more ideas.

John Donovan:

Okay. Another question?

00:55:00

Male Speaker:

So, my name is Tom McLesh [spelled phonetically]. I come, as you can probably hear from my accent, from a country without a First Amendment -- actually, without even a constitution in the first place. But we nonetheless treasure free speech. Now, I have a complaint for -- and a question for the candidates. We -- so if we were promised a debate in which the -- in this particular case, the proponents and opponents would not talk past each other. But I've had an hour here listening to a wonderful, very exciting time. But there has been a fair amount of talking past each other. So, I've got confused between freedom of speech and freedom not to listen. I'm worried about David's point. He seems to be insisting on my lack of freedom to listen to any old stuff, to find no place in which I can find, momentarily, a place not to be bombarded by offensive material -- whereas I'm finding the opponents attractive by describing home spaces that we all need while defending an experience of open listening.

00:56:05

So -- so, how are we getting -- aren't we getting some -- can you clarify this to me? What is a safe space, and does everyone -- do people have rights not to listen?

John Donovan:

Well, let me -- I want to take just the last question, because we -- I think we have been kicking around the idea of what is a safe space. And perhaps it's going to be unresolved, but it won't be in the next one minute that we have left to do that. So, the right not to listen. You've been accused of actually arguing for that, David. Is that --

David Hudson:

I believe in the right to receive information and ideas. In the First Amendment community, we often talk about simply the First Amendment rights of the speaker. But there are also First Amendment rights of the listener, and it's the right to receive information and ideas. And when we shut down the ideas, when we dampen discourse, we're infringing on the right to receive information and ideas as well.

Ashutosh Bhagwat:

See, I think David spoke past the question. I think the -- the answer to your question is, of course you have a right not to listen. Why does anyone in the world -- in public, I may have to put up with it.

00:57:03

But in spaces where I want to be left alone and can be left alone, of course I have a right not to listen. And if someone comes to my door and knocks, and says, "I'm going to give you a 20-minute lecture on white supremacy," I'm going to close that door.

Male Speaker:

Just as --

Ashutosh Bhagwat:

That's perfectly within my line. I mean, any idea I don't want to hear, right, which is not to say that person does not have a first amendment right to participate in public discourse in public places, but I don't have to listen to them. Even when they're speaking at a park. I don't have to stop and listen. That would be -- that would make the first amendment a bludgeon.

David Hudson:

But that's fundamentally different than a safe space that shuts off ideas in the first place and yes, you do have a right not to listen. Justice John Marshal Holland referred to it directly in *Cohen v. California*, which I've already mentioned. He said, "Avert your eyes."

Ashutosh Bhagwat:

But that's in public places. That wasn't the L.A. County Courthouse.

David Hudson:

Well, a lot of college and university campuses are public.

Ashutosh Bhagwat:

Right, but --

Suzanne Nossel:

Even Ash --

Ashutosh Bhagwat:

But I'm not -- I'm saying that college campuses can be segmented, right?

00:58:01

I'm not suggesting that the square in a college campus can be converted into a safe space. It can't.

Suzanne Nossel:

Yeah, but here's the thing, Ash. Also, you know, like say a black house or that meeting you described of, you know, student immigration activists. You know, there it could be a diversity of ideas there. There could be criticism there. There could be deep disputes over tactics, methods, priorities. You know, it can get contentious and, you know, so I think absolutely freedom of association you can associate on any basis, but that doesn't mean ideas are excluded, arguments are excluded.

Michael Roth:

Of course not.

Suzanne Nossel:

Criticism is excluded.

Michael Roth:

That's what we're saying, that if you can have an African American house you can have a hilel [phonetic] on campus and the fact that you go there to talk to people who share some of your ideas doesn't mean that all ideas are excluded there and that there's no freedom of speech.

Suzanne Nossel:

Right, but then you're not free of the danger of retaliation or attack. I mean, that can happen even in these closed spaces, right?

Michael Roth:

Well, disagreement is not the same as retaliation and attack. You have disagreement and you have the exchange of ideas, but you do so within a border and that is different in classrooms than it is in the hilel.

00:59:06

It's different in the chapel. It's different Sunday morning than it is when the chapel is used for something else. And the idea that you couldn't segment the campus into some spaces that are safe for some students some of the time that seems an odd idea.

John Donovan:

Okay. I'd like to go -- and sir, I thank you for your question and I recognize the -- that your criticism is not completely unfounded, but that train had left the station. Sir?

Male Speaker:

I wonder if we're talking past each other because I hear muddled terms of reference, too. We're talking about the what and I feel like we're missing the how. The most compelling argument that I heard for the for side is the side from the against side, which is how Mike runs his classroom, which is to say what we're talking about is a failure of leadership, a failure of leadership by professors who are unable or unwilling to create that context and draw the red lines and say you're going to listen. If you don't want to listen, you have to leave. Are we talking past each other?

01:00:01

I've heard a lot of agreement between the both sides actually.

John Donovan:

Well, yeah.

Male Speaker:

When it comes down to leadership of professors in the classroom and who is equipped to lead or to have this conversation and draw a hard line and say you're going to listen because we're in the classroom.

John Donovan:

So what's your -- your question is are they talking past each other?

Male Speaker:

I'm talking about the how of leadership and the facilitator of the professor versus the idea of the what of a safe space.

John Donovan:

Okay. I understand now. Let's take Mike --

Michael Roth:

I think it's -- I think we would all agree, I think, that it would be preferable if in classroom experience for professors to create an environment for a robust exchange of ideas but where everyone felt included, that they were full members of that discussion and that that's much better handled by the teacher herself or himself than it is by a dean or even a president.

John Donovan:

Okay. Let's go to another question.

Female Speaker:

The world is not a safe space.

John Donovan:
Could you just tell us your name please?

Female Speaker:
Oh, sorry. Hillary.

01:01:00

The world is not a safe space and we survive by learning to make our own safe spaces. So, if we, as young people, have universities creating safe spaces for us, how will we ever learn to carve out our own safe space in the world?

John Donovan:
Let's take that question to Ash Bhagwat.

[applause]

Male Speaker:
Great question.

Ashutosh Bhagwat:
I think the answer is simple. It's the same thing. I mean, the problem is you have a home that you can retreat to. These students do not. And so, they need -- because they are surrounded by the university at all times, if the university says "No," you're out of luck. What are you going to do? It's a special circumstance. Campuses are strange creatures, because they are a mixture of many, many different things. And to treat them as a sort of -- a whole, as if they're sort of generic, I think, is wrong. University, in my view, has the absolute right to help students create safe spaces of the sort that when they are adults, off-campus, and have control over their lives more, they will do for themselves. But the university should not make the entire campus a safe space. No one is talking about suppressing ideas.

01:02:04

John Donovan:
Response from the other side?

Suzanne Nossel:
Yeah. I mean, I think that's -- it's a bit of a confused argument, because if it's their home 24/7, you know, and they need safety to be able to inhabit that home, you know, then, inevitably, that brings up the role of the institution in generating that safety, which I think you agree with. So, it's not just a matter of what happens, you know, when the four of us gather in a room together or a club meets. It's really a larger question of what happens on campus. And I think this term "safety," which -- with its malleability and nebulosity that we've talked about -- one person's safety being dangerous for another person, the kinds of criticisms, and attacks,

and perhaps undermining of emotional safety that can happen even in a closed space just makes this term very problematic. And it leads to what you're talking about, which is a sense, on the part of the institution, that they need to step in -- that students can't navigate this for themselves, that they have to come in. And inevitably, you know, they're coming in to suppress speech.

01:03:02

I mean, and the concern of safety is being pitted against speech, and it opens the door to censorship. So, that's the -- why this term can be dangerous. We don't have to prove it is inherently dangerous. We just have to prove that it can be dangerous.

John Donovan:
Michael Roth?

Michael Roth:
Yeah. Lots of things --

[applause]

-- can be dangerous. That is true. I do think we have to remember that the students are well-aware that when they graduate, they'll have to make their own spaces. They're well-aware that in the United States today, that they will be entering in a world where they'll be much less likely to interact with people who don't share their views. They'll be entering a world of much more intensive inequality than there -- any previous generation has seen for at least 100 years. They'll be entering a world of much greater segregation than we've seen in a long, long time in the United States. They're well-aware of the hostility of the world. And so, it seems to me that in a learning environment, you're not censoring ideas; you're trying to give people the power to consider ideas that are radical for them, that challenge their presuppositions, but they do so while feeling they are full members of a university community.

01:04:08

John Donovan:
And that concludes Round 2 of this Intelligence Squared U.S. debate, where our motion is:
Trigger Warning: Safe Spaces Are Dangerous.

[applause]

And now we move on to Round 3. Round 3 will be closing statements by each debater in turn. They will be two minutes each. And Suzanne, you can return. Speaking first to make her closing statement in support of the motion, here is Suzanne Nossel, CEO of PEN America.

Suzanne Nossel:

Okay. We're going to very quickly try to weigh this debate for you. And then I'm going to -- if I have time, I'm going to paint a picture. So, they have argued that the campus must be a welcoming and -- environment that fosters belonging for diverse students, and that to do so, we have to open the door to the policing of speech through the maintenance of safe spaces. We have argued that, yes, the campus must address the needs of demographically-diverse student bodies, that they need to create greater belonging, but that this can and must be accomplished without any compromising of the most robust protections for free speech or academic freedom.

01:05:10

Let me tell a story about UC Berkeley. You know, it's one of the most diverse campuses in the United States, in the state of California, the most diverse state in the union. It's a place where minority students comprise a large portion of the student population. There are a lot of faculty of color. There are all kinds of student organizations. You know, it's -- you know, if such a thing were to exist, it is a space where students of color feel very comfortable. And so, what happened on that campus? There was an effort to bring a conservative speaker who was very controversial to campus, Milo Yannopolous. There was -- the university became alarmed. They put very strict restrictions on when he could come, where he could come, restrictions to the point where people weren't going to be able to attend the speech. And you know, what happened when he finally came to campus was things exploded. It became violent.

01:06:01

There was property damage. The university over time has had to spend I think close to a million dollars addressing security needs and, you know, it's become -- the Department of Justice has intervened in a lawsuit now challenging the university. Why did this happen? I went there, talked -- spoke to Republican students and they said it happened because they felt so marginalized on campus they couldn't speak up. They couldn't get -- book rooms for their meetings. They couldn't get faculty advisors for their clubs. We need to make sure that our campuses are open both to all sets of people and all ideas for that please vote for the proposition.

John Donovan:

Thank you, Suzanne Nossel.

[applause]

And that proposition again Trigger Warning: Safe Spaces are Dangerous. And here making his closing statement against the proposition, Ash Bhagwat, law professor at UC Davis.

Ashutosh Bhagwat:

So, I'm going to start by responding to Suzanne. I think she's done what I said people do, which is conflating the controversial speaker issue with the safe space issue. No one is talking, at least on our side, about making the entire college campus a ex-ideology free zone.

01:07:03

That's simply not what we're supporting. I also want to emphasize, there is this story that's being told about how current students are over-sensitive. They are snowflakes. I hate that word. I've been teaching for 24 years. This is utter nonsense. My students today are just as tough-minded, just as independent, just as able to listen to ideas they disagree with as ever in the past quarter century. It's just not true. They are more assertive. They are less willing to accept inequities that they see in the world around them and I think part of what's going on is people don't like that. I also want you to bear in mind something important, which is when you're an outsider or feel like an outsider safe spaces are more important. The most important safe spaces in American history were African American churches during the period of Jim Crow and the civil rights era. They were important precisely because they were safe and places to organize the civil rights movement.

01:08:00

That's what's basically the same dynamic as what's going on on campuses and throughout our society today and I think the question you should ask yourself is not do you like free speech. I love free speech. I've spent my career writing about how great free speech is. The question is do you like free speech everywhere all the time or do you sometimes just want to be left alone with people who you like and agree with and if you do feel that way sometimes then I feel you have to vote against this motion because students have that right, too.

John Donovan:

Thank you, Ash Bhagwat.

[applause]

The motion again Trigger Warning: Safe Spaces are Dangerous. And here making his closing statement in support of the motion David Hudson, Jr., first amendment scholar and law professor at Vanderbilt University.

David Hudson:

Thank you so much. I'm a licensed boxing judge. I've judged 12 world title fights across the globe. I've even judged the world heavyweight championship WBC champion Deonte Wilder [spelled phonetically] against Chris Areola [spelled phonetically] July 2016. But this is even a greater fight.

01:09:04

[laughter]

It's the fight for free speech in a free society.

[applause]

The arguments made about the civil rights movement, do you know what John Lewis said about the civil rights movement without the first amendment? "It would be a bird without wings." The first amendment was absolutely essential to the civil rights movement of the 1950s and 1960s. It was the precedent of *Terminelo* [spelled phonetically] versus City of Chicago that protected the rights of an anti-Semitic speaker that protected the rights of civil rights activist Fred Shuttlesworth [spelled phonetically]. We must protect free speech. Where else can speech thrive except at a college and university campus? What's the primary reason that people go to a college or university campus? They go to learn. They go for intellectual development. They go to confront new ideas.

01:10:01

They go to develop the fully functioning human being. The first amendment provides that, a higher purpose of the first amendment is the right to individual self-fulfillment, the right to freedom of expression, the right to viewpoints. I close with the words of John Milton [spelled phonetically] and Ariel Pogetika [spelled phonetically]. "With all the winds of doctrine are let loose to play upon the earth so truth be in the field. We do by injuriously licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple. Whoever knew truth put to the worse in a free and open encounter. Keep colleges free and open. Keep them open to ideas. Colleges are not kindergarten." Thank you.

[applause]

John Donvan:

Thank you, David Hudson. The motion Trigger Warning: Safe Spaces are Dangerous. Here making his closing statement against the motion, Michael Roth, president of Wesleyan University.

Michael Roth:

It's a pleasure to hear these great defenses of the first amendment.

01:11:02

I think we have wonderful advocates for free speech. Remember, Milton said -- his call for free speech is only for Protestants. Catholics, he said, "Then we extirpate."

[laughter]

So, everybody has their limit of what they -- everyone has their limit of who they will protect. And at colleges and universities today, it is very much the case that there is a strong bias -- sometimes on the faculty, often on the faculty, often on the students -- towards the left. This is not new. This is perhaps something to do with the age of students, but something to do with the politics of our country right now -- our country by which I mean, sorry my Canadian friends, the United States. I have started a program at Wesleyan University to bring more conservative thinkers to campus, more conservative professors. Army generals or colonels who are retiring from the armed forces to teach courses in international relations and political science, because I think our conservative students need to feel they too can express their views.

01:12:03

And I'll close with a story not from the annals of the law books, but from a student of mine who came to talk to me this year. And she said, as a religious student, she did not feel that she could go to class and be taken seriously. She felt that when she went to her English professor's class and she said, "I am a believer -- I am a student of faith," the professor thought, "Well, you're an absolutist. You can't take ideas seriously." She wasn't saying -- the student wasn't saying that. The student was saying, "I could take a discussion of religion seriously, but don't dismiss me because I'm a Christian. Don't dismiss me because of who I am." She has no problem with the rough and tumble of intellectual debate. She has a problem with prejudice that retaliates against who you are and punishes you for what you believe. We need spaces for those students so they can recharge and be ready for the next debate. Thank you.

01:13:05

John Donvan:
Thank you, Michael Roth.

[applause]

And that concludes Round 3 of this Intelligence Squared U.S. debate. The first thing I want to say is that I want to thank all four of you for the spirit in which you debated this motion. I know that you all feel passionately about it, but it was also clear that you respect each other, and you respect the process that we're trying to bring here. So, thank you for the way that you all did that.

[applause]

So, one thing I'd like to ask all four of the debaters, we were talking about safe spaces in the university, and there's been a lot of this talk about, "Well, are we preparing students to go out into the world, the harsh world, the harsh world," and the question is, once this cohort of students who, as you said are making these demands and are speaking up for themselves and advocating for themselves in a new way, once they reach the workplace, do you think the

workplace potentially will change and start to develop safe spaces in a way that the universities are struggling with now? Do you think that -- do any of you see that coming? I'll start with you, Ash.

01:14:02

Ashutosh Bhagwat:

I think it is happening. I think the MeToo movement is a good indication of that. I mean, that's -- a lot of sexual harassment is verbal, right? I feel like it's the workplace needs to change.

[applause]

If anything, we've learned in the last [unintelligible] that's evident.

John Donovan:

David, what do you think about that point?

David Hudson:

That's a good point. I mean, there needs to be some change. You know, the one thing we went back to there was a -- we're going back and forth about harassment. Well, and I did agree with something they said about the requirement to show -- to prove harassment you have to show that the harassment is severe and pervasive. And I sometimes go back in my mind I think it's okay to have the severe and pervasive requirement but perhaps recognize that sometimes there can be a single actor too that's egregious enough that would constitute severe and pervasive harassment. I mean, that's a very difficult issue. It's a very difficult thing to prove.

01:15:00

Michael Roth:

It's not -- not only about the specific incident, right, it creates everybody in the room will know about it. People in the department know about it and it creates -- it pollutes the marketplace. It's like having somebody who comes to the marketplace and is an egregious polluter and that's something you need to protect against.

John Donovan:

Suzanne.

Suzanne Nossel:

Yeah. I mean, well, first of all, I mean, the work setting already is much more stringently regulated when it comes to speech under the equal employment opportunity act and other laws. Yeah, you can't put sort of like a swimsuit calendar or something, you know, in your office whereas on campus you could and, you know, I think that's probably the right thing. We want more freedom on campus. The campus has a particular role, you know, in our society that the workplace doesn't, so I think that's probably appropriate. I mean, one thing that worries me is

there is this pattern of private actors, you know, increasingly punishing people for speech. You know, [unintelligible] losing his show on CNN, because you know, he had a Tweet, you know, that they didn't like politically. You know, and a number of other examples. ESPN anchor, and so I think, you know, there's part of it that's good which is greater awareness of conduct that can make the workplace, you know, uncomfortable for others.

01:16:07

I think the conscientious of that is a terrific thing, but I think there is a risk, you know, that we are in some instances going too far in terms of constraining speech.

David Hudson:

And the real risk I think, too, is the people losing jobs for social media posts. Some of those social media posts have nothing actually to do with their day-to-day work and so to me that is a troubling trend. That actually would be a great intelligence debate if they haven't had one.

John Donovan:

All right. We'll do that.

[laughter]

All right. I have the results. I want to remind you again that we've had you vote twice and it's the difference between the first and the second vote that determines our winner. The resolution is this Trigger Warning: Safe Spaces are Dangerous. In the first vote 57 percent of you agreed with the motion, 25 percent were against and 18 percent were undecided. Again, those are the first results. And it's the difference between this and the next thing I'm about to say that will determine our winner. The team arguing for the motion their first vote was 57 percent, their second vote was 56 percent.

01:17:05

They lost a percentage point. The team against the motion their first vote was 25 percent, their second vote was 35 percent, they pulled up over 10 percentage points. That's enough to make them the winner. The team arguing against the motion Trigger Warning: Safe Spaces are Dangerous out winner by our audience here tonight.

[applause]

But remember, this debate isn't over. Our audience is tuning in online on public radio and on our podcast. Still have time to vote. You can see those results which are ongoing at iq2us.org. Thank you very much. I'm John Donovan. We'll see you next time.

[applause]

[end of transcript]

This is a rough transcript. Please excuse any errors.