

On Silence:

Student Refrainment From Speech*

In the thrust and parry of free speech debates, it can sometimes seem as though all speech is desirable and all refrainment from speech is cause for concern. Of course, no serious scholar or jurist working in the field really holds this exaggerated view. Political philosopher John Horton puts it well:

The right to freedom of expression is not an obligation or requirement always and in all circumstances to give overt expression to what one thinks or feels. A person also has the right to remain silent, unless there is a specific reason in a particular case for why this would be wrong. We might, for example, quite properly feel ashamed of what we feel or think, and therefore prefer to keep it to ourselves.¹

Nonetheless, in recent years, a number of surveys and media reports have raised the alarm that post-secondary students are engaging in self-censorship, with the implication that the putative self-censorship is both a bad thing and reflective of a dangerous trend on university campuses.

In this chapter I provide resources for assessing the charge that post-secondary students are self-censoring. The argument is advanced in three broad steps. First, I argue that both a duality at the heart of the concept of self-censorship and the term's negative lay connotation should incline us to limit the charge of self-censorship to a specific subset of its typical extension. I argue that in general we ought to use the neutral term "refrainment from speech," reserving the more normatively charged "self-censorship" for cases of bad refrainment. In the second step of the argument, I seek to narrow down what counts as bad refrainment by mapping broad categories of possible reasons for and consequences of refrainment from speech. I argue that in general refrainment from speech is only bad if it is for bad (or what I will later term *vicious*) reasons or has pernicious consequences. When considering pernicious consequences, I argue that we should be concerned in particular about systems that perpetuate the coercive silencing of marginalized voices. I draw on Kristie Dotson's work to describe two means by which marginalized voices are systemically silenced: testimonial quieting and testimonial smothering. After considering these types of silencing, I circle back to the post-secondary context to assess whether there is cause for concern if, as some reports suggests, US college students are refraining from speech within the educational context.

* I acknowledge that I live and work on Treaty Four – the territories of the nêhiyawak, Anihšīnāpēk, Dakota, Lakota, and Nakoda, and the homeland of the Métis/Michif Nation. My thanks to Emmett Macfarlane and to fellow panelists and audience members at the Freedom of Expression in Canada workshop held in October 2019 at the Balsillie School of International Affairs in Waterloo, Ontario, for stimulating discussion that helped strengthen this chapter. Thanks also to Tim Kenyon for generative conversations about silencing, to *University Affairs* for publishing my earliest thoughts on the topic, and to the anonymous referees who provided helpful feedback on the chapter. This research was supported by a Social Sciences and Humanities Research Council of Canada Insight Development Grant.

¹ John Horton, "Self-Censorship," *Res Publica* 17, no. 1 (2011): 101.

I here focus on US students because the surveys in question do. I am not aware of surveys tracking university student refrainment from speech in Canada. That said, US news stories and policies often produce downstream consequences in Canada, and therefore warrant attention by Canadians. At bottom, the worry about student refrainment from speech is a salvo in the culture wars – and in particular in a popular narrative that we are in the grip of a campus free speech crisis. While that narrative has its origins in the United States, it has been a common theme in Canada since 2016; so, it is worth getting clear on how to assess it. This chapter is one part of that project.

Self-Censorship versus Refrainment

“Self-censorship” tends to be used broadly to mean any occasion on which, without direct coercion by a third party, a person who has something to say nonetheless remains silent. I argue that this is a mistake for both popular and scholarly reasons.

First, in lay and media usage, the connotation of “self-censorship” is always bad.

“Censorship” has a negative valence. That is, we generally agree that censorship is a regrettable thing and that those who practise it are blameworthy for doing so. The prominence of the word “censorship” in the phrase “self-censorship” means that the same shadow darkens self-censorship. Even though there are important differences between typical third-party censorship and self-censorship, the terminology negatively disposes us towards the latter phenomenon because of the associations it suggests with the former. To characterize all refrainment from speech as self-censorship begs the question by assuming from the outset that all such refrainment is bad. By recasting what is often termed “self-censorship” as “refrainment from speech,” we put ourselves in position to see that refrainment from speech takes many forms, some of which are cause for concern and some of which are not. People refrain from speech for a variety of reasons and with a range of different consequences. As we shall see in the next section, both reasons for and consequences of refrainment from speech are relevant to our assessment of that refrainment.

My reasons for preferring “refrainment from speech” to “self-censorship” extend beyond these terms’ popular connotations. In the small but useful literature providing conceptual analysis of so-called self-censorship, theorists have identified a duality at the heart of self-censorship that makes it importantly distinct from garden-variety censorship.² However, the popular conversation has not taken up that insight, I think largely because of its complexity. Increasingly, “self-censorship” as the public uses it and “self-censorship” as scholars use it assume the status of homophones – two words that are pronounced the same but which bear very distinct meanings. Thus, any gains that are made on the scholarly side in providing a more nuanced, less negatively charged characterization of self-censorship creates the risk of the public and the scholarly specialists talking past each other without realizing that they are doing so.

John Horton follows Gerald MacCallum³ in regarding censorship as in general⁴ triadic in form. On this account, censorship occurs when some agent x prevents speaker y from uttering

² There is a fairly extensive literature on self-censorship, but most of it does not seek to analyze the concept. Much of the self-censorship literature considers particular domains in which self-censorship occur – for instance, the media and the military – but do not ask what self-censorship is.

³ Gerald MacCallum, “Negative and Positive Freedom,” In *The Liberty Reader*, ed. David Miller (Edinburgh: Edinburgh University Press, 2006), 100–123.

⁴ But not necessarily. Horton allows that there may be exceptions.

z. Horton adds that not only the content of an utterance, but its manner, time, or place of expression may be thus suppressed (that is, censored).⁵ However, Horton denies that all cases in which *x* prevents *y* from uttering *z* count as censorship. For instance, it is not censorship when the chair of a meeting stops participants in the meeting from all talking at once, or when a judge stops a witness from uttering hearsay during a trial.

A puzzle at the heart of the notion of self-censorship resides in the fact that in cases of self-censorship the same person seems to occupy two opposing roles: *x* (preventing the utterance) and *y* (being the utterer so prevented). Censorship is usually understood as a kind of coercion, but it is not clear what it means to coerce oneself.⁶ To think through this implied internal tension, Horton compares self-censorship with self-deception, self-control, and self-restraint – all phenomena that involve a similarly divided self – but ultimately finds self-censorship quite different from these other concepts. On most accounts, we do not consciously or intentionally self-deceive. Rather, self-deception happens as it were behind our own backs. By contrast, self-censorship is typically understood as something we do consciously and intentionally (if not always willingly). Horton offers a quite different reason for differentiating self-censorship from self-control and self-restraint. Even though self-censorship is arguably a form of self-control or self-restraint, it is distinct from those broader categories because they are often regarded as virtuous and praiseworthy, whereas the usual attitude to self-censorship is “uncertainty or ambivalence,” as if self-censorship were “generally under some sort of moral cloud.”⁷

For Horton, self-censorship involves a bifurcation between two commitments on the part of the speaker. This produces a further bifurcation within self-censorship as a concept because of the inherent tension between the *self* part of the concept and the *censorship* part. The “self” prefix seems to assign agency to the speaker, and thereby to weaken worries about coercion. However, the coercion implied by the word “censorship” seems to implicate a third party, making the speaker an instrument rather than the author of censorship. If the self is the author of the censorship, then it seems not to be censorship at all. And if the self is merely the instrument of censorship, then “self-censorship is little more than a particular form of ordinary censorship, because responsibility remains with those whose will is dominant.”⁸ Horton continues, “in the most interesting and distinctive instances of self-censorship, we understand ourselves neither to be merely exercising self-control nor to be simply subject to ordinary censorship.”⁹ While Horton thus spells out the two sides of self-censorship, he rejects the suggestion that there are two kinds of self-censorship. Instead, he regards self-censorship as operating on a continuum, with some cases “closer to simple self-restraint while others are closer to straightforward censorship.”¹⁰

⁵ Horton, “Self-Censorship,” 95.

⁶ This puzzle is also taken up by several other theorists. See, for instance, Philip Cook and Conrad Heilmann, “Two Types of Self-Censorship: Public and Private,” *Political Studies* 61, no. 1 (March 2013): 178–9; Randal Marlin, “The Muted Bugle: Self-Censorship and the Press,” in *Interpreting Censorship in Canada*, ed. Klaus Petersen and Allan Hutchinson. (Toronto: University of Toronto Press, 1999), 291; and Mark Cohen, *Censorship in Canadian Literature* (London: McGill-Queen's University Press, 2001) 9.

⁷ Horton, “Self-Censorship,” 97.

⁸ *Ibid.*, 99.

⁹ *Ibid.*

¹⁰ *Ibid.*, 105.

Philip Cook and Conrad Heilmann agree with Horton that the concept of self-censorship is characterized by a duality between self and other, autonomy and heteronomy. However, unlike Horton, they resolve the duality by arguing that there are two kinds of self-censorship – public and private. In public self-censorship, “individuals internalise some aspects of the public censor and then censor themselves.”¹¹ By contrast, “*private self-censorship* is the suppression by an agent of his or her own attitudes where a public censor is either absent or irrelevant. Private self-censorship is a process of regulation between what an individual regards as permissible to express publicly, and that which he or she wishes to express publicly.”¹² Cook and Heilmann argue that principle of free speech does not apply directly to private self-censorship since the absence of an external censor makes it non-coercive.

Whether we adopt Horton’s continuum model or Cook and Heilmann’s binary model, the self-censorship scholarship makes clear that refrainment from speech is not typically coercive in the way that ordinary third-party censorship is, nor does it necessarily constitute a freedom of expression violation. By contrast, the implicature of most recent popular discussions of self-censorship is that self-censorship is both indirectly coercive and a freedom of expression violation. By adopting the more neutral term “refrainment from speech,” we avoid equivocating between two very different usages, and free ourselves from the bias that attaches to the popular usage.

This is not to say that the term “self-censorship” should have no lay usage. Popular (that is, non-scholarly) discussions of self-censorship tend to assume that self-censorship is a regrettable phenomenon for which someone deserves blame. It is thus apt to use the term “self-censorship” for bad refrainment from speech, just so long as the more neutral term is used for the broader category. But what makes some kinds of refrainment bad? In the next section, I argue that some reasons for refrainment and some consequences of refrainment make some refrainment bad.

Refrainment from Speech: Reasons and Consequences

Both freedom of expression and (self-)censorship are typically considered under the remit of law and political theory; by contrast, Horton emphasizes the moral aspects of self-censorship, and finds moral intuitions a useful guide to the character of self-censorship. He observes that acts of self-censorship, depending on the circumstances, may be instances of moral virtue or of moral weakness. Further, our tendency to direct praise or blame at either the refraining would-be speaker or a third party can clarify whether we regard the speaker as author or instrument of the self-censorship.

While I here depart from Horton by considering refrainment from speech in general and not self-censorship per se, I follow him in shifting the focus from politics to ethics. A political approach to expression can be too totalizing in its emphasis on broad rights and freedoms. By contrast, the moral domain permits assessment of each case on its own merit. Such an approach is thus not only normatively useful, but descriptively revealing. I am here primarily interested in the descriptive side of the project; so, I will not plump for a particular normative approach. Instead, I agnostically borrow notions from two distinct normative systems – deontology and consequentialism – in order to highlight how varied the types of refrainment from speech are, and in particular to make clear that many forms of refrainment are not in the least (to repeat Horton’s phrase) “under some sort of moral cloud.” Deontologists regard the rules guiding an agent’s actions as the proper locus of moral praise and blame. By contrast,

¹¹ Cook and Heilmann, “Two Types of Self-Censorship,” 139.

¹² Ibid.

consequentialists regard the good or bad results of one’s actions as the morally relevant feature. I propose that the varieties of refrainment from speech can be usefully mapped by considering both the reasons for the refrainment and the consequences.

People’s reasons to refrain from speech may be governed by vice, virtue, or neither.¹³ Let’s call a reason that is neither vicious (that is, pertaining to vice) nor virtuous “neutral.” When I was a small child, someone in my class left the classroom hamster cage open and the hamster escaped. When the teacher asked who had left the cage open, the culprit remained silent for fear of punishment, and so the entire class was punished. The guilty child’s silence is an example of vicious refrainment. They refrained from speech in order to avoid blame and punishment.¹⁴ By contrast, when your mother told you, “If you can’t say something nice about a person, don’t say anything at all,” she was counselling virtuous refrainment. Frequently, in conversation, an interlocutor’s remark prompts us to think of a possible reply, but the conversation moves on in a different direction before we can interject, and we never make the reply. Our silence in that situation is neither virtuous nor vicious, but neutral.

So much for the reasons for refrainment from speech. What about the consequences of such refrainment? Irrespective of whether one refrains from speech for virtuous, vicious, or neutral reasons, that refrainment can have beneficial, pernicious, or benign effects in the world. Consider a situation in which someone refrains from speech because their point has already been made and they want to make sure that there is time for other speakers to provide different perspectives. The audience profits from this speaker’s generous refrainment. This is beneficial refrainment. By contrast, if someone with a novel and germane perspective is prevented from participating in a conversation, the audience is worse off as a result. Their refrainment is therefore pernicious. If one’s refrainment from speech makes no one either better or worse off, then that refrainment is benign.

The intersection of two triadic categories produces nine different types of refrainment: virtuous refrainment may produce beneficial, pernicious, or benign consequences, as may vicious and neutral refrainment.

		Reasons for refraining		
		Virtuous	Neutral	Vicious
Consequences of refraining	Beneficial	GOOD	GOOD	BAD
	Benign	GOOD	Neither good nor bad	BAD
	Pernicious	?	?	BAD

¹³ Any moral philosophers reading this will notice here my unusual deployment of virtue ethical terminology in a deontological application. I adopt this gambit to avoid getting sidetracked explaining unfamiliar deontological terminology to a multidisciplinary audience. For the purposes of the present characterization, not much hangs on whether we assess the speaker’s refrainment using the lens of deontology or virtue ethics.

¹⁴ It is worth saying that not all refrainment from speech to avoid punishment is vicious. There is a difference between staying quiet in order to avoid legitimate punishment and staying quiet to avoid unwarranted or excessive punishment. Thank you to an anonymous referee for making this point.

When we map it in this way, it quickly becomes apparent that refrainment is not inherently bad. In particular, virtuous refrainment that produces beneficial or benign results seems to be good. Vicious refrainment, whatever its consequences, is bad.¹⁵ Neutral refrainment with benign results would seem to be neither good nor bad. It is not clear in the abstract how to assess refrainment that mixes virtuous reasons with harmful results or neutral reasons with beneficial or pernicious results. Such cases may simply require individual assessment. For now, it is enough to notice that from a moral perspective, refrainment is complex and particular. It is simplistic to treat all refrainment as if it were a bad thing.

Sometimes, the harm that is done when someone refrains from speech concerns not merely the content of the speech that the audience was unable to hear, but the cause of the refrainment. Coerced refrainment from speech is often (although not always¹⁶) harmful in itself, irrespective of the content of the speech that did not occur. Further, pernicious coerced refrainment is even more pernicious if it is part of a pattern of coercion, and more pernicious still if that pattern reinforces unjust and oppressive systems of power. It is to that matter that we now turn.

Can the Subaltern Speak?

In 1988, Gayatri Chakravorty Spivak provocatively asked, “Can the subaltern speak?”¹⁷ While Spivak was particularly interested in colonial populations outside the system of imperial power, feminist philosophers have extended the question to consider the range of ways that marginalized people in general (not only the colonial *subaltern*) are silenced in virtue of their marginalization. In an influential 2011 paper within this tradition, Kristie Dotson offers a characterization of two types of silencing – testimonial quieting and testimonial smothering.¹⁸

In testimonial quieting, a marginalized speaker performs a speech act, but their utterance receives no uptake because their audience does not recognize them as a knower. By way of example, Dotson cites Patricia Hill Collins’s argument that common stereotypes about Black women in the United States compromise people’s ability to take US Black women seriously as knowers. Another example of the same phenomenon that has recently begun to receive scholarly and media attention is the differential pain-management techniques medical clinicians have long used for Black and white patients because clinicians are led by bad

¹⁵ A consequentialist might argue that vicious refrainment that produces beneficial results is good. If indeed some vicious refrainment turns out to be good, that only lends further support to my larger points that not all refrainment from speech is bad, and that assessing the goodness or badness of refrainment from speech is complex and particular.

¹⁶ Consider non-disclosure agreements in research and development departments.

¹⁷ Gayatri Spivak, “Can the Subaltern Speak?,” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1998), 271–313. In deploying Spivak in the context of discussing testimonial silencing, I follow Kristie Dotson, “Tracking Epistemic Violence, Tracking Practices of Silencing,” *Hyypatia* 26, no. 2 (Spring 2011): 236–57.

¹⁸ Dotson, “Tracking Epistemic Violence.”

science about how Black people experience pain to downplay Black patients' own testimony about their pain levels.¹⁹

Testimonial smothering, on the other hand, is Dotson's name for the phenomenon of marginalized speakers refraining from speech because they perceive their audience as unwilling or unable to receive their testimony in good faith. Dotson lists three conditions that are present in cases of testimonial smothering:

1. the content of the speech is risky;
2. the audience demonstrates incompetence to take up the testimony; and
3. that incompetence arises out of pernicious ignorance.

She offers a range of examples of Black women refraining from speech on various topics related to race. For instance, she describes Black women who refrain from discussing domestic violence in Black communities because of the risk that white listeners will hear that testimony in ways that are biased by false but pervasive stereotypes about Black masculinity. The audience will thus wrongly regard the discussion of domestic violence as lending confirmation to those stereotypes. To be unable to discuss domestic violence leaves Black women vulnerable – not because Black women are disproportionately subject to domestic violence but because all women are. Their refrainment from speech on the topic due to testimonial smothering is thus pernicious.

One striking fact about Dotson's account of testimonial quieting and testimonial smothering is that both phenomena emerge from the relationship between the speaker and audience. Dotson follows Jennifer Hornsby in understanding speech acts not as isolated acts performed by speakers alone but as acts that occur within a relationship of dependence between speaker and audience. For Hornsby, the success of speech acts requires what she terms *reciprocity* between the speaker and the audience. A speech act is successful, that is, when the audience not only understands the speaker's words but also takes those words as the speaker meant them to be taken.

To understand what it means to take words as the speaker means them to be taken, consider the following example. You are walking with a colleague to a meeting. The colleague is struggling to carry a pile of books, a laptop, a coffee, and a box of pastries for the meeting. You are carrying just a water bottle. The colleague, looking for help, sarcastically asks, "Can I take that for you?" If you accede and hand the colleague your water bottle, it is a sign that you have understood the semantic content of their question, but not their intended pragmatic effect. By failing to "catch" your colleague's sarcasm, you have failed to understand their words as they meant them to be taken. Your colleague's speech act has failed because the two of you were not in the right reciprocal relationship for the exchange.

One way that audience members can do a better job of ensuring communicative reciprocity is by being aware of their own epistemic limitations. Dotson describes listening to someone explain something about physics. Throughout the exchange, Dotson remains aware of her own limited background in physics. This intellectual humility helps her avoid communicative misfires with her interlocutor. She is attuned to the possibility that she might not understand what is said, and so she is quick to ask questions or to slow the conversation down if her understanding starts to flag. If Dotson is ignorant about physics, it is not pernicious ignorance because of her awareness of her own limitations.

¹⁹Kelly Hoffman et al., "Racial Bias in Pain Assessment and Treatment Recommendations, and False Beliefs about Biological Differences between Blacks and Whites," *Proceedings of the National Academy of Sciences of the United States of America* 113, no. 16 (2016): 4296–301.

By contrast, Dotson argues, many white listeners are as ignorant of Black reality as Dotson is of physics. However, they are unaware of their own ignorance and thus don't take the same care as listeners when listening to Black speakers as Dotson does when listening to a physicist. She relays a story about a white woman too quickly dismissing a Black woman's account of what it's like to raise Black sons in the United States. Dotson writes, "It was very likely the woman never had to scale the epistemic distance between raising white sons and raising black sons in the United States and was entirely unaware of the epistemic difference that distance highlighted."²⁰

Thus, it is not only the different social locations of speaker and audience that lead to testimonial quieting and smothering, but the incapacity of more privileged speakers to recognize their social location *as* a social location, and moreover one that might affect their capacity for communicative reciprocity. We will come back to this point soon in the context of post-secondary education.

FIRE's 2017 Survey

As I suggested at the outset, I am focusing here on the reasons and consequences of refrainment from speech because of surveys, media reports, and commentary in recent years about US college students who report refraining from speech in class or on campus.²¹ As our earlier discussion made clear, the mere fact that college students refrain from speech should not in itself be cause for concern since we refrain from speech all the time – often for virtuous or neutral reasons, and often with beneficial or benign effects. Further, refrainment from speech is not necessarily coerced, and not all coercion is bad or systemic. Nonetheless, the news that students refrain from speech in class has been greeted both by free expression groups and the media with widespread concern and disapproval.

In this section, I look at the survey conducted in 2017 by the Foundation for Individual Rights in Education (FIRE) on what students at US colleges think about free expression.

²⁰ Dotson, "Tracking Epistemic Violence," 249.

²¹ See Kelsey Ann Naughton, *Speaking Freely: What Students Think about Expression at American Colleges*, Foundation for Individual Rights in Education (FIRE), 11 October 2017, <https://d28htnjz2elwuj.cloudfront.net/wp-content/uploads/2017/10/11091747/survey-2017-speaking-freely.pdf>; Sean Stevens, "The Campus Expression Survey: Summary of New Data," Heterodox Academy, 20 December 2017, <https://heterodoxacademy.org/blog/the-campus-expression-survey-summary-of-new-data>; Emily Ekins, "The State of Free Speech and Tolerance in America," Cato Institute, 31 October 2017, <https://www.cato.org/survey-reports/state-free-speech-tolerance->; and *Free Expression on Campus: What College Students Think about First Amendment Issues*, Gallup/Knight Foundation, 2018, https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/248/original/Knight_Foundation_Free_Expression_on_Campus_2017.pdf. See also Emily Chamlee-Wright, "Coaching Students through the Self-Censorship Dilemma," *Forbes*, 4 October 2019, <https://www.forbes.com/sites/emilychamleewright/2019/10/04/coaching-students-through-the-self-censorship-dilemma/#79af39557a12>; *Chasm in the Classroom: Campus Free Speech in a Divided America*, PEN America, 2 April 2019, <https://pen.org/wp-content/uploads/2019/04/2019-PEN-Chasm-in-the-Classroom-04.25.pdf>; and Debra Mashek, "When College Students Self-Censor, Society Loses," *The Hill*, 3 October 2018, <https://thehill.com/opinion/education/409549-when-college-students-self-censor-society-loses>.

While there have been similar reports in recent years from the Heterodox Academy, the Cato Institute, and the Knight Foundation, I focus on FIRE's survey in particular because it made the biggest commotion about so-called self-censorship, and that commotion received wide uptake.

In October of 2017, FIRE issued a press release about the survey. The headline read, "NEW SURVEY: Majority of college students self-censor, support disinvitations, don't know hate speech is protected by First Amendment."²² The lede sentence reprised the headline: "A new report from the Foundation for Individual Rights in Education finds a majority of students on college campuses self-censor in class, support disinviting some guest speakers with whom they disagree, and don't know that hate speech is protected by the First Amendment." Further down the page, the release listed highlights from the survey results. The final highlight read, "In class, 30 percent of students have self-censored because they thought their words would be offensive to others. A majority of students (54 percent) report self-censoring in the classroom at some point since the beginning of college."

These results quickly became canon. In an opinion piece about colleges' putative suppression of viewpoint diversity, John Villasenor and Ilana Redstone Akresh note that the FIRE survey "found that 54 percent of student respondents have curtailed their own expression in class."²³ Elsewhere, Susan Carini reports that the "survey showed that a majority of students self-censor in class."²⁴ Similarly, Frank Furedi notes that FIRE's survey "found that the majority of students on American university campuses self-censor in classrooms."²⁵ Debra Soh erroneously cites the FIRE survey as finding that "54 per cent of students self-censor to avoid offending someone."²⁶ (In fact, the survey finds that 30 per cent *of the 54 per cent of students who refrain from speech* – that is, just over 16 per cent – claimed to have stopped themselves saying something because they thought they might offend someone.)

With respect to FIRE's own publicity about the survey results and the ways in which those results are taken up by others, the tone is typically disapproving. In FIRE's publicity, student self-censorship is presented as a problem – a phenomenon about which readers should be concerned. FIRE treats it as of a piece with such worrisome matters as speaker disinvitations and student ignorance about the First Amendment. Similarly, when authors and publications

²² FIRE, "NEW SURVEY: Majority of College Students Self-Censor, Support Disinvitations, Don't Know Hate Speech Is Protected by First Amendment," FIRE press release, 11 October 2017, <https://www.thefire.org/new-survey-majority-of-college-students-self-censor-support-disinvitations-dont-know-hate-speech-is-protected-by-first-amendment/>.

²³ John Villasenor and Ilana Redstone Akresh, "3 Ways That Colleges Suppress a Diversity of Viewpoints," *Chronicle of Higher Education*, 28 September 2018, <https://www.chronicle.com/article/3-Ways-That-Colleges-Suppress/244673>.

²⁴ Susan Carini, "Emory Conference Explores Academic Freedom, Free Speech on Campus," *Emory Report*, 9 April 2019, https://news.emory.edu/stories/2019/04/er_conference_free_speech/campus.html.

²⁵ Frank Furedi, "Why Opinion Polls Keep Getting It Wrong," *Spiked*, 21 May 2019, <https://www.spiked-online.com/2019/05/21/why-opinion-polls-keep-getting-it-wrong/>.

²⁶ Debra Soh, "How to Win the War on Free Speech," *Globe and Mail*, 13 November 2017; updated 14 November 2017, <https://www.theglobeandmail.com/opinion/how-to-win-the-war-on-free-speech/article36943894/>.

outside of FIRE cite the survey's student self-censorship results, they typically do so in order to reinforce familiar narratives about a campus free speech crisis.

However, this pattern misrepresents the actual (as opposed to glossed) survey data, and indeed the survey questions themselves. While both FIRE and other authors discussing the survey repeatedly characterize student respondents to the survey as reporting that they have self-censored, none of the survey's sixty-four questions explicitly asks about self-censorship. The conclusions about student self-censorship in the classroom that were, and continue to be, widely circulated are characterizations of student replies to the following five questions from the survey:

- Q7: In my college classes, I feel comfortable sharing my ideas and opinions.
- Q8: In my college classes, there are times when I share my ideas and opinions even when I am uncomfortable doing so. [Asked only of respondents who answered "disagree" or "strongly disagree" to Q7.]
- Q9: Which of the following were reasons that you shared your ideas or opinions when you felt uncomfortable in class? [Asked only of respondents who answered "agree" or "strongly agree" to Q8.]
- Q10: In my college classes, I have stopped myself from sharing my ideas or opinions.
- Q11: Which of the following were reasons that you stopped yourself from sharing your ideas or opinions in class? [check all that apply] [Asked only of respondents who answered "strongly Agree" or "agree" to Q10.]²⁷

The way that the survey was reported by FIRE and others distorts the data, both because a survey that never explicitly asked about self-censorship was broadly reported as if it had, and because the supposed bad news that students are self-censoring was emphasized over the overwhelmingly good news that emerged in the replies to this same suite of questions.

While FIRE's own press release emphasizes self-censorship, student replies to question 7 revealed that 87 per cent of students feel comfortable sharing ideas and opinions in their college classrooms.²⁸ Among the 13 per cent of students who at times feel uncomfortable sharing ideas and opinions in class, 56 per cent speak up despite their discomfort.²⁹ This puts the combined percentage of students who feel comfortable speaking up or who speak up even when it's uncomfortable to do so at 94 per cent. It is difficult to see these results as anything but good news for campus expression.

It is against this backdrop that we must understand the finding that 54 per cent of respondents have at some point stopped themselves from sharing their ideas or opinions in class. By that point in the survey, 94 per cent of respondents had already replied that they feel comfortable speaking up or that they speak up even when it feels uncomfortable to do so. Therefore, we ought not to read the finding that 54 per cent of students have stopped themselves from speaking up as evidence of a chilling effect. There are lots of reasons for people not to say their piece. Indeed, FIRE's survey shows exactly this. On average, respondents chose two reasons for not speaking up with a little more than one-quarter of students (27 per cent) selecting three or more reasons. FIRE reports as follows:

Among the listed reasons for not expressing themselves in the classroom, students most often selected that they thought they might be incorrect or mistaken (53%). Almost half of students (48%) self-censored because they

²⁷ Naughton, *Speaking Freely*, 22.

²⁸ *Ibid.*, 9.

²⁹ *Ibid.*

thought another student might judge them, and just under one-third of students (30%) did not speak up because they thought their peers might consider their words offensive.³⁰

Again, only the 54 per cent of students who said they sometimes don't speak up had the chance to answer this question. Thus, among all students surveyed, 29 per cent don't speak up because they think they might be wrong, 26 per cent don't speak up because they are afraid another student might judge them, and 16 per cent don't speak up because they are afraid of causing offence.

It is noteworthy that the most common reason for students not to speak up in class is that they think they might be wrong. This result fits nicely with the earlier result that the overwhelming majority of students feel comfortable contributing to class discussions. It is perfectly possible to feel comfortable in a learning environment and to wish not to make errors there. I recall my own undergraduate years, in which I was a happy, confident student who loved to participate but who would nonetheless shrink a bit and try to avoid the German professor's gaze if I wasn't sure about the verb conjugation he was drilling us on. My silence in those moments was garden-variety embarrassment, not self-censorship. Of course, as teachers sometimes know better than learners, mistakes can be pedagogically useful, but that doesn't stop them being scary for students, even in the most supportive learning environment.

Students' refrainment from speech when they think they are mistaken has an interesting, unreported flip side in students' answers to question 9 of the FIRE survey: "Which of the following were reasons that you shared your ideas or opinions when you felt uncomfortable in class?" None of FIRE's discussions of the 2017 survey and none of the media discussions of it take up the answer to question 9. To see what students said, we need to look at the data tables.³¹ The tables reveal that, as with the "why not speak up?" question, respondents each had multiple reasons to speak up despite their discomfort; on average, respondents selected 2.8 (so, typically 2 or 3 each) of the listed reasons. By far, the most common reason students indicated for speaking up even when it is uncomfortable is "I needed to participate in class because it affects my grade," which was selected by 69.3 per cent of respondents to the question. This answer is unsurprising, and reinforces the common perception among post-secondary instructors that participation grades boost class participation.

The second most popular response was "I thought my idea or opinion was correct." Notice that this reason for speaking up mirrors the main reason students don't speak up – namely, that they thought they were incorrect. However, the two answers do not perfectly mirror each other.

Students' choice to remain silent when they think they are wrong is the most common answer across all genders, races, and family income levels. Admittedly, there is a discernible gender divide, with women more prone than men to select this reason, and yet it is also the top answer for men. Across other demographic categories, the distribution is more or less even.

Matters are very different among respondents who speak up even when uncomfortable. Among this group, there are very clear gender, race, and income lines. Whereas 53.4 per cent of men report that they speak up in class even when it is uncomfortable because they think are right, only 25.4 per cent of women selected this answer. Across racial categories, there is wide variation, with zero Black respondents, 38.7 per cent of white respondents, 42.5 per cent

³⁰ Ibid.

³¹ YouGov, FIRE0001 data tables, May/September 2017 <https://d28htnjz2elwuj.cloudfront.net/wp-content/uploads/2017/09/27154057/fs-survey-01-tabs.pdf>, 32–36.

of “other” respondents, and 56.1 per cent of Hispanic respondents selecting “I thought my idea or opinion was correct.” The most striking variation occurs across family income levels, where the “I thought my idea or opinion was correct” reply was strongly correlated to family income. Only 23.8 per cent of respondents with family incomes under \$40,000 per year selected this option, compared to 43 per cent in the \$40,000 to \$80,000 range, 60.8 per cent in the \$80,000 to \$120,000 range, and 91.2 per cent in the \$120,000 or higher range.

Now, caution is warranted here. Since just over 7 per cent of subjects were presented with this question (because only that proportion both feels uncomfortable speaking up and does so anyway), we only have data from 93 students. The sample size is especially small for non-white students (total $n = 27$ for the three non-white racial categories combined) and students from the highest family income level ($n = 3$). Nonetheless, the results offer some *prima facie* cause for concern that a self-confidence gap may lead more women and lower-income students to refrain from participating in class when they feel uncomfortable.

In sum, then, FIRE’s charge that a majority of students self-censor is wildly overblown. What the survey does show is that most students either feel comfortable speaking up in class or don’t let their discomfort prevent them speaking up; that most students refrain from speech from time to time, usually for innocuous reasons; that professors are in general doing a good job of using participation grades to get students to speak up in class; and that women and lower-income students may lack the self-confidence to speak up as much as their classmates do.

Communicative Reciprocity and Student Refrainment from Speech

We earlier considered communicative reciprocity, and in particular Dotson’s account of two different kinds of failures of communicative reciprocity: testimonial quieting and testimonial smothering. The first occurs when a listener fails to take up what the speaker has to say; the second occurs when the speaker has good reason to expect that there will be no uptake by the listener. I want to conclude by drawing some connections between Dotson and Jeffrey Sachs, who has provided some of the most balanced analysis of the FIRE results.

In a piece in the *Washington Post*, Sachs offers two main reasons for thinking that (to express it in the terminology I have been using) much student refrainment is for neutral or virtuous reasons, and has beneficial or benign results, and thus that commentators’ concerns are overblown. First, Sachs argues that some student refrainment from speech is healthy. Sachs writes, “While we should want students to be free to speak their minds, we also want them to develop the skills necessary to navigate complex and diverse environments. This, in part, is what those skills look like.”³² Second, Sachs notes that students who identify as “very conservative” are much more likely than their peers to report that they refrained from speech because they thought their professor might give them a lower grade. However, Sachs argues that this fear does not derive from actual grading practices. He adduces various evidence that grading is more or less unaffected by the relative political stripes of the student and professor, except for some evidence that suggests conservative professors may grade conservative student work more highly than liberal or centrist work.

Let us consider the first of these two points in light of Dotson’s account. Recall the pernicious ignorance of the white listener in Dotson’s story who did not even realize that there was any epistemic distance between herself and the Black speaker. Recall, too, Dotson’s awareness of her own ignorance when listening to a physicist, and the effort she

³² Jeffrey Sachs “Do Universities Have a Self-Censorship Problem?,” *Washington Post*, 16 April 2019, <https://www.washingtonpost.com/politics/2019/04/16/do-universities-have-self-censorship-problem/>.

takes to ensure reciprocity within that exchange. When young people pursue higher education, we hope that they will stretch beyond their narrow horizons to learn new perspectives. A key part of learning new perspectives – whether in physics or critical race studies – is recognizing the gaps in one’s own knowledge and perspectives and being willing to hear others. While that of course requires speech on the part of those from whom students learn, it also requires silence and intellectual humility from the students themselves. While some commentators seem shocked that students would ever refrain from speech, such refrainment, at least some of the time, is crucial to the core purpose of education. Further, it supports communicative reciprocity – and helps to prevent testimonial quieting – by training students to provide uptake to unfamiliar perspectives.

What about Sachs’s second point regarding students’ fear of receiving a lower grade? Does that fear suggest that some college students are engaged in testimonial smothering of the type Dotson describes? Recall the three conditions of testimonial smothering:

1. the content of the speech is risky;
2. the audience demonstrates incompetence to take up the testimony; and
3. that incompetence arises out of pernicious ignorance.

Are students smothering their risky testimony because they perceive their professors to be perniciously ignorant and hence incompetent to receive that testimony in good faith? Again, the evidence Sachs cites shows that if students are afraid of political biases affecting their professors’ grades for them, that fear does not stem from the professors’ actual grading practices. That is, while the students may perceive the content of the speech to be risky, their professors have not in their grading practices demonstrated incompetence to take up the testimony.

That means that either the fears are caused by something other than the professors’ grading or they are unfounded. There are a number of possible causes for students’ unwarranted fear of receiving lower grades. One possibility that goes unexplored in the discussions of student refrainment from speech is that this fear may be nothing new. Students have always been intimidated by their teachers, and have always rightly or wrongly inclined to the view that the best way to get a good grade is to pretend to agree with the teacher. It is possible that conservative students are particularly prone to this view because it is part of the nature of conservatism to be risk averse. If this is right, then the survey results indicating that students are afraid of losing grades should not be read as any indication of a new trend in post-secondary education. Alternatively, the student fears might be the result of increasing pressure on students to get higher grades in order to gain admittance to post-graduate programs, etc. In that case, the change is a reflection not of the “intolerant Left” (as is often intimated) but of increasing extrinsic pressures on students. In either of these cases – i.e., nothing has changed, or extrinsic pressures have changed – the solution to student fears lies not in stoking free speech panic but in better pedagogy and program design.

A further possible cause for students’ mistaken fear about losing grades is the narrative about a campus free speech crisis and biased liberal professors that has been whipped up in recent years, in large part thanks to groups like FIRE and Heterodox Academy, generous sponsorship by the Koch Foundation,³³ and the viral power of social media. In that case, it is the purveyors of that mythology who, ironically, bear most of the blame for the students’

³³ See Aaron Freedman, “Why Should We Care about Faux Free-Speech Warriors? Because the Koch Brothers Are Paying Their Bills,” *American Prospect*, 20 June 2019, <https://prospect.org/justice/care-faux-free-speech-warriors-koch-brothers-paying-bills/>.

consequent refrainment from speech. If, however, students are largely unaffected by this campaign of misinformation, then their fear of their professors is simply unfounded. By refraining from speech because of a fear founded on no good evidence, they are acting out of cowardice, and are hence guilty of vicious refrainment. Indeed, their refrainment is not only vicious but pernicious because of the way in which it is being co-opted in support of the mythology of a campus free speech crisis. And, just as with the student in my long-ago classroom who liberated the hamster, if they aren't brave enough to tell the truth, the whole class will be punished.

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