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Law professors debate limits to free speech on college campuses



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BY [LORRAINE JIANG](#) | NOVEMBER 2, 2017, 12:45 AM

Just two days after conservative media critic and white supremacist Mike Cernovich spoke on campus at an event hosted by the Columbia University College Republicans, about 100 students attended a panel discussion on Wednesday that addressed freedom of speech and the effect of free expression on college campuses.

This panel, hosted by the Office of University Life, also comes in the wake of student-led protests against Tommy Robinson, another controversial speaker invited by CUCR. During Robinson's speech in mid-

October, a number of protesters were briefly under investigation by Rules Administrator and Executive Vice President for University Life Suzanne Goldberg for disrupting or interrupting the protests, a violation of the Rules of University Conduct.

The panel was moderated by Jami Floyd, a WNYC host and award-winning reporter at ABC News, and featured experts included Jamal Greene, Dwight Professor of Law at the Law School, Tanya Hernandez, associate director of the Center of Race, Law and Justice at Fordham Law School, and Suzanne Nossel, the executive director of PEN America.

Floyd opened the conversation with a question directed at Greene about the extent of speech that should be allowed on a college campus. Greene highlighted the role of the University to establish a balance between promoting accurate information and serving as an open space for the exchange of ideas.

“Universities are very interesting special public places. They are places for disseminating public information and knowledge,” Greene said. “At the same time, they are also constrained in a sense that everyone in this room more or less got in because they have a Columbia ID. You weren’t picked at random.”

As the conversation shifted to the potential dangers of free speech, the panelists considered more subtle forms of hate speech. While Greene maintained a moderate position about regulating speech, Nossel and Hernandez remained on different sides of the spectrum.

“Speech can cause harm. It’s not really ‘sticks and stones won’t break my bones, speech will never hurt me,’” Nossel said. “We know it’s been documented that certain speeches can cause harm, but we think the answer to that is not suppressing or restricting a speech, but rather having other voices speaking out.”

Hernandez said that, while speech can be regulated in some instances, the acceptability of methods of regulation can vary.

“I think it’s important to think about how we regulate. I’m not saying everyone should have a piece of tape across their mouth; it’s nuanced,” Hernandez said. “I’m saying we should be asking the question about modes of regulation so that we can come to an agreement that is accepted in society.”

All three panelists held different opinions on the impact and effectiveness of protests. Nossel argued that protests go beyond their limits if they “shut down or make it impossible to listen to a speech,” while Hernandez stressed the importance of protests because of the absence of other outlets for dissent.

The debate became more heated during the Q&A session when an audience member asked panelists whether extremely hateful speech should be allowed or regulated on campus spaces.

“Is it important to be able hear these hateful messages just so you know they exist? We know that those messages exist. We’ve had almost 200 years of hearing these messages,” Hernandez said. “In that way, it seems to me that one unifying consideration to think about is: Does the speech deepen the power disparity amongst students?”