

Free Speech and Free Expression

Principles

1. Maximizing Free Speech in a Diverse Community

All members of Brandeis should be able to put forth ideas for consideration, engagement, and criticism by others, as such exchanges are core to the mission of institutions of higher learning. We explicitly connect free speech concerns with our desire for a diverse, inclusive community. Free expression, including the arts, implies the free exchange of ideas — talking and listening. We endorse as a principle for action Louis Brandeis’ remark: “If there be a time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.” The university has a responsibility to encourage the airing of the widest range of political and scholarly opinions and to prevent attempts to shut down conversations, no matter what their topic.

2. Developing Skills to Engage in Difficult Conversations

The Brandeis community rightly prides itself on debating difficult issues vigorously. To introduce prior restraint by attempting to define realms of prohibited speech would be for the administration to produce a chilling effect upon speech and exchange of views on campus. Reaching our fullest potential in this regard will entail an ongoing educational process, a curriculum that exposes students and the entire community to various viewpoints, and a long institutional memory about how free expression operates and has operated at Brandeis. All this will require the intellectual courage to risk discomfort for the sake of greater understanding.

3. Sharing Responsibility

All members of the Brandeis community bear the moral responsibility for their actions and the impact those actions have on the community. Open-minded disagreement can be a marker of respect, the sort of response for which we strive. We should embrace civility, but in the larger sense: an issue can be engaged with emotion, and even a raised voice, if the humanity of all involved is respected. We should work toward a campus life that promotes the expression of a diverse set of intellectual, political, cultural, and social outlooks. The university’s commitment to freedom of expression is an essential part of the ethical and intellectual imperative to strive for diversity and inclusion on campus. The university must find ways to engage the whole community about each person’s responsibility to foster a just and inclusive campus culture so that all can participate fully in the intellectual and social life of the university.

4. Rejecting Physical Violence

Peaceful protest is fully appropriate to an environment of vigorous discussion and debate, but physical violence of any kind or the prevention of speech is unacceptable. Once violence is normalized as an ingredient of free expression, it sets the pattern, ending rather than supporting free expression.

5. Distinguishing between Invited Speakers and University Honorees

Brandeis should provide space for campus organizations of all sorts, including invitations to outside speakers: such openness does not constitute a university endorsement of the organizations or the speakers. However, there are certain circumstances, especially the granting of honorary degrees, in which an invitation issued by the university does constitute an endorsement of some major aspect of their life or work. A protest against the university for making a disfavored choice for a prestigious honor is not, in itself, an attack on free speech.

6. Institutional Restrictions

The freedom to debate and discuss ideas does not mean that individuals may say whatever they wish, wherever they wish, or however they wish. In narrowly-defined circumstances, the university may restrict expression, as for example, that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university.

Adopted by the Brandeis Board of Trustees, September 2018