

## Safe Spaces and Defending the Academic Status Quo

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In late August 2016, University of Chicago dean of students John Ellison welcomed members of the incoming class by celebrating the university's commitment to "freedom of inquiry and expression." Students and faculty, Ellison noted, "are encouraged to speak, write, listen, challenge, and learn, without fear of censorship." Accordingly, the dean added, the University of Chicago did not support "trigger warnings"—the suddenly ubiquitous cautions, often on syllabi, about topics covered in the class. Nor did the university "condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own." Ellison envisioned a campus that would welcome the "free exchange of ideas" and a "diversity of opinion."<sup>1</sup>

Shortly after Ellison sent his letter, University of Chicago president Robert Zimmer penned a *Wall Street Journal* op-ed warning that "free speech is at risk at the very institution where it should be assured: the university." Identifying the witch-hunt atmosphere that too frequently governs campus discourse, he lamented that "individuals are forced to apologize for expressing views that conflict with prevailing perceptions." Zimmer concluded that "having one's assumptions challenged and experiencing the discomfort that sometimes accompanies this process are intrinsic parts of an excellent education."<sup>2</sup>

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<sup>1</sup>Leonor Vivanco and Dawn Rhodes, "U. of C. Tells Incoming Freshmen It Does Not Support 'Trigger Warnings' or 'Safe Spaces,'" *Chicago Tribune*, August 25, 2016, <http://www.chicagotribune.com/news/local/breaking/ct-university-of-chicago-safe-spaces-letter-met-20160825-story.html>.

<sup>2</sup>Robert Zimmer, "Free Speech Is the Basis of a True Education," *Wall Street Journal*, August 26, 2016, <http://www.wsj.com/articles/free-speech-is-the-basis-of-a-true-education-1472164801>.

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The Ellison letter generated a strong backlash from defenders of the academic status quo. Several dozen University of Chicago professors published an open letter claiming that demands for trigger warnings and safe spaces “often touch on substantive, ongoing issues of bias, intolerance, and trauma that affect our intellectual exchanges.” The missive drew heavily from faculty in the humanities and social sciences; twenty professors came from the history department alone. Though the signatories purported to have differing beliefs on the value of closed intellectual environments on campus, their wild denunciation of Ellison’s letter as an “affront to the basic principles of liberal education and participatory democracy” suggested otherwise.<sup>3</sup>

Northwestern University president Morton Schapiro, meanwhile, informed incoming students at his school that “the people who decry safe spaces do it from their segregated housing places, from their jobs without diversity—they do it from their country clubs.” (He appears not to have provided any examples of critics of safe spaces who live in “segregated housing spaces” or come from “jobs without diversity.”) Those who deny the existence of microaggressions on campus, Schapiro further analyzed, are “idiots,” while critics of trigger warnings are “lunatics.”<sup>4</sup> In an only-in-academia response, the editorial board of the Northwestern student newspaper applauded “Schapiro’s strong support of mechanisms that make colleges more inclusive spaces,” but criticized the president’s use of “ableist” language.<sup>5</sup>

Critical left-wing commentators took a different tactic, offering non-contextual interpretations of the Chicago letter, Amelia Bedelia-style, to apply to situations that Ellison obviously did not intend. Commentators from the purportedly data-driven website *Vox* were particularly active on this front. Both German Lopez and Emily Crockett offered gay bars as the type of safe space that Ellison’s letter could be seen as targeting. (They offered no evidence that the University of Chicago sponsored any gay bars, or how Ellison’s policy preferences could affect private, off-campus establishments.) *Vox*’s Kevin Gannon interpreted the Ellison letter’s promise not to cancel speeches because of activist pressure as an intent by the Chicago administration to discourage protests of speakers. Jonathan Chait, writing in *New York*, perceptively

<sup>3</sup>“Letter: Faculty Respond to Ellison with Letter of Their Own,” *Chicago Maroon*, September 13, 2016, <https://www.chicagomaroon.com/article/2016/9/13/letter-faculty-respond-ellison-letter/>.

<sup>4</sup>Peter Kotecki, “Schapiro to Freshmen: People Criticizing Safe Spaces ‘Drives Me Nuts,’” *Daily Northwestern*, September 21, 2016, <http://dailynorthwestern.com/2016/09/21/campus/schapiro-to-freshmen-people-criticizing-safe-spaces-drives-me-nuts/>.

<sup>5</sup>“Editorial: Safe Spaces Are Vital, and So Is Thoughtful Rhetoric,” *Daily Northwestern*, September 28, 2016, <http://dailynorthwestern.com/2016/09/28/opinion/editorial-safe-spaces-are-vital-and-so-is-thoughtful-rhetoric/>.

dismissed such criticism as coming from an “anti-anti-p.c. faction,” which “tends to lash out against any criticism of political correctness, focusing on the critics and their failures, without addressing the underlying question.”<sup>6</sup>

A particularly impassioned attack on the Ellison letter came from Matthew Pratt Guterl, chairman of the American studies department at Brown. Safe spaces and trigger warnings, he maintained, represented a “kind genuflection to [students’] humanity, their youth and the dark, merciless world in which we live.” The safe space concept, according to the Brown professor, needed to “be pushed to the very boundaries of our campuses,” to accommodate students who “read in the words of those who champion ‘free speech’” an environment in which students “can say racist or sexist things without consequence.” The safe spaces that Guterl envisioned were remarkably broad—it could include “an entire center or department” that would be devoid of any “hurtful material.”<sup>7</sup> In the intellectual context of the contemporary academy, Guterl’s vision of departments that can exclude whole arrays of ideas works in one direction only. Imagine the (appropriate) outrage if academic departments—lest they include “hurtful material” to Trump supporters or to pro-life women—moved to suppress Democratic or pro-choice voices. But that isn’t the type of “hurtful material” that Guterl wants to see suppressed.

Even as Guterl claimed that his campus had created an unsafe environment for student “diversity” protesters, the record of recent events at Brown confirms the concerns raised in the Ellison letter. In 2013, Brown invited former New York City police commissioner Raymond Kelly to deliver the Noah Krieger Memorial Lecture. Kelly chose as his topic “Proactive Policing in America’s Biggest City.” The night of the address, more than one hundred screaming protesters greeted attendees.<sup>8</sup> Within a minute of Kelly’s beginning his talk, hecklers in the audience started to shout; for more than twenty minutes public safety officers could not restore order, and eventually Kelly had to leave the stage, his remarks undelivered.<sup>9</sup>

In contrast to subsequent events at Brown, the campus administration appeared troubled by the student reaction. Vice President for Public Affairs Marissa Quinn

<sup>6</sup>Jonathan Chait, “Chicago and the Anti-Anti-P.C. Left,” *New York*, August 29, 2016, <http://nymag.com/daily/intelligencer/2016/08/chicago-and-the-anti-anti-p-c-left.html>.

<sup>7</sup>Matthew Pratt Guterl, “On Safety and Safe Spaces,” *Inside Higher Ed*, August 29, 2016, <https://www.insidehighered.com/views/2016/08/29/students-deserve-safe-spaces-campus-essay>.

<sup>8</sup>“Ray Kelly Lecture at Brown Shut Down by Protest,” *Brown Daily Herald* YouTube video, 3:22, October 29, 2013, <https://www.youtube.com/watch?v=6jMIFOZvnVY>.

<sup>9</sup>“NY Top Cop Booed from Brown Stage,” *Providence Journal*, October 29, 2013, <http://www.providencejournal.com/breaking-news/content/20131029-some-plan-to-protest-ny-top-cop-kelly-s-lecture-at-brown.ece>.

stated, “I have never seen in my fifteen years at Brown the inability to have a dialogue.”<sup>10</sup> (Illustrating the extent of their closed-mindedness, the student protesters cheered her comment.) Brown president Christina Paxson affirmed that students “do not need to choose between supporting freedom of expression or racial equality. Protecting freedom of expression and furthering human rights are mutually reinforcing.”<sup>11</sup>

The anti-Kelly hecklers appear not to have explicitly demanded a “safe space”—the term had not yet become ubiquitous in late 2013. Student protesters at an event around a year later *did* invoke the concept. And in the process, Paxson wholly abandoned any pretense that the Brown administration encouraged open discourse about difficult issues on campus.

In November 2014, a student organization called the Janus Forum, which “seeks to inspire open-minded debate on relevant, political, social, and economic issues,” scheduled a debate about “rape culture.” The two participants represented established views: *Guardian* columnist Jessica Valenti had taken to the pages of the *Washington Post* to explain why the United States needed to keep talking about “rape culture,” while commentator Wendy McElroy was researching a book strongly critiquing the concept.<sup>12</sup> Moreover, the campus had been beset by several sexual assault cases that had attracted lawsuits or Title IX complaints from accused students, so the issue was very much in the air.<sup>13</sup>

A speaking spot offered to a *critic* of the current hostility to campus procedure in assault cases generated outrage.<sup>14</sup> In response, the university organized an alternative, one-sided event (that included a “researcher” on “rape culture,” but no one to challenge the researcher’s conclusions), which Brown scheduled for the same time as the Valenti-McElroy debate. A campus-wide email from Paxson, who now abandoned the commitment

<sup>10</sup>Will Creeley, “At Brown, Free Speech Loses as Hecklers Silence NYPD Commissioner,” Foundation for Individual Rights in Education, October 30, 2013, <https://www.thefire.org/at-brown-free-speech-loses-as-hecklers-silence-nypd-commissioner/>.

<sup>11</sup>Christina H. Paxson to Members of Brown Community, September 23, 2014, <http://www.brown.edu/web/documents/president/EventsofOct29CommitteeResponse.pdf>.

<sup>12</sup>Jessica Valenti, “Why We Need to Keep Talking about ‘Rape Culture,’” *Washington Post*, March 28, 2014, [https://www.washingtonpost.com/opinions/why-we-need-to-keep-talking-about-rape-culture/2014/03/28/58acfec4-b5bf-11e3-8cb6-284052554d74\\_story.html](https://www.washingtonpost.com/opinions/why-we-need-to-keep-talking-about-rape-culture/2014/03/28/58acfec4-b5bf-11e3-8cb6-284052554d74_story.html). Wendy McElroy, “Rape Culture” *Hysteria: Fixing the Damage Done to Men and Women* (New York: Vulgus Press, 2016).

<sup>13</sup>Cathy Young, “Exclusive: Brown University Student Speaks Out on What It’s Like to Be Accused of Rape,” *Daily Beast*, June 8, 2014, <http://www.thedailybeast.com/articles/2014/06/08/exclusive-brown-university-student-speaks-out-on-what-it-s-like-to-be-accused-of-rape.html>.

<sup>14</sup>Camilla Brandfield-Harvey and Caroline Kelly, “Janus Forum Sexual Assault Event Sparks Controversy,” *Brown Daily Herald*, November 17, 2014, <http://www.browndailyherald.com/2014/11/17/janus-forum-sexual-assault-event-sparks-controversy>.

to free exchange she had professed two months before, effectively urged Brown students to attend the one-sided event, leaving the Foundation for Individual Rights in Education's Samantha Miller to suggest that Brown's "real goal is to provide an intellectual cocoon for students...to create a[n] ideological bubble on campus in which students' beliefs will be free from challenge."<sup>15</sup>

Even this response from the administration was insufficient for some student activists. They created the "BWell Safe Space," which Judith Shulevitz, writing in the *New York Times*, portrayed as filled "with cookies, coloring books, bubbles, Play-Doh, calming music, pillows, blankets, and a video of frolicking puppies, as well as students and staff members trained to deal with trauma." One student explained why she needed the "Safe Space": "I was feeling bombarded by a lot of viewpoints that really go against my dearly and closely held beliefs."<sup>16</sup> She seemed never to have considered that exposure to "viewpoints" that challenged her "closely held beliefs" was supposed to be a central purpose of an Ivy League education.

At Brown, the safe space movement seemed chiefly designed to discourage speech that challenged prevailing campus norms on issues of race, gender, or ethnicity. At its first meeting of the 2016–2017 academic year, the Brown student government, the Undergraduate Council of Students (UCS) used the safe space rationale to prevent the campus media from observing debate. In a discussion about policy initiatives regarding campus sexual assault and student mental health, as well as a more general discussion regarding "the history of activism," the UCS members voted 30 to 1 to close the meeting. "We wanted to provide a safe space for students to engage in difficult conversations without the media's pressure there," UCS president Viet Nguyen, a senior, exclaimed. "We wanted to create sort of a safe space where students could learn without the public looking in because we want students to engage with these really hard conversations<sup>17</sup> in a private setting."

After an op-ed from *Brown Daily Herald* columnist Matthew Shorter criticized the UCS for its secrecy, Nguyen justified his decision on

<sup>15</sup>Samantha Miller, "Brown University's Two-Faced Attitude toward Free Speech," Foundation for Individual Rights in Education, November 18, 2014, <https://www.thefire.org/brown-universitys-two-faced-attitude-toward-free-speech>.

<sup>16</sup>Judith Shulevitz, "In College and Hiding from Scary Ideas," Opinion, *New York Times*, March 21, 2015, Sunday Review, <http://www.nytimes.com/2015/03/22/opinion/sunday/judith-shulevitz-hiding-from-scary-ideas.html>.

<sup>17</sup>Rose Sheehan, "UCS Closes Meeting to Public to Create Safe Space," *Brown Daily Herald*, September 22, 2016, <http://www.browndailyherald.com/2016/09/22/ucs-closes-meeting-public-create-safe-space/>.

grounds that the campus media had a “long history of misrepresentation, taking things out of context and editorial decisions that further marginalized groups of color.” He chastised the attention to “a distraction”—the need for open government—and committed to “partnering” with the student newspaper to “cover what matters.”<sup>18</sup> Imagine any other context in which it would be viewed as appropriate for policymakers to offer transparency only if the media covered issues in the way that the policymakers desired.

Nguyen seemed to reflect broader campus opinion. Another *Brown Daily Herald* op-ed columnist, Arely Diaz-Loza, offered an Orwellian interpretation of the UCS decision. “A safe space,” this student activist explained, “is not created to prevent criticism or to hide a secret agenda, but rather to make an environment where marginalized people or people with certain experiences feel comfortable talking about issues that affect them personally.” Student representatives, Diaz-Loza continued, cannot “detach themselves from their own identities and experiences,” and if Nguyen “felt a safe space was needed to talk about issues of sexual assault and mental health,” then anyone else, including members of the student media, cannot criticize the decision. Like Nguyen, Diaz-Loza concluded that transparency and freedom of speech distracted from the real issues on which all students need to focus: “Holding open meetings isn’t going to fix anything if members don’t feel comfortable voicing the true issues that might be preventing them from doing more for this campus.” In the end, according to Diaz-Loza, “When people—especially marginalized and underrepresented people—make a call for a safe space, you need to respect that—no matter the position they hold.”<sup>19</sup>

Ironically, just as the Brown student government leaders retreated into their safe space, the campus desperately needed a robust public debate about the meeting’s topics. In the last two years, at least three Brown students accused of sexual assault have had to go to court to force the university to treat them fairly. In the most recent such decision, U.S. district court judge William Smith vacated a finding of sexual assault against a Brown student after discovering that the university process had applied a broad definition of consent that Brown had not adopted until months after the alleged incident.

<sup>18</sup>Viet Nguyen, “Letter: UCS Is Committed to Transparency,” *Brown Daily Herald*, September 30, 2016, <http://www.browndailyherald.com/2016/09/30/letter-ucs-committed-transparency/>.

<sup>19</sup>Arely Diaz-Loza, “UCS Members Deserve a Safe Space,” *Brown Daily Herald*, September 29, 2016, <http://www.browndailyherald.com/2016/09/29/diaz-loza-17-ucs-members-deserve-safe-space/>.

Smith also personally experienced the deeply unhealthy campus atmosphere. Bringing the safe space mindset to the federal judiciary, dozens of Brown students flooded his office with e-mails, citing their need for “safety” to demand that he look the other way regarding the university’s procedural improprieties. Smith responded that

the Court is an independent body and must make a decision based solely on the evidence before it. It cannot be swayed by emotion or public opinion....These tactics, while perhaps appropriate and effective in influencing legislators or officials in the executive branch, have no place in the judicial process. This is basic civics, and one would think students and others affiliated with a prestigious Ivy League institution would know this. Moreover, having read a few of the emails, it is abundantly clear that the writers, while passionate, were woefully ignorant about the issues before the Court.<sup>20</sup>

There’s little reason to believe that the attitude of the Brown student body is atypical. Indeed, the abrupt demise of support for civil liberties among American college students represents one of the most important—if underappreciated—developments of recent years.<sup>21</sup> A 2016 Gallup survey indicated that more than a quarter of the nation’s college and university students would support policies that restricted expression of political views that students found “offensive.” Almost half of the surveyed students believed that campus protesters should be able to prevent reporters from covering their public protests if they believed the media’s coverage would be “unfair.”<sup>22</sup>

These deeply unhealthy attitudes show no signs of abating. A few weeks after the Brown UCS used the safe space concept to free itself from outside scrutiny, the president of American University’s student government asserted that “trigger warnings are necessary in order to make our academic spaces accessible to all students, especially those who have

<sup>20</sup>Temporary Restraining Order, Document 15, filed April 25, 2016, Case 1:16-cv-00077-S-PAS, John Doe v. Brown University, U.S. District Court for the District of Rhode Island, <https://kcjohnson.files.wordpress.com/2013/08/does-v-brown-tro.pdf>.

<sup>21</sup>KC Johnson and Stuart Taylor Jr., “U-Va. Reaction to Rape Claim: Worse Than at Duke?” *Real Clear Politics*, January 2, 2015, [http://www.realclearpolitics.com/articles/2015/01/02/u-va\\_reaction\\_to\\_rape\\_claim\\_worse\\_than\\_at\\_duke.html](http://www.realclearpolitics.com/articles/2015/01/02/u-va_reaction_to_rape_claim_worse_than_at_duke.html).

<sup>22</sup>Gallup, John S. and James L. Knight Institute, and Newseum Foundation, *Free Speech on Campus: A Survey of U.S. College Students and U.S. Adults* (Washington, DC: Gallup, 2016), [http://www.knightfoundation.org/media/uploads/publication\\_pdfs/FreeSpeech\\_campus.pdf](http://www.knightfoundation.org/media/uploads/publication_pdfs/FreeSpeech_campus.pdf).

experienced trauma.”<sup>23</sup> The demand for *mandatory* trigger warnings almost certainly would violate academic freedom—if the student government can dictate contents of course syllabi, then academic freedom would be a meaningless protection—but it nonetheless shows the extent to which hostility to open exchange has permeated student bodies nationally.

At their most basic level, today’s safe spaces and trigger warnings seem designed mostly to stifle criticism of the majority viewpoints on questions related to race, gender, and ethnicity. With faculty and student opinion (at best) ambivalent about defending free exchange of ideas, administrators and trustees will need to step up—as Chicago’s Ellison did—to ensure campus environments remain committed to open inquiry.

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<sup>23</sup>Colleen Flaherty, “Pushing Trigger Warnings,” *Inside Higher Ed*, October 4, 2016, <https://www.insidehighered.com/news/2016/10/04/american-university-student-government-launches-campaign-mandatory-trigger-warnings>.