

## Who Can Save Free Speech?

By Philip Carl Salzman

The first amendment of the Constitution of the United States of American states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”<sup>1</sup> The Canadian Charter of Rights and Freedoms “guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. ... Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.”<sup>2</sup>

In both the United States and Canada, “freedom of speech...[and] of the press,” and “freedom of thought, belief, opinion and expression” including the press and media,” are protected from government interference, restriction, and suppression. In these formulations, it is the government and its laws that are seen as the main threat to freedom of speech. Citizens are to be protected from governments by constitutional constraints on government actions. This is explicit in both the U.S. First Amendment—“Congress shall make no law...”—and the Canadian Charter—“subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

What happens if the suppression of free speech is not the result of government action, but of the action of others? During the second decade of the 21<sup>st</sup> century, governments were not the main opponents of free speech, notwithstanding the so-called Human Rights Commission and Tribunals of Canada that believe that offensive speech must be suppressed. No, attacks on free speech have come from extremists on both the right and the left of the political spectrum. These extremists form mobs, and those mobs act to intimidate others whose views the mobs do not like, the mobs engaging in disruption and even violence to silence contrary views. In fact, there has been a strange alliance between the extreme left and the extreme right, and alliance that would have previously been difficult to imagine.

On the extreme right, North American Islamists, Muslims who do not view Islam as private faith, as most Christians and Jews in North America view their faiths, but as a total way of life and a way of organizing public life, economics, and politics, these Islamists reject free speech, and demand that speech and opinion be restricted and censored. Above all, Islamists demand that all criticism of Islam be suppressed, as it is in sharia law, which specifies severe penalties, including execution, for criticism of Mohammed, the Quran, Allah, or Islam. To bolster this restriction of free speech, Islamists have invented the imaginary phobia, or irrational fear, that they call “Islamophobia.” Any criticism of Islam, such as Islam’s division of the world into Muslims and infidels, the obligation of Muslims to insure that Islam dominates all societies, the use of violence and slavery against non-Muslims, the placing of men in authority over women, all such legitimate criticisms are deemed to indicate Islamophobia. Islamists wish to construe such criticisms as illegitimate, as hate crimes against Muslims, and to suppress them, or preferably convince the public and the government to suppress them.

Western Islamists rely on Western concepts of cultural relativity, cultural equivalence, multiculturalism, diversity, and tolerance for acceptance of the idea of Islamophobia. Islamists thus strive to impose certain features of sharia law on public life and governance in the United States and Canada. This effort is consistent with Islamists’ view of Islam as a total way of life, to be established as government principle and law as much as possible. The First Amendment in the United States and the Fundamental Rights in Canada expressly forbid the government from imposing or establishing a

<sup>1</sup> [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment)

<sup>2</sup> <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

religion. This basic understanding of North American political culture is known as the separation of church and state. This principle is rejected by Islamists, for whom only an Islamic state is legitimate. The concept of Islamophobia is an example of stealth imposition of sharia law on North American society. And the concept has gone a long way toward making criticism of Islamic practices appear illegitimate. The Parliament of Canada has just passed a motion condemning Islamophobia.<sup>3</sup> How long will be it until criticism of Islam becomes illegal?

However, criticism of Islam is not the only speech that Islamists want outlawed and suppressed. Islamists cannot abide any positive reference to Israel, any pro-Zionism sentiment, any defence of the existence of Israel. The reason for this is well known: under sharia law, any territory once governed by Muslims becomes Islamic waqf, or religious endowment, in perpetuity, forever, and this cannot ever be changed. Thus the existence of Israel is regarded as illegitimate by Islamists. But it is not just Israel; in the eyes of Islamists, Jews do not “know their place,” which in sharia law is fourth class dhimma citizenship, below women and slaves, as long as Jews pay the heavy tax so as not to be murdered. Islamists have therefore launched major programs in the West to attack Israel, and strive to block any pro-Israel response. Silencing the Jewish national liberation movement, Zionism, is a primary goal of Islamists in colleges and universities.

On the extreme left, social justice warriors (SJWs), some college and students and some professors, have nominated themselves as champions of the oppressed, the subaltern, and all victims of our society and culture. They stand vigilant against racism toward people of colour, against sexism toward females, against homophobia, against bigotry toward non-dual sexuality, against the poverty of the poor, against Islamophobia, and, uniquely, against oppression of the Palestinians by Israel. This could all be admirable, if it were not taken to the opposite extreme, with “social justice” used to justify anti-white racism, anti-male sexism, anti-straight bias, anti-traditional sexuality, classism against the well-off, and anti-Semitism. But it is not just the bigotry against the so-called oppressors that is the problem; it is the means of pressing that bigotry home: mob rule to silence opinion that SJWs deem to contradict their own views. To rationalize their tactics of disruption and physical attack, they claim that expressing ideas that they disagree with is a violent act, similar to physical attack. SJWs see no virtue in diversity of opinion, for they think that only their opinion could possibly be correct, and views different from theirs are by necessity incorrect, violent, and destructive: racist, sexist, and phobic. Brutalist disruption and attack become treasured weapons in enforcing SJW morality.

The list of joint Islamist and SJW attacks on free speech is too long and well known to review in detail here. From student rioting at Concordia University blocking the speech of former (and current) Prime Minister of Israel Benjamin Netanyahu<sup>4</sup>, to the shouting down of Israeli Ambassador to Israel Michael Oren at the University of California, Irvine,<sup>5</sup> to the disruption of the speech of Israeli Ambassador to the U.S. Danny Danon at Columbia University<sup>6</sup>, to the shout down of Jerusalem mayor Nir Barkat at San Francisco State University<sup>7</sup>, to the student disruption of law professor & Jewish studies specialist Moshe Halbertal at the University of Minnesota<sup>8</sup>, throughout the Western world, Israel speakers or speaking supporting Israel have been disrupted, shouted down, forced to cancel talks, or been directly attacked. But Israel is only one topic that offends Islamists and SJWs.

The proposed appearance at University of California, Berkeley, of Milos Yiannopoulos, a critic of feminism, Black lives matter, and other social justice sacred cows, led to large riots in the streets, and substantial property damage. His appearance was cancelled by university authorities.<sup>9</sup> Heather Mac Donald, author of *The War on Cops*, a critique of Black Lives Matter, was shouted down and attacked at Claremont McKenna College, and later at U.C.L.A. for being a “white supremacist” and “anti-black fascist,” as some self-appointed “we, students of color” claimed.<sup>10</sup> Charles Murray’s invited speech at Middlebury College was shouted down, and he and his faculty sponsor, Allison Stanger, were attacked by a SJ student mob and injured. In these and many other such mob actions, college and university administrations have been

---

<sup>3</sup> <http://www.cbc.ca/news/politics/m-103-islamophobia-motion-vote-1.4038016>

<sup>4</sup> <http://www.cbc.ca/news/canada/montreal-protesters-force-cancellation-of-netanyahu-speech-1.312529>

<sup>5</sup> [http://www.huffingtonpost.com/mark-levine/uc-students-shouting-down\\_b\\_472187.html](http://www.huffingtonpost.com/mark-levine/uc-students-shouting-down_b_472187.html)

<sup>6</sup> [http://www.americanthinker.com/blog/2017/02/israels\\_ambassador\\_danon\\_interrupted\\_by\\_protesters\\_at\\_columbia\\_university.html](http://www.americanthinker.com/blog/2017/02/israels_ambassador_danon_interrupted_by_protesters_at_columbia_university.html)

<sup>7</sup> [www.youtube.com/watch?v=h\\_ayRyCkryU](http://www.youtube.com/watch?v=h_ayRyCkryU)

<sup>8</sup> [https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/11/04/israeli-academic-shouted-down-in-lecture-at-university-of-minnesota/?utm\\_term=.5cf3268879e5](https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/11/04/israeli-academic-shouted-down-in-lecture-at-university-of-minnesota/?utm_term=.5cf3268879e5)

<sup>9</sup> [https://www.washingtonpost.com/news/grade-point/wp/2017/04/26/milos-appearance-at-berkeley-led-to-riots-he-vows-to-return-this-fall-for-a-week-long-free-speech-event/?utm\\_term=.3e6a4319c957](https://www.washingtonpost.com/news/grade-point/wp/2017/04/26/milos-appearance-at-berkeley-led-to-riots-he-vows-to-return-this-fall-for-a-week-long-free-speech-event/?utm_term=.3e6a4319c957)

<sup>10</sup> <https://www.city-journal.org/html/get-up-stand-up-15109.html>

complicit, by cancelling talks, ordering security to stand down during riots, and/or refusing to punish disrupters, rioters, and attackers.<sup>11</sup> Many members of college and university administrations, along with many members of faculty, themselves believe in social justice ideology, and are enthusiastic to enforce that ideology on their institutions, as we have seen in the recent case of Lindsay Shepherd's castigation.<sup>12</sup> Others would rather defer to powerful political movements than risk opposition and disruption. What is clear is that college and university administrations are not the solution to the destruction of free speech.<sup>13</sup> Will no one defend free speech?

Colleges and universities do not defend free speech because they do not believe in diversity of opinion. The majority of university professors and administrators self-identify as leftists.<sup>14</sup> The terminology of this discussion can be misleading. For example, "liberal" and "progressive" are often used interchangeably, but progressive views in favor of large scale government intervention, of equality at the expense of liberty, and of collectivities and categories as opposed to individuals are the opposite of classic liberalism. Most professors and administrators today would probably accept the designation "progressive." The percentage of progressives would be higher in East and West Coast elite universities, and much higher in the social sciences and humanities. Today's progressive professors favor championing victims by supporting reverse sexism, reverse racism, and anti-Semitic anti-Zionism. These positions are seen by progressives as righteous, and contrary views are seen as evil: racist, sexist, colonialist, hate crimes. Such evil views are to be avoided and suppressed, not to be encouraged and discussed. Progressives believe that free speech applies to only their righteous speech; sexist, racist, colonialist speech is fascism to which free speech should not apply.

Unfortunately, the Canadian Government has followed the lead of those who wish to silence opinion not sufficiently "progressive." Parliament has passed motion M-103 condemning "Islamophobia," a non-existent mental condition,<sup>15</sup> the result of which is a likely chilling of legitimate criticism of Islam. As well, Parliament is considering Bill C-16, which would encode in law rights of gender identity and expression, restricting the expression of others on these matters.<sup>16</sup> "The enactment also amends the Criminal Code to extend the protection against hate propaganda set out in that Act to any section of the public that is distinguished by gender identity or expression and to clearly set out that evidence that an offence was motivated by bias, prejudice or hate based on gender identity or expression."<sup>17</sup> Under this kind of legislation, any dissenting opinion becomes "hate propaganda." Parliament has thus fallen into line with Canada's so-called Human Rights Commissions and Tribunals in silencing unpopular opinions.<sup>18</sup>

In contrast, many American state legislatures, the latest count being twenty, have either proposed, are considering, or have passed bills to protect free speech on college and university campuses.<sup>19</sup> The measures vary from bill to bill, but many include rules such as banning university speech codes which restrict free speech, or have regulations which limit free speech to certain zones on campus. Another element in some bills is banning the cancellation of speeches, and prescribing serious punishment—suspension, expulsion, and legal action—for those who interfere with the free speech of others. How ironic, that free speech, imagined as a defence against government oppression, is being attacked by the educational institutions meant to protect and advance it, and it is only the governments who are acting to defend free speech.

---

<sup>11</sup> [https://www.washingtonpost.com/opinions/protesters-at-middlebury-college-demonstrate-cultural-appropriation--of-fascism/2017/05/29/af2a3548-4241-11e7-9869-bac8b446820a\\_story.html?hpid=hp\\_no-name\\_opinion-card-e%3Ahomepage%2Fstory&utm\\_term=.03cc5424a001](https://www.washingtonpost.com/opinions/protesters-at-middlebury-college-demonstrate-cultural-appropriation--of-fascism/2017/05/29/af2a3548-4241-11e7-9869-bac8b446820a_story.html?hpid=hp_no-name_opinion-card-e%3Ahomepage%2Fstory&utm_term=.03cc5424a001)

<sup>12</sup> <http://nationalpost.com/opinion/rex-murphy-lindsay-shepherd-incident-is-one-bubble-in-a-boiling-caldron>

<sup>13</sup> <http://nationalpost.com/opinion/rex-murphy-lindsay-shepherd-incident-is-one-bubble-in-a-boiling-caldron>

<sup>14</sup> <https://www.insidehighered.com/news/2017/02/27/research-confirms-professors-lean-left-questions-assumptions-about-what-means>

<sup>15</sup> <https://globalnews.ca/news/3330776/anti-islamophobia-motion-m-103-approved/>

<sup>16</sup> <https://openparliament.ca/bills/42-1/C-16/>

<sup>17</sup> <https://openparliament.ca/bills/42-1/C-16/>

<sup>18</sup> <http://www.chrc-ccdp.gc.ca/eng>

<http://www.lawnow.org/whatecott-case-balancing-free-speech-social-harmony/>

<sup>19</sup> <http://www.chronicle.com/article/The-States-Where-Campus/240073>

## About the Author



**Philip Carl Salzman** B.A. (Antioch), M.A., Ph.D. (Chicago) is Professor of Anthropology at McGill University, appointed in 1968. He founded the Commission on Nomadic Peoples of the International Union of Anthropological and Ethnological Sciences, and its international journal, *Nomadic Peoples*, for which he received the IUAES Gold Award. In recent years he has also served as Senior Fellow at the University of St. Andrews, Open Society International Scholar at the American University of Central Asia, Erasmus Mundus International Fellow at the University of Catania, and Visiting Professor at the University of Sydney. Extensive ethnographic field research in Baluchistan (Iran), Gujarat and Rajasthan (India), and Sardinia (Italy) provided the foundation many articles in academic journals, and for book publications such as *The Anthropology of Real Life: Events in Human Experience* (1999), *Black Tents of Baluchistan* (2000), winner of the Premio Pitagora–

Salomone Marino, *Understanding Culture: An Introduction of Anthropological Theory* (2001), *Pastoralists: Equality, Hierarchy, and the State* (2004), *Culture and Conflict in the Middle East* (2008), *Postcolonial Theory and the Arab-Israel Conflict* (2008), and *Thinking Anthropologically 3<sup>rd</sup> Ed.* (2010). His latest book publication is *Classic Comparative Anthropology: Studies from the Tradition* (2012). In public affairs, he was a member of Middle East Strategy at Harvard (2008-2010), a member of the Board of Directors of Scholars for Peace in the Middle East (2004-2012), and is currently a Senior Fellow at the Frontier Centre for Public Policy, a member of the Academic Council of the Canadian Institute for Jewish Studies, a Fellow of the Middle East Forum (2015-), and a member of the Board of Directors of Scholars for Peace in the Middle East (2016-). His articles have been published by the Frontier Centre, the Middle East Forum, the Gatestone Institute, the Canadian Institute for Jewish Research, the Macdonald Laurier Institute, and Areo Magazine.