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May 04, 2003

The other day the Foundation for Individual Rights in Education (FIRE) began a sustained assault against the Orwellian speech codes so many of the nation's colleges and universities have imposed. It filed suit against little-known Shippensburg University in Pennsylvania; during the next year it plans to file suit in each of the 12 federal appellate circuits. Here's hoping it enjoys the success of the troops in Operation Iraqi Freedom.

Shippensburg might not make many headlines, but it richly deserves the case brought against it. Its student code of conduct alleges students have a "primary" right to be free from harassment, intimidation, or emotional abuse, and a "secondary" right to express themselves - so long as they do not "provoke, harass, demean, intimidate, or harm another." The school also forbids conduct that "annoys, threatens, or alarms" others, "innuendo," "comments, insults," "propositions," "humor/jokes about sex or gender-specific traits," and "suggestive or insulting sounds, leering, whistling, [and] obscene gestures." Shippensburg is not likely to make anyone's list of top 10 party schools. Oops, that was a joke, and might have annoyed someone. Withdrawn.

Shippensburg released a hysterical statement contending that the school "vigorously defends the right of free speech," albeit with the expectation "that our students will conduct themselves in a civil manner that allows them to express their opinions without interfering with the rights of others."

The notion that expressing an opinion might violate someone's rights constitutes the sort of idiotic logical pretzel universities twist as they try to ensure nobody's feelings ever get hurt. It means, of course, that everyone has the right to everyone else potentially not expressing an opinion - so everyone must censor himself, or express himself and find out after the fact whether doing so constitutes a breach of somebody else's rights, depending on what mood the somebody was in.

"Under this policy," says FIRE president Alan Charles Kors, "a student who says Republicans are engaging in a racist war could be subject to punishment, as would a feminist student who goes to a rally with a sign that says, 'Keep your rosaries off my ovaries,' or an evangelical student who uses expressions that offend a lesbian student." Shippensburg says everyone has the right to everyone else not exercising their rights. You'd think a freshman student in logic or ethics would have pointed out that problem by now.

Evidently none has - at Shippensburg or many other schools - so FIRE has launched its commendable legal offensive. Call it Operation Campus Freedom.

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