

The harms of language team presented a panel at [CSLL 2023](#):

## Academic freedom, speech, and equity in Canadian higher education

How does academic freedom intersect with freedom from discrimination in Canadian higher education?

This panel presented the preliminary analytical explorations from our project which investigates the debates around academic freedom and free speech in Canadian academic institutions in relation to specific faculty and student experiences of discrimination. The three presentations are our early forays into the harms of language of both intramural and extramural speech and the implications of legislation that seeks to regulate speech.

### Abstracts

Feeling academic on Twitter? Extramural speech, outrage, and the limits of language law reform

Mandy Lau and Laura McKinley

Twitter is commonly used to share new ideas and research activities among the academic community. However, it is also a space where harmful speech circulates and intensifies. Currently, Canada's federal government is in the process of crafting legislation to address harmful speech on social media platforms. The new law is expected to focus on regulating the content moderation mechanisms of social media companies, in addition to proposing new definitions for hatred and hate speech, and the creation of new regulatory bodies.

Our presentation explores the relationship between platform moderation laws and the online extramural speech of academics in Canada. We are particularly interested in the harms of online languaging, and how some proposed legal approaches may remedy or further entrench the harms. We will highlight a few legal strategies (from the 2021 proposed Bill C-36 and the accompanying framework) and discuss its implications for academic extramural speech in Canadian universities. We draw from our project's case studies, in which we examined media reports, Twitter posts, and public documents.

We build on Jodi Dean's (2014) theory of communicative capitalism, where the circulation of speech rather than its substance is what generates value and matters most, and whereby the proliferation and acceleration of communicative access paradoxically relieve top-level actors of the obligation to respond, with the addition of work that theorizes the specificity of the affective politics of digital media (Boler and Davis, 2020) and that attends foremost to racist speech, the law and 'words that wound' (Matsuda et al. 1993). We develop an analytic we provisionally call 'communicative racial capitalism' and explore how the legal approach of the federal government is a non-response, individualizes the problem of hate speech and fails to remedy the harms of racist online language.

References:

Boler, Megan, and Elizabeth Davis. *Affective Politics of Digital Media: Propaganda by Other Means*. Milton: Taylor and Francis, 2020.

Dean, Jodi. "Communicative Capitalism and Class Struggle." *Spheres: Journal for Digital Cultures*, 1 Nov 2014. <https://spheres-journal.org/contribution/communicative-capitalism-and-class-struggle/>

Matsuda, Mari, Charles R Lawrence III, Richard Delgado and Kimberlè Williams Crenshaw. *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*. Boulder: Westview Press, 1993.

### The regulation of academic freedom in Quebec in comparative perspective: intramural speech, provincial governance, and the harms of language

Monika Lemke

In North America, academic freedom relates to the privileges afforded to the profession to safeguard it from undue interference, namely by government, private interests, and even university administrators. Recently, debates about the meaning of academic freedom in Canada concern its previously uncontested 'intramural speech' dimension.

A prominent Canadian case which signals such a development is the passage of Quebec's Bill 32, 'An Act respecting academic freedom in the university sector'. The 2022 law responds to the controversy over the suspension of a professor at the University of Ottawa for using the N-word in a 2020 lecture. It defines academic freedom as "the right of every person to engage freely and without doctrinal, ideological or moral constraint in an activity through which the person contributes, in their field of activity, to carrying out the mission of an educational institution." As Eve Haque and Peter Ives (2022) highlight, the law "prioritizes the right [of university instructors] to speak without consideration for ethical ramifications", codifying measures that diminish students' capacity to claim the harms of language arising from their use in educational settings.

Here, I cordon off the concept of ‘intramural academic speech’ from the more overdetermined concept of academic freedom. I engage the case through a comparative analysis of other approaches to the regulation of intramural speech in Canada, developing Haque and Ives’ (2022) observation that the law signals “a shift in the meaning and control of academic freedom”. First, I outline the English-language discourse which couches students’ equity-based rights claims against instructors’ rights. Secondly, I comparatively analyze the politics of language regulation embedded in the Quebec government’s legislative response against other approaches. I argue that intramural speech has become a domain for denying language-based harms, newly positioned to protect instructors from students’ reproaches to the ‘educational’ use of racist language.

References:

Bill 32: An Act respecting academic freedom in the university sector. Assent. June 7, 2022. 42nd Legislature, 2nd Session. National Assembly of Quebec. Annual Statutes of Quebec, Chapter 32, 2022.

Haque, Eve, and Peter Ives. “What Is Québec’s Bill 32 on Academic Freedom, and Why Does It Matter?” The Conversation, 1 June 2022, <http://theconversation.com/what-is-quebecs-bill-32-on-academic-freedom-and-why-does-it-matter-183122>.

## Racist Speech Acts Crossing Borders and Languages

Eve Haque and Stephanie Latella

In the fall of 2020, an instructor at the University of Ottawa used the N-word in her class as an example of a pejorative term that had been reclaimed. The utterance and the university’s response triggered a proliferation of discourse on academic freedom.

This paper is interested in the invocation of academic freedom as a defense of the use of the N-word. We are especially interested in how such appeals to the academic freedom to utter the N-word cross borders and jurisdictions. We apply a Foucauldian discourse analysis to the English and French public commentary on academic freedom from fall 2020 to the passage of Quebec’s Bill 32. Our data includes English and French media coverage, open letters from notable academics and other public figures, a survey circulated to academics in Quebec in 2021 and the corresponding Cloutier report calling for provincial legislation of academic freedom, and the legislation that was introduced and passed in 2022 in response to that call.

Moving from a classroom in Ottawa to the National Assembly in Quebec City, this anxiety over academic freedom gave way to a legislative defense of academic freedom that potentially pre-empts negative consequences for academics who utter the N-word. The cause of academic freedom was taken up with particular urgency in Quebec.

French news coverage and public commentary frequently appealed to the historical significance of the N-word given Pierre Vallières' description of the Quebecois as "white n-words of America." Bruno Cornellier (2017) has called this the Black analogy. By appropriating Blackness as a metaphor for the class disparity between the Quebecois and the English Canadian ruling class, the Black analogy further entrenches the fungibility of Blackness under white settler colonialism. After the incident at Ottawa U, academic freedom becomes a new battleground upon which to defend Quebec's aggrieved identity, and with it the right to speak the N-word and to be protected from institutional or public backlash.

Ultimately, we argue that the transit of academic freedom is congruent with Canada's dual white settler colonial logic (Haque, 2012). The very negotiation of jurisdiction is what reproduces settler borders; the production of discourse on the right to speak the N-word re-settles whiteness in government and in the university, and in the public sphere itself.