

The chant leaders should not be punished

The Vancouver *Province*, 23 September 2013, under the headline “Rape-chant students should sue UBC over punishment, breach of free speech”

<http://blogs.theprovince.com/2013/09/23/mark-mercero-rape-chant-students-should-sue-ubc-over-punishment-breach-of-free-speech/>

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I commend the student organizers who resigned from the University of British Columbia Commerce Undergraduate Society (CUS). They understood that because of their actions and omissions, students disgraced CUS and UBC by chanting an ode to rape during frosh week. It is right that they take responsibility for letting the members of their organization down.

But why would UBC president and vice-chancellor Stephen Toope think the university should punish the student leaders? How is punishment from the university in any way appropriate?

UBC is requiring eighty-one students to do community service. I cannot see how the university can justify any action at all against any of the students involved.

As far as the reports I’ve read have it, the chanters were chanting willingly. No one participated under threat or duress. Sure, likely enough, a few students unhappily went along in order to fit in or to please the senior students. But succumbing to feelings of peer pressure isn’t even close to being coerced.

The chanters did not impede pedestrian or vehicular traffic as they chanted, and they did not disturb any university class or function.

No one was harassed by the chanters. That is, the chanters didn’t chant at anyone, and they didn’t follow anyone around while chanting at them. No one said to the chanters “Stop it, you’re bothering me”; thus, since no one culpably harasses another before that other signals that the behaviour is unwelcome, no one was culpably harassed.

The chanters did not discriminate against anyone. All present were welcome to join in. No one was given the cold shoulder, certainly not on account of sex, race, or religion.

I cannot see how members of a university community may properly be punished, even lightly, unless their actions count as coercive, disruptive, harassing, or discriminatory.

What President Toope, and all the rest of us, object to is the content of the chant (the “go to jail” line at the end notwithstanding). A university, though, should never punish a person for the content of her speech. Punishment for the peaceful expression of opinion or emotion is both a violation of university principles and a terrible precedent for the future.

It’s a violation of university principles because it substitutes coercion for education. Education requires that in matters of belief and value we leave people free of all pressures save those of evidence and argument.

It sets a dangerous precedent, for now any lecture, discussion, or performance on campus can get people into the hot water of punishment. Candour will suffer, film clubs and theatre groups will look beyond aesthetic and pedagogical criteria when programming events, professors

will weigh what they want to say against the possibility that someone will be offended. Those who like to claim to be offended will get their way.

Some would say that I exaggerate, for chanting during frosh week can easily be distinguished from critical discussion. Well, I can distinguish the two, and I'm sure that you can, as well. Can university administrators, though? They're the ones who will make the call, and they will do so in light of administrative, not academic, values.

Chants, performances of chants as examples in a discussion, open discussion about chants (in which, for instance, someone might praise rape chanting)—so long as you care to any degree to maintain universities as places of open discussion, you should be wary of allowing university presidents to determine what content and what modes of expression are to be restricted.

The best argument in favour of the university punishing the students is that by chanting an ode to rape, even insincerely, they increased the chance of women being assaulted on campus or in the world.

And so let us also ban discussions of abortion or homosexuality for, who knows?, such discussions might put at risk a woman's right to choose or our right to sleep within our gender.

I hope at least some of the 81 students sentenced to community service have the wisdom and courage not to participate in their official humiliation. Should the university make a fuss as they politely decline, they might want to hire a lawyer.

The Commerce Undergraduate Society is "volunteering" \$250,000 against rape culture. Closer to its mandate, I think, would be standing with its members by picking up their lawyer's fee.