

Should American universities call the cops on protesting students?

The principles involved in resolving campus protests are not that hard



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Flashbangs to clear occupied buildings, helmet-wearing police officers and handcuffed students: the scenes at Columbia and other American universities seem like a throwback to a rougher age. More than 1,500 students have been arrested around the country so far, and the number will probably rise in the coming weeks. For college presidents this is nightmarish. Members of Congress are trying to get them fired for indulging antisemitism; donors threaten to withdraw funding; they are supposed to be guardians of free speech and are also expected to create an environment that fosters learning and inquiry. Some outside agitators are showing up, hoping for a fight. The students, both pro-Palestinian protesters and those offended by the protests, are paying customers. And members of the faculty all think they could do a better job than the hapless administrators.

As a practical question, dealing with these protests is hard. As an intellectual question, the sort debated on college campuses, it really is not. And yet clever people are tying themselves in

knots over the rights and wrongs of what is going on. To the right are politicians who have spent years denouncing elite universities for being full of snowflakes who cannot bear exposure to different opinions, and are now trying to stretch the definition of antisemitism to silence views they disagree with, preferably with the help of the National Guard. To the left are students, faculty and administrators who have embraced the idea that objectionable speech is the same as violence, and are now arguing that it is fine for people to wave banners that call for actual violence (for example, “Globalise the intifada!”).

Given that, it is helpful to stand back and think about the principles at stake. The first is the need to protect free speech. The First Amendment is a good starting-point. Though the legal obligations of public and private universities differ, all colleges should adopt a broad definition of speech and police it neutrally. They should protect the rights of students to raise their hands in class and call Israel an apartheid state, or even to express support for Hamas, because airing bad ideas is an important part of free inquiry.

But the First Amendment is not an instruction manual for creating a culture of learning. Letting protesters yell about globalising the intifada, intimidating Jewish students trying to get to class, is not consistent with that aim. Nor is there a free-speech right to occupy parts of a university. Freedom of assembly is also part of the First Amendment, but that does not mean protesters have a right to assemble anywhere, if doing so prevents other people from using public spaces. And damaging property is as much of a crime on campus as it is off it.

Protests should, wherever possible, be resolved through negotiation. Yet that requires a set of clear demands on the part of students. Some of their demands about divestment are impractical; others, such as the creation of a Palestinian state, may be consistent with government policy but are hardly within the gift of a college president; some are nonsensical. If negotiation doesn’t work, and laws and rules are broken, calling in the police is a last resort and may backfire. But universities are within their rights to do so. What those who decry the deployment of cops at Columbia and elsewhere miss is that the point of civil disobedience is sometimes to get arrested, in the hope that an unreasonable use of force draws attention to the cause and wins sympathy.



Thankfully, students have so far not attacked the police, and the officers have been relatively restrained. This is not 1968, when police shot 28 students and killed three at Orangeburg, South Carolina. The protests will fizzle in a few weeks, after graduation. But it will not be the end: protesters and the police may meet for a second round at the Democratic convention in Chicago in August. That could get a lot nastier. ■

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