

# Free speech and the cruel shackles of empathy and mutual respect

Mercedes Allen

October 23, 2016

LGBTIQ  
CIVIL LIBERTIES WATCH

In Canada, we tend to value freedom of speech very highly, and it's often said that the best way to counter objectionable speech is with more speech.

That's the first thought that crosses my mind in the case of University of Toronto professor Jordan Peterson, who declares in a series of YouTube videos that he will not honour trans\* peoples' chosen pronouns, and opposes trans\* human rights protections, all in the name of combating "political correctness."

Of course, that would be an ideal world. In the real world, it's still not that unusual for discussion of trans\* issues to devolve into a "balanced" debate between pro- and anti-trans\* academics over whether they exist at all, without any context like actual trans\* people being present to discuss their lived experience of, well, *existing*.

In the real world, there are real problems about who gets to speak, and how widely they can be heard, and the marginalized are often not given much voice to matters that affect -- and are specifically about -- them. In fact, the established and prolific voices in today's media are more often quick to **reject attempts to "inflict" change**, or energetically **create a lopsided portrait**.

Speech is not a truly universal and equitable thing in the first place. Rather, it is something that is dependent upon access to favourable platforms, and is usually pre-emptively muddied by characteristic value judgments made about the speaker's class, gender, race, etc.

Nevertheless, we strive for it as best we can. In doing so, we arrive at the next irony: the very act of protesting ignorance with speech becomes itself heralded as evidence of censorship -- as if the only way one's speech can be truly free is for everyone else to remain silent.

The outcry and protest of ignorance [*edit: example removed, was based on bad information - M*] is speech, too -- that of the protestors. But in a disparate society, privileged speech is defended, while protest of it is often minimized, marginalized and dismissed as rowdiness, whinging, totalitarianism (!), censorship, and noise. It becomes "a little free speech for me and a little shut-up-and-take-it for you."

But let me back up for a moment.

Jordan Peterson is a University of Toronto psychology professor who began his rants -- especially about, but not limited to, trans\* people and a "radical leftist ideology" -- **in late September**, saying from the beginning that he felt he could face consequences, and even feared government or university reprisal because of existing human rights and hate speech laws.

He told **Postmedia**, "I think (Bill C-16) risks criminalizing discussion about aspects of human sexual behaviour and identity that we need to discuss."

He explained that there are layers to C-16 -- the biology of sex, gender identity and gender expression, for example -- that could cause problems down the road.

One of his top stated concerns has been with the inclusion of trans\* people in existing hate crimes legislation. The thing that people forget about this when it pertains to speech, though, is that the law has **already been tested** and shown to apply only exceedingly sparingly. If Bill Whatcott's homemade but mass-distributed "anal warts" flyers equating LGBTQ people with pedophiles, and lyrical invitations to "kill the homosexual" skirt the edges of hate speech -- some permissible and some not -- then Peterson probably has nothing to worry about. Speech can indeed be hateful, and yet still not be legally actionable as hate speech.

But given that he seems only (or at least primarily) worried about human rights and hate crimes legislation when it pertains to LGBTQ people, one has to wonder if the concerns are cover for fears about the growing acceptance of trans\* people in society.

He stated from the beginning that he will not use non-binary pronouns for other people, even if they request that. He also said in his first video that he is "scared by the people behind the doctrines," and attributes them to a **radical Marxist ideology** (reminiscent of the "cultural Marxism" panic making the rounds among social conservatives). He even compares the latter to Naziism, because of what he considers "murderous" and "Marxist" policies around the world.

Peterson frames his views in an academic and perhaps libertarian perspective, rather than a religious perspective, but he has been enjoying the support of religious conservatives. This is probably because his views are quite compatible with the right-wing narrative that accepting and acknowledging trans\* people as they need to live is **(as enunciated regularly at LSN)** a "disservice" and "false compassion because it's not true." (Incidentally, I should note here that I use the term "religious conservatives" because I want to recognize that they don't speak for all Christians, as is quite often claimed).

Peterson's remedy to all of this dreaded political correctness -- and what he calls upon listeners to help him with -- is to propagate a "No PC" sticker campaign across the campus, and beyond.

The response to his videos has been mixed, with fierce supporters and opponents. It has reportedly spawned **threats**, and affected some students' class attendance. In recent days, personal information about trans\* students was circulated in far right subreddits, and protesters were nearly overwhelmed by an angry mob that allegedly included neo-Nazis.

This puts the University of Toronto in a quandary, as calls for reprisal -- including possibly firing Peterson -- have arisen.

From my perspective, reprisals like firing are not really a preferable end goal. We do value freedom of speech in Canada, after all -- especially in academic settings -- so there is that kernel of validity, even if Peterson's speech is disrespectful or hateful. He's entitled to his opinion, and also to be a jerk about it, on his own time. Restrictions on freedom of speech are too often used to oppress minorities rather than people of privilege, anyway -- much like the **"homosexual propaganda" ban** in Russia, which conservatives are still trying to figure out **how to lobby for in North America**. It's that extra step that Peterson wants to take it with students and colleagues which makes the question particularly difficult.

When I say this, though, it's also partly because I'm an avid reader of social conservative media, and understand the undercurrent of persecution narrative activism. It's why I can recognize what likely motivates someone who -- without anyone ever asking him to respect trans\* people in the first place -- took it upon himself to loudly and energetically pursue free speech martyrdom anyway.

And personally, I see no value in giving it to him. Peterson's actions -- whether deliberately or by coincidence -- are destined to place him in a growing collection of social conservatives who self-immolate for a few moments of anti-LGBTQ fame. It's become trendy to seek a place on the Kim Davis speaking circuit, alongside Fundie cake bakers, and the twice-suspended Alabama Chief Justice who tried to singlehandedly overturn marriage equality in the United States. Free speech martyrdom is also Ezra Levant's entire schtick (which he's still trying to parlay into a media network), so it also has just as valid and active a presence in Canada outside of overtly religious circles.

Whining that someone's "special right" to dignity and equality is trampling your perfectly ordinary right to discriminate seems to make you a far right folk hero, these days. One of the end objectives of this, of course, is to insert a special religious exemption in human rights laws, so that people can practice their faith by refusing to sell to, hire, or otherwise co-exist with heathens (I might have got the precise wording wrong on this, because I don't remember the particular scripture where Jesus commanded his followers to willfully disrespect and refuse to do business with sinners -

- I keep getting hung up on the "love one another" and "give unto Caesar" parts, for some reason).

Anyway, free speech martyrdom will allow Peterson to play hero -- at least until some other dupe comes along. After all, the whole value of the Kim Davises and Melissa Kleins to conservative activists only lasts as long as they're useful to the two legal groups (Alliance Defending Freedom and Liberty Counsel) trying to etch anti-LGBTQ discrimination into American law, plus the allied think tanks, religious organizations and media outlets that are parasitically fundraising off both their successes and their failures.

The Kleins, for example, recently closed their bakery, ruined because they thought that refusing to do business with a lesbian couple was a noble idea -- and now they're almost forgotten, except by the vaguely-phrased legend of the cake bakers. In that circuit, the fate of someone like Jordan Peterson is irrelevant.

The point of beatifying the "speech martyrs" is to entice more dupes into creating more situations that help build a narrative which frames LGBTQ peoples' rights to live, work and do business as automatically and inherently persecuting to people of faith -- something that Peterson's firing would fit into just as beautifully as any technical victory he might (though it's a longshot) find some way to score.

Either way, giving Peterson the glory he seems to seek really only feeds an ongoing anti-LGBTQ political tactic -- even if deceptive -- and gives it power.

Yet, there does have to be some form of limit. There's no denying the destructive effect of cumulative aggressions and microaggressions. It's one thing to be told by someone that they think you're deluded and that they refuse to respect you. It's quite another to be told that in billionuplicate, at every turn, by several people you don't know (and even worse, some you do), without you ever having done anything to warrant the hostility. If you pay attention to news related to trans\* people, you know that stories of **suicides** due to **bullying** and harassment **arrive** on a **weekly** basis and that's only the reported instances.

Because as valid as the need to protect free speech is, it is also very often weaponized and used to gaslight entire communities that just want to be able to participate in society and be accorded the same dignity and respect as anyone else. It's used to minimize them, tell them they ask too much and shame them into going away -- back into their closets would be just fine, for example. Remember what I said about free speech in the real world being often a one-sided or lopsided thing.

But where to draw the line on hateful speech is almost impossible to determine. It's easy to limit speech in cases of libel and direct harassment or incitement. Cumulative hatefulness, though, is difficult to realistically pin on an individual, especially given that an individual doesn't always intend the hostile fallout generated by their supporters or

the like-minded. I don't know that it can be done legislatively, except in extreme and/or intended instances.

What has to happen is a mass awakening, and a mass rejection of ignorance -- and unfortunately, the pace of that kind of change is glacial. Of course, mass backlash will still be framed as persecution and censorship, but it will be better recognized widely as a reasoned response to bigotry. And that takes time and awareness and continual revisitation.

And if there is no clear legislative solution, then there's not a lot of guidance outside the court system, either. So I understand the position this puts the University of Toronto (and potentially the Ontario Human Rights Commission, if it came to that) in particularly with the issue of pronouns.

The thing to keep in mind about pronouns is that deliberately misgendering someone is itself an act of hostility -- an act of asserting that you know better than someone else about who they are, what they need and what their life experiences mean. It's putting your inconvenience of having to adapt ahead of the reality of their entire lives. It's not just about invalidating one's choice of pronoun -- it's about claiming the right to authoritatively invalidate everything that they know about themselves.\*

["\*" And if you paused for less than five seconds to look at that, understood it -- however awkward that pronoun might have looked -- shrugged and moved on, then congratulations you're far better able to cope with gender neutral and/or singular "they" pronouns than a UofT prof!].

Allowing Peterson to speak his opinions about "gender ideology" is one thing. Having him publicly vow to deliberately antagonize and disrespect students and other faculty members is quite another. And as the increasing tensions and threats over the course of his campaign have shown, sustained and hateful free speech can have serious consequences.

So what is to be done? The best scenario would be if Peterson would recognize where he has stepped beyond speech into deliberate antagonism and borderline incitement, maybe apologize, or at least leave things be, but that's **obviously not going to happen**. Probably, the only result that both he and trans\* advocates and supporters will be satisfied with is some form of free speech martyrdom, in the form of firing or some lesser kind of censure.

And this will inevitably once more feed the conservative persecution complex, and the dreams of a Trump-like saviour to free them -- in the **words of the inimitable Samantha Bee** -- "from that prison, and the cruel shackles of empathy and mutual respect."