

Dear friends: In the last weeks, I have been watching carefully as this community has been embroiled in tension relating to the topics of race and racism.

Some students from both sides of this conflict report not being heard and not being safe. I wonder how we can do better. I believe, and think you do, too, that all of us are here because we deserve to be. All of us have something of value to contribute. And this community thrives when every single one of us thrives—from the most advantaged to the most disadvantaged.

In this letter, I wish to make remarks on discourse at the College. Before I get there, I wish to comment first on disagreement and on common humanity.

I. On disagreement

In speaking with different members of this College's community about race and racism, there is no question that there is a broad diversity of opinions.

I would suggest that disagreements generally are never going away. Each of us has thoughts and sentiments inspired by our specific temperament,¹ experiences, and influences.² We can think of a relatively simple yet impactful example: some of us have our minds poisoned by the mainstream fake news media, while others of us have our minds poisoned by misinformation rabbit holes on YouTube. From this alone, when we look at each other, some of us see “radical left” and others see “alt right”. And it's not just politics, of course. Sometimes I ask myself, how would I think and what would I believe if I had up to now experienced life in a different place, with different people, or in a different body? The answer takes me to the bounds of what I can imagine.

Instead of hoping our disagreements disappear, it seems the question is this: do we believe that our diversity is our strength? In other words, are the disagreements that stem from our diverse perspectives threats or are they opportunities? Should they be met with fear or with bravery?

II. On common humanity

I am grateful to the several students and faculty members who have been generous with their time in speaking with me on race and racism. I'd like to tell you what I have learned about recent events.

Some students feel that belonging to a racial minority comes with constant reminder that the system that doesn't bother to understand them. Instead, dominant systemic forces maintain a vicious, cruel track record towards people that look like them on the basis of race alone. And so, the prospect of a discussion about exam accommodations for Indigenous students threatens to force those students to justify their own existence in this community.

¹ See e.g. James Tilley, “Are political views shaped by personality traits?” (1 February 2021), online: *BBC News* <www.bbc.com/news/uk-politics-55834023>.

² See e.g. Linda Lyons, “Teens Stay True to Parents' Political Perspectives” (4 January 2005), online: *Gallup* <news.gallup.com/poll/14515/teens-stay-true-parents-political-perspectives.aspx>. But see Marina Koren, “Study Predicts Political Beliefs With 83 Percent Accuracy” (14 February 2013), online: *Smithsonian Magazine* <www.smithsonianmag.com/science-nature/study-predicts-political-beliefs-with-83-percent-accuracy-17536124>.

Other students feel that falling outside a particular race results in being judged as untrustworthy or morally unfit on the basis of race alone. For these students, on the presumption that such a discussion would be racist, they are denied any chance to discuss the exam accommodations policy that affects them as well. This is unfair.

I wonder, while it means something different specifically to each of us, do we largely care about the same things?

Is it that we each want to have our own identity seen without prejudice and to believe that this system is just? Could it be that we're all just human?³

III. On courageous discourse

Here is something on which I suspect we can agree: race and racism are sensitive topics. Some of you reading this may be doing so with anxiety. You are watching to see if my words cross a line that could send ripples of conflict through our community. Some anxiety is no doubt in order, and I feel it, too.

I ask, however, whether this anxiety grips us too tightly. Does it cause us to be fearful in moments that call for courage? To be defensive when we could be confident? To be intolerant when we could be open-minded?

On sensitive topics especially, it is natural to desire consensus. Wouldn't we get along better if we could just agree? Unfortunately, I don't believe it's that simple. There is all the difference in the world between, on the one hand, discussing a matter thoroughly hoping for agreement, and on the other hand, rushing to orthodoxy to avoid hearing the other side in the first place.⁴ Also, there is all the difference in the world between attempting to persuade someone, knowing they may or may not agree, and attempting to coerce that person's belief.⁵

If we get discourse wrong, I worry that our community may be cut into factions which stop talking to each other. I worry that such factions would be bound to spiral into deeper conflict. Each side will develop the impression that the other side is unreasonable and intolerable. This is not because either side is correct, but only because they stop having honest conversations with people from the other side: those who sincerely take a different view.⁶ When factions stop talking to each other, eventually it becomes very hard to see each other's humanity.⁷ How then would we tackle the

³ For the self-styled "pro-human" alternative against intolerance and racism, see "FAIR—Foundation Against Intolerance & Racism", online: <www.fairforall.org>.

⁴ See JS Mill, *On Liberty* (London: John W. Parker and Son, West Strand, 1859), chapter 2.

⁵ See John Locke, *A Letter Concerning Toleration* (London: Printed for Awnsham Churchill at the Black Swan in Ave-Mary Lane, 1690).

⁶ See, on the availability heuristic and on confirmation bias, respectively: Jonathan Evans, "Intuition and Reasoning: A Dual-Process Perspective" (2010) 21:4 *Psychological Inquiry* 313 at 321; Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011) at 45, 81.

⁷ Consider Nelson Mandela's words: "When we dehumanise and demonise our opponents, we abandon the possibility of peacefully resolving our differences, and seek to justify violence against them", as cited in Greg Lukianoff & Jonathan Haidt, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure* (New York: Penguin Press, 2018) at 81.

difficult questions we are coming across? Here is a thorny one, for example: what happens when a race advocate declares as racist what happens to be the sincere religious belief of a classmate?

To my mind, the remedy is open, courageous discourse.

Courageous discourse does not run from irritation or offense.⁸ Instead, it says, “I am not powerless to another’s words.”⁹ It hones its abilities to inform, to persuade, and even to entertain. It also listens carefully as others explain themselves, state their case, or tell stories.

Especially as law students, my wish for all of us is to experience the kinds of conversations that challenge and expand us. In my experience, such conversations often begin by irritating or even offending. But they are not meant to be run away from. With the right tools, I believe we can engage in discourse with courage, confidence, and open-mindedness.

Conclusion

My friends, I hope for each of us—from the most advantaged to the most disadvantaged—that by the time we leave this College, none of us is a candle that blows out in the breeze. Instead, with courage and confidence, I hope that disagreement and adversity may become our fuel—our time to shine. I hope, as the saying goes, that each of us lights ablaze and wishes for the wind.¹⁰

So, to anyone reading who feels there is something you must say. If you have grappled with your conscience and trust that you would speak in good faith, but you are afraid because what you would say is opposed by prevailing orthodoxy or other systemic forces, I hope that you feel emboldened. As far as I’m concerned, when you say in good faith what you must, you pay a service to your own soul and to your community.

And, finally, for the road of discourse to run, it must go in both directions. I hope that each of us listens just as courageously as we speak. I hope we listen especially to those with whom we disagree; with those who irritate and even offend us. Life has taught me that it is from these people that I have the most to learn.

Sincerely,



Tim Haggstrom

⁸ For a gentler version of the argument than the one I present here, but one that similarly arrives at a case for free discourse, see Ronald Dworkin, “Foreword”, in Ivan Hare and James Weinstein, eds, *Extreme Speech and Democracy* (Oxford Scholarship Online, 2009) at viii, as cited in *Ward v Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2021 SCC 43 at para 82.

⁹ On the distinction between words and violence, see Lukianoff & Haidt, *supra* note 7 at 95–96.

¹⁰ Nassim Nicholas Taleb, *Antifragile: Things That Gain from Disorder* (Penguin Random House, 2012) at 3.