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Introduction

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INTRODUCTION

DANIA MATOS*

Until we are all free, we are none of us free.

—Emma Lazarus¹

I write to center this Introduction to this special issue of the *William & Mary Journal of Race, Gender & Social Justice* in liberation, and dedicate this to all those marginalized voices who fight for it every single day, as I do.

I was proudly the inaugural Deputy Chief Diversity Officer at William & Mary and now the inaugural Associate Chancellor and Chief Diversity Officer at University of California, Merced, shifting into higher education through a career journey that spans corporate law, non-profit leadership, indigent defense, and now, academia, but always grounded in dismantling structural inequities. However, I will soon change my title to reflect the actual framework I view my work through as the Chief Equity & Justice Officer, taking the work of diversity and inclusion to its next and necessary level of equity and justice in which I position this Introduction.

Free speech on college and university campuses is a topic that is hotly debated, often discussed, and has also become the subject of national discourse.² It is often juxtaposed with social justice and framed

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Prior to joining UC Merced, Dania served as the inaugural Deputy Chief Diversity Officer at William & Mary, the second oldest institution of higher education in the nation, where she worked to advance diversity and inclusion efforts and create accountability structures for the university’s academic and administrative units. Dania received her JD from the Catholic University Columbus School of Law and her AB from Brown University in International Relations.

1. Emma Lazarus, *An Epistle to the Hebrews (1882–83)*, THE AMERICAN HEBREW (Nov. 10, 1882–Feb. 24, 1883).

2. See, e.g., ERWIN CHEMERINSKY & HOWARD GILLMAN, FREE SPEECH ON CAMPUS (2017); Lee C. Bollinger, *Free Speech on Campus Is Doing Just Fine, Thank You*, THE ATLANTIC (June 12, 2019), <https://www.theatlantic.com/ideas/archive/2019/06/free-speech-crisis-campus-isnt-real/591394> [https://perma.cc/3Y46-SRRD]; John Downey & Frances Stage, *Hate Crime and Violence on College and University Campuses*, 40 J.C. STUDENT DEV. 3 (Jan/Feb 1999); Melanie Moore, *Free Speech on College Campuses: Protecting the*

in an adversarial framework, e.g., free speech versus social justice.³ It is even taken one step further with social justice advocates aligned as hate speech opponents and free speech advocates as antisocial justice, giving it more of an appearance of free speech versus hate speech.⁴ Thus, the theme of the Special Issue of Volume 26, “First Amendment: Marketplace Morass: Free Speech Jurisprudence and Its Interactions with Social Justice,” becomes an important one to dissect as our courageous authors have in this special issue, taking on topics such as race-based casting in media as seen in *Hamilton*, the First Amendment and Black female speech, LGBTQ law, and much more.

Any discussion of free speech and its interactions with social justice must acknowledge the role of racism and white supremacy in education. In many ways, higher education and the academy is still framed in the dominant narrative of whiteness and thus so is the decision-making, conversations, policies and explorations of free speech and its interactions with social justice.⁵ Is speech truly free? Is it free just for some? Is speech racialized and thus that becomes determinative of its freeness? Is justice social?

Dominant white practices have grounded institutions of higher education in upholding structural racism and inequality through curricula, pedagogy, and practices.⁶ It is one that⁷:

- Privileges white students;
- Centers white experiences and voices;
- Upholds white racial privilege;

First Amendment in the Marketplace of Ideas, 96 W. VA. L. REV. 511 (1993); Michael D. Shear, *Trump Says He Will Sign Free Speech Order for College Campuses*, N.Y. TIMES (Mar. 2, 2019), <https://www.nytimes.com/2019/03/02/us/politics/trump-free-speech-colleges.html> [<https://perma.cc/D6ZS-FUBR>]; *Speech on Campus*, ACLU, <https://www.aclu.org/other/speech-campus> [<https://perma.cc/UHB6-7QXM>].

3. See, e.g., *id.*; see also Whitney Phillips, *Berkeley Doesn't Have to Choose Between Social Justice and Free Speech*, VICE (Sept. 26, 2017), https://www.vice.com/en_us/article/vb73zm/berkeley-doesnt-have-to-choose-between-social-justice-and-free-speech [<https://perma.cc/52TY-9DVS>]; Matthew A. Sears, *Why 'Social Justice Warriors' Are the True Defenders of Free Speech and Open Debate*, WASH. POST (Jan. 9, 2018), <https://www.washingtonpost.com/news/made-by-history/wp/2018/01/09/why-social-justice-warriors-are-the-true-defenders-of-free-speech-and-open-debate> [<https://perma.cc/4N46-XL9K>]. *But see A Conventional SJW's Unconventional Take on Speech*, FIRE (June 27, 2018), <https://www.thefire.org/a-conventional-sjws-unconventional-take-on-speech> [<https://perma.cc/4DC2-WT9E>].

4. See *id.*

5. See Chayla Haynes, *Dismantling the White Supremacy Embedded in Our Classrooms: White Faculty in Pursuit of More Equitable Educational Outcomes for Racially Minoritized Students*, 29 INT'L J. TEACHING & LEARNING IN HIGHER EDUC. 87 (2017); Manuel Madriaga, *Antiblackness in English Higher Education*, INT'L J. INCLUSIVE EDUC. (2018); Lori D. Patton, *Disrupting Postsecondary Prose: Toward a Critical Race Theory of Higher Education*, 4 URB. EDUC. 315 (2015).

6. See *id.*

7. Patton, *supra* note 5.

- Silences students of color;
- Marginalizes, trivializes and/or appropriates experiences and voices of students of color.

However, it does not stop there. Even post-secondary institutions themselves are racialized.⁸ Racialization is “a process whereby colleges and universities are assigned value based on their institutional race (e.g. predominately white, historically Black).”⁹ Value is, therefore, subscribed to an institution based on its makeup. Thus, could value be subscribed to free speech and social justice in the same way at these institutions?

Racialization is also grounded in the idea that “race (and thus racial identities) is not an inherent category but rather is made racial through social interactions, positioning and discourse.”¹⁰ Thus, the racialization of free speech or the racialization of social justice can occur in the positioning and discourse subscribed to it.

For marginalized communities, our speech, our voice has often been the sole recourse we have had in fighting systemic oppression. In decolonizing ourselves, it is imperative to decolonize institutions, practices, and discourse. This includes all of us.

Our mission should be to educate with the goal of empowerment, liberation and justice for all. We should seek to be anti-oppressive, anti-sexist, anti-homophobic, anti-racist, etc. in our decision-making policies and practices. The fight for race, gender, and social justice is not mutually exclusive the same way the fight for free speech for all is not mutually exclusive of social justice for all.

Thus, while the question currently in national discourse across campuses, corporations, government, and other spaces is “how do we become more diverse and inclusive?,” as you read these pages that follow, I challenge you to ask yourself the question that we all should be asking ourselves on the institutional and individual level, “how do we become more equitable and just”?

I began this Introduction with the quote “[u]ntil we are all free, we are none of us free”;¹¹ and thus, I say, no speech is truly free until we all are and in that liberation, we will truly find a voice that is equitable and just for all. Let us just hope the law and jurisprudence catches up with our authors.

8. *Id.*

9. GINA GARCIA, BECOMING HISPANIC SERVING INSTITUTIONS: OPPORTUNITIES FOR COLLEGES AND UNIVERSITIES 7 (Johns Hopkins Univ. Press 2019).

10. NA’ILAH SUAD NASIR, RACIALIZED IDENTITIES: RACE AND ACHIEVEMENT AMONG AFRICAN AMERICAN YOUTH 5 (Stan. Univ. Press 2012).

11. Lazarus, *supra* note 1.