Land of the Free, Home of the Brave: Maximizing Free Speech in Brave Spaces to Support Diversity

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ABSTRACT

Responding to arguments that diversity and free speech are competing values, we recommend brave space practices to maximize both speech and diversity. This article first lays out what is actually required and allowed by law from public institutions regarding free speech. It then defines "brave space" and describes how brave space practices support diversity, highlighting the practice of "calling in," which also maximizes free speech. Going beyond the classroom or library program, we envision brave space encompassing an entire institution, concluding with an example and recommendations.

Introduction

John Palfrey, the head of school at Phillips Academy Andover, spoke at a gathering of the American Academy of Arts and Sciences about diversity and free speech. He highlighted the tendency many have to view these as competing, rather than complementary, values.

> This is where there is a tie between what we do in the educational setting and the academy and the polity. One of the reasons I am passionate about this is if we can't get it right for students in the context of an intentionally diverse environment that we create, where we can set some rules, then we are not going to succeed at the level of a democracy. It is crucial that we figure out how to do that. When we send people out as citizens, they need the skills to do this, both coping skills but also deliberative skills. They need to know how to work across difference. By the way, that is one of the reasons why we want to have a diverse set of people on campus[:] because you can get smarter. The conversation can be better. But too often, we pit diversity against free speech (Palfrey and Minow 2019, 34).

Does fostering more diversity have to mean less free speech, or vice versa? Or can we create spaces in which we maximize both?

Free Speech

To understand how free speech interacts with diversity, equity, and inclusion practices, we must first understand how free speech rights and laws apply to any given organization. Specifically, government organizations have less ability to restrict speech than private organizations. That does not mean, however, that government organizations cannot restrict speech at all.

Government organizations like libraries, public schools, or universities lose much of their ability to restrict or limit speech when they create public forums. In *Widmar v. Vincent* (1981) the U.S. Supreme Court found that the University of Missouri–Kansas City had created a public forum by allowing its facilities to be used by student groups, and therefore imposed improper viewpoint restrictions by not allowing religious student groups to use the facilities. In the university context, think of the locations on campus where speakers are permitted to go and say whatever they wish—the proverbial soap-box platforms borrowed from our English forebears.

Broadly speaking, the only restrictions allowed in these public forums are time and place restrictions; viewpoint restrictions are prohibited (*Ward v. Rock Against Racism* 1989; *Widmar v. Vincent* 1981). Although most of us would likely prefer not to hear a Nazi regale us with the glories of the Third Reich, a university would be prohibited from barring the Nazi from speaking in a public forum because he is a Nazi or because he discusses topics that greatly offend many. If the public forum exists, the government entity cannot bar its use based on the views or beliefs of a speaker (*Widmar v. Vincent* 1981).

Public libraries sometimes create public forums, or forums that closely resemble public forums, when they allow community members to reserve space in the library for meetings. The U.S. District Court for the Northern District of Mississippi found that the Lafayette County and Oxford Public Library created a public forum by allowing non-library groups to use their space (*Concerned Women for America Education & Legal Defense Foundation* 1988). A public forum within a library can be in a dedicated room or even theater space, or it may just be in the library proper. Similar to the universities above, libraries cannot bar certain individuals or groups based on what they believe or what they wish to speak about. A library opening its facilities in this manner must allow the local evangelical church to use the space just as they would the local Girl Scout troop. The restrictions on speech could only be limited to the time and place, not the content or viewpoint.

However, this does not mean a library or university can have no restrictions on speech beyond time and place in their facilities or on their campuses. These restrictions would be limited to restrictions not impacting the speech itself. For example, permits for the use at the university may be required prior to a speaker using a staged area. Similarly, the library may require rental fees for their space, or a security deposit, and even have requirements regarding how and when an organization might use their equipment, furniture, or materials. These requirements must meet a three-prong test: (1) the requirement must be content-neutral, (2) it must be narrowly tailored to serve a significant government interest, and (3) it must leave open ample alternative channels for communicating a speaker's message (*Ward v. Rock Against Racism* 1989).

Meeting room policies have been a contentious topic for libraries. As described by Yorio and Peet (2018), a revision to the American Library Association's interpretation of the Library Bill of Rights regarding non-discrimination in library meeting room policies stated that a library could not deny a group use of a meeting room based on the content of their

speech, and specifically named hate speech as an example. This revision sparked "an ongoing emotional debate among library and ALA staff" that continued on social media after the ALA Annual Conference (para. 2). The current version of the interpretation uses slightly different language, stating that the library "cannot exclude groups based on the topics they discuss or the ideas they support" (ALA 2025, para. 4). ALA (2025) further states that "Libraries can enforce their behavior policies if a group disrupts or harasses others in the library" (para. 5). Both interpretations uphold free speech based on existing case law.

Nothing prohibits a university or a library from creating audience behavioral guidelines for their own programs. Classes and programs are a form of government speech, and the rights of a program audience are more limited within this context. In *Walker v. Texas Div., Sons of Confederate Veterans, Inc.* (2015) the U.S. Supreme Court determined that, "When the government speaks, it is not barred by the Free Speech Clause from determining the content of what it says." Further, a teacher has the ability to control their own classroom, and bar those who fail to meet that teacher's behavioral requirements. In *Morse v. Frederick* (2007) the U.S. Supreme Court stated that schools may suppress viewpoints supporting drug use. They upheld "*Tinker*'s [1969] 'general rule,' [that] the government may restrict school speech that threatens a specific and substantial disruption to the school environment or that 'inva[des] . . . the rights of others'" (*Morse v. Frederick* 2007).

This is the framework under which a library can also set behavioral requirements for the library's programs. This ability not only arguably derives from government speech powers, but also the same protections teachers have in their classrooms to handle disruptions. Still, when a library is a government organization, those behavioral guidelines must not be arbitrary or capricious—they should be as clear as possible, whenever possible, to ensure folks understand the rules and are treated as fairly as possible.

There are spaces within schools and libraries where speech can be limited by time and place, but not viewpoint. Classes and library-run programs can have additional behavioral requirements that are clearly stated, equally applied, and meant to avoid disruption. This is the legal framework in which we consider how public institutions balance diversity and free speech.

DEI and Brave Space Practices

In his book, *Safe Spaces, Brave Spaces,* Palfrey (2017) describes diversity and free speech as clashing values: "Campus administrators are right to listen to the claims of current students, who make us aware that hateful speech still happens on our campuses and that the effects of this speech can be deleterious to a learning environment" (92). This is a good start: listening to students impacted by hate speech. He goes on to describe the clash with free speech, saying, "Often, these student activists argue that a particular conception of free speech is less important than the values of equity and inclusion on a campus" (92). Students harmed by hate speech, not getting the result they want from administrators, accuse the school of valuing free speech over equity and inclusion. "It is this clash of values that gives rise to the toughest moments: when a commitment to a genuinely diverse community comes up against an equally genuine commitment to a free and open environment for expression. The job of educators should be to ensure both values can thrive on campus to the greatest extent possible" (92). Has Palfrey described an equally genuine commitment to both issues? Is there some way forward other than tolerating "some degree of noxious expression" (93)?

Safe Spaces, Brave Spaces, and "The Real World"

Palfrey (2017) argues for brave spaces in education, something many educators and scholars agree upon. However, there is little agreement in the literature on the definition of "brave space." It is helpful here to consider "safe space," "brave space," and "the real world" alongside one another.

Palfrey (2017) uses the term "safe space" in the same way some others use the term "affinity space" (Johnson 2025). Palfrey (2017) says that safe spaces have ground rules for conversation, and then goes on to give the example: "a school or university might create a safe space for LGBTQ students in which students know they can discuss issues of sexual identity or gender and will not be made to feel marginalized for their perspective or exploration" (20). Although many types of spaces could have ground rules, Palfrey's example suggests a safe space is "for" a certain group. Johnson (2025) describes affinity spaces as "created for people to connect based on shared identities, ideologies, or interests" (para. 1).

There is some agreement that safe spaces are not conducive to learning and certain types of discussion. Palfrey (2017) argues that classrooms and other learning environments should be "brave spaces." These are spaces in which "the primary purpose of the interaction is a search for the truth, rather than support for a particular group of students, even insofar as some of the discussions will be uncomfortable for certain students" (21). Arao and Clemens (2013) also see safe spaces as barriers to challenging conversations. They "have found with increasing regularity that participants invoke in protest the common ground rules associated with the idea of safe space when the dialogue moves from polite to provocative" (135). When they asked students about this, they realized they were conflating safety with comfort (135). A safe space could be an affinity space, meant to help a particular group feel safe, or it could be an ill-advised learning space in which all participants expect to remain comfortable.

In the literature, the term "brave space" is used to describe a spectrum of spaces from those including few if any, to many, ground rules. Palfrey (2017) argues for brave spaces that "approximate the world outside academic life" (21). He suggests "the rules and social norms for expression might in fact follow the doctrine of the First Amendment or something close to it, as set by the school or university at large" (21). On the opposite end of the spectrum, Masunaga et al. (2023) write about a BIPOC-only (Black, Indigenous, and People of Color) Library and Information Science professional conference as a "brave space" because "any event held on occupied white, capitalist lands could not be inherently 'safe' for BIPOC" (18). In addition to limiting attendance to an affinity group, the BIPOC LIS conference also utilized a code of conduct (24). Arao and Clemens's (2013) description of brave space falls somewhere in between, encouraging facilitators to "strive for protracted dialogue in defining brave space and setting ground rules" (142). We read in the legal literature above that classrooms *are* allowed to include some behavioral requirements, so ground rules in a brave space setting are not a violation of free speech. One element of Arao and Clemens's understanding of brave space we find especially useful is the assertion that everyone will have to be brave, although for different reasons. Pawlowski (2019), a higher education instructor, describes "white students" as feeling uncomfortable when they say "the wrong thing" and notes that for "students of color, there is no such thing as a safe space to begin with when they are in mixed company" (69).

We assert that in "the real world," some people are consistently called upon to be braver than others. Arao and Clemens (2013) point out that the "impulse to classify challenges to one's power and privilege as actions that detract from a sense of safety is, in itself,

a manifestation of dominance" (140). Those who hold more societal privilege are more able and more likely to object to challenges to their speech and views. Palfrey (and Minow 2019) illustrates how some students' safety is put above others when he discusses talking to someone who has accidentally committed a microaggression: "they may feel that they are being told they are misogynist because they said something based on gender that they did not intend" (30). He seems to hold the hurt feelings from the microaggression and the hurt feelings from the conversation about microaggressions as things we should equally seek to avoid when possible. Arao and Clemens (2013) would disagree, stating that "positive or neutral intentions do not trump negative impact" (146). In the real world, people who "didn't mean to" cause offense are privileged. They are not called out because it might hurt their feelings.

Everyone Will Be Brave

Understanding that in the real world, bravery unequally falls upon some groups more than others, we argue that intentional brave spaces are needed to fully include diverse individuals. Assuming that our schools and libraries serve individuals with many varying and intersectional identities, and that we *want* to serve all of these individuals well, we need to create and hold brave spaces.

The American Library Association (ALA 2023) addresses serving diverse populations across several of their core competences:

- "2C. Include emerging formats and genres of information resources and understand how these may intersect with and reflect the diverse and cultural needs of the information communities through the management of collections" (5).
- "3C. Employ multiple techniques to accommodate diverse learning preferences to promote lifelong learning" (5).
- "4D. Develop and support diverse and equitable partnerships, collaboration, networks, and other structures with all stakeholders, consortia, and within communities served" (6).
- "6A. Employ techniques used to discover, retrieve, evaluate, and synthesize information from diverse sources for use by varying user populations and information environments" (7).
- All of "Competency 8. Social Justice" (8–9).

Challenging, and sometimes uncomfortable, conversations will happen *more* in diverse groups. Arao and Clemens (2013) call it "particularly unavoidable" (139). Instead of avoiding these conversations, we can facilitate them.

As Masunaga et al. (2023) observe, in the United States, our institutions exist on "occupied white, capitalist lands" (18). Additionally, our public institutions have an obligation not to infringe upon free speech, in keeping with the First Amendment to the U.S. Constitution. We can not promise that anyone will be completely safe from microaggressions or even hate speech in our spaces. We can also choose not to remain silent when these things happen. We can choose to facilitate conversations that acknowledge the discomfort felt by everyone involved. Arao and Clemens frame conflict "not as something to be avoided but as a natural outcome in a diverse group" (144). Furthermore, "continued engagement through conflict [. . .] strengthens rather than weakens diverse communities" (144). This is how we move forward and grow together.

It is true that when individuals are confronted with the impact of their statements, that may have a chilling effect. They may be less likely to use hate speech in the future. From the perspective of serving diverse populations and helping everyone to feel included, this is good. From the perspective of free speech, some may argue that this is bad. We are not sympathetic to this argument, as hate speech also has a chilling effect. As Brison (2021) describes, "if vulnerable minority members are targeted by hate speech, they may well become less, rather than more, likely to express their ideas, and even if they do speak, they may not be taken as seriously as they would be in an environment that did not tolerate hate speech" (112). Furthermore, the First Amendment protects from "governmental interference of a certain sort" (107) and does not protect speakers from the natural consequences of their words. The First Amendment does not shield you from being told you said something racist.

Regarding those who are not being intentionally hateful and make unintentional missteps, it is important for them to hear about the impact of their statements as well. Furthermore, we hope that they *will* continue to speak. As Pawlowski (2019) points out, "if we don't get them to say the 'wrong thing' and they continue to walk on eggshells, we'll never get to confront and intervene in the problematic views they secretly harbor" (69). The brave space approach truly goes hand in hand with maximizing speech.

There may be those who object to having brave space forced upon them (in their view) and being told they must accept that they will sometimes be uncomfortable. "There's no such thing as a safe space," as the opening lines of Beth Strano's poem proclaim (Joiner 2022). We see that some relatively safe spaces rely on the similarity of group members, in some aspects of their identities, to remove potential points of conflict. However, even affinity groups can not provide total safety. Additionally, although there is a place for affinity spaces, public schools and libraries, as institutions, can not cater to one group. What is the alternative to brave space when serving a diverse population? When we can not promise safety for all, it can only be safety for some.

Naming harm is not about dunking on people who are not "woke" enough (to paraphrase a student evaluation one author received). It is validation and acknowledgement for the person harmed and a potential learning experience for the person who (hopefully) inadvertently caused harm. As Pawlowski (2019) notes: "My students report to me that it is far more damaging to a class dynamic to see a classroom stay silent in the face of a student's racist comment, or hear that comment uncritically validated, than to hear that comment in the first place" (67). Simply speaking up does make a difference to the person who received the harmful comment. When addressing the person who made the harmful comment, we can choose to call them "in" rather than calling them "out."

Calling In

Calling out, according to Ross (2019), often involves "humiliation, shunning, scapegoating or gossip to dominate others" ("Guiding" para. 1). This is not the kind of discomfort we are asking individuals to tolerate in a brave space. Contrastingly, Ross says the key feature of a "call in" is that "it's done with love. Instead of shaming someone who's made a mistake, we can patiently ask questions to explore what was going on and why the speaker chose their harmful language" ("Guiding" para. 3). Calling in is an important tool for facilitating a brave space.

This seems to be what Palfrey (and Minow 2019) is missing as he discusses someone who committed an accidental microaggression feeling that they are being called a misogynist

(30). If a facilitator or administrator calls this person *in,* they can separate "you said something misogynist" from "you are a misogynist." This connects with growing research on guilt and shame. Brown (2013) believes guilt can be useful. It is "holding something we've done or failed to do up against our values and feeling psychological discomfort" (para. 1). Shame, on the other hand, is more threatening. "I define shame as the intensely painful feeling or experience of believing that we are flawed and therefore unworthy of love and belonging—something we've experienced, done, or failed to do makes us unworthy of connection" (para. 2). Humans are social creatures, and Kennedy (2022) points out that the "threat of abandonment" that accompanies shame "truly is an existential danger to survival" (p86). By calling someone in, we can minimize that jump from "I did something bad" to "I am a bad person."

Kennedy (2024) elaborates on how shame prevents someone from learning from their mistakes. We want to "preserve our good identity," so we "go into defense mode." We "have to almost ignore the behavior." She says "when we feel shame, we do shut down, we do feel unreachable." Ideally, when someone causes harm, and we call them in, they will learn that what they said was harmful and behave differently in the future. There is no learning with shame.

Teaching someone a lesson that they are not necessarily in our space to learn may sound patronizing. Antelman (2025) certainly argues against the ethics of trying to change beliefs (specifically the beliefs of library workers through required DEI trainings). However, Antelman acknowledges there is a difference between "morals or beliefs" and "behavior" (433). Ultimately, we are letting people know that some action they took caused harm. We may hope that our intervention results in a change of heart, but if it only changes their behavior that may be enough to keep our space brave. Ross (2025) says "we don't need full agreement on everything. I like to say that our larger goal when calling in is to persuade people to *be* with us, not to *agree* with us" (169). In line with calling in and reducing shame, focusing on behavior rather than beliefs will ultimately be more productive as well.

There will also be those who know exactly what they are doing. Ross (2019) says "Calling out may be the best response to those who refuse to accept responsibility for the harm they encourage or who pretend they are only innocently using their right to free speech" ("Guiding" para. 6). Calling in is often the best approach, and there are times when someone causing harm still needs to be called out.

Returning to Ross (2019), we wish to create "brave spaces in which everyone understands that people make mistakes, that people come from diverse cultures and languages that may use words differently, and that people should not be punished for not knowing the right words to say" ("Why Classrooms" para. 1).

Implications

Much of the literature about brave spaces envisions these spaces as pretty well-defined. For example, instructors may create a brave space in their classroom, as Pawlowski (2019) describes, or with a theater group (Austin and Vadiveloo 2023). Masunaga et al.'s (2023) community is a little larger, encompassing an entire LIS conference. Libraries serve smaller groups through programs. A class or workshop can open with a discussion of brave spaces and cocreate ground rules. Recall that the instruction in these settings can be considered government speech, which itself is not restricted by the First Amendment (*Walker v. Texas Div., Sons of Confederate Veterans, Inc.* 2015), and that classes may set behavior guidelines to avoid disruption (*Morse v. Frederick* 2007; *Tinker v. Des Moines Independent Community School District* 1969).

We propose that the brave space concept can be broadened to encompass an entire public institution, such as a K–12 school, university, or library. We can create a culture in which, rather than keeping some people safe, we ask everyone to be brave. We have already discussed Palfrey's (and Minow 2019) microaggression example (30), explaining that an administrator *can* absolutely let a student know when they have said something racist or misogynist, while acknowledging that that may not have been their intent.

One example of calling out hateful speech is the way the University of Georgia community responds to the Tate Center preachers. As alumni of UGA, both authors can recall walking past these preachers between classes, hearing them shout that many of us were "fornicators damned to hell." Some students ignore the preachers. Others test their mettle as debaters by engaging them. The preachers from World Outreach Evangelistic Ministries and WALKabout Jesus, according to Tate (2021), hold signs with "derogatory messages about multiple groups of people, including LGBTQ+ people and women" (para. 2). Students reported hearing anti-LGBTQ+ slurs from the preachers (para. 5), and one young woman said a preacher told her she was "raping the crowd with my outfit" (para.12). This is not a misunderstanding. The speakers know their language is hurtful and force their message on "college campuses across the southeast" (para. 9). The Tate Plaza is a "designated free speech zone" on UGA's campus (para. 3). Even hate speech is allowed.

The Tate Center preachers' statements do not go unanswered. Students gather to protest and shout back. Garcia (2021) describes the preachers being drowned out by "chants ranging from the Atlanta Braves Tomahawk chop song to 'Get a job!' and 'How was prison?'" (para. 7). In an earlier article, Warui (2016) also describes bystanders interrupting "the lecture to express their anger with the religious organization's message" (para. 4). The opposition to the preachers ironically brings together non-religious community members and those who are deeply religious and disagree with the preachers' take on Christianity. One student said that "groups like The Campus Ministry give a misrepresentation of Christianity and Christians" (para. 8). The final line of the article is particularly uplifting: "'Nobody believes their message, but I really enjoy the community it creates,' said sophomore Anna-Murphy Martin. 'I've made so many friends combating this'" (para. 13). The community answers hate speech with more speech.

The UGA community seems comfortable with their approach to the Tate Center preachers, but there is room for growth. Tate (2021) briefly describes some security provided for the preachers during one of the days of their visit: "Several police officers, in addition to the dean of students, were present at the Tate Plaza to ensure the preachers' ability to deliver their message" (para. 3). Administrators could do more to ensure students know they are there to protect *their* ability to speak freely as well. The school could name the preachers' message as hate speech. They could publicize a schedule of speakers so that students can choose to avoid them or to constructively engage them. UGA actually includes misinformation about how students can respond to speakers in their Freedom of Expression FAQs. In response to the question "Can people who oppose a speaker's message use their own freedom of speech to drown out the offending words?" they answer "No, freedom of speech does not give someone the right to drown out the words and speech of others" (Tate Center 2025). This is simply untrue, and unsupportive of one possible student response. The presence of willing administrators and faculty alongside the protesting students would further emphasize their willingness to call out hate speech.

Administrators and leaders in the institution would need to take on the responsibility of upholding the brave space. Ross (2019) suggests, "This practice works especially well when

allies call one another in or when leaders, such as teachers, use it to model speaking up without losing the opportunity for learning" ("Guiding" para. 7). Although we would like everyone in the space to feel empowered to speak up, the person who has just experienced harm may not be in a position to do this work. "It's not fair, for example, to insist that people hurt by cruel or careless language or actions be responsible for the personal growth of those who have injured them; calling in should not demand involuntary emotional labor" ("Guiding" para. 5).

There will also be employees in any given institution, as exemplified by Antelman (2025), who will not personally agree with brave space practices and may view calling in or calling out as forced conformity rather than a reasonable duty supporting the institution's mission. Ross (2025) advises us to start with the self: "Before you or I seek to counsel or confront someone, we need to make sure that we're in the right place, mentally and emotionally, to do so" (142). For these reasons as well, actions will need to come from willing individuals at the top level of the institution. If the leadership is not on board, no amount of "shoulds" from literature or workshops is likely to create change.

Expanding brave space from a room to an institution will hopefully be an ongoing discussion. There is a need for additional research and ideas on how it will look in practice. We invite further conversation from academics, practitioners, and patrons of our public institutions.

To return to the opening quotation "if we can't get it right for students in the context of an intentionally diverse environment that we create, where we can set some rules, then we are not going to succeed at the level of a democracy" (Palfrey and Minow 2019, 34): Expanding bravery beyond the classroom, to the institution, may lead to further expansion. We can help create a brave country, and a brave world.

Conclusion

Rather than viewing diversity and free speech as competing values, we *can* uphold both commitments in a brave space. Instead of attempting to ban harmful speech, we can focus on answering it using more speech. We can call in those who did not intend harm and call out those who did. Much of this may feel uncomfortable for everyone involved and we will all be brave.

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