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## Let's Talk About Speech

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The empty stage of the Yale Repertory Theatre looked like the set of a talk show. A black-and-white photograph of the New York City skyline hung in three panels in the center, and two empty frosted-glass tables stood on either side of the stage, each flanked by a black podium. Lights on the walls shifted sunset-like from orange to pink. On March 1, Yale students, professors, New Haven locals, and even high school debate teams shuffled into the Rep clutching grey pamphlets that declared: “Free Speech is Threatened on Campus.”

This was a public debate hosted by the nonprofit Intelligence Squared, but its resolution might have been lifted from any of the endless finger-wagging think pieces that appeared in response to anti-racism demonstrations last semester at the University of Missouri, Yale, and other colleges. And although the debate had been scheduled long before last November, higher-ups at Intelligence Squared chose the topic specifically because of its relevance to Yale, according to Dana Wolf, the executive producer of Intelligence Squared U.S.

In the theatre, Silliman Master Nicholas Christakis sat alone in the third row. Last November, when his wife, associate master and professor of psychology Erika Christakis, quoted him in an email criticizing over-sensitivity to cultural appropriation, students confronted Master Christakis in the Silliman courtyard. Christakis defended himself, and the email his wife sent, by saying, “I apologize for causing pain, but I am not sorry for the statement ... I stand behind free speech. I defend the right for people to speak their minds.” The abstract universality Christakis invoked then would return in the debate, partly by design: moderator John Donovan insisted that the arguments presented did not refer specifically to Yale, but to college campuses all over the country.

Murmurs rose from the crowd as the audience waited for the debate to begin. A student in a sweater vest walked up to Christakis, smiled, and bent down to talk. They chatted amicably.

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The four debaters took their seats on stage. On the affirmative side were Wendy Kaminer, a lawyer and a writer for the Foundation for Individual Rights in Education (FIRE), and John McWhorter, a professor of linguistics at Columbia. Arguing for the negative side were Shaun Harper, the executive director of the University of Pennsylvania's Center for the Study of Race & Equity in Education, and Yale philosophy professor Jason Stanley.

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But before anyone gave opening remarks, Donovan instructed the audience to vote using the remotes on the arms of each seat. The outcome of the debate, he explained, would be determined not by which side had the highest percentage of the vote, but by the difference between votes collected at the beginning and end of the debate. When asked if free speech is threatened on campus, forty-nine percent of the audience said yes, twenty-seven percent said no, and twenty-four percent were undecided.

Round one began with each debater giving a six-minute opening speech. The speeches ran the gamut of traditional argument: Kaminer argued that the tendency to label offensive speech as “micro-aggressions” or “forms of discrimination” punishes and suppresses such speech as if it were capable of physical violence. And although McWhorter emphasized that he opposed unlimited free speech, citing slavery and genocide as topics too abhorrent to be worthy of any debate, he criticized students for shouting down less obviously offensive things instead of engaging in discussion. “What is the line between cultural appropriation and cultural mixture?” he asked. “That’s a tough one. It’s subtle. It’s worth debate. It’s not a matter of just shouting people down if a certain subject comes up or if a certain action is performed.”

On the right side of the stage, Stanley railed against the media’s tendency to frame student protest as a threat to freedom of speech, rather than as students engaged in its exercise. Harper added that students of color on predominantly white campuses are often silent in response to the racism they experience at the hands of their professors or peers. Now that these voices are finally being heard, he said, they should be celebrated, rather than criticized.

In round two, the debaters engaged in crossfire: Kaminer insisted that Stanley and Harper mischaracterized her argument as anti-protest. The problem, she said, was not that students were protesting, but rather that the protesters were demanding more robust speech codes—official campus policies that limit and restrict what one can say—which she views as demonstrative of a dangerous new turn toward “speech policing.”

But Harper, who, along with McWhorter, was one of the two black debaters, insisted in a booming voice that students of color don’t want speech codes. “They want the curriculum to reflect their humanity. They want the consciousness of their professors and their peers to be raised so that people don’t do this to future generations of students of color on their campuses. That’s what they want. They don’t say a thing to me about speech codes.”

Yale's history seems to confirm Harper's claim: while students have been debating the merits of "free speech" for centuries—an 1887 issue of the Yale Daily News announced a Phi Beta Kappa debate on the topic: "Absolutely free speech is not in the best interests of society"—the need for an explicit free speech protocol did not arise until the late twentieth century. Even then, it was the administration, not students, who brought the policy to the table.

That policy, the 1974 Woodward Report, was over a decade in the making. In 1963, after the widely publicized bombing of a Birmingham church, University Provost Kingman Brewster requested that the Yale Political Union withdraw its invitation of Alabama governor George Wallace, an ardent segregationist. Brewster's decision, which he maintained was in the interest of maintain positive town-gown relations, was highly criticized by both students and other University officials.

In 1974, Stanford physicist and infamous eugenicist William Shockley was invited to speak at the Yale Political Union. After much internal agitation, the Union withdrew its invitation. But several other organizations attempted to invite Shockley, inducing Brewster to denounce such invitations as inconsiderate and irresponsible, criticizing "the use of free speech as a game." Shockley did end up coming to campus, invited by Yale's branch of the Young Americans for Freedom, but protesters, who made up almost a third of the audience, shouted insults and obscenities at Shockley. After an hour and fifteen minutes, University Secretary Sam Chauncey closed the meeting. For the first time in the University's history, a guest was unable to speak because of organized disruption.

While the editorial voice of the Yale Daily News spoke out in support of the protesters, Brewster's response was far more critical. "It makes me sick that even a small minority of Yale students would choose storm trooper tactics in preference to freedom of speech," he said. To ensure such an event would never happen again, Brewster, then president of the University, created a committee to establish a formal policy by which Yale could deal with issues of freedom of speech. In December of 1974, the committee released the "Report of the Committee on Freedom of Expression at Yale," known as the Woodward Report after the committee's head, historian C. Vann Woodward. According to the report, "the paramount obligation of the University is to protect their right to free expression," even when such free expression comes at the expense of "civility and mutual respect." The Woodward Report is still hailed as a shining example of the University's exercise of its values; President Peter Salovey quoted it heavily during his 2014 address to the freshman class.

But while the Woodward Report was explicit in its commitment to free discourse, it dealt primarily with student protest over speakers invited to Yale. Today's conversations around free speech, however, focus on individual interactions among students. During the Intelligence Squared debate, Kaminer cited cases where students at Amherst College and the University of South Carolina were investigated for distributing posters which other students found offensive. That these students were investigated, she said, is demonstrative of a recent shift in campus climate that threatens free speech. Yet the kind of cases Kaminer outlined are not new either. And at Yale, the administration's stance is far more nebulous than the clear-cut commitments of the Woodward Report might suggest.

At Yale's 1986 Gay and Lesbian Awareness Day, Wayne Dick, a Yale student, distributed flyers advocating "Bestiality Awareness Day." Yale's Executive Committee sentenced Dick to two years of probation, calling the fliers harassment of the queer community. But when Dick appealed his sentence on the grounds that the administration had threatened his freedom of expression, Yale retracted its probation and eventually expunged the incident from Dick's record.

Twenty-two years later, the University inflicted no punishment on the members of Yale's Zeta Psi fraternity when its pledges held signs outside the Women's Center that read, "We Love Yale Sluts." But in 2010, when fraternity Delta Kappa Epsilon sang a song that "made light of rape," the University sanctioned the frat on the grounds that the brothers had "threatened and intimidated others." Even then, Yale was not exempt from the criticism that it unduly restricted speech: FIRE urged then-President Richard Levin to overturn the punishment.

Now, as free speech advocates line up against Yale students protesting aspects of campus culture—including the alleged frat party that was for "white girls only"—the possibility of establishing bright lines recedes even further. Should blatantly discriminatory speech be allowed in the interest of protecting all speech?

At the Intelligence Squared debate, affirmative speaker McWhorter said no: "If there is a culture that would allow someone to say that only white women are allowed at a fraternity party, well, that should be shouted to the heavens most certainly."

Where, then, does McWhorter draw the line? I asked him to clarify over email, after the debate: "That frat party episode should be protested. The frat brother deserves to be called a racist. However, discussion and debate over obviously less egregious things is fine, but should not entail charges that people are 'racist' from the get go, or even a general rolling implication that 'racism' must be at the bottom of the matter. That is, these discussions should not essentially be show trials."

McWhorter presented a nuance mostly absent from the debate itself. While it's easy to decry a culture that insists not only on protesting controversial speakers, but also on silencing them completely, it's much more difficult to extend that logic to interactions between students, or between students and professors, and claim that speaking out against racism—as students did after the SAE "white girls only" incident—represents a threat to free speech.

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In the end, the vote was sixty-six percent in the affirmative ("Free speech is threatened on campus"), and twenty-five percent in the negative, with nine percent undecided. The affirmative picked up seventeen percent of the vote, and was pronounced the winner.

But as the audience filed out of the Rep, it was difficult to be satisfied with the discourse. In the interest of expanding the scope to "campus" writ large, the details of specific issues at different universities across the country were elided into blunt talking points, and whatever emotions or nuance they might

have contained disappeared entirely. But this was perhaps to be expected: by design, debate is not action, and no one expected this one to settle the centuries-old “free speech” question in an hour and a half. Yet the event purported to offer, if not answers, at least clarity. But on the issues raised in the Silliman courtyard, on Cross Campus, at the March of Resilience, and in private spaces all over the University last semester, it didn’t.