

# CAMPUS SPEECH CONTROVERSY

*Case Study with Ethical Frameworks, Discussion Questions, and Appendices*

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While universities were once considered bastions of free speech, students are increasingly calling for restrictions on speech. The tension university administrators face is between protecting free speech and restricting hate speech. While free speech norms in the United States permit individuals to express even hateful opinions, students often argue these opinions create an unsafe learning environment and should not be permitted. Many university administrators argue that restricting even hate speech can lead to a slippery slope that allows for other restrictions of speech. This case first examines free speech in historical context in the United States, and in theoretical context with John Stuart Mill's *On Liberty*. Then this case explores student activism against hate speech with the theoretical context of identity politics.

This case study was completed under the direction of Dr. Amber Diaz Pearson, The Kenan Institute for Ethics.

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## Introduction

In the 1964-65 academic year, administrators at the University of California, Berkeley prohibited students from distributing flyers about the Civil Rights Movement. In response, students protested the violation of their freedom of speech, creating the Free Speech Movement. The students' activism brought about the end of the University's restrictions on student speech.<sup>1</sup>

In February 2017, over fifty years after the Free Speech Movement, UC Berkeley students were now calling for speech restrictions. The students wanted university administrators to prevent Milo Yiannopoulos from speaking on campus. The Berkeley College Republicans had invited Yiannopoulos – a former editor for the right-wing online news site Breitbart News, who is known for criticizing nearly every social justice movement, and is widely considered a provocateur. His “Dangerous Faggot” college tour, of which Berkeley was a stop, had been frequently protested. Given Yiannopoulos' controversial, inflammatory, and offensive opinions, many Berkeley students called for the cancellation of the event.<sup>2</sup>

On the same campus where students protested for the right to distribute flyers and invite controversial speakers, students were now asking for the administrators to silence a controversial speaker. Similar trends have occurred and are occurring across universities nationwide. While universities were once considered bastions of free speech, students are increasingly calling for restrictions on speech.

The tension university administrators face is between protecting free speech and restricting hate speech. While free speech norms in the United States permit individuals to express even hateful opinions, students often argue these opinions create an unsafe learning environment and should not be permitted. In particular, they argue, hate speech, which by definition targets and demeans an individual based on “race, color, religion, national origin, sexual orientation, disability, or other traits,” creates a learning environment that is unsafe or more difficult to navigate.<sup>3</sup>

Many university administrators argue that restricting even hate speech can lead to a slippery slope that allows for other restrictions of speech. Creating speech codes may also prevent good ideas from becoming accepted: like the UC Berkeley administrators restricting speech about civil rights. They argue that hate speech is best addressed through people arguing and deciding that speech is unacceptable rather than an imposed rule stating the speech is unacceptable.

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<sup>1</sup> Gonzales, R. (2014, October 05). Berkeley's Fight For Free Speech Fired Up Student Protest Movement. Retrieved May 22, 2017, from <http://www.npr.org/2014/10/05/353849567/when-political-speech-was-banned-at-berkeley>

<sup>2</sup> Fuller, T. (2017, February 02). A Free Speech Battle at the Birthplace of a Movement at Berkeley. Retrieved May 22, 2017, from <https://www.nytimes.com/2017/02/02/us/university-california-berkeley-free-speech-milo-yiannopoulos.html>

<sup>3</sup> Debating Hate Speech. (n.d.). Retrieved May 22, 2017, from [https://www.americanbar.org/groups/public\\_education/initiatives\\_awards/students\\_in\\_action/debate\\_hate.html](https://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html)

This case first examines free speech in historical context in the United States, and in theoretical context with John Stuart Mill's *On Liberty*. Then this case explores student activism against hate speech with the theoretical context of identity politics.

## Ethical Framework: Free Speech

Freedom of speech first became a nationally-protected right in the United States in the First Amendment to the Constitution. Over the course of American history and Constitutional jurisprudence, freedom of speech became more than a legal concept, eventually becoming a moral principle. This section first briefly outlines American jurisprudence regarding free speech to provide the legal limits and context of freedom of speech. This section then examines freedom of speech as a moral principle through the context of John Stuart Mill's *On Liberty*.

According to the First Amendment: "Congress shall make no law... abridging the freedom of speech, or of the press." The First Amendment explicitly restricts what laws the United States Congress could make to limit speech. Until the mid-twentieth century, the First Amendment did not prevent state governments from creating such laws. The First Amendment –and rest of the Bill of Rights – was incorporated under the Fourteenth Amendment during the twentieth century. Since the Fourteenth Amendment prohibits states from denying due process, the courts interpreted this as including the Bill of Rights. All this is to say that *the government* is restricted from violating your freedom of speech.

Freedom of speech is also viewed as a moral principle that preserves liberty and democracy. Free speech as a principle is similar to the legal concept, but is applicable to all of society. For example, this means while a private university may be legally allowed to restrict speech, it would be morally unacceptable for the university to do so. The origin of free speech as both a legal concept and moral principle is John Stuart Mill's *On Liberty* (1859). As such, this text will serve as our framework for free speech.

In *On Liberty*, Mill discusses the limits of power that a society can legitimately exercise over an individual. Liberty is the protection against violations of these limits. Mill states that it is impossible to argue for a society "to prescribe opinions to them [individuals], and determine what doctrines or what arguments they shall be allowed to hear."<sup>4</sup> More generally, Mill writes, "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."<sup>5</sup> Mill even considers silencing the expression of an opinion to be an evil because "it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it," regardless of the "truth" of the opinion.<sup>6</sup> For Mill, it is wrong to silence an opinion that is true because then people who hold a false opinion will not be able to correct it. If a false opinion is silenced, then those who hold a true opinion lack the ability to accurately define why it is true in contrast to the falsehood. There are three key justifications for freedom of speech within these quotes: individual autonomy, democratic deliberation, and the marketplace of ideas.

*Individual Autonomy*: Freedom of speech protects individual autonomy, that is, an individual's ability to decide for himself or herself what he or she believes. Free speech protects an individual's right to be a speaker *and* a listener. It is just as important that an individual can hold an opinion as it for others to be allowed to hear that opinion. Mill identifies this by stating the government can neither "prescribe opinions" *nor* "determine what doctrines or what arguments they are allowed to hear." If individuals are not allowed to hear other opinions, or express their opinions to others, it is equivalent to silencing the opinion.

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<sup>4</sup> Mill, J. S. (2002). *The basic writings of John Stuart Mill: On liberty, the subjection of women, and Utilitarianism*. New York, NY: Random House. 17.

<sup>5</sup> *Ibid.* 18.

<sup>6</sup> *Ibid.* 19.

*Democratic Deliberation:* Freedom of speech also protects the ability of a democratic polis to decide for itself. Since an underlying principle of democracy is for the polis to decide for itself, everyone in the society must be free to share their opinion. For the society to best decide, it must be able to hear all opinions of the members and as such cannot be justified in silencing any opinion. That is, silencing dissenting opinions, however unpopular, weakens the democratic process.

*Marketplace of Ideas:* The concept of the marketplace of ideas is the interaction of truth and error Mill discusses in the third quote. It is the concept that ideas compete on their truthfulness, where true ideas will remain in the marketplace and false ideas fail to survive. For the marketplace to work effectively, though, ideas cannot be forced out by society or government because it deprives individuals either of the truth or the ability to better define the truth in contrast to the idea. The marketplace of ideas is the debate and deliberation of ideas, and the idea that can withstand any and all counter-arguments and makes the most compelling argument is what stays in the marketplace and considered “truth.” While this concept is abstract, it provides a useful metaphor for considering restrictions on free speech.

## Speech in Campus Context

One of the most prominent defenders of freedom of speech on college campuses is FIRE, the Foundation for Individual Rights in Education. FIRE advocates for the protection of individual rights on college and university campuses. The organization brings legal challenges against public universities’ rules and speech codes that restrict individual rights.<sup>7</sup>

During the 1980s and 1990s, universities started to implement speech codes to prevent speech that would offend other students. These restrictions were made in reaction to the expansion of education opportunities to women and minorities in the previous decades. With the introduction of new students, university administrators thought that speech codes would reduce the tensions that result from integration. These speech codes typically banned speech that offended a person based on their race, religion, ethnicity, gender, or sexual orientation.<sup>8</sup>

Consider the state of free speech in the University of North Carolina System during 2006. According to a report by FIRE and the Pope Center for Higher Education, Appalachian State banned “insults, taunts, or challenges directed towards another person;” North Carolina Central University banned “statements of intolerance;” and UNC Greensboro created restrictive “free speech zones” which allowed for unrestricted speech only in a certain place at a certain time. While these speech codes were likely designed to protect women and minority students, the codes restricted speech and violated students’ right to free speech.<sup>9</sup>

FIRE addresses speech restrictions at public universities with legal challenges. For example, in 2007, criminal justice professor Mike Adams sued the University of North Carolina, Wilmington for firing him for his conservative political beliefs. FIRE submitted an amicus brief on behalf of Adams. The case went to the United States Court of

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<sup>7</sup> Mission. (n.d.). Retrieved May 22, 2017, from <https://www.thefire.org/about-us/mission/>

<sup>8</sup> Silverglate, H., French, D., & Lukianoff, G. (2012). Guide to Free Speech on Campus (Rep. No. 2nd). Retrieved May 22, 2017, from FIRE website.

<sup>9</sup> *The State Of The First Amendment In The University Of North Carolina System* (Rep.). (2006, January 10). Retrieved May 22, 2017, from Pope Center for Higher Education Policy and the Foundation for Individual Rights in Education website: <https://www.thefire.org/pdfs/c00c456f98e757013fbd3c566e6cb84e.pdf>

Appeal for the Fourth Circuit ruled in favor of the professor, and eventually UNCW settled with Adams for \$700,000.<sup>10</sup>

FIRE addresses speech restrictions with private universities through public pressure. In 2001, Duke University shut down the website of Professor Gary Hull after he posted an article entitled “Terrorism and Its Appeasement.” FIRE brought the case to the media to exert public pressure. As a result of the pressure, Duke administrators reinstated the website, but with a disclaimer that Hull’s views do not represent the university.<sup>11</sup>

In recent years, college students have begun to more frequently criticize free speech and particularly hate speech. These students pressure university administrators to enact more restrictive speech policies that are intolerant of hate speech. The students argue hate speech, if permitted under freedom of speech, causes the targeted students emotional harm and creates an unsafe learning environment. As such, the students call for an end of hate speech.

We will examine incidents at Yale and Oberlin that challenge hate and offensive speech. We will then discuss the ethical justification of the students’ activism, identity politics.

***Yale:***

In October 2015, the Yale Intercultural Affairs Committee sent an email to the student body that asked students to consider whether their Halloween costumes were cultural appropriation, which is “the act of taking or using things from a culture that is not your own, especially without showing that you understand or respect this culture.”<sup>12</sup>

The committee asked students to consider questions like, “If this costume is meant to be historical, does it further misinformation or historical and cultural inaccuracies? ... Does this costume reduce cultural differences to jokes or stereotypes? ... Could someone take offense with your costume and why?”<sup>13</sup>

A master of Silliman College– the term at Yale for faculty who live in dormitories with students and oversee student life – Erika Christakis sent a follow up email to the students of the dorm. As an early childhood educator, Christakis argued that children dress up in costume to pretend play and asked, “Is there no room anymore for a child or young person to be a little bit obnoxious... a little bit inappropriate or provocative or, yes, offensive?” She further, paraphrased her husband Nicholas who was also a master of Silliman, “If you don’t like a costume someone is wearing, look away, or tell them you are offended. Talk to each other. Free speech and the ability to tolerate offence are the hallmarks of a free and open society.”<sup>14</sup>

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<sup>10</sup> Harris, S. (2016, December 02). On Free Speech, Double Standards, and Professor Mike Adams. Retrieved May 22, 2017, from <https://www.thefire.org/on-free-speech-double-standards-and-professor-mike-adams/>

<sup>11</sup> Duke University: Administrative Ban on Faculty Member's Website. (2001, October). Retrieved May 22, 2017, from <https://www.thefire.org/cases/duke-university-administrative-ban-on-faculty-members-website/>

<sup>12</sup> Cultural Appropriation. (2017). In Cambridge Dictionary. Retrieved May 24, 2017, from <https://dictionary.cambridge.org/us/dictionary/english/cultural-appropriation>

<sup>13</sup> Email From The Intercultural Affairs Committee. (2015, November 09). Retrieved May 25, 2017, from <https://www.thefire.org/email-from-intercultural-affairs/>

<sup>14</sup> Stack, L. (2015, November 08). Yale's Halloween Advice Stokes a Racially Charged Debate. Retrieved May 25, 2017, from [https://www.nytimes.com/2015/11/09/nyregion/yale-culturally-insensitive-halloween-costumes-free-speech.html?\\_r=0](https://www.nytimes.com/2015/11/09/nyregion/yale-culturally-insensitive-halloween-costumes-free-speech.html?_r=0)

Students confronted Nicholas Christakis outside Silliman. One student told Christakis, “As your position as master, it is your job to create a place of comfort and home for the students that live in Silliman... You have not done that. By sending out that email, that goes against your position as master.” When Christakis disagreed, the same student yelled, “Then why the fuck did you accept the position!” The recorded confrontation ends with the student telling Christakis, “You’re disgusting.”<sup>15</sup>

The students then organized more formally. On November 10, 2015, students marched across the Yale campus as the March of Resilience. In the Yale Daily News, a student was quoted saying, “Right now, moving forward, we are looking to heal ourselves so that we can strengthen ourselves, regroup and push for specific demands and positive change for the future.” Shortly after, students delivered a list of demands to Yale President Peter Salovey at his house just before midnight on November 12. The demands included, but are not limited to, policies aimed to reduce the racism students experience on campus, support for cultural education programs and mental health support, and the removal of the Christakises as masters of Silliman (Specific list of demands in the appendix).<sup>16</sup>

By December, Nicholas and Erika Christakis sent resignations to the Yale President.<sup>17</sup>

### **Oberlin:**

In April 2015, Oberlin College Republicans and Libertarians invited Christina Hoff Sommers, a self-proclaimed “freedom feminist” and author of *Who Stole Feminism*. She has argued that feminism has become too radicalized, and specifically that the problem of sexual assault on college campuses is exaggerated.<sup>18</sup>

A group of Oberlin students protested the event. The protesters accused Sommers of supporting rapists and perpetuating misogyny. Prior to the event, protesters placed signs outside the event space that said, “Christina Hoff Sommers and OCRL support rapists!”, “Christina Hoff Sommers denies our lived experience of sexual assault”, and “Free speech does not mean hate speech.” At the event, about fifteen protesters sat in the first few rows of the event with their mouths covered with red duct tape.<sup>19</sup>

After the event, a student wrote a letter to the editor in the Oberlin Review in response to Sommers’ talk. The author wrote of Sommers, “By denying rape culture, she’s creating exactly the cycle of victim/survivor blame, where victims are responsible for the violence that was forced upon them and the subsequent shame that occurs when survivors share their stories, whose existence she denies.” The student further argued,

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<sup>15</sup> Ibid.

<sup>16</sup> Stanley-Becker, I. (2015, November 13). Minority students at Yale give list of demands to university president. Retrieved May 25, 2017, from <https://www.washingtonpost.com/news/grade-point/wp/2015/11/13/minority-students-at-yale-give-list-of-demands-to-university-president/>

<sup>17</sup> Friedersdorf, C. (2016, May 26). The Perils of Writing a Provocative Email at Yale. Retrieved May 25, 2017, from <https://www.theatlantic.com/politics/archive/2016/05/the-peril-of-writing-a-provocative-email-at-yale/484418/>

<sup>18</sup> Paul, E. (2015, April 24). Students Protest Sommers’ Lecture. Retrieved May 25, 2017, from <https://oberlinreview.org/8088/news/students-protest-sommers-lecture/>

<sup>19</sup> Oberlin “feminists” accuse Christina Hoff Sommers of supporting rapists. (2015, April 21). Retrieved May 25, 2017, from <http://www.thirdbasepolitics.com/oberlin-feminists-accuse-christina-hoff-sommers-of-supporting-racists/>

“It’s not possible to be neutral about rape culture. A decision not to support survivors/victims is a decision to permit the actions of the perpetrators.”<sup>20</sup>

## Ethical Framework: Identity Politics

The philosophical justification underlying this student activism is identity politics. Identity politics is a political movement that is based on the “shared experiences of injustice of members of a certain social group.”<sup>21</sup> Under this view, individuals are oppressed in society because of their involuntary membership in a group. The individuals unite based on their shared experiences and are defined by membership in the group and the group’s relationship to the privileged group. Oppression is defined as restricting the opportunities of individuals because of their membership in a group. Identity politics aims to address and challenge the oppression that perpetuates the marginalization of a group. Moreover, identity politics challenges the liberal idea of assimilation and calls for respect and acceptance not in spite of differences but rather because of differences.<sup>22</sup>

Identity politics challenges Mill’s liberalism and its fundamental assumption of a homogenous society. Mill wrote when the political society only included white, property-owning men. As liberalism became institutionalized and societies became more inclusive, there became room for identity politics to challenge Mill’s assumption. Liberal democracies allowed marginalized groups to unify and expect that the *de jure* rights of citizenship included *de facto* equality. When that equality was not realized or certain groups did not receive access to the benefits of those rights, criticism arose that aimed to explain the persistence of oppression. The critics argued that liberal democracy cannot address and may even be complicit in the structural oppression of certain groups.<sup>23</sup>

One of the first writers to articulate this was Kimberle Crenshaw. Crenshaw articulates identity politics through intersectionality. Whereas racism often has been defined in relation to the problems black men face and similarly sexism has been defined in relation to the problems white women faced, black women experience intersections of racism and sexism. Crenshaw describes these intersectional experiences of racism and sexism black women face through the lens of domestic violence.<sup>24</sup>

To understand the need for intersectionality, Crenshaw first explains how racism and sexism have been typically addressed in the context of domestic violence. Addressing racism in relation to black men aims to undo the stereotype that black men are abusive and dangerous. Under this perspective, Crenshaw argues, “As a result of this continual emphasis on Black male sexuality as the core issue in antiracist critiques of rape, Black women who raise claims of rape against Black men are not only disregarded but also sometimes vilified within the African-American community.”<sup>25</sup> Similarly, Crenshaw argues anti-sexism addresses sexism in relation to white women and therefore does not consider the experiences of black women. Crenshaw gives the example of anti-domestic violence campaigns that encouraged women to seek help that typically included a white woman saying, “I was not supposed

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<sup>20</sup> In Response to Sommers' Talk: A Love Letter to Ourselves. (2015, April 18). Retrieved May 25, 2017, from <https://oberlinreview.org/8032/opinions/in-response-to-sommers-talk-a-love-letter-to-ourselves/>

<sup>21</sup> Heyes, Cressida, "Identity Politics", The Stanford Encyclopedia of Philosophy (Summer 2016 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2016/entries/identity-politics>.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241-1299. doi:10.2307/1229039

<sup>25</sup> Ibid. 1273.

to be the battered wife.” Crenshaw says that, “This strategy permits white women victims to come into focus, but does little to disrupt the patterns of neglect that permitted the problem to continue as long as it was imagined to be a minority problem.”<sup>26</sup>

Identity politics addresses systems of oppression that marginalize minorities and calls for acceptance and respect for minority individuals. Crenshaw argues that an intersectional approach to identity politics is a more robust way to address racism and sexism because it includes the experiences of a population that are typically not considered.

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<sup>26</sup> Ibid. 1260.

## Discussion Questions

1. How would you use Mill's framework for free speech to justify some restrictions of speech? Can you use Crenshaw's argument justify unrestricted speech? Why or why not?
2. What does a productive dialogue sound like? When did you have a productive dialogue, what was the topic, what was the tone of the conversation, and what was the outcome? If you have not had a productive dialogue, why prevented one from occurring? What conditions are necessary for a productive dialogue to occur?
3. How should a university engage students with policy actions? Does a dialogue between administrators and students exist? If so, where and what does it sound like? If not, what prevents the dialogues from occurring?
4. If you were a school administrator at Yale/Oberlin, what would you have done to address the protests and controversies? How would you justify your behavior with either the freedom of speech or identity politics frameworks?
5. If you were one of the protesting students at these schools, what would you do? How would you advise the other protesters to act to achieve their goals? How would you justify your actions and advice in either the freedom of speech or identity politics frameworks?
6. In 2014, students at Duke University debuted a photo campaign outside the campus student center and online called "You Don't Say." Four sophomores involved with Blue Devils United, an undergraduate LGBT group, and Think Before You Talk, a group that aims to bring awareness about the consequence of offensive language, created the campaign. The campaign consists of pictures of a wide collection of students and the words "I don't say..." superimposed over their image. Students after "I don't say" state the offensive term and why they chose not to use it. For example, one image reads, "I don't say 'That's so gay' because the words gay and stupid are not interchangeable." The campaign has continued for the past three years, and has expanded to include Duke athletes, members of the Duke Health community and other universities.<sup>27</sup>
7. How is this campaign different from the incidents at Yale and Oberlin? How would you evaluate this campaign through the freedom of speech framework and the identity politics framework?
8. Political theorist Will Kymlicka analyzes how to address the concerns of a diverse nation within the context of liberalism. Kymlicka also challenges Mill's assumption of cultural homogeneity. He argues that group representation rights are rights that protect a minority from rights violation by the state and society. He says that this special class of rights is justifiable in a liberal democracy because these protections ensure the ability of minorities to participate in the democracy. An example of these protections is protecting religious and cultural practices, such as Native American groups being granted exemptions from US laws in order to maintain their culture.<sup>28</sup>

Although Kymlicka's theory applies to state actions, we can apply his analysis by analogy to the university setting. Can you justify the student activism at Yale or Oberlin with Kymlicka's theory, why or why not? Is Kymlicka's theory more compatible with freedom of speech or identity politics, why? Which theory do you believe is the best way to address a multicultural society, why?

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<sup>27</sup> Stewart, A. W. (2014, April 30). Duke University students on the 'You Don't Say?' campaign. Retrieved May 23, 2017, from <http://www.cnn.com/2014/04/30/living/duke-you-dont-say-identity/>

<sup>28</sup> Kymlicka, W. (1995). *Multicultural citizenship: a liberal theory of minority rights*. Oxford: Clarendon Press.

## APPENDICES

### APPENDIX A: YALE

#### Email From The Intercultural Affairs Committee<sup>29</sup>

October 27, 2015

Dear Yale students,

The end of October is quickly approaching, and along with the falling leaves and cooler nights come the Halloween celebrations on our campus and in our community. These celebrations provide opportunities for students to socialize as well as make positive contributions to our community and the New Haven community as a whole. Some upcoming events include:

- Haunted Hall Crawl & Costume Ball at Yale Peabody Museum of Natural History
- Grove Street Cemetery Tours, Grove Street Cemetery, New Haven
- YSO's Halloween Show, Woolsey Hall

However, Halloween is also unfortunately a time when the normal thoughtfulness and sensitivity of most Yale students can sometimes be forgotten and some poor decisions can be made including wearing feathered headdresses, turbans, wearing 'war paint' or modifying skin tone or wearing blackface or redface. These same issues and examples of cultural appropriation and/or misrepresentation are increasingly surfacing with representations of Asians and Latinos.

<http://racist-stereotypes.com/>

Yale is a community that values free expression as well as inclusivity. And while students, undergraduate and graduate, definitely have a right to express themselves, we would hope that people would actively avoid those circumstances that threaten our sense of community or disrespects, alienates or ridicules segments of our population based on race, nationality, religious belief or gender expression.

The culturally unaware or insensitive choices made by some members of our community in the past, have not just been directed toward a cultural group, but have impacted religious beliefs, Native American/Indigenous people, Socio-economic strata, Asians, Hispanic/Latino, Women, Muslims, etc. In many cases the student wearing the costume has not intended to offend, but their actions or lack of forethought have sent a far greater message than any apology could after the fact...

There is growing national concern on campuses everywhere about these issues, and we encourage Yale students to take the time to consider their costumes and the impact it may have. So, if you are planning to dress-up for Halloween, or will be attending any social gatherings planned for the weekend, please ask yourself these questions before deciding upon your costume choice:

- Wearing a funny costume? Is the humor based on "making fun" of real people, human traits or cultures?
- Wearing a historical costume? If this costume is meant to be historical, does it further misinformation or historical and cultural inaccuracies?

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<sup>29</sup> Email From The Intercultural Affairs Committee. (2015, November 09). Retrieved May 25, 2017, from <https://www.thefire.org/email-from-intercultural-affairs/>

- Wearing a ‘cultural’ costume? Does this costume reduce cultural differences to jokes or stereotypes?
- Wearing a ‘religious’ costume? Does this costume mock or belittle someone’s deeply held faith tradition?
- Could someone take offense with your costume and why?

Here is a great resource for costume ideas organized by our own Community & Consent Educators (CCEs)  
<https://www.pinterest.com/yalecces/>

Sincerely,

The Intercultural Affairs Committee

**Email From Erika Christakis: “Dressing Yourself,” Email To Silliman<sup>30</sup>**

October 30, 2015

Dear Sillimanders:

Nicholas and I have heard from a number of students who were frustrated by the mass email sent to the student body about appropriate Halloween-wear. I’ve always found Halloween an interesting embodiment of more general adult worries about young people. As some of you may be aware, I teach a class on “The Concept of the Problem Child,” and I was speaking with some of my students yesterday about the ways in which Halloween – traditionally a day of subversion for children and young people – is also an occasion for adults to exert their control.

When I was young, adults were freaked out by the specter of Halloween candy poisoned by lunatics, or spiked with razor blades (despite the absence of a single recorded case of such an event). Now, we’ve grown to fear the sugary candy itself. And this year, we seem afraid that college students are unable to decide how to dress themselves on Halloween.

I don’t wish to trivialize genuine concerns about cultural and personal representation, and other challenges to our lived experience in a plural community. I know that many decent people have proposed guidelines on Halloween costumes from a spirit of avoiding hurt and offense. I laud those goals, in theory, as most of us do. But in practice, I wonder if we should reflect more transparently, as a community, on the consequences of an institutional (which is to say: bureaucratic and administrative) exercise of implied control over college students.

It seems to me that we can have this discussion of costumes on many levels: we can talk about complex issues of identify, free speech, cultural appropriation, and virtue “signalling.” But I wanted to share my thoughts with you from a totally different angle, as an educator concerned with the developmental stages of childhood and young adulthood.

As a former preschool teacher, for example, it is hard for me to give credence to a claim that there is something objectionably “appropriative” about a blonde-haired child’s wanting to be Mulan for a day. Pretend play is the foundation of most cognitive tasks, and it seems to me that we want to be in the business of encouraging the exercise of imagination, not constraining it. I suppose we could agree that there is a difference between fantasizing about an individual character vs. appropriating a culture, wholesale, the latter of which could be seen as tacky, offensive, jejeune, hurtful, take your pick. But, then, I wonder what is the statute of limitations on dreaming of dressing as Tiana the Frog Princess if you aren’t a black girl from New Orleans? Is it okay if you are eight, but not 18? I don’t know the answer to these questions; they seem unanswerable. Or at the least, they put us on slippery terrain that I,

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<sup>30</sup> Email From Erika Christakis: "Dressing Yourself," email to Silliman College (Yale) Students on Halloween Costumes. (2015, November 09). Retrieved May 25, 2017, from <https://www.thefire.org/email-from-erika-christakis-dressing-yourself-email-to-silliman-college-yale-students-on-halloween-costumes/>

for one, prefer not to cross.

Which is my point. I don't, actually, trust myself to foist my Halloweenish standards and motives on others. I can't defend them anymore than you could defend yours. Why do we dress up on Halloween, anyway? Should we start explaining that too? I've always been a good mimic and I enjoy accents. I love to travel, too, and have been to every continent but Antarctica. When I lived in Bangladesh, I bought a sari because it was beautiful, even though I looked stupid in it and never wore it once. Am I fetishizing and appropriating others' cultural experiences? Probably. But I really, really like them too.

Even if we could agree on how to avoid offense – and I'll note that no one around campus seems overly concerned about the offense taken by religiously conservative folks to skin-revealing costumes – I wonder, and I am not trying to be provocative: Is there no room anymore for a child or young person to be a little bit obnoxious... a little bit inappropriate or provocative or, yes, offensive? American universities were once a safe space not only for maturation but also for a certain regressive, or even transgressive, experience; increasingly, it seems, they have become places of censure and prohibition. And the censure and prohibition come from above, not from yourselves! Are we all okay with this transfer of power? Have we lost faith in young people's capacity – in your capacity – to exercise self-censure, through social norming, and also in your capacity to ignore or reject things that trouble you? We tend to view this shift from individual to institutional agency as a tradeoff between libertarian vs. liberal values ("liberal" in the American, not European sense of the word).

Nicholas says, if you don't like a costume someone is wearing, look away, or tell them you are offended. Talk to each other. Free speech and the ability to tolerate offense are the hallmarks of a free and open society.

But – again, speaking as a child development specialist – I think there might be something missing in our discourse about the exercise of free speech (including how we dress ourselves) on campus, and it is this: What does this debate about Halloween costumes say about our view of young adults, of their strength and judgment?

In other words: Whose business is it to control the forms of costumes of young people? It's not mine, I know that.

Happy Halloween.

Yours sincerely,

Erika

### **Next Yale Demands<sup>31</sup>**

Dear President Peter Salovey, Dean Jonathan Holloway, and senior members of the Yale administration:

Next Yale, an alliance of Yale students of color and our allies, have come together to demand that Peter Salovey and the Yale administration implement immediate and lasting policies that will reduce the intolerable racism that students of color experience on campus every day.

In light of recent events, including the exclusion of black women from a Sigma Alpha Epsilon fraternity party, a letter from a Yale administrator condoning cultural appropriation, and the debate surrounding the renaming of Calhoun College, it should now be obvious that the state of the racial climate on Yale's campus is unconscionable. These specific incidents reflect an escalation of a long history of racism at Yale, which has disproportionately harmed women of color.

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<sup>31</sup> Next Yale Demands for the Administration. (2015, November 18). Retrieved May 25, 2017, from <https://www.thefire.org/next-yale-demands-for-the-administration/>

This harm is quantifiable. Students of color at Yale are acutely aware of the painfully short lives of the Yalies of color that came before us. There is a preponderance of evidence that racist environments, like Yale, harm the physical and mental health of people of color, like us.

Over the past week, people of color, especially women, outpoured painful experiences of blatant racism at Yale and organized their peers to demonstrate solidarity and resilience. They spent hours meeting with President Salovey and Dean Holloway—as well as other administrators, faculty, and fellow students—in an attempt to ask for help in ensuring their safety and well-being on campus. President Salovey’s first response was to announce that Yale is now a tobacco-free campus. He spent the vast majority of his second email affirming Yale students’ right to free speech.

Because the administration has been unwilling to promptly address institutional and interpersonal racism at Yale, Next Yale has spent hours organizing, at great expense to our health and grades, to fight for a university at which we feel safe—a university that we would feel happy sending our younger siblings and eventual children to attend.

In the spirit of the nationwide student mobilization demanding racial equality on campus—particularly at University of Missouri, Virginia Commonwealth University, and Ithaca College—Next Yale intends to hold Yale accountable to its students of color in the public eye. The following demands are small but concrete steps toward this goal;

These demands supercede those published by the Black Student Alliance at Yale, as they have been collectively crafted by a diverse coalition of students. We expect students of color to be integral partners in the implementation of these demands.

We expect Peter Salovey to publicly announce his intention to implement these demands by November 18, 2015.

Sincerely,

Next Yale

### **Demands**

1) An ethnic studies distributional requirement for all Yale undergraduates and the immediate promotion of the Ethnicity, Race & Migration program to departmental status

a. The promotion of Native American Studies, Chicana & Latina Studies, Asian American Studies, and African Studies to program status under the ER&M department.

b. Curricula for classes that satisfy the ethnic studies distributional requirement must be designed by Yale faculty in the aforementioned areas of study

2) Mental health professionals that are permanently established in each of the four cultural centers with discretionary funds

a. More mental health professionals of color in Yale Mental Health.

3) An increase of two million dollars to the current annual operational budget for each cultural center.

a. Five full-time staff members in each of the cultural centers

b. Additional emergency and miscellaneous funds from the provost’s office to support the needs of first-generation, low-income, undocumented, and international students

4) Rename Calhoun College. Name it and the two new residential colleges after people of color.

a. Abolish the title “master”

b. Build a monument designed by a Native artist on Cross Campus acknowledging that Yale University was founded on stolen indigenous land.

- 5) Immediate removal of Nicholas and Erika Christakis from the positions of Master and Associate Master of Silliman College
  - a. The development of racial competence and respect training and accountability systems for all Yale affiliates
  - b. The inclusion of a question about the racial climate of the classrooms of both teaching fellows and professors in semester evaluations.
  - c. Bias reporting system on racial discrimination and an annual report that will be released to the Yale community.
- 6) The allocation of resources to support the physical well-being of international, first-generation, low-income, and undocumented students, in these ways, at these times:
  - a. Stipends for food and access to residential college kitchens during breaks
  - b. Dental and optometry services implemented as part of the Basic Yale Health plan
  - c. Eight financial aid consultants who are trained to deal specifically with financial aid application processes of international and undocumented students

## APPENDIX B: OBERLIN

### In Response to Sommers' Talk: A Love Letter to Ourselves<sup>32</sup>

[Oberlin community members](#)

April 18, 2015

*Content Warning: This letter contains discussion of rape culture, online harassment, victim blaming and rape apologism/denialism.*

Dear community members:

The Oberlin College Republicans and Libertarians are bringing Christina Hoff Sommers to speak on Monday, April 20. This Monday happens to be a part of Sexual Assault Awareness Month, which makes the timing of this talk particularly objectionable. Though OCRL advertised Christina Hoff Sommers as a feminist with a “perspective that differs from the general Oberlin population,” they failed to mention that she is a rape denialist. A rape denialist is someone who denies the prevalence of rape and denies known causes of it. Christina Hoff Sommers believes that rape occurs less often than statistics (those which actually leave out a plethora of unreported rapes) suggest. She also believes that false rape accusations are a rampant issue and that intoxication and coercion cannot rightly be considered barriers to consent. OCRL additionally failed to mention that she participates in violent movements such as GamerGate, a campaign that threatened feminists advocating against sexism in video games via threats of death and rape. If you need proof, examples or explanation of that, just Google her. Better yet, look at her Twitter. Here are some examples:

On April 13, Sommers tweeted: “The wage gap is a myth. So is ‘rape culture’ & claims of gender bias in science. But women’s grievance industry goes on.”

On April 15, Sommers retweeted Adrian Chmielarz’s tweet: “Thanks for showing how trolls exploit #GamerGate. This account has NEVER used the tag before.” Chmielarz was referring to a tweet by Feminist Frequency, in which Anita Sarkeesian publicized an offensive tweet from @cox4vox. The tweet contained a misogynistic, anti-Semitic rape threat that used the hashtag #GamerGate. “Reminder: I’ve been bombarded with messages like this one on a daily basis since GamerGate began,” Sarkeesian wrote.

On April 15, Sommers also tweeted: “Looking forward to visiting Oberlin next week. I see my talk is already the focus of a lively campus discussion.” She shared OCRL’s event page with all of her followers on Twitter, after which many of them flocked to the page to defend her viewpoint.

By denying rape culture, she’s creating exactly the cycle of victim/survivor blame, where victims are responsible for the violence that was forced upon them and the subsequent shame that occurs when survivors share their stories, whose existence she denies. This is how rape culture flourishes. By bringing her to a college campus laden with trauma and sexualized violence and full of victims/survivors, OCRL is choosing to reinforce this climate of denial/blame/shame that ultimately has real life consequences on the well-being of people who have experienced sexualized violence. We could spend all of our time and energy explaining all of the ways she’s harmful. But why should we?

Anger is productive, and critiques are necessary. At this point, though, why don’t we stop spinning our wheels and burning ourselves out on conversations with Christina Hoff Sommers’ Twitter followers? We need to let survivors lead the conversation: to let them define their experience for themselves and to let them tell us what they need. We’re never going to get what we need from Christina Hoff Sommers or her Twitter followers, so let’s pull together and take care of each other. She can prioritize debunking statistics on sexualized violence; let’s prioritize each other

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<sup>32</sup> In Response to Sommers' Talk: A Love Letter to Ourselves. (2015, April 18). Retrieved May 25, 2017, from <https://oberlinreview.org/8032/opinions/in-response-to-sommers-talk-a-love-letter-to-ourselves/>

healing from and refusing to tolerate violence. Her talk is happening, so let's pull together in the face of this violence and make our own space to support each other. She exists, but so do we.

From centering survivors, their needs and community support, there are so many ways to engage. It is valid and necessary to both create alternative spaces for healing and to directly challenge the violence that is happening.

A few concrete examples of ways to engage:

1. Listening to your friends who've been harmed
2. Using your social and financial capital
3. Challenging violence and harm
4. Participating in actions and conversations in response to the event
5. Recognizing and prioritizing intersectional feminism and survivor support
6. Genuinely caring for one another
7. Educating yourself on the impacts of trauma and symptoms of post-traumatic stress/reactions
8. Silence

While navigating these many forms of support, it is important to underscore both that safety is a priority and that it's not possible to be neutral about rape culture. A decision not to support survivors/victims is a decision to permit the actions of the perpetrators.

So let's engage in some radical, beautiful community care, support and love. Let's make space for everyone to engage at whichever level they want/need. Let's come through for each other, both now and in the future. Trauma is an experience that threatens a person's bodily, spiritual and emotional integrity. The psychological, emotional and somatic impacts extend beyond the experience of trauma. Healing is a process that looks different for each person. Let's make space to care for all experiences of trauma and to respect those we care for. Let's focus our energy on taking care of each other and ourselves. Let's make her talk irrelevant in the face of our love, passion and power.

Alternate Event: We're Still Here Monday, April 20, 7:30–9:00 p.m. Shiperd Lounge, Asia House

Direct Action (occurring prior to and at the event)

Monday, April 20, 7:00–9:30 p.m. Hallock Auditorium, AJLC

Love,

[Oberlin Students]