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When Free Speech Becomes a Political Weapon

By Kate Manne and Jason Stanley | NOVEMBER 13, 2015

Arnold Gold, New Haven Register via AP
Students and faculty members at Yale U. rally to demand that the university become more inclusive.

Students at the University of Missouri recently succeeded in pressuring the institution's president and chancellor to step down. At other campuses across the country, we are witnessing a wave of similar protests. Frequently, however, the students protesting are being misrepresented and belittled in the news media as childish and coddled. More worryingly still, they are held to be attacking freedom of speech rather than exercising it to call for institutional reform — political action of the very kind this freedom aims at protecting.

What explains this apparent paradox? In a word, propaganda. The notion of freedom of speech is being co-opted by dominant social groups, distorted to serve their interests, and used to silence those who are oppressed and marginalized. All too often, when people depict others as threats to freedom of speech, what they really mean is, "Quiet!"

Recent events at Yale are an important case in point. In late October, in anticipation of Halloween, Yale's Intercultural Affairs Committee sent an email to the student body. While affirming Yale's strong commitment to freedom of speech, it suggested that students be mindful of the perspectives of minority groups when planning their costumes. "Yale is a community that values free expression as well as inclusivity," it read. "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." Not a decade has passed since the last Yale student reportedly celebrated Halloween in blackface.

Some deemed the advice infantilizing and heavy-handed. On October 30, Erika Christakis, associate master of Silliman College at Yale, sent a response to this email to its student residents. She decried the "implied control" and "censure and prohibition from above" which she read into it. Quoting her husband, Nicholas Christakis, master of Silliman, she wrote "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."

The notion of freedom of speech tends to be ambiguous. It is used to refer to both the political right it enshrines, and the ethical ideal it embodies. The former is guaranteed in this country by the First Amendment to the Constitution. Together with the 14th Amendment, this means that nobody's right to express himself or herself may be interfered with by the government. (The few exceptions to the rule — unprotected speech — include acts like falsely claiming "fire!" in a crowded theater, "fighting words," and slander.)

Of course, in order to have genuine freedom of speech, one must also be free to question, contradict, and even lampoon the assertions of others. Also protected is

the right to say that someone else's choice of words was insensitive or inappropriate, or that she ought not to have spoken up in the first place. Censure is not the same thing as censorship; indeed, it could not be. The right not to be censored by the government extends to the right to censure — that is, morally condemn — the speech acts of other people.

This leads to a delicate and controversial question: To affirm the value of freedom of speech, and to keep from silencing others unethically, when may we encourage people to choose their words more carefully, or tell them they ought to have kept silent? When should we say that, although someone had the right to say what he said, his saying it was a problem? Even the most avid proponent of freedom of speech cannot avoid this issue. When people disagree about who should say what to whom — and how — either someone has to keep mum, or someone's speech act will come in for criticism.

Perhaps Erika Christakis did not intend to weigh in on one side or the other of the culture wars. Her remarks nevertheless provoked a strong reaction from some students. This is not surprising, against the current political backdrop. Free speech has become an increasingly politicized issue at Yale and elsewhere. A few months ago, the university's William F. Buckley Jr. Program hosted the New York University social psychologist Jonathan Haidt. In his talk, Haidt invoked notions like freedom of speech and the search for truth to inveigh against "coddled" students. The obvious target was groups who have historically been oppressed and are now increasingly prone to calling attention to microaggressions. Haidt, together with Greg Lukianoff, president of the Foundation for Individual Rights in Education, has argued recently in *The Atlantic* that these students are being immature and oversensitive.

Following Christakis's email, protests erupted among students of color and their supporters. Their political activity has since been written off by many commentators as a silly tantrum thrown in response to a one-off email, rather than a reaction to chronic, structural racial injustice — such as the persistent

paucity of black faculty members and administrators at Yale, the common experience of being the only black student in some classes, and being disproportionately likely to be stopped and asked for ID — or worse — by campus police officers, as students have movingly testified. An article in the *National Review* went so far as to call these students of color "defective people from defective families" — an eyebrow-raising choice of language.

The Christakises are of course not responsible for the tensions their remarks brought to the surface. Indeed, Nicholas Christakis took to Twitter to make some of the very points in defense of Silliman students which we make in this article. Nevertheless, the protesting Yale undergraduates have become pawns in the culture wars, being demonized as threats to freedom of speech, rather than political agents engaged in its exercise. It is therefore past time to lay this myth to rest, and to expose its ideological function.

Consider the structure of the events at Yale. After the Intercultural Affairs Committee sent its original email, Erika Christakis opposed it — not merely its content, but the very act of their issuing it. The students then opposed her opposition — alleging that she ought not to have spoken as she did, given her position as associate master of Silliman College. And many pundits have, in turn, opposed their opposition — holding that the students ought not to be protesting thus. So far, so similar; these speech acts are on a par not only constitutionally, but also insofar as each opposes the one aforementioned.

Given these symmetries, why the markedly different reactions? Part of it is that, when people lower down in social and institutional hierarchies criticize the speech acts of those higher up, it often reads as insubordination, defiance, or insolence. When things go the other way, it tends to read as business as usual.

Why? In a 1988 paper, the Stanford psychologist Claude Steele proposed the existence of "a self-system that explains ourselves, and the world at large, to ourselves. The purpose of these constant explanations (and rationalizations) is to maintain a phenomenal experience of the self — self-conceptions and images — as adaptively and morally adequate — that is, as competent, good, unitary, stable." Self-affirmation theory predicts that members of groups that have benefited from practices of exclusion, and have sometimes been actively complicit (more or less unwittingly) in sustaining them, will experience a serious disruption of their sense of self when confronted by injustice.

The Yale philosopher Christopher Lebron has theorized the ways that privileged whites often subscribe to legitimizing myths in order to maintain their self-conception as good people in a racist society. Presenting oneself as a martyr to the cause of a cherished ideal like freedom of speech is one way to do that. It simultaneously serves to discredit the people calling for change — including, in this case, the resignations of the Christakises from Silliman College. (Not just on the basis of the email, but because of growing discontent with their narrow focus on freedom of speech to the exclusion of actually fostering engagement among Silliman residents. In resigning as masters, the Christakises would remain Yale faculty.)

But didn't Erika Christakis, and most though not all of her defenders, express their views in a much more reasonable tone of voice than the students protesting? Yes. But sounding reasonable can be a luxury. Such speech trusts, even presumes, that one's words will be received by a similarly reasonable, receptive, even sympathetic, audience. Oppressed people are often met with the political analogue of stonewalling. In order to be heard, they need to shout; and when they shout, they are told to lower their voices. They may be able to speak, but have little hope of being listened to.

The Michigan State University philosopher Kristie Dotson describes this predicament as "testimonial quieting," as the philosopher Rachel McKinnon has helped us to see. When oppressed people speak out — and up, toward those in power — their right to speak may be granted, yet their capacity to know of what they speak doubted as the result of ingrained prejudice. And the way in which they express themselves is often then made the focus of the discussion. So it is not just that these people have to raise their voices in order to be audible; it's also that, when their tone becomes the issue, their speech is essentially being heard as mere noise, disruption, commotion. Their freedom of speech is radically undercut by what is aptly known as "tone policing."

Moreover, we often tune into the action only when people have reached a breaking point. And then we wonder why they are yelling, ignoring the history of the crescendo.

Such is the case at Yale. Black students have testified to daily experiences of chronic, structural racism. But it is not the sort of racism that is generally considered newsworthy. It is not the sort of racism that attracts the attention of a largely white audience. There are no black bodies on the pavement to focus on. The violence being done is subtler — and often, as Dotson argues, epistemic.

When a group of adults is dismissed as children, we ought to be highly suspicious that this sort of violence is at issue. The idea that oppressed and marginalized people should "grow up" has a long and ugly history. Women have frequently been dismissed using this stereotype, for instance. And the thing about children is that it is not always possible, nor even desirable, to reason with them. Sometimes they need to be given incentives, negotiated with, or managed — and, in some cases, simply quietened. Calling the student protesters "coddled" serves to excuse those touting freedom of speech as an ideal to spurn it in reality. They are trying to use the master's tools to prevent the master's house from being dismantled — or, as here, the masters themselves from being ousted.

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Correction (11/15/2015, 9:10 p.m.): The original version of this article included an incorrect reference to hate speech as a form of constitutionally unprotected speech. The text has been updated to remove the reference.

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