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Ray Padgett | raypadgett@shorefire.com

Mark Satlof | msatlof@shorefire.com

T: 718.522.7171

Intelligence Squared U.S.

Free speech is threatened on campus

For the Motion: Wendy Kaminer and John McWhorter

Against the Motion: Shaun Harper and Jason Stanley

Moderator: John Donovan

AUDIENCE RESULTS

Before the debate:

49% FOR

27% AGAINST

25% UNDECIDED

After the debate:

66% FOR

25% AGAINST

9% UNDECIDED

Start Time: (18:33:44)

John Donovan:

So at this moment, I would like to bring that gentleman to the stage. And please welcome Mr. Robert Rosenkranz.

[applause]

John Donovan:

Hey, Bob.

Robert Rosenkranz:

Hi, John.

John Donovan:

Good to see you. So, Bob, I know this already that you are a son of Yale yourself.

Robert Rosenkranz:

That's true.

John Donovan:

I noticed, walking around, that there was a building with the name "Rosenkranz" on it, which I'm assuming is just a total coincidence.

Robert Rosenkranz:

It is not a complete coincidence in all truth. But, yeah, I'm very proud of that building. But I'm also proud of another thing that has my name on it at Yale, which is something that my son and I did when we -- together in the connection of the renovation of Pearson College.

18:34:34

And it relates to tonight's debate because it shows some of the insensitivity that was present at Yale when we were there, and that was the rooms that I had were in what Pearson then called "the slave quarters." And I was very pleased that we could get rid of that name and call it "Rosenkranz Court."

John Donovan:

So you did change the name.

Robert Rosenkranz:

We did, indeed.

John Donovan:

So what was Yale like -- you're talking about the early 1960s.

Robert Rosenkranz:

Yeah. I graduated in the class of '62.

John Donovan:

A little sense of what Yale was like and --

Robert Rosenkranz:

Well, again, in the context of this debate, dealing with, to some degree, diversity and inclusion, Yale at that time was a very tricky place if you were Jewish. My class was 10 percent Jewish because there was a quota. Harvard, the same year, was about 40 percent Jewish because it was a little more meritocratic. And there were practically no Jewish members of fraternities, practically no Jews in any of the senior societies.

18:35:42

It was a very sort of tricky place to navigate. But I would say that we felt that we were not angry. We felt lucky to be there. The three most generous members of my class at Yale were all -- are all Jewish and were all scholarship students at Yale. So we just felt like it was our job to adapt to Yale and not Yale's job to adapt to us.

John Donovan:

So we're obviously operating in a different context today. But tie that conversation into the question of free speech.

Robert Rosenkranz:

Well, clearly, Yale has made huge strides and has enormous concerns with the idea of inclusion and diversity. And in a recent statement that -- quite extensive statement that Peter Salovey issued, he started off with a -- with a ringing endorsement of the principles of free speech.

18:36:41

But it's obvious that he felt he needed to do that because there's a perception that there is indeed some tension between the student protests that we're having at campuses around the country and the idea of freedom of speech. And where those two valuable principles come into conflict, I think we have the makings of a debate.

John Donovan:

All right. And we want to make clear, and I'm going to make this clear once we actually start the podcast. Tonight we are not debating what happened at Yale. We are not examining the facts of what happened at Yale. That's not the purpose of this debate. We are talking about a conversation that's taking place on campuses across the nation. That doesn't mean Yale's name will not be mentioned, but this is not an examination of the events of November 2015.

Robert Rosenkranz:

Exactly right.

John Donovan:

All right. Well, we are going to examine that tension that you just referred to. We've got four great debaters who have been preparing for this, taking it very seriously and attempting to persuade you to vote with them at the end of the debate. So let's welcome -- thank Bob Rosenkranz and welcome our debaters to the stage.

18:37:42

[applause]

John Donovan:

One other thing I wanted to mention again, because of the broadcast, but seems like you're already getting it. There are moments in the evening when I'm going to ask you to applaud spontaneously. And so it will be moments sort of when we come back from breaks or when I introduce debaters. So let's launch our program by having you all applaud spontaneously now.

[applause]

John Donvan:

A series of campus protests erupts across the United States. The University of Missouri, Amherst, Dartmouth, Ithaca, Yale, and many other campuses, where the instigating issue is protesters' assertion that their schools are ignoring their complaints of discrimination against minorities.

18:38:43

Before long, however, there is a backlash against the protesters themselves with critics accusing them and their allies of seeking to silence those whose views and statements they find offensive. This accusation is not exactly new. Like the charge of discrimination itself, it has been raised many times over many years. But the recent protests have brought this question back into the foreground. So we are going to test it, to argue it out, to try to shed some light, because -- some light on it, because we think it has the makings of a debate. So let's have that debate. Yes or no to this statement: Free speech is threatened on campus, a debate from Intelligence Squared U.S. We are on the campus of Yale University with four superbly qualified debaters who will argue for and against this motion: Free speech is threatened on campus. As always, our debate will go in three rounds. And then our live audience here at Yale will vote to choose the winner. And only one side wins. We're going to ask you to go now to vote your preliminary position on this motion.

18:39:44

Please go to the keypads at your seat. Take a look at positions number one, two, and three on the keypad. If you agree with the motion, push number one. That is your position. Number one is, "Free Speech Is Threatened on Campus," If you disagree, push number two. That means that you oppose this motion. You disagree. And if you start out undecided, push number three. Number three registers you as "undecided." You can ignore the other keys. They are not live. And if you push the wrong button, just correct yourself. Push the right button and the system will lock in your last vote. Okay, it looks like everybody's done. Our motion, once again, "Free Speech Is Threatened on Campus." We are on the campus of Yale University. However, we are not debating the events that took place in November 2015 at Yale.

18:40:41

We are talking about a debate that's taking place on campuses across the country where a tension has erupted that we are going to try to examine tonight. As always, our debate goes in three rounds. We're going to start shortly with round one. But, first, please let's meet our team, debating, the team arguing for the motion, "Free Speech Is Threatened on Campus." Please, let's welcome, ladies and gentlemen, Wendy Kaminer.

[applause]

And, Wendy Kaminer, you're a writer. You're a lawyer. You're a civil libertarian. You've published eight books. You've written a lot about this topic. But to give the audience an idea of where you're coming from on the issues, in response to the assertion that is sometimes made that harassment really is about making someone uncomfortable, you have declared yourself a harasser because you say, quote, "You strive to make at least a few people uncomfortable every day." Does that mean we're going to be in for an uncomfortable night with you?

Wendy Kaminer:

Well, I hope to make people a little bit uncomfortable because ideological comfort is not so different from ideological complacency.

18:41:44

We are, however, on the radio, and that will keep me in bounds.

[laughter]

John Donovan:

Okay. So there are some limits. Ladies and gentlemen, Wendy Kaminer.

[applause]

And, Wendy, please tell us, who is your partner?

Wendy Kaminer:

My partner is the judicious Professor John McWhorter of Columbia University.

John Donovan:

Ladies and gentlemen, John McWhorter.

[applause]

John, you are a professor of linguistics at Columbia, also the author of several books mostly focused on language, many focused on language, but you are also well known over the years for your commentary on race and culture. That writing some have described as quite controversial. But we want to ask you: Is there a shift in tone when you're writing about linguistics and when you're writing about race and culture?

John McWhorter:

Not really, actually it doesn't get around as much. But I am as unpopular in some linguistic circles as I am in others. They do not let me join in their reindeer games.

[laughter]

And so I guess I'm an equal opportunity controversialist.

18:42:46

John Donovan:

All right. Ladies and gentlemen, John McWhorter and the team arguing for the motion.

[applause]

And that motion, again, "Free Speech Is Threatened on Campus." We have two debaters arguing against it. Please welcome Shaun Harper.

[applause]

Shaun, you're a professor in the Graduate School of Education and executive director of the Center for the Study of Race and Equity in Education at the University of Pennsylvania. That center does interdisciplinary research on issues of race and education. But it also acts as a consultant for other campuses. And considering recent events, we're wondering how often have other campuses recently reached out for your consulting?

John McWhorter:

As you might imagine, there has been a significant increase in the demand for our campus climate work since November. And this past December, we brought together 8,000 college presidents and other senior leaders who came to us for guidance on how to respond to racism on their campuses.

18:43:46

John Donovan:

Eight thousand.

John McWhorter:

Eight thousand.

John Donovan:

All right, well, it certainly shows there's interest in there. Ladies and gentlemen, Shaun Harper.

[applause]

And, Shaun, your partner is?

Shaun Harper:

The brilliant Yale University professor, Jason Stanley.

John Donovan:

Ladies and gentlemen, Jason Stanley.

[applause]

Jason, you're getting that hometown crowd applause. You've written four books, most recently on -- one on social and political philosophy called, "How Propaganda Works." And you do teach philosophy here at Yale where, as we've said, student protests have captured the media -- captivated the media. We are not going to be debating the merits -- the facts of what happened at Yale. But we do want to ask you at the opening as a member of this community, what was one thing you think that the media got wrong?

Jason Stanley:

Well, the media narrative is that our student movement was caused by an email. But to me, that's like saying that the French Revolution was caused by a comment by Marie Antoinette.

18:44:44

John Donovan:

So, there's more context, is what you're telling us.

Jason Stanley:

Indeed.

John Donovan:

I think we get that. Ladies and gentlemen, the team arguing against the motion, Free Speech is Threatened on Campus.

[applause]

Now, this is a contest. It's a debate. These debaters are trying to persuade our live audience here at Yale University to vote with their side. The way that we work this is we have the audience vote twice -- once before it has heard the arguments and once again after the arguments have been made and the debate has wrapped up. And the way we declare victory is the team whose numbers have changed the most between the first and the second vote, the difference between the first and the second vote, in percentage point terms, will be declared our winner. So, remember how you voted just

before the debate began. We're going to have you vote again right after the debate. And again, I want to emphasize that it's the difference between the two votes that determines who has won our debate. On to Round 1. Round 1 will be opening statements by each debater in turn. They will be uninterrupted. Those statements will be six minutes each.

18:45:44

And here to speak first for the motion, Free Speech is Threatened on Campus, I want to welcome to the lectern Wendy Kaminer. She is a member of the Massachusetts State Advisory Committee to the U.S. Civil Rights Commission and adviser to the Foundation for Individual Rights in Education. Ladies and gentlemen, Wendy Kaminer.

[applause]

Wendy Kaminer:

Thank you. I'm very pleased to be here, and I want to acknowledge at the outset that we are all here tonight debating free speech because it is still valued on campus. But it is also true that we are debating free speech because its values are under siege. At the University of South Carolina, students have been investigated for discrimination for advocating free speech, for holding a small free speech event, displaying posters describing recent campus censorship cases. They were investigated after a few students complained that the posters were offensive and triggering.

18:46:42

At a California college, students had to go to court to vindicate their right to distribute copies of the Constitution on Constitution Day. These are not anomalous cases. They are typical. Speech policing of faculty, students, and speakers has become routine. You could look it up at TheFire.org. For now, I'd like to review some of the ideas behind his hostility toward free speech. And also, to note the role of government censorship on private as well as public campuses. My partner, Professor McWhorter, will talk about how we regard and respond to ideas. He will elaborate on the meaning of free speech. Campus speech codes date back decades. This is not a new debate. But it has intensified in recent years, partly in response to guidelines issued by the U.S. Department of Education.

18:47:42

President Obama has criticized the clampdown on student speech, but his own administration is responsible for some of it. The Education Department has declared that Title IX requires all colleges and universities receiving federal funds -- which is basically all of them -- to restrict verbal harassment, especially sexual harassment, in allegedly hostile environments. The trouble is that the administration defined

harassment quite broadly, more broadly than it has been or should be defined under the First Amendment -- so broadly that it may consist of nothing more than speech of a sexual nature considered unwelcome by some students. Title IX has been turned into an ad hoc national campus speech code, as the investigation of Northwestern professor Laura Kipnis has shown. Kipnis was investigated after publishing an article on sexual politics in the Chronicle of Higher Ed.

18:48:42

She's a tenured professor who vigorously challenged the investigation and debunked it in a scathing expose. And she escaped punishment. But it's easy to imagine the effect of this on untenured junior faculty. Now, courts may yet decide the legality of these contested Title IX guidelines, but in the meantime, the government is censoring campus speech. How did this regime evolve? It is partly a response to concern about free speech, and campuses struggling with diversity and the problem of sexual violence. It is practically axiomatic on many campuses that speech considered hateful to disadvantaged or vulnerable students is a form of discrimination or even violence. Whenever people want to restrict speech, they call it "verbal conduct." Free speech is said to be an instrument of privilege used to silence the relatively powerless.

18:49:40

This means that equality requires the unequal distribution of speech rights, but also means that the right of listeners not to be offended can be elevated over the right to speak, which means that your right to speak may depend on the unpredictable, subjective responses of your audience. But free speech can't consist simply of what people don't mind hearing said. But words are weapons, advocates of restricting hate speech like to say, and I agree, words are weapons. That's precisely why we protect them. Weaponized speech is the ideal form of nonviolent political combat. It is especially important to people in positions of relative powerlessness. It has fueled virtually every moment for social change and social justice, including today's student protest movements which you might point to as evidence that free speech is thriving on campus.

18:50:42

The trouble is that so many of these movements aim to punish and suppress other people's speech by labeling them "micro aggressions," "forms of discrimination." Again, it's called "verbal conduct," or even likening it to violence. But there are essential, it seems to me, extremely obvious and important differences between the metaphoric violence of the word and actual violence. And that's a distinction that is often lost in these debates. But when you confuse the metaphoric power of allegedly hateful speech with actual violence -- and I think this is important. When you confuse the metaphoric power of hate speech with actual violence, you risk justifying the use of violence in

response to speech. So I urge you to vote yes on the motion, that free speech is threatened on campus. And I hope you'll agree that that is not a good thing. Thank you.

18:51:44

[applause]

John Donovan:

Thank you, Wendy Kaminer. The motion is Free speech is threatened on campus is threatened on campus. And here to speak against the motion, Jason Stanley. He is the Jacob Urowsky Professor of Philosophy at Yale University, author of the book, "How Propaganda Works." Ladies and gentlemen, Jason Stanley.

[applause]

Jason Stanley:

Wendy, I'm afraid I'm going to have to respectfully disagree with you. Free speech is alive and well in America's universities as you will see if you walk around this campus. Debate and discourse in classrooms, dining halls, dormitories, and even drama school stages, as our gathering tonight proves. Tonight may seem special with the lights and cameras and a distinguished moderator. But what is truly special is that what we are doing is what we are supposed to be doing on campus, thinking, arguing, speaking, listening, agreeing, and disagreeing. And this happens in every imaginable way on campuses across Connecticut and our nation.

18:52:45

I teach here as do David Brooks, Stan McChrystal and people of all different political persuasions. We're on a campus, after all, where one of the most popular courses sings the praises of Henry Kissinger. I have debated the Yale Political Union in the past year, so has John Ashcroft and Bob Levy, chairman of the Cato Institute. William F. Buckley's debate with Gore Vidal is a tradition to which Yale -- we Yalees lay proud claim. I'm a philosopher, so I'm going to begin where my tribe often begins, with Aristotle. In book one of "The Politics," Aristotle says that "the gift of speech is given to us to lay -- to lay out the expedient from the inexpedient, the just from the unjust." And these lines are extremely relevant to our current debate. Contemporary students stand accused by some of violating the liberal idea -- ideal of free speech.

18:53:48

In fact, many students are using the gift of speech as we western philosophers were taught it was meant to lay out the inexpedient and unjust. As Mark Lamont Hill said on ABC back in November, August 9th, 2014 started everything, right after Michael Brown was killed in Ferguson. We see protests all around the country. And these young

people haven't stopped protesting. They haven't stopped talking, and so we're raising other issues. Police killings of unarmed black citizens began to get more media attention, a catalyst for a social movement that swept the nation, and as always, swept up our campus, campuses with it. We must consider that it is actually the ones who criticize these students for being cry bullies who are the threats to free speech.

18:54:43

Some cast today's campus climate as attention between antiracism and free speech. This is a false dichotomy. We've seen this pattern before. Those guilty of something often accuse others of the purported crime. We must consider the possibility that what is really happening is that the language of free speech has been coopted by dominant social groups, distorted to serve their interests, and used to silence the marginalized. All too often when people cry for justice and represent that it threatens the free speech, what is really meant is just "be quiet." A senior philosophy major told me that my class was the first in which she had encountered any woman or person of color on the syllabus.

18:55:40

And I'm wondering, what's a coddled, safe space then? Is it one in which white men like me are never exposed to the idea that women have minds? Exercising free speech to urge someone not to say or do racist things is not the denial of the right to say racist things. When I ask my mother to stop nagging me -- which I do a lot -- I am not denying her the freedom of speech. Many of us believe racist statements are false. So when we call a statement racist, what we're doing is we're putting into question a perceived falsehood. And how could that be in tension with the mission of the university, which is the pursuit of truth? The act of protesting is not the denial of free speech. It is the exercise of free speech.

18:56:44

What's happening on more -- on campuses today is more speech, not less. Voices too often unheard are kept at the margins, are finally being raised and being heard. A central purpose of the university is to allow disputes that too often happen on the battlefield to occur in campus -- on campus and in classrooms instead. I for one am glad that robust discourse, sometimes difficult, is taking place on our campuses. When I hear that student protesters -- protests are silencing and intimidating people, I scratch my head. Students are advocating for open political discussion, sometimes heated, and justice for all. That is what we philosophers were taught freedom of speech is. As a philosopher, it is especially fitting that we debate this topic in a forum much like the one envisaged by Aristotle.

18:57:45

The resolve is: free speech is threatened on campus. Our very gathering tonight proves that it's not. Thank you.

[applause]

John Donovan:

Thank you, Jason Stanley. And a reminder of where we are, we are halfway through the opening round of this Intelligence Squared U.S. debate. I'm John Donovan. We have four debaters, two teams of two, fighting it out over this motion: Free speech is threatened on campus. You have heard the first two opening statements and now on to the third. I'd like to welcome to the lectern John McWhorter. He is a professor of linguistics at Columbia University, author of "The Language Hoax: Why the World Looks the Same in Any Language." Please welcome John McWhorter.

[applause]

John McWhorter:

Thank you very much. It's often said, as Jason just reminded us, that students and professors and administrators who are painting today's college campuses as "hot beds" of racism, sexism and other kinds of description, are just whining, are just crybabies.

18:58:52

That is definitely a highly flawed argument. In terms of the protests that we're seeing, there are many valuable points. If I had been an undergraduate at Princeton, I would always have been appalled, whether or not anybody told me to be appalled, at Woodrow Wilson being emblazoned on buildings. I completely get that. 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. And furthermore, the idea that we're ever going to have perfectly free speech on a campus is ridiculous. That is boilerplate for editorials because no college campus worth the name would have completely free speech. We're not going to have a debate about whether or not genocide is okay.

18:59:45

We're not going to have a debate about whether or not slavery is okay. Those things are not subject to free speech. We're going to let those things alone. They are things that one must let pass. Our problem today is that we're being taught by many people that, that zone that genocide and slavery and women occupies is much more crowded than it is. Many of the things that we're being told we shouldn't even discuss and that the mere discussion of it constitutes a space becoming unsafe are really things which in an intelligent and moral environment people will reasonably have discussions

about. So, for example, does affirmative action continue forever and for what reason? One can debate the various places it might go. To bring it up, however, does not make somebody an immoral person. What is cultural appropriation?

19:00:43

What is the line between cultural appropriation and cultural mixture? 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. How perfect do we want society to be in the sociological sense? Micro aggression is real. I've written about it. How do we respond to it? What constitutes a micro aggression? What we're dealing with is a general argument which indeed has become higher pitched since Ferguson in favor of a leftist position. And I am glad. However, what we're too often being told is that the leftist position is truth incarnate and that on that position, if on no other one, there can be no further debate. And that's problematic. It's problematic on a campus, for example, because it's fundamentally anti-intellectual.

19:01:43

It simply does not involve what most of us would consider cogitation or constructive thoughts. So, for example, too often language is being misused. Safe space is not an argument simply because both words begin with S. Black body is not an argument simply because both words begin with B. The word, "justice," is not an argument. Justice is very complicated, as Aristotle told us very well. We have to be careful how we use language and understand that these things are not, as one might say, "black and white," or the idea that, that which offends me is wrong is anti-intellectual. It simply isn't logically that simple. They give you one because we're talking about real things here, the idea that if you are black, which I think I am, and you are in a classroom and you're asked to represent the black experience, that, that's racist, okay.

19:02:46

I remember how that felt. I didn't like it either. But the idea that, that constitutes a micro aggression, that, that's racist, that's up for debate, given that often affirmative action is justified on the basis of we, black students, doing exactly that in classrooms. That's hard. It's worth debate. It's not as simple as we're being told. Instead I'm afraid that what we're seeing on one campus after another is an idea that shaming people and shutting them down via the ample use of buzzwords and slogans and sonorous cadence is somehow okay when it comes to espousing a leftist agenda. It's as if we're at the end of ideas. I don't think that that's appropriate, and I highly suspect that a lot of people watching this and listening to this are not scratching their heads at the idea that this shaming and shutting down is happening.

19:03:48

Frankly, there is no possible disagreement. It is happening. The only question is whether or not that's justified. Many reasonable people would suppose that it's not justified. And for that reason, and only that reason, I think we can say, "Free Speech Is Being Threatened on College Campuses." I think you should think so as well. Thank you.

[applause]

John Donovan:

Thank you, John McWhorter. And that is our motion, "Free Speech Is Threatened on Campus." And here to make his opening statement against the motion, Shaun Harper, a professor in the Graduate School of Education, Africana Studies and Gender Studies at the University of Pennsylvania. Ladies and gentlemen, Shaun Harper.

[applause]

Shaun Harper:

I recently spoke at a large, predominantly white university, where I met Damien [spelled phonetically], a black undergraduate man who shared with me a disturbing story.

19:04:43

Damien was the only non-white person in a large, 200-person lecture-style engineering course. It was a very rigorous course, Damien said. At the beginning of one class session, the professor told seven students who had received perfect scores on a previous test that they were excused from class and exempt from the remaining exams in the sequence, which is a really generous deal, right? As the seven students began to gather their belongings, they walked down the stairs of the lecture hall, one by one. And according to Damien, they had to walk past the professor's podium to get out of the classroom door. Six of them exited the lecture hall uninterrupted.

19:05:40

It was only the seventh, Damien, the only black student in the class, who was stopped by the professor, who said to him, "Wait, you got 100 percent?" in a tone of shock and disbelief. Some version of this happens over and over again to students of color on predominantly white campuses. I repeatedly hear stories like this one at just about every single institution where we go -- the center that I direct at Penn, where we go to assess the campus racial climate. Damien was embarrassed. He was hurt. But he said nothing to his professor. Students who participate in our climate studies often tell us that they say nothing to their professors, to administrators, to campus police officers, and to their peers when they say hurtful things to them that contaminate their experience on predominantly white campuses.

19:06:51

Proponents of the motion we are debating tonight would likely argue that maybe Damien was being too sensitive -- or for sure, it would have been outrageous, had he told the professor that what he did to him in that lecture hall that day felt racist to him. My debate partner, Jason Stanley, and I intend to convince you that it was Damien's -- not the professor's -- freedom of speech that was suppressed in that moment. What we saw at the University of Missouri, here at Yale, and on dozens of other predominantly white campuses across our nation last fall were students of color finally exercising their freedom of speech.

19:07:46

Ryan Wilson, a Yale undergraduate who is my guest tonight, wrote a beautiful column in the student newspaper here addressing the Halloween costume incident that occurred here last semester. Ryan explains in his column that Yale's InterCultural Affairs Committee sent out an email encouraging students to consider the unintended consequences that wearing certain costumes could have on their peers and on the sense of community here on campus. Notice that Ryan did not say in his column that the email forbade students from wearing racist or otherwise offensive costumes, but rather encouraged them to consider the marginalizing effect of their choices on other students. That's all. There was no policy that said, "You can't wear your racist costume."

19:08:43

It's just encouraging people to consider the effects of their actions. Jason and I invite our opponents to present us more than a handful of written, institutional policies -- where it's been put in writing that you can't say certain things. You can't wear certain costumes. Sure, students would be encouraged to do or not do something. But I, as a higher education scholar who studied thousands of colleges and universities, have never seen a written institutional policy. Ryan goes on to say in his column, and I quote, "Many welcomed the email, glad that Yale administrators were acknowledging the need for sensitivity. To many students, including myself," he says, "the email meant that the voices of minority and marginalized students were finally being heard" end quote. Ryan, like the now thousands of students of color who participated in my center's campus climate studies was not attempting to shut down conversation.

19:09:48

Instead, he wanted the voices of marginalized students like his -- like himself, to finally be heard. When a person of color says that "What you just said to me sounded or felt racist," we're not attempting to shut down the conversation. In fact, it's exactly the opposite. We are inviting you to engage with us. We're inviting you to learn, right? I mean, it is a university after all. Should this not be the place where one learns that thing

that all Muslims are terrorists and all Mexicans are rapists is extremely problematic? Surely, John and Wendy do not believe that we should send college-educated persons into the world without some understanding of how their speech and actions might unknowingly harm others.

John Donovan:

Shaun Harper, I'm sorry, your time is up. Thank you very much.

19:10:44

[applause]

And that concludes round one of this Intelligence Squared U.S. debate where our motion is: Free speech is threatened on campus. Now we move on to round two. Round two is a little bit more free form. It's where the debaters take questions from me, they address one another directly, and they will take questions from you and our live audience here at Yale. Our motion is this: Free speech is threatened on campus. The team arguing for the motion, Wendy Kaminer and John McWhorter, have painted a picture of college campuses where they say speech policing is routine, where only certain ideas are considered to have legitimacy. They do not dispute that some issues are taboo for talking about, teaching about, but that the list has grown, they say problematically wrong. They argue against making a conflation between speech and verbal conduct. They say that weaponized speech is in fact the ideal form of nonviolent combat and that there's an atmosphere on campuses such that it's threatening to junior staff who are not tenured, and worried about what they're saying getting them into trouble in terms of their careers.

19:11:50

The team arguing against the motion that free speech is threatened on campus, Jason Stanley and Shaun Harper, they dispute almost every assertion that their opponents have made. They say that the episodes of actual censorship, institutional policy are exceedingly rare. They also argue that the impulse to complain about offensive speech is not an impulse to silence, but an attempt to improve the quality of conversation to lay out, they say, the expedient and the unjust. And they suggest because somebody calls you a racist does not mean that you don't get to keep talking, that it's not actually something that absolutely has to silence you. And on the whole, they make the argument that free speech has been advanced by the events that have taken place on college campuses over the last several months. I want to -- we have -- several kinds of arguments have been made, including just what are the facts about what is -- what are happening on campuses in terms of the material things that we can see and measure.

19:12:46

We've heard about the fact that this event is taking place. This is an exercise in free speech. It -- we've looked at situations where people have been fired or punished for things they have said. And I just want to examine some of that. And I want to go to Wendy Kaminer first. And Jason Stanley laid out the fact that, for example, here at Yale, he went through a long list of invited speakers whom he argues, quite persuasively, represent in themselves a broad range of political diversity. And so his challenge to you is, listen, if Yale or any other university were dedicated to putting forth one point of view, those speakers would never be on campus. So what's your response to that?

Wendy Kaminer:

We're not here arguing absolutes. Neither John nor I are saying that there is no free speech on campus. We're saying that there is free speech on campus. There are also threats to free speech on campus.

19:13:40

We've seen a lot of cases of speakers, for example, being disinvited, either under pressure from students, disinvited by the administration. Shaun, I think, challenged us to come up with --

John Donovan:

Right. He said you only have a handful of instances where it's an institutional policy.

Wendy Kaminer:

There are about -- about half of the colleges and universities in this country have speech codes that prohibit some form of offensive speech. The terms are very vague. It's either "offensive, demeaning, derogatory," sometimes the speech code refers to "jokes." Sometimes they just refer to "gestures." You know, Shaun, I'm sorry that I can't name them all off now. There are hundreds of them. There are too many to memorize.

John Donovan:

All right. Let's let Shaun --

Wendy Kaminer:

But if you go to thefire.org and do a search for speech codes, you will find them.

John Donovan:

All right, so, Shaun, your opponent, Wendy Kaminer is saying that it's far broader than a handful.

19:14:41

Shaun Harper:

Sure. So codes are meant to guide, they're not policies. And furthermore –

Wendy Kaminer:

No, they are policies.

Shaun Harper:

Okay, well, furthermore, then, so these policies, when they're written, they're often intended to not cross the line to hate speech and to not cross the line of persistent harassment. They're not just little silly jokes that one could make about someone. That's not what these speech codes how.

Wendy Kaminer:

But that's how they're sometimes enforced. Can I give you one example?

John Donovan:

Sure, one example.

Wendy Kaminer:

A Brandeis professor, a tenured Brandeis professor, been there for many years, was subject to a secret investigation for racial harassment, found secretly guilty of racial harassment because he uttered the term "wetback" in class in the course of explaining its use as a pejorative. That's not an unusual case. We see cases like this all the time.

John Donovan:

Okay, let me stop you there and ask Jason Stanley. Is it -- your opponents are saying that it's not unusual. You're making the argument these are outlier cases.

19:15:44

Jason Stanley:

These are outlier cases, clearly. There's a huge literature in my discipline of philosophy on slurs, and there's two different theoretical positions that if you are using the slur, then you -- then -- then you also aren't -- if you're mentioning the slur, just, you know, you're talking about the word, then you're still slurring, and the other view says, "No, you're not slurring." So I have been at a million talks, discussions. I've taught classes where I and others have used many slurs. I've taught at five different university campuses, from state universities to Ivy League campuses. So I'm just not seeing the point about slurring. And some of the other cases -- can I address one case that Wendy mentioned in her opening remarks?

John Donovan:

All right. And after that I want to get to John McWhorter.

Jason Stanley:

So the Laura Kipnis case, which I just think, having been connected to the philosophy department at Northwestern University, the -- which is a complicated sexual harassment case that involved many people in my discipline, it's been factually misrepresented in the media.

19:16:53

Kipnis was asked to retract factual claims about a very sensitive, complex sexual harassment case that involved members of my community. And I believe she shouldn't - they shouldn't have asked the administration to legally do this. But I think to take that very complicated personal case and use it as some kind of example is wrong to --

John Donovan:

All right. Let me bring back -- bring it back to John McWhorter. And this -- this issue of whether we're talking about outlier cases or a general and powerful trend.

John McWhorter:

Jason and Shaun, I think we might be talking about different things, because it seems to that, really, this debate should be about whether or not certain things that are undeniably going on are justified or not.

19:17:39

And so, for example, if the president of Claremont McKenna has to resign because she has been arguing in favor of bringing disadvantaged students in, but says we need to bring students in who don't fit the mold, and that's determined to be hate speech, clearly, whether or not there was any actual code that stipulated this, there's something going on. Now, the idea that that was just an exception seems rather odd when I'm just assuming that our audience here, both physical and virtual, are here because we've been reading the news for the past year --

John Donovan:

But John --

John McWhorter:

-- and we've seen so many of these episodes, such that in addition to -- very quickly. I lost count of how many students in my office at Columbia I've had tell me that the atmosphere chills them in terms of feeling they can talk about these things. And we read about this in the newspaper all the time on campus --

John Donovan:

All right. Let me bring it back to Shaun Harper. So your opponents are arguing that the cases they're citing are tip of the iceberg. And we may reach an impasse on this, where you simply say no.

Shaun Harper:

Yeah, I couldn't disagree more.

19:18:39

I mean, listen, there are over 5,000 colleges and universities in the country, and many of their presidents say reckless things, and they are not being called to resign or demanded to resign as was the case that you laid out at Claremont McKenna. So I agree with my debate partner here that the examples that are being cited are -- they're outliers. And I would love to know how the story concludes with the Brandis professor. Was the person fired? So the person was apparently, secretly investigated for saying these things. Well, you know, I met a student last week who told me that his professor, on the first day of class, looked into the audience and said, "I want all of the pretty women to sit in the first two rows of class." That professor -- somebody should probably pull him aside and say that, you can't say these kinds of things to women because not only is it offensive to the women, it's also instructive to everyone else in the audience, all of the men. It says to the men that, yeah, it's okay for you to leave from here and go off into the world and become a Congress person or a CEO or something, and say these things to women, without any sort of consequence. So --

John Donovan:

[inaudible]

Male Speaker:

-- yeah.

[laughter]

John Donovan:

John McWhorter just said he feels he's being mischaracterized.

19:19:46

Do you want to yield to your partner or do you want to take that, John?

Wendy Kaminer:

I will yield to him for a moment, and then I want to make a point.

[talking simultaneously]

John Donovan:

That means they get two in a row--

John McWhorter:

Shaun, I am all in favor of educating people about these sorts of things. The sorts of things you're talking about certainly should not go on. But the question here, the analogy is somebody who trashes the kitchen every time they make a meal and then somebody comes in and defends them, saying, "Well, they should be able to eat," the issue is degree. Yes, people should be taught not to say these disgusting sorts of things. But the sorts of careers that are being wrecked, the people who are being disinvited from campus after campus for wanting to say rather reasonable things, there's a new mood in the air. And I don't think it does this debate any good to pretend that that mood has been something created by NPR and the New York Times.

John Donovan:

Very briefly, Wendy.

Wendy Kaminer:

I just want to say quickly that --

[applause]

-- I think in many ways we're talking past each other.

19:20:40

You guys have suggested that we are somehow saying that student protests are violations of free speech. I strongly defend the right of students to protest anything they want to protest in however many uncivil terms they want to use. The problem is that a lot of these protests are aimed not at trying to convince other people not to use certain kinds of language but to try to get them punished for using language, to try to get administrative sanctions, to -- you know, that -- to try to enforce these multiple speech codes that prohibit this kind of language.

John Donovan:

Okay, any truth to that? Let me bring in Jason Stanley.

[applause]

Jason Stanley:

So it is true that campus codes did make the 13 list. If you look at all the student demands across the country, in the top 13 campus codes, a demand for campus codes was 12th, mentioned by a tiny fraction. But I just want to mention what I think is the underlying issue here, and it's hit by John in his opening remarks, leftism.

19:21:48

As usual, leftism, the idea that leftism is a threat, that leftism is threatening free speech, this is not a new point.

[laughter]

And the claim -- as a leftist, I can tell you -- I can tell you -- Noam Chomsky told me he has never been invited to a political science department to speak despite his many, many books. It -- sure, there's a problem of leftism in physics departments that only have 5 percent Republicans. But I think that it's very telling what the issue is. It's always tough to be confronted with one's political views. All of us on the right or the left, you know, it's tough. As a leftist, my students who are conservative confront me. And it's tough, and I'm embarrassed. And I'm saying -- I say, "I'm sorry. I'm going to try to not do that agenda," and I go home.

19:22:42

And I get hate mail for my political views. That's what happens in political debate.

John Donovan:

And you're saying that hate mail does not silence you. Your point is that the criticism is not -- is not -- does not have the effect of silencing.

Jason Stanley:

My family -- my wife here would like me to back off some of my leftist speech. And so --

John Donovan:

Okay, but let me take that point then to John McWhorter, because you and Wendy have made the argument that if a person is accused after making a statement of being racist, that, that has an almost -- it almost enforces silence, that, that person --

Wendy Kaminer:

No, no.

John Donovan:

You're not saying that?

Wendy Kaminer:

No, no. I'm --

John Donovan:

Because you talked about shaming, you talked about the power of shaming.

Wendy Kaminer:

No, I -- no, I didn't talk about the power of shaming.

John Donovan:
John?

[laughter]

Wendy Kaminer:
I -- look, I've been accused of being a racist --

John Donovan:
I have the word, "shaming," written down in my pretty good notes.
[laughter]

Wendy Kaminer:
I don't think it was from me. I've been accused of being a racist. That's fine. I mean, I don't really mind when people call me names because I think they're mostly discrediting themselves. What we're saying is, is that when you ask that someone who you consider has made a racist remark be officially punished for that remark, that's a violation of free speech --

John Donovan:
So you're -- so --

Wendy Kaminer:
-- and that happens very often.

19:23:50

[applause]

John Donovan:
So you're talking about administrative action -- the request for administrative action, you are not talking about a chilling atmosphere of just attitudes and --

Wendy Kaminer:
Well, I talked about the chilling atmosphere when I was talking about an official Title IX investigation.

John Donovan:
Right. Okay.

Wendy Kaminer:
That's a different issue.

John Donovan:

All right. Somebody over here used the word, "shaming," and the "power of shaming." I think it was you, John.

John McWhorter:

Yes.

John Donovan:

Thank you for confessing it.

John McWhorter:

Yeah.

[laughter]

Jason, I love the left. It's not that the left is wrong. The problem is when the idea seems to be that if you don't agree with the leftist position, then you are ignorant at best and immoral at worst. I'm claiming that that is the new environment. But more to the point, when someone, Shaun, is told that they're a racist -- and I don't know if we're all going to admit this or not -- yes, I did write a piece saying that antiracism is America's new religion because it is. When someone is called a racist in America in 2016, it is practically equivalent to calling them a pedophile.

19:24:44

Therefore, when you call someone a racist, you're effectively silencing all but the bravest people who most enjoy an argument. That's just the point. Call somebody a racist, you've shut them down. And it's happening a lot.

John Donovan:

Shaun Harper.

[applause]

Shaun Harper:

I almost don't know where to begin here. I have, way too much. So, I want to go to this notion of people being punished for saying certain things.

John Donovan:

Before you do that, the -- if you don't mind --

Shaun Harper:

Yeah.

John Donovan:

-- there -- John's statement on the racist shaming issue is hanging out there and it's pretty powerful. If you can maybe -- I think Jason would like to --

Shaun Harper:

No, I --

John Donovan:

-- definitely would like to take -- you know --

Shaun Harper:

I can take it.

Jason Stanley:

Okay.

Shaun Harper:

I'm ready for it. Right?

John Donovan:

Okay.

Shaun Harper:

The thing is, that when someone says what you are saying or doing feels racist, or sexist, or homophobic, to me, the person who hears that shuts him or herself down. Right? No one's saying that, "Well, you can't keep talking. Shut up."

19:25:43

No -- but the person who is being held accountable for saying something hurtful to someone else shuts him or herself down, silences him or herself. Right? That's what happens.

Jason Stanley:

Could I just have one quick thing on this?

John Donovan:

Yes. They're going to get two in a row. But go for it.

Jason Stanley:

I think the debate -- I think it's not clear what the debate is about. It's not free speech. It's about racism and anti-racism. And free speech really doesn't have anything to do with it.

John Donovan:
All right. Let's go --

[applause]

-- let's let the other side respond. Wendy Kaminer.

Wendy Kaminer:

We're focusing on racism tonight partly because so many of the recent protests have been anti-racist protests. And I don't think any of us would disagree with you, Shaun, about the really bad climate on some campuses, and about the kind of bias that some students experience. I don't think any of us are saying that's not real. I don't think any of us are saying that's something that shouldn't be protested. We're simply saying something very different.

19:26:41

We're saying, when you effectively protest that, by saying that whatever we consider "bias speech" should be outlawed, then you're posing a threat to free speech. But I also want to point out that when we talk about speech being restricted on campus, we're not just talking about speech that's involved in these battles about racism. We're talking about students and faculty being punished for criticizing the administration. We're talking about, you know, people just making stupid jokes. I mean -- and this goes back 20 years. We're not talking about a recent phenomenon. So, I think we can get a little sidetracked. If our subject is free speech, I think we can get a little sidetracked if we focus too much on racism on campus, because that's not the only place this comes up. It's coming up a lot in claims about sexual harassment and sexual violence as well.

John Donovan:

Okay. I was going to -- John, do you want to yield to the other side, or would you like to join in? Because I wanted to --

John McWhorter:

You know, John, actually, I think -- to be constructive -- I just want to throw something in here, because I don't want to be misinterpreted and I don't want Wendy to be misinterpreted.

19:27:50

I think it's time for a brief anecdote. It is fall of 1984. I'm at Rutgers University. I walk into an intermediate German class. First thing that the teacher says is, "I think you've got the wrong class." No. There could only have been one reason. It was quite clear -- that woman hated me for the whole semester. Now, this was straight up racism. Now, to be honest, I didn't walk around crying. I didn't remember it for a very long time. I kind of enjoyed how backwards she was, and now she's dead and I'm sitting here. That --

[laughter]

[applause]

-- that's --

John Donovan:

You --

John McWhorter:

-- a whole other thing, what's -- how do you respond to these things? But more to the point. If that happened to my daughter today, I would hope she would complain. So, I'm not saying that these sorts of things are not to be talked about, and where something really nasty happens, it is not to be shouted to the heavens.

19:28:44

John Donovan:

Shaun Harper.

Shaun Harper:

Wendy, it could be that maybe we're talking to completely different students and hearing completely different things, because quite honestly, when we have students in our studies who are talking with us about the realities of race on their campuses -- by the way, our studies also include white undergraduates. We want to hear white students talk about the racial climate as well. But when we hear students of color unpack these painful stories and these micro aggressions and stereotypes, and other things that have happened to them, we ask them, "What is it that you want the institution to do?" Never once -- not once have I heard them say anything about a speech code.

Wendy Kaminer:

Can I get --

Shaun Harper:

They want the curriculum to reflect their humanity. They want --

[applause]

-- 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.

Wendy Kaminer:
Can I get a --

John Donovan:
Just one second.

19:29:45

I just want to say this. I want to remind you that we are in the question-and-answer section of this Intelligence Squared U.S. debate. I'm John Donovan, your moderator. We have four debaters two, teams of two, debating this motion: Free speech is threatened on campus. Wendy Kaminer.

Wendy Kaminer:
Quick example. A protest at Amherst college fairly recently, students demanded that other students who put up posters saying "All Lives Matter," be punished. Let me -- can I just quickly read you a couple of examples? Duke University protesters demand that fac -- I'm paraphrasing -- faculty staff, nonacademic employees be put in danger of losing their jobs and nontenure track faculty will lose tenure status if they perpetuate hate speech that threatens the safety of students of color.

John Donovan:
[unintelligible]

Wendy Kaminer:
You know, that's -- I'm talking about what students are demanding. And I'm -- and we're talking about free speech.

19:30:40

We're talking about students' regard for free speech. When you ask that people be fired because they've been statements that you considered hateful, you're not showing a lot of regard for free speech. You're showing a threat to free speech on campus. When you ask that --

John Donovan:
Okay.

Wendy Kaminer:
The University of California not long ago put out a list of micro aggressions, things that people weren't supposed to say.

John Donovan:
Let's let Jason --

Jason Stanley:

Wendy, with all due respect, you're not on a college campus. I'm at Yale, I know -- our conservative students our party of the right, our party of the left. I respect all of these students deeply, and that they can't engage in these debates, that they can't stand up for themselves, well, that's -- that's a little bit patronizing. And our students, both from our -- the conservative students and our leftist students, I learn from them every day, and I learn from their debates every day. And I just don't think they should be taught --

John Donovan:

Okay. I want to go to --

Wendy Kaminer:

Sounds like you're putting words in my mouth.

John Donovan:

I want to go to --

Wendy Kaminer:

I didn't say they couldn't stand up --

John Donovan:

I want to go to audience questions in just a moment. The way that will work again, if you raise your hand, I'll call on you.

19:31:43

I'm sorry if there's not a -- you don't have a back light shining on your head. I can't see you, so it's going to be sort of the front 80 percent of the audience that I can see. And wait for a microphone to come to you. But while you're getting ready to formulate your question, I just want to go to one more area that was touched on in the opening states. And that was the whole area of substance of what can be discussed, the actual topics that can be discussed. And I want to go to Shaun Harper. Your opponent, John McWhorter suggested that, yes, there are lists of -- yes, you can put together a list of topics that -- that more or less would be considered taboo, and that everybody agrees. But he says there's a -- there's a whole area where he would want a pushback. And he used the example of, can there be a discussion on campus of the effectiveness of affirmative action and continuing affirmative action. He said that that's an off-limits topic in his view on campus today. Do you agree with that? Is there something like -- would that be considered off limits for discussion and debate?

Shaun Harper:

I disagree with that. There are students on hundreds of campuses who are talking about affirmative action now.

19:32:42

Like literally like right now, probably while we're here at this debate, somebody is talking about affirmative action on a campus somewhere. I -- no. And, you know, when John said that, I wrote in my notes here, "How do we determine which topics aren't up for debate? And who gets to determine?"

John Donovan:

Great question. John?

John McWhorter:

That is a agreeing with me. It is a question whereas you're saying that affirmative action is being talked about and, if I may, Shaun, you're pretending that people are just sitting and sipping tea and talking about it, whereas we both know -- both of us live on college campuses -- that the major tone of the way it's spoken about beyond a certain small and beleaguered feeling rightist circle is that anybody who questions affirmative action in a real way is either ignorant and they need to learn some facts, or if they learn the facts, and they still disagree with somebody who is liberal or even further on the left, then they're immoral, then they want a kind of society that would frighten us, and words like fascist are tossed around.

19:33:47

That's the simple truth, there is a groaning bookshelf full of reports of this. There are millions of articles. That is the way it's constructed, and that's what Wendy and I are complaining about.

John Donovan:

Let's let Jason respond.

Jason Stanley:

So as somebody who defends leftist positions and is called a communist, an extremist, you know, irrational, I'm used to this. Anyone who takes a position on a political issue is sensitive to the insults that are directed against this. This debate is not about free speech. It's about leftism because it's being claimed that one side -- that the slights against conservative positions are somehow more damning and more felt. We all feel them. Our --

[applause]

John McWhorter:

Jason, imagine the things I've been called.

19:34:37

Jason Stanley:

Yeah.

John Donovan:

Let's let -- very briefly, we're going to go to questions, and I want to let this side respond if you want to, Wendy, or we can go to questions.

Wendy Kaminer:

Oh...

John Donovan:

You can resist.

Wendy Kaminer:

You know, I -- we keep coming back to the same kind of disconnect. And we have -- I think the problem is that we have a very basic difference of fact. I mean --

John Donovan:

Okay, I'm going to interrupt you there because you have made that point, and I think maybe that is what's going on significantly. But let's go to some questions now out there, if you raised your hand. I see, in the third, fourth row, gentleman. And the mic's coming down the aisle to your left side. If you could stand up, tell us your name, and get out a question, please.

Male Speaker:

Hi, I'm Matt. Thanks so much for being here tonight. Mr. Harper, I know there's two anecdotes stuck a lot with me. And I think a lot of people -- pretty much everyone would agree that the comments you made were asinine, it was wrong. But do you think there's a difference between speech made in a social setting without any academic intent or where the cases that the pro side brought up were tenured professors being censored for comments made in an academic setting. And can we censor or stop or limit one type of speech without affecting the other type of speech?

19:35:50

Shaun Harper:

Thanks for your question, Matt. To be sure, I don't want anyone's speech to be suppressed in any setting. So even at a fraternity party, if someone said something that sounds a bit off color, I would want one of his fraternity brothers or someone at his party or whatever, to engage him in a conversation about it, not with the goal of shutting him down, but to actually -- again, we're on a college campus. And fraternities are on college campuses, so I would want this to be a space where even peer teaching

and learning and engagement is happening. So I think that this should happen everywhere. I'm not saying that, you know, again, we can't talk about things like affirmative action. What I am saying is that if you have a, perhaps, seemingly unpopular view about affirmative action, don't shut yourself down. Don't just withdraw from the conversation because you're scared that no one is going to like your position.

19:36:48

You know, put your position in there. Continue to fiercely debate it.

John Donovan:

Would this side like to respond? John McWhorter.

John McWhorter:

We're hearing tonight, ladies and gentlemen, that the left feels beleaguered on America's college campuses.

[laughter]

John McWhorter:

Just take that in.

John Donovan:

Another question, please. Right in the center. And if you could stand up, then they see where the mic is. Thanks. And it'll come to you. By the way, Matt, that was a great -- greatly shaped question. That was 27 seconds, and it had a question at the end.

[laughter]

Thank you.

Jason Stanley:

John, can I just respond quickly to the point about the left that he just made, just very quickly? My point was that everyone feels beleaguered on college campuses.

Male Speaker:

But they don't feel equally beleaguered.

Wendy Kaminer:

And they don't necessarily look to sanction the people who are beleaguering them.

19:37:40

John Donovan:

You can sit down for a while. I think --

Female Speaker:

I'm feeling beleaguered, actually, at the moment.

[laughter]

Female Speaker:

Thank you. I -- I mean, I've been front, but I do not have all the facts. But I'm wanting to ask about the continuation of the Halloween episode from here at Yale and the professor who responded to that email and then I think was very forcefully asked -- you said students haven't been asking their professors to shut up.

John Donovan:

You know, I'm --

Female Speaker:

Sorry, anyway. So what -- what is the story with that and --

John Donovan:

On that, too, I'm going to pass on the question, and here's why. We would need to do a whole half hour on the show. And throwing in a question would -- the -- our podcast viewers would need so much background to make some sense of a 35 second answer.

Female Speaker:

To reshape that --

John Donovan:

Go for it.

Female Speaker:

I guess the end point is, do you as professors, all of you, honestly feel that there is nothing that you could say, that students could then call for your resignation and that might end up calling for you to resign.

19:38:40

John Donovan:

That's a nice question. Is there a line -- can we make that a little more -- do you mind if I rephrase it as -- is there a line beyond which professors can be so offensive that it's actually justified for students to demand their resignation and if possible get their demand satisfied? And does that scare you? Jason Stanley?

Jason Stanley:

I'm in a field where people argue there's only one thing, so, you know, I'm used to extreme views being debated. My colleague at -- my former colleague at Rutgers argued that we should extinguish all carnivorous animals. I mean, no. I'm not afraid and never have been.

John Donovan:
Shaun Harper.

Shaun Harper:
I've taught at three universities now. And never did someone hand me a handbook that said, "Here's what you can and can't say." Honestly, unless something just like really falls into the category of persistent hate speech and persistent harassment, I can't even imagine. I don't know a colleague, I don't know a person at any of the three places where I've been a professor who's been fired for saying things.

19:39:48

John Donovan:
Okay, Wendy Kaminer.

Wendy Kaminer:
FIRE has a recent case just out of Louisiana where a teacher --

John Donovan:
Just remind the podcast listeners what FIRE is because it sounds like you're yelling --

Wendy Kaminer:
Okay, I'm sorry, yes.

John Donovan:
-- "fire" in a crowded theater and...
[laughter]

Wendy Kaminer:
The Foundation -- yelling it falsely in a crowded theater.

John Donovan:
Yes, yeah, falsely.

Wendy Kaminer:
The Foundation for Individual Rights in Education, which fights for speech rights and due process rights on campus -- has this -- a case coming out of a Louisiana state college involving a teacher of longstanding who -- I think it's a teachers' college, she teaches

people how to be teachers -- she's been fired or denied promotion because a couple of students in her class objected to what they thought was crude language. She is now suing the State of Louisiana. Students have a right to demand anything they want to demand.

19:40:43

But -- and here's where we have another problem that we haven't discussed. Shaun has mentioned hate speech a couple of times. I bet the four of us would have different definitions of hate speech. I bet -- I don't know how many of you are out there, but I bet there are almost as many definitions of hate speech as there are of you out there. And that's one of the problems with trying to restrict speech is that it's very hard to come up with objective narrow standards for speech that should and shouldn't be permitted. And what we're seeing on campus now are some very expansive notions of what constitutes something that should be just, you know, out of bounds racist speech or sexist speech or homophobic speech. It's what John was referring to in his opening when he said that there are so many things now that are put in the category of advocating genocide as things that should be beyond the pale. And that's the problem with a lot of these speech codes which are enforced.

19:41:41

John Donovan:

Okay. Let me bring Shaun in and then I want to go back to questions.

[applause]

Shaun Harper:

Wendy, for the first time tonight here's where we may find agreement. I bet if we brought together a group of women and a group of men and asked them to make us lists of what characterizes sexism and misogyny, I bet those lists would look very different. And that -- you know, it --

Wendy Kaminer:

So what?

Shaun Harper:

-- it would be wrong of us to say that --

[laughter]

-- it would be wrong of us to say that the women are overreacting or that they don't have a right to suggest that --

[applause]

-- men understand the boundaries of what qualifies as gender harassment and as sexism.

John Donovan:

I need to go to more questions, Shaun. Can -- thank you for that. I'd like to get a little further up in the back because I've been short shifting. At the edge of the aisle, I'm -- yeah, yeah. You just looked over. You're the person. Thanks.

Female Speaker:

All right. Hi. I work as a residential advisor in student dorms, and I feel like that's one of the places where free speech is most important.

19:42:45

In my role, I've been asked to take posters off students' doors. I've also been asked to report the speech of my residents to supervisors who would then be asked to go into a meeting. I was wondering if all of you could comment on the role of free speech in residential dorms at our universities.

John McWhorter:

I would only say that --

John Donovan:

John McWhorter.

John McWhorter:

-- what you just described is yet another brick in the wall we're building, showing that the sorts of things Wendy's referring to are not just one-offs, that we're talking about a general American climate that demands address. And the climate is one in which free speech is not eliminated -- that wasn't the point -- is free speech being threatened? Once again, your question has suggested that the answer is, "Yes."

John Donovan:

Jason Stanley.

Jason Stanley:

So I am not really super qualified to speak about residential dorms. I am in a field where affirmative -- I am shocked by some of the discussions -- examples being used because in my field affirmative action is regularly discussed in applied ethics classes.

19:43:42

But when I -- I mean, my view as a human being is that if I do go back to my kitchen or something and someone still wants to argue with me or yell at me, you know, I can reasonably ask them just, you know, "I want to play with my four-year-old." But that's not an official position about residents -- resident houses and what should be. I am generally against any of that.

John Donovan:

Okay. Shaun, I'll come back to you. Wendy Kaminer and then Shaun.

Wendy Kaminer:

I was interested in what you said because I think that you mentioned something about being asked to report instances of offensive speech. That is a big problem. We're seeing increasing anonymous reporting. The case that I mentioned at Brandeis was a case of anonymous reporting, a secret investigation. You know, we're sort of at risk of developing a society of student informants.

John Donovan:

Shaun Harper.

19:44:38

[applause]

Shaun Harper:

What we have to keep in mind is that there are tuition-paying, residence hall fee-paying students who all live in the residence halls. So, we have to have some care for the full community, not just a handful, right? And again, I'm not saying that people shouldn't be able to put whatever they want to put on their doors. But we at least need to talk about the effects of putting those things on their doors or wherever on the other people who live there, people who may come from marginalized and oppressed groups. You certainly -- I am sure of it -- don't want to move into a neighborhood when you leave here from Yale -- and have just some ridiculous flags flying from your house and not at least know that it's offensive to your neighbors. Now, no one may make you take your flag down, but you probably at least want to have some awareness that you are about to go into the world and put certain symbols on places where you live in community with others that could offend them. That's all.

19:45:47

[applause]

John Donovan:

Right down in front here. Gentleman, third in.

Male Speaker:

Hi. Thank you. My name is Eli. I'm a senior here at Yale. This question is directed to Professor Stanley. You mentioned John Ashcroft as one of the people with very diverse views that was invited here. But actually, there was a Facebook group to protest his speech, and saying he shouldn't be allowed to speak at Yale because his views are so controversial. So, is that an example of shining free speech or a threat on free speech?

John Donovan:

What a clever question?

Jason Stanley:

Yes.

John Donovan:

Well done.

[applause]

Jason Stanley:

The people -- free speech allows us to protest people coming to campus. That's part of free speech. You know, if you restricted Facebook pages like that, you would be against free speech.

19:46:40

[applause]

Shaun Harper:

Yes. Yes. What he just said. Exactly.

Wendy Kaminer:

But -- you know --

Shaun Harper:

No, listen. I get invited to dozens of college campuses every year to give speeches. Maybe there's a Facebook group that doesn't want me there, right? But it would be a threat to free speech to say that those students couldn't have that --

John McWhorter:

Guys, you really --

John Donovan:

John McWhorter.

John McWhorter:

You're really misunderstanding the point here. I hate to put it this way, but you're being a little ahistorical. If someone says, "John Ashcroft shouldn't come," that's what we're talking about, because an alternate way of doing it -- and the way it would have been about 20 years ago -- was John Ashcroft would have come, and either he would have been heckled -- and we can talk about that -- or people would have listened to him to get a sense of the devil -- if they thought of it that way. They would have heard somebody they disagreed with and seen how those arguments were made, and then went back to their dorm, and did their work. The idea that he's not supposed to come is exactly the kind of threat we're talking about. Whether or not it happened doesn't matter.

19:47:42

[applause]

John Donovan:

Do you -- Wendy?

Wendy Kaminer:

No. It's -- of course students have a right to say he's not allowed to come. But to do that shows an intolerance for free speech. It suggests that -- and you'll hear this kind of language, "He shouldn't come because it violates our safe space." "He shouldn't come because it's harassing." We had the example of a debate about rape culture at Brown University between two feminists, which was protested as violating the safety of survivors of sexual assault. And so, they established a separate room for people to go to so that they could have some comfort while this debate was going on. You know, they had a right to do that, but it shows an intolerance for free speech, you know --

John Donovan:

Let me stop you right there.

Wendy Kaminer:

-- a desire not to hear --

John Donovan:

Let me --

Wendy Kaminer:

-- opposing views.

John Donovan:

Let me stop you right there and ask the other side that question, which is why I like the question. Does that position of the students, "Do not have John Ashcroft on our campus" -- does that reflect an intolerance of free speech?

19:48:44

Jason Stanley:

I --

John Donovan:

Jason Stanley.

Jason Stanley:

That specific position reflects an intolerance of free speech. And we don't know how many students were on the Facebook page. But I am a free speech absolutist. And people are really coming dangerously close to asking that no such Facebook post pages be made. And I really think, for any speaker, students have the right to protest that speaker's coming.

Wendy Kaminer:

Well, that is something we all agree upon.

John Donovan:

And that concludes Round 2 of this Intelligence Squared U.S. debate, where our motion is: Free Speech is Threatened on Campus.

[applause]

Now, please remember how you voted. We're about to move on to our brief closing round. We're going to have you vote immediately after this round. And again, we'll have the results quickly. And it's the team whose numbers have changed the most in percentage point terms between the first and second code will be declared our winner.

19:49:39

On to round three, closing statements from each debater in turn. They will be two minutes each. Our motion is this: Free speech is threatened on campus. Here making her closing statement supporting the motion, Wendy Kaminer, an author, lawyer, and civil Libertarian.

Wendy Kaminer:

We have just been talking about an intolerance for speakers with dissenting views. A few days ago, I spoke to Zachary Wood, who is a Williams College sophomore who runs the controversial Uncomfortable Learning series. Recently, the president of Williams

summarily canceled an appearance by an Uncomfortable Learning speaker who was charged with making racist remarks. Zachary is an African-American who identifies as a liberal Democrat. He's also a strong proponent of free speech. He wants to expose himself and other students with dissenting, even obnoxious views. It's a matter, he says, of preparing students to articulate differences of opinion. Now people tend to resort to name calling instead.

19:50:42

And in fact, some of the same students who protest the Uncomfortable Learning series as harassing or threatening have vilified Zach as an Uncle Tom and targeted him with implicit threats, he reports. Twice, he's received notes under his door saying, "You will see your blood in the leaves." A Facebook posting said, "We need the oil and the switch to deal with him at this midnight hour." He says what's most distressing about that are the number of likes he sees posted by other black students. "They talk about me with slave dialect," he says. Zach says that he gets private expressions of support from other students who say they don't want to speak out publicly. This is what happens when you demonize expression of unwelcome views. You create communities of frightened conformists. Williams College is not an outlier. Zachary Wood is an outlier who practices what many on campus only preach, a consistent commitment to free speech.

19:51:46

And so I ask you to recognize Zachary's experience, to recognize the experiences of other students like him and vote yes on the motion.

John Donovan:

Thank you, Wendy Kaminer.

[applause]

The motion is: Free speech is threatened on campus. And here making his close can statement against this motion, Jason Stanley, professor of philosophy at Yale University.

Jason Stanley:

I want to again return to my view of what a university is. It's a place where we replace disputes that usually used to take place or usually do take place on the battlefield with disputes that take place in the classroom. That means that those disputes are going to hurt, and they're going to wound, and they're going to be personal. And that is what it is to be a university. So when people talk of shaming, I mean, it's tough, and we have to have to have tolerance for each other, and we have to understand that this is what political debate is about.

19:52:47

College campuses are not where things are going wrong. I mean, diversity is being discussed everywhere. The Oscars just happened. I mean -- am I really understanding what's going on? The college campuses are the only place discussing diversity? Yet on college campuses, there's some specific problem? Free speech is not threatened by students voicing their concerns about social justice issues, even in strongly emotional terms. It's threatened by calling those people bullies, representing them as authoritarians and really frightening and like North Korea. It's threatened by representing claims of injustice as psychiatric problems and weaknesses. And it's threatened by belittling the students' ability to tolerate debate, often emotional, often tough, with each other.

19:53:48

And I think that's what we see on college campuses today. I've learned from all my students, from all different political perspectives, so I urge you to vote against the motion.

John Donovan:

Thank you, Jason Stanley.

[applause]

John Donovan:

That motion again, Free speech is threatened on campus. Here making his closing statement in support, John McWhorter. He's a professor of linguistics at Columbia University.

John McWhorter:

You know what this comes down to? This is a matter of fact that the format of this debate is such that Wendy and I could not, within the time that we are allotted, give you the crushing weight of episodes such that we could make it clear that there's been a change in atmosphere on college campuses that does threaten, not extinguish, threaten free speech over the past 10 years. We can't do it. But, frankly, you guys know most of the data.

19:54:41

Now, I want us to watch out for a certain argumentational feint that one sees, the plural of anecdotes isn't data that, that really what you've just heard is a few outlying circumstances. No. I want you to make a comparison. If you had heard tonight exactly as many anecdotes about episodes of racism experienced by young black men at the hands of the cops -- and that's something that happens. It's real. I write about it all the time. If you had heard about six and a half cases scattered across the country, I think

most people in this room would agree that that indicated that racism is alive and well and a serious problem across the United States, which I would not dispute. Well, if that's how you would feel if I talked about Ferguson and Trayvon Martin and names that we don't even need to recite, then you can't say that what's happened here in terms of free speech on campus has just been a smattering of anecdotes. That would be an intolerable inconsistency. I think most of you know that what we're saying is true. We've made the case. It's not that free speech has been extinguished. That's a straw man.

19:55:46

Free speech is threatened on today's college campuses. The evidence is clear. You should vote for us.

[applause]

John Donovan:

Thank you, John McWhorter. And our motion again, Free speech is threatened on campus. And here to make his closing statement against this motion, Shaun Harper, executive director of the Center for the Study of Race and Equity in Education at the University of Pennsylvania.

Shaun Harper:

Given the time and limitations of this debate format, I cannot give you the crushing weight of evidence that I have heard from students, thousands of them, who have participated in my studies about the experiences that they have on their campuses, not just experiences in encounters with racism, but also with sexism, homophobia, Islamophobia and other forms of harassment in this respect that target and undermine their humanity and sense of belonging on the campus.

19:56:44

I don't have enough time to do that. They're not anecdotes, they're data. They're people's lived experiences and realities. And as it turns out, those people have had enough. They're standing up for themselves. They are finally exercising their freedom of speech. For years and years and years, those people sat silent and did not say anything to the professor who said, "You must be in the wrong classroom." Now all of a sudden, they're saying, do you know what? What you're saying feels racist to me. And now, suddenly, that professor who probably -- well, she's dead now. But professors like her are being held accountable. No one is saying to people that you cannot say ridiculous things. What they are saying is that you are going to be held accountable for them. We're going to engage you in a conversation about them. And it is your choice to withdraw yourself from that conversation because you've never been held accountable for that perspective.

19:57:43

No one's ever called you out about it. That is what is happening, ladies and gentlemen, on college and university campuses. People are finally standing up and using their free speech. Therefore, I urge you to vote against the motion.

John Donovan:

Thank you, Shaun Harper.

John Donovan:

And that concludes our closing statements.

[applause]

John Donovan:

And now it's time to learn which side you believe has argued the best. I want to ask you again to go to the key pads at your seat and vote a second time. Same way as before, push number one if you agree with the motion, Free speech is threatened on campus. Push number two if you disagree. Push number three if you became or remain undecided. And I'll give you about 15 to 20 seconds to complete that. Okay, it looks like everybody's done.

19:58:40

We're going to lock that out. Yep, we're done? Good. I have a few announcements to make, but before we do that, I want to say, as the moderator in the middle of this process and watching how all four of you brought such terrific game tonight, it was respectful, it was civil, it was informative, it was honest, it was gutsy. It's what we aim for at Intelligence Squared. I think the audience really got to hear your ideas interact with one another. And I want to congratulate you for elevating the level of public discourse right on this stage tonight. So thank you very much.

[applause]

John Donovan:

And also, to everybody who got up and asked a question, I didn't have to throw out a single question tonight, and I have to be honest, that's very rare. And I also like the pivot on the question that I was going to throw out was extremely fast and deft.

19:59:38

And I want to thank you for doing that. We also want to thank Yale University for bringing us to campus. It's been a pleasure. Thank you, Yale University.

[applause]

We also had sponsorship with the Adam Smith Society, so thank you also to the Adam Smith Society for your sponsorship.

[applause]

Another thing I need to say at the end of all of these debates and I always do, we want to thank our individual generous supporters. I don't know if you know, but Intelligence Squared U.S. is actually a nonprofit organization. We put this podcast out to the world for free. It is really, really catching on. I happen to be on a book tour selling a book that I won't mention by name until later.

[laughter]

But it's been remarkable to me, I -- this week in Santa Fe, Jackson, Mississippi, Seattle, where there was a 14-year-old -- a teenager walked up to me, the numbers of people who walked up to me and said, "Are you that guy doing Intelligence Squared?" We really are getting out there, and we're doing it as a nonprofit.

20:00:41

We're also being used now by thousands of classrooms across the country as a learning resource. We're very proud of that. But we do it by -- through generous support from people who make donations to our organization. So if you are so moved after this experience tonight, we really encourage you to go to our website and make a donation so that we can continue doing this and continue growing, which is what we are doing. Our next debate will be Wednesday, March 9th. We're going to be back in New York City. We'll be at the 92nd Street Y, taking part in their Seven Days of Genius Festival. Our debate will be on, "The Promise of Artificial Intelligence." Among the debaters, we are going to have computer scientist Jaron Lanier and Martine Rothblatt. And Martine is one of the highest paid female CEOs in the country, who also happens to have commissioned a robot clone of her wife. So that's going to be an interesting one. But we will be livestreaming that. Then we're at the Kaufman Center on April 6. Our motion -- Jason, you might want to come for this one -- the motion is, "Eliminate Corporate Subsidies."

20:01:43

So I think that will be up your alley. We'll also be livestreaming that. On May 4th, we'll be also at the Kaufman Center, debating, "Hunters Conserve Wildlife." Tickets for all of our debates coming up are available at our website, iq2us.org. And as I've mentioned a few times, we live stream. We're live streaming now on fora.tv and through

iq2us.org. We also have an app, iq2us, that's available in the Apple Store and through Google Play. All of our debates are there, both as podcasts and the full video versions as well and -- as well as transcripts. So if you're liking what you're seeing and you want to start listening in to our backlog of debates, they are spectacular. So thank you. It's been a pleasure to be here tonight at Yale. And now I want to say the results are in. We have the final results. Our motion is this, "Free Speech Is Threatened on Campus." We've had you vote twice, once before you heard the arguments and once again after you heard the arguments.

20:02:40

And the team whose numbers have moved the most between the two votes in percentage point terms will be declared our winner. Let's look at the first vote. On the motion, "Free Speech Is Threatened on Campus," before the vote, 49 percent agreed with this motion, 27 percent were against, 24 percent were undecided. In the second vote -- in the second vote, the team arguing for the motion, their vote went from 49 percent to 66 percent. They picked up 17 percentage points. That is the number to beat. The team against the motion, their first vote was 27 percent, their second vote was 25 percent. They went down two percentage points. That means the team arguing for the motion, "Free Speech Is Threatened on Campus," are our winners. Our congratulations to them. Thank you from me, John Donvan, and Intelligence Squared U.S. We'll see you next time.

20:03:26

[applause]

[end of transcript]