

When Free Expression Becomes Microaggression: The Yale Emails and the Domestication of Halloween

Terri Toles-Patkin, Ph.D., Eastern Connecticut State University*

The season of falling leaves, crisp moonlit nights, and pumpkin spice everything has become indelibly associated with the holiday of Halloween. Elements of carnival, including pranks, costumes, excess consumption of food and drink, and community participation in parades and trick-or-treating, permeate contemporary American Halloween celebrations. The history of Halloween is in many ways the history of domesticating and taming the oppositional nature of the holiday. As a primarily secular holiday (albeit with religious roots), Halloween provides a platform for free expression as ordinary people become for a night clowns, nuns, sexy nurses, presidents, and celebrities. Children participate enthusiastically, and adults nostalgically reconstruct their own childhood celebrations. Above all, Halloween is a night of inversion: as one dons a mask and a costume, the ordinary is overturned.

Holiday celebrations reinforce the central values of a culture, and Halloween, like all holidays, incorporates ritual into the performance of culture as participants construct symbolic sequences that frame culturally-specific ceremonial behavioral patterns expressed via ritual (Beattie, 1966; Moore & Myeroff, 1977; Rappaport, 1971; Santino, 1994). The history of Halloween contextualizes contemporary celebration; attempts to limit nonverbal expression on this holiday must be understood in juxtaposition with the holiday's problematic resistance narrative over time. Unlike many other holidays where the focus is on coming together inside the home, Halloween is celebrated in public, and beginning in the 1970s, middle class Americans projected their contemporary demons on the holiday with a new emphasis on safety rules, urban myths about tampered treats, and new efforts to reclaim Halloween as a controlled festival through community parties and "safe space" trick-or-treating in shopping malls or at churches (Best, 2016; Ellis, 1994; Belk, 1994;

* *Dr. Terri Toles-Patkin is a Professor in the Department of Communication at Eastern Connecticut State University. Dr. Toles-Patkin may be reached by email at patkin@easternct.edu.*

Santos, 2006). Still, Halloween remains very popular, with about 90% of children participating in activities such as parties, wearing a costume, trick-or-treating, or marching in a parade (Mickalide et al., 2011). For adults, Halloween is the fastest growing holiday in the US, with two-thirds of Americans celebrating, about half wearing a costume, and more than a third giving or attending a themed party (Forbes, 2015). A holiday such as Halloween allows people to suspend behavioral norms, don alternate identities, relax, and return to normative tasks refreshed and renewed (Etzioni, 2002).

Halloween Goes to College: The Yale Email Controversy

Not surprisingly, college students are among the most enthusiastic participants in Halloween (Corral, 2011), celebrating the liminality between childhood and adulthood by incorporating elements of each. The timing of the holiday in the middle of the semester also provides a perfect excuse for some stress-relieving fun. Perhaps the core ritual defining Halloween is the wearing of a costume, often a nonverbal expression of role reversal or transgression, a practice that dates back to early Druidic festivals and which by the mid-twentieth century reflected popular culture (Hintz & Hintz, 1996; Richardson, 2001; Linton & Linton, 1950; VanDerveer, 1921; Bannatyne, 2005). According to the National Retail Federation, Americans spent \$7.4 billion on Halloween in 2014. Thirty-eight percent of that amount, or \$2.4 billion, was spent on costumes for adults (about 50%), for children (46%), and for pets (4%) (Forbes, 2015). Costumes are “gendered” starting in early childhood, and adult costumes typically poke fun at social customs and roles, often incorporating an oppositional narrative wherein attorneys dress as convicts or doctors as zombies (Nelson, 2000; Glock, 2006; Rosenbloom, 2006). Nelson (2000) identified three costume types for adults and children: the “hero,” the “villain,” and the “fool.” A hero is defined as a positive role model including nonfictional heroes (Cleopatra), fictional heroes (Cinderella), superheroes (Superman), characters with high occupational status (Emergency Room Doctor), and prosocial conformity representations (Team USA Cheerleader) of characters following mainstream roles. A “villain” portrays a negative

role model including symbolic representations of death (Ghost), monsters (Frankenstein), and antiheroes (Pirate, Wicked Witch) both fictional and nonfictional. A “fool” includes costumes which serve to amuse (Clown), inanimate objects (Crayon Box), food costumes (Cookie), animals, and insects. Heroes account for a large percentage of both masculine and feminine costumes, villains are more likely to be masculine, and food/nonhuman/inanimate objects were more likely to be feminine. But boundaries remain; people have been chastised for choosing offensive costumes, including dead celebrities, homeless people, blackface, KKK members, Jerry Sandusky, Hitler, and Sexy Anne Frank (Field, 2011; Ferguson, 2015).

Official embrace of the holiday by colleges and universities shares an uneasy coexistence with other institutional demands, as illustrated by the October 2015 email sent by Yale’s Intercultural Affairs Committee to students. In addition to noting official Halloween celebrations on campus, students were urged to express cultural sensitivity in their choice of costumes. While noting the need for balance between free expression and inclusivity, the email offered examples of potentially offensive costumes, and suggested that students avoid costume choices involving cultural appropriation or insensitivity. Historical costumes should not further historical inaccuracies, cultural costumes should not utilize stereotypes, and funny costumes should eschew making fun of an individual or a group. Citing “poor decisions,” the email urged students to avoid “wearing feathered headdresses, turbans, wearing ‘war paint’ or modifying skin tone or wearing blackface or redface” (Intercultural Affairs Committee, 2015, p. 1).

Erika Christakis, director (“master” in Yale’s parlance at the time) of Silliman College with her husband, Nicholas Christakis, took issue with the directive and sent her own email to Silliman College students, framing Halloween as a day of tension between traditional practices of subversion by young adults and adult attempts to exert control. Saying that students had expressed concerns to her, she acknowledged the goal of choosing costumes with sensitivity, but reflected on the value of exploring alternate identities through costume and engaging in transgressive exploration without fear of official censure. Using her own experiences to contextualize the question,

Christakis asked “Is there no room anymore for a child or young person to be a little bit obnoxious . . . a little bit inappropriate or provocative or, yes, offensive? American universities were once a safe space not only for maturation but also for a certain regressive, or even transgressive experiences increasingly, it seems, they have become places of censure and prohibition” (E. Christakis, 2015, p. 2). Ultimately, she stressed the value of free expression in costume selection.

However, rather than empowering students, Christakis’s letter was interpreted as trivializing their concerns, legitimizing mainstream stereotyping and further marginalizing students of color; connections were made between the email and broader campus concerns including a Eurocentric academic curriculum, lack of diversity among the faculty, and the historical connection of the campus to slave owners (Wilson, 2015). Allegations that Yale’s Sigma Alpha Epsilon fraternity turned away women of color from a Halloween party, saying “white girls only,” were later determined to be unfounded, but the claim did not help calm the situation on campus at the time (Kingkade, 2015). The matter came to widespread public attention when students angrily confronted Nicholas Christakis in the courtyard of Silliman College, and a video of a young woman whose rhetoric became heated as Christakis calmly defended Erika’s email went viral. The “courtyard video” portrayed a student—who was dubbed “shrieking girl”—yelling at a professor in what appeared to be an uncivil and closed-minded rejection of his presentation of an abstract free speech concept. Depending on one’s perspective, either the students were engaged in “peaceful protest” until Christakis “encroached upon their demonstration” and addressed them “in a condescending manner” with a “confrontational demeanor” (Chavez, 2015, n.p.) or a “mob” of “crybabies” loudly chose to “verbally attack” and “bully” Christakis for having “hurt their feelings” (Payton, 2016, n.p.). In either case, the video led to threats being made against the student as well as the Christakises (Cobb, 2015a). Student protests against Yale in general and the Christakises in specific seemed to argue against freedom of expression, with some students urging others to walk away from Nicholas Christakis when it became evident that he was not going to change his views, saying “he doesn’t deserve to be listened to” (Waldman, 2015, n.p.).

While some critics painted the students as “privileged,” noting that Silliman contains multiple luxurious spaces for residents (including arts and sporting facilities, a movie theater, and a variety of recreational opportunities), some Silliman students, possibly catastrophizing the experience, argued that they were unable to face continued residence there following the incident (Friedersdorf, 2015).

The Yale Halloween incident is only one in a long-standing series of campus confrontations across the country where freedom of expression has been pitted against offensive speech. Campus speech codes in the 1980s and 1990s attempted to reign in offensive speech following an increase in racial tension and racist incidents on several campuses, building on anti-discrimination regulations already in place by extending limitations on expression using the argument that the Fourteenth Amendment permitted—or even required—such actions. The codes varied widely in their construction, but most prohibited offensive remarks and the creation of a hostile environment (a concept borrowed from sexual harassment labor law). Questions of protecting academic freedom arose (how might controversial issues be discussed in the classroom) as well as the permeability of the boundaries of speech (UConn’s short-lived prohibition on “inappropriately directed laughter” represents one of the widest definitions). When both the Wisconsin and Michigan speech codes were determined to be unconstitutional on First Amendment grounds, the practice of speech codes diminished, but not the concern about how to frame discussions of sensitive topics. In 1992, the American Association of University Professors issued a statement concerning freedom of speech on campus that stressed the centrality of free expression to free inquiry and warned of the peril of universities differentiating between high-value and low-value speech (Walker, 1994). Concerns about free expression on campus continue today. Lukianoff (2012) identifies four factors that limit free speech on campus: ignorance (on the part of both students and administrators), ideology (most notably an atmosphere of political correctness), liability (fear of lawsuits for harassment and/or discrimination), and bureaucracy (the expanding administrative population on many campuses that can lead to hyper-regulation).

Yale University has a “freedom of expression” policy, which notes that balancing free inquiry and civility can create challenges for an academic community. While civility, respect, and sensitivity are expected to form the foundation of the community, enrolling students are cautioned that they will encounter others with different viewpoints than their own, and while those viewpoints may even be offensive, they must tolerate “the provocative, the disturbing, and the unorthodox” (Yale College, 2015, n.p.). Part of the problem at Yale stemmed not only from the use of the term “master” for residence director, nomenclature which students have been protesting along with the names of several buildings honoring former slave owners, but from the dual nature of the house director as both intellectual role-model and leader of a living community. The job responsibilities of a house master cross traditional boundaries in the university, incorporating both “the physical well being and safety of students in the residential college, as well as . . . fostering and shaping the social, cultural, and educational life and character of the college” (Yale Residential Colleges, 2015, n.p.) The symbolic nature of the physical space of Silliman college (and universities in general)—ground that is simultaneously public and private, intellectual and emotional space—complicates the matter.

While the Christakis approached the costume controversy as an objective free speech issue open to intellectual discussion, the students—especially those in the video—framed it as an emotional issue to be experienced subjectively, and expected, even demanded, an apology from those who disagreed with their opinion. Part of the difficulty is the mixed mission of the university; it provides both cognitive and affective space for students. At Yale, the house system attempts to forge a sense of community within the larger university, but where Christakis saw it as an extension of the intellectual environment, the students perceived it as their home, expecting a “safe space” both emotionally and intellectually (Friedersdorf, 2015).

In the context of the *Black Lives Matter* movement, the Yale incident carried symbolic force that went beyond the facts of the case, and not surprisingly, social media accelerated tensions. For the students, the email and the party were not the real issue, however; they were upset about a much larger sociocultural and historical

condition (Cobb, 2015b). The protests at Yale—and at other campuses around the country, most notably the University of Missouri, but certainly not confined to those two institutions—occurred following a series of events (e.g., Trayvon Martin; Ferguson, MO; Eric Garner) that rekindled long-time concerns about racial issues (Cobb, 2015a). Students demanded that Yale President Peter Salovey increase funding for ethnic studies, hire more staff of color particularly in student counseling, require students to take classes focused on diversity issues, remove slaveholder Calhoun’s name from Calhoun College, and of course, fire the Christakis (Shimer & Wang, 2015). According to Dean Jonathan Holloway, the free speech issue at Yale was conflated with the issue of marginalization of students of color (Cobb, 2015b).

Nicholas Christakis sent a letter responding to the situation in mid-November, acknowledging the challenges faced by students of color, arguing that freedom and respect can coexist, presenting his and Erika’s personal credentials as long-time supporters of diversity, and promising a commitment to open lines of communication in the future (Christakis & Christakis, 2015). Predictably, both Christakis quietly announced their plans to embark upon a new employment situation several weeks after the publicity died down (Hartocollis, 2015). Since the controversy, Yale has replaced the term “master” with “head of house” (*Yale News*, 2016), and Calhoun College was renamed for Grace Murray Hopper (*Yale News*, 2017).

Hate Speech and Microaggression

Hate speech—which includes oral, written, and visual forms of expression—is uniquely protected by the First Amendment. Earlier known as “race hate” or “group libel,” hate speech (differentiated from hate crime by its expressive rather than behavioral content) has no widely-shared specific definition but generally is recognized as offensive expression targeting an individual or group based on some demographic characteristic, such as race, ethnicity, gender, religion, sexual identity, physical or mental capability, and others (Walker, 1994). Racist speech has a message of racial inferiority, is degrading, and is directed against a historically oppressed group (Matsuda, 2013). Hate speech, occurring as it does in the context of prejudice, can

cause negative physiological, psychological, and sociological effects on its targets (Fraleigh and Tuman, 2011).

Fighting words—those words that inflict injury by their mere utterance—despite being declared unconstitutional in *Chaplinsky v. New Hampshire* (1941) have over the years joined other provocative expression as protected speech. From originally being dismissed as not being ideas, fighting words have since been recognized as being communicative, albeit offensive, although there are limits. In *Beauharnais v. Illinois* (1952), the court made it unlawful to make derogatory statements about a class of people (O'Brien, 2010), and a revival of the defunct “fighting words” doctrine equates offensive speech with assault, arguing that words can and do cause immediate and measurable harm to their target. Those targeted by hate speech do experience physiological and emotional distress (Matsuda, 2013). *Brandenburg v. Ohio* (1969) limits regulation of expression to that which “is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” Certainly, an offensive Halloween costume could lead to an assault or cause emotional distress to the viewer, but *Terminiello v. Chicago* (1949) and other rulings make it clear that speech may not be limited simply because the audience disagrees with the content of the speech. “If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable” (*Texas v. Johnson*, 1989). One might even argue that the cautionary email from the Yale Intercultural Affairs Committee created a chilling effect on student expression regarding the choice of costume, although such a statement would not thrive in the politically correct atmosphere prevailing on many campuses today.

The extension of the protection of speech to nonverbal communication follows a similar line of argument. From students wearing black armbands to protest the Vietnam war (*Tinker v. DesMoines*, 1969) to a variety of cases involving protests and pickets (e.g., *Clark v. Community for Creative Nonviolence*, 1984) to burning the American flag (*Texas v. Johnson*, 1989), the Court has consistently recognized the value of nonverbal expression, although expressive conduct may be more easily regulated than

expressive speech. Part of the difficulty lies in determining the precise symbolic message contained in expressive conduct. In 2003, the Court's ruling in *Virginia v. Black* again examined the question of symbolic expression and hate speech, and distinguished between political expression and a true threat. The difficulty of separating content-based regulation of expression with the historical resonance of cross burning as intimidation and terror resonates throughout the opinion, yet the communicative function of the symbolic speech was recognized (O'Brien, 2010). These precedents indicate that a meaningful but offensive Halloween costume could in fact stand as protected free expression.

The test for regulating nonverbal expression articulated in *United States v. O'Brien* (1968), involving a Vietnam War demonstrator's burning of his draft card, requires that any regulation be within the government's legal authority, further a significant governmental interest, be content-neutral, and allow for alternate forms of expression (O'Brien, 2010). Certainly, any policy that would limit specific Halloween costumes would not be content neutral, and one could argue whether such a limitation furthers a significant governmental (university) interest. Furthermore, *Spence v. Washington* (1974) requires that a speaker demonstrate intent to communicate a particularized message and the probability that the message would be understood, but a message can be inferred from conduct and the circumstances surrounding it. The importance of context for imbuing a message with meaning forms a third element. The Yale Intercultural Affairs email (2015) specifically points to the potential communication of unintended offensive messages by costume choice, raising the question as to the true communicative nature of the expression.

The First Amendment does protect potentially offensive live entertainment, including nude dancing (*Barnes v. Glen Theater*, 1991), and even a blackface performance has been protected as free speech in *Berger v. Battaglia* (1985), which found that a police officer's off-duty performance in blackface was acceptable expression, despite its potential to cause disruption and offend the community. The Fourth Circuit ruled in *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University* (1993) that offensive costumes, such as the "ugly woman" contest held by the

fraternity, are protected as expressive speech, despite their potential to create a hostile learning environment for women and blacks, which the university said was incompatible with their mission. Additionally, the court argued that the university has a communitarian as well as an individual responsibility to promote a free flow of information (Fraleigh & Tuman, 2011). Both *Texas v. Johnson* (1989) and *RAV v. St. Paul* (1992) affirm the First Amendment's full protection of symbolic expression regardless of viewpoint, and that the government may not regulate the ideological message through suppression of the physical medium of communication (Amar, 2009). While expressive conduct may be subject to appropriate time, place and manner restrictions, the Court has repeatedly required that any restriction be narrowly tailored and further a substantial governmental interest.

The Yale email implies that Halloween costumes go beyond expressive communication: offensive costumes qualify as microaggressions, and thus should be limited. "Microaggressions are the brief and commonplace daily verbal, behavioral, and environmental indignities, whether in intentional or unintentional, that communicate hostile, derogatory, or negative racial, gender, sexual-orientation, and religious slights and insults to the target person or group" (Sue, 2010, p. 5). Microaggressions may be verbal, nonverbal, or environmental; they may include microinsults (often unconscious communication of rudeness and insensitivity), microassaults (often conscious explicitly derogative attack on an individual or group), or microinvalidations (often unconscious diminishment of the experiential reality of an individual) (Sue, 2010). For example, Duke Center for Cultural Affairs sponsored a photo project titled *#OurCulturesAreNotCostumes*, featuring students of diverse backgrounds holding up photos of costumes which they identify as cultural appropriation (Camacho, 2015). Photos of Harvard students of color holding up signs with statements including microaggressions that they have experienced form a similar project called *#WeTooAreHarvard* (Matsuda-Lawrence, 2014). Microaggressions are literally little things, the slights and indignities that punctuate everyday life. Over a lifetime, though, they add up emotionally, physically, cognitively, and they contribute to social tensions on a cultural scale (Williams, 2000; Sue, 2010).

Hate speech in the form of microaggressions often target stereotyped and stigmatizing attributes, those physical, character or demographic differences that discredit one's social identity. Indeed, in his description of such characteristics, Goffman (1963) refers to these attributes as "deformities." The social construction of stigma occurs across cultures, and goes beyond a recognition of difference to a devaluation and marginalization of the other (Jones, 1984; Link & Phelan, 2001; Dovidio, Major & Crocker, 2003). Cultural appreciation easily slides into cultural appropriation, pretending to be a member of an ethnic, racial, or gender group to which you do not belong. For example, after the president of the University of Louisville, James Ramsey, hosted with his wife a Halloween party where staff members dressed in stereotypical Mexican costumes, apologies were quickly proffered following complaints of cultural appropriation (Kenning, 2015). Indeed, Erika Christakis explores this binary in her email as she describes her purchase of a sari in Bangladesh because she appreciated its beauty, although she never wore it (Christakis, 2015). It is not just that such displays may be racist or bigoted, but that they "specifically target the social sense of assurance on which members of vulnerable minorities rely (Waldron, 2012, p. 88).

The subtle undertones of microaggressions go beyond the minor and sometimes inadvertent communication about race/ethnicity/gender to speak to the broader experience of difference. While some believe that drawing attention to microaggressions is the first step in eliminating them, others fear that the continued emphasis on them reinforces a culture of victimhood (Vega, 2014). "Microaggressions have the lifelong insidious effects of silencing, invalidating, and humiliating the identity and/or voices of those who are oppressed. Although their lethality is less obvious, they nevertheless grind down and wear out the victims" (Sue, 2010, p. 66). Clearly, the lived experience of students supports the definition of costumes as potential microaggressions. Some students report feeling stressed and threatened by offensive costumes and potentially hostile conversations as they attempt to convey how cultural appropriation harms them personally (VanAlst, 2015).

The Chilling Effect of an Extended Childhood

Today, Halloween itself has been appropriated by institutions of religion, government, education, and perhaps most effectively, commerce. Businesses use Halloween to enhance corporate culture, employees at many organizations wear costumes to work, and of course, people must purchase those costumes somewhere (Belk, 1994). Comic inversions, such as those embodied in Halloween costumes, emphasize difference, vent hostilities, and release tension, while simultaneously reinforcing the status quo. The costume functions as alter ego, allowing the emergence of fantasy and repressed elements of personality (Belk, 1994). “The psychological principle here is that of catharsis; the sociological principle is that of social bonding through communal celebration. The rebellion-ritual view suggests that officials encourage the celebration of carnival because they realize that the reversal is only temporary and ultimately strengthens their hegemony” (Belk, 1994, p. 109). Of course, the alternate view is rebellion-as-rebellion, wherein the status quo is in fact overturned, and mischief night gone awry is one clear example of that. Rioting, vandalism, and attacks on homeless people and others have been chronicled (Belk, 1994). Today, the line between transgressive costuming and bullying appears to have narrowed. The historical tension inherent in the celebration of Halloween once again is played out in the constructed performance of the holiday.

This reflects in no small part the extension of childhood well into adulthood. When “childhood” began to be perceived as a separate social status starting in the sixteenth century, the role of child was distinguished from that of adult, children were treated differently, and separated from the world of adult information and activity (Aries, 1962). Today, the rapid pace of societal and technical change has again altered the nature of childhood. Some would say childhood has disappeared; others argue that the relationship between generations has reversed, with children showing more responsibility and expertise than many adults. In either case, it is clear that children suffer from the same mental strain, alteration of time, mechanized social relations and isolation that adults experience (Brod 1984). Boundaries blur between children and adults—children grow up faster and young adults hold onto the trappings of youth

longer (Winn 1983). The claim that childhood has been lost has become perhaps the most popular lament of the era. Children are seen simultaneously as victims and as threats to the rest of us, and at ever younger and younger ages (Buckingham, 2000). Meyrowitz (1985) discusses the parasocial interactions and differing social significance of spatial settings in constructing childhood, and the blurring of childhood and adulthood. Media's interaction with socialization affects the pattern and sequence of access to social information, and television especially restructures adult-child information systems, forcing a shift in social development and behavior. Similarly, Postman (1982) discusses the concept of childhood as reflecting both different literacies and symbolic competences from adulthood, stemming from the move from an oral to a print culture. He too argues that the line between childhood and adulthood is blurring: clothing, food, entertainment, language—all become homogeneous among children and adults.

Embedded in discourse about the nature of childhood lies the implicit notion of what constitutes a child, framed in enduring political, social and cultural commitments. The nuclear family becomes an arena for profit, presenting children as units of consumption. The profit motive conflicts with the traditional view of children as naïve innocents to be protected, placing the family in conflict with media industries. Children are located under the control of their parents, but media power is often feared as superseding that of parents, since children's media consumption often represents a world separate from that of parents. Culture is the primary terrain in which adults exercise power over children both ideologically and institutionally (Giroux, 2000). The myth of childhood innocence legitimizes adult power over children and masks real social problems. If anything, the situation has accelerated over the past two decades since the trend was first widely noted, leading some to argue that we have created a society of independent but immature adults who are incapable of accepting responsibility (or unwilling to do so) (Hymowitz, 1999). Halloween celebrations become the ground upon which these tensions are played out, but with a unique twist. Erika Christakis (2015) muses that an eight-year-old might be able to

wear a costume depicting a Disney character of a different ethnicity, but that an eighteen-year-old would not.

Unlike most Halloween controversies, which feature a conservative society of adults attempting to suppress the oppositional narratives of resistance and transgression expressed by young people, the Yale costume controversy inverted the discourse. While the first email from the Intercultural Affairs Committee represented traditional legitimate social control, the Christakis email represented resistance from within that same hierarchical structure of institutional authority. Claiming to speak for students, Christakis's attempt at ventriloquism was quickly and unambiguously quashed as the students made it clear that what they were resisting was the very notion of resistance itself. The controversy underlined the contemporary desire of some students for freedom *from* speech as much as freedom *of* speech; the emotional response of the audience becomes the metric for assessing freedom of expression (Hume, 2015). For a generation raised to be risk-averse and maintain constant vigilance for potential victimhood, safety on campus has come to mean not simply physical safety, but equally important, intellectual and emotional safety, free from the intrusion of both actual and potential offensive ideas or ones challenging one's worldview (Fox, 2016).

Institutional regulation of nonverbal expression in the form of Halloween costumes, even that which relies on "recommendations" and "suggestions" opens the schoolhouse gate to a chilling effect of freedom of expression on college campuses. Balancing cultural sensitivity with individual expression requires precision of language and purity of intent. Indeed, both the Yale Intercultural Affairs email (2015) and the Christakis email (2015) used remarkably similar language and both parties appear to share an orientation supporting individual sensitivity within the context of freedom of expression. Using the Text Analyzer at Online-Utility.org, the Yale Intercultural Affairs Email was found to contain 437 words and measure 14.4 on the Flesch-Kincaid Grade Level, while the Christakis email contained 903 words and measured 10.6 on the Flesch-Kincaid Grade Level. Primary themes in the Yale Intercultural Affairs email include a call for sensitivity and avoiding offense as students select their

costumes, recognition of the campus community, and specific examples of images to avoid. The Christakis email, as response, mentions these themes as well but spends more time addressing issues of institutional control and censure of expression, a premise that the official email never addresses. The tone of the Christakis email, framed as a conversation within Silliman House, is more “chatty” and informal, using personal examples and first-person pronouns. The disagreement between the original parties, not nearly as polarized as media reports would have one believe, revolves largely around the mechanisms for encouraging and controlling potentially offensive nonverbal speech on campus. A close reading of rhetorical themes finds that the two emails are remarkably similar.

Both emails discuss the celebration of Halloween as a holiday, with the Yale email offering information regarding various campus events and Christakis exploring the sociocultural meaning of the holiday; this theme accounts for 6.2% of the Yale email and 3.1% of the Christakis email. The primary theme in both emails focused on issues of sensitivity and offensiveness, accounting for 12.9% of the Yale Intercultural Affairs email and 5.4% of the Christakis email. Both acknowledge concerns about cultural representation, but the Yale email is considerably more proscriptive in its approach, befitting an institutional missive. Yet a close reading finds that it, like the Christakis email, assigns agency to the individual regarding costume choice. Similarly, both Yale (3.7%) and Christakis (2.2%) note the diverse nature of the Yale campus community and the need to be inclusive in costume choice. Freedom of expression as a theme only explicitly accounts for 1.4% of the Yale email and 1.8% of the Christakis email, although clearly the concept provides an underpinning for much of the other content. The Christakis email discusses issues of control and censure for inappropriate costumes (1.9%), which the Yale email does not frame the conversation in these terms. If anything, the Yale email contains a foreshadowing of the events that followed, as it notes the “growing national concern on campuses everywhere about these issues” (Intercultural Affairs Committee, 2015, n.p.). Essentially, the official email’s message boils down to “be attentive to potentially offensive elements in your choice of

costume” while Christakis’s response primarily warns of the “shift from individual to institutional agency” (Christakis, 2015, n.p.).

In short, the disagreement displays the classical philosophical argument about the nature of freedom of expression and the appropriate societal response to speech that is offensive in some way. Ash (2016) summarizes common justifications for freedom of expression: it is essential to our individual human nature; it is essential in the search for Truth (truths?) in the marketplace of ideas; it is necessary for a deliberative democracy; it facilitates toleration in a diverse world. Haiman (1993) suggests that the remedy to hate speech is more speech, an approach directly invoked by Nicholas Christakis, who suggested that students offended by particular costumes engage in dialogue with their wearers. Rejecting an absolutist approach, Matsuda’s (1989) recommendation of a legal-structural response to racist speech, especially in a university community, where students are uniquely dependent on the institution for community both inside and outside the classroom, was clearly reflected in the student response at Yale. However, even if the *Tinker* standard regarding disruption of the educational process were to be applied at the university level, it is not clear that a costume worn during a social event substantially disrupts the operation of the institution, and certainly a nebulous fear of a potential disturbance is insufficient to justify a regulation (*Tinker v. DesMoines*, 1969).

Pragmatically, it matters that the incident occurred at Yale University rather than Southern Connecticut State University, just a couple of miles away. As a private institution, Yale enjoys considerably more leeway in addressing the tension between freedom of expression and creating an inclusive campus community. Yale may impose a speech code regulating expression in the community as long as it is in accordance with the First Amendment. The question of how universities manage the balance between free expression in the pursuit of knowledge and ensuring a respectful and welcoming environment for all remains. A completely laissez-faire policy seems unlikely to be successful. Christakis’s suggestion that students approach wearers of offensive costumes to complain is likely to be unworkable for a number of reasons, not the least of which is that most microaggressions are greeted with a lack of response,

whether from attributional ambiguity (did a microaggression really occur?), response indecision (how best to respond?), time limitations (the interaction has moved on), denial of experiential reality (offering excuses for the microaggression), action impotency (feeling that a response won't do any good), or fear of consequences (due to power differentials) (Sue, 2010). No doubt some would argue that such an approach would permit not just microaggressions, but macroaggressions, into the marketplace of ideas. At the same time, a policy of strict regulation is equally flawed. The chilling effect of campus censorship, whether formal or informal, will have long-term cultural effects as students enter, and eventually direct, the work force. A unidimensional marketplace of expression on campus eliminates the opportunity for students to practice critical thinking skills in discussions, fosters a superficial comprehension of issues, and misinforms students about the experience of living in a free society.

It is particularly fitting that the controversy over what appears to be relatively insignificant—the choice of costume for a holiday celebration—took on such symbolism in the free speech debate at Yale. Throughout its history, the establishment has attempted to domesticate Halloween, from the Church's effort to supplant legends of witches and sorcerers with stories of the saints, to Victorian endeavors to turn wild immigrant harvest parties into decorous society affairs, to the reframing of Halloween as a children's holiday in the early twentieth century (VanDerveer, 1921; Richardson, 2001; Bannatyne, 2005; Forbes, 2015). Ironically, no actual Halloween costumes, offensive or otherwise, appeared in the course of the kerfuffle at Yale. Any aggression that occurred, micro or macro, emanated from the rhetoric of the metadiscussion about these hypothetical costumes. Nelson (2000) classified Halloween costumes into three categories: hero, villain, and fool. At Yale, all of the participants in the Halloween drama seemed determined to adopt all three personas simultaneously as they merged that trinity into a bizarre amalgamation that set aside both *Lux* and *Veritas* as the carnivalesque frame and oppositional narratives long associated with Halloween turned in upon themselves in the midst of an uncivil debate about civility.

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