

PHI 5800: Philosophical Foundations of Free Speech Course Syllabus

Instructor: Dr. Mark Satta
Email: mark.satta@wayne.edu
Office Hours: Wed. 2-4pm or by appointment

Class Location: Zoom/State Hall Room 0229
Term: Winter 2022
Class Dates: January 10 – April 25

Course Description:

What is freedom of speech? And why is freedom of speech important? These are the central questions we will be examining in this course. What we will find is that the answers given to both these questions have changed significantly over time. Today we often take it for granted that freedom of speech is an important and robust legal right. But this wasn't always the case. Freedom of speech, as it is commonly understood now, is a relatively new concept. In the first part of the course, we will examine how answers to our two fundamental questions have changed over time by studying some of the most influential philosophical arguments that have been offered in favor of freedom of speech. In the second part of this course, we will critically assess these arguments and ask which of these arguments still make sense in the twenty-first century, especially given the prevalence of the internet and social media.

Learning Outcomes:

During the semester you will probably encounter some views that you like and others that you do not like. My goal is *not* to convince you to adopt any particular view. Rather my goals are that by the end of the course you will be able to do the following:

- Demonstrate a basic understanding of some of the key arguments for freedom of speech.
- Apply critical thinking skills to assess arguments and claims about freedom of speech.
- Express your own positions about the value of freedom of speech using clear, accessible prose.
- Distinguish philosophical arguments from legal arguments about freedom of speech.
- Identify ways in which classical arguments for free speech are used in contemporary rhetoric.
- Examine questions about the nature of freedom of speech from multiple perspectives.

Required Texts: All readings for this course will be provided on the course's Canvas page.

Grading:

Attendance and Participation	10%
Short Reading Responses	40% (8 responses worth 5% of your grade each)
Midterm Essay	20%
Final Essay	30%

Grading Scale:

A if $\geq 93\%$
A- if between $90\% \leq$ and $<93\%$
B+ if between $87\% \leq$ and $<90\%$
B if between $83\% \leq$ and $<87\%$
B- if between $80\% \leq$ and $<83\%$
C+ if between $77\% \leq$ and $<80\%$
C if between $73\% \leq$ and $<77\%$

C- if between 70%≤ and <73%
D+ if between 67%≤ and <70%
D if between 63%≤ and <67%
D- if between 60%≤ and <63%
F if <60%: F

Attendance & Participation: Your participation grade will be based on class attendance, as well as your preparedness for class and your participation in class discussion and activities. Students are required to participate in a manner that is respectful to all. If you have an occasional scheduling conflict for which you need to miss some or all of a class period, please let me know in advance if possible. Excused absences will not harm your participation grade and absences are more likely to be excused if you reach out to me in advance. Thus, it is in your own interest to let me know about potential absences in advance. I reserve the right to begin assigning short reading quizzes at the start of class as part of your participation grade if I find that students are not sufficiently prepared for a productive discussion during class.

Short Reading Responses: During any eight of the fourteen weeks in the semester, you will need to turn in a short reading response at the start of class. (You can decide which weeks to turn in a reading response, but you can only turn in one per week.) Reading responses (1) should briefly summarize the argument of one of the papers assigned for class that week and then (2) raise a thoughtful, substantive question. Your question may involve a challenge, a counterexample, or a request for clarification. Reading responses should be between 200-300 words. Stay within the word limit. Reading responses must be submitted via Canvas prior to the start of class.

First Paper: The first paper will be due at the end of the tenth week of the semester. For this first paper, students will have several options as to what kind of paper they would like to write. They must write a paper that conforms to one of the following styles:

- (a) The first option is writing a descriptive paper where the student takes one of the major arguments or kinds of arguments about free speech covered in this course and provides a clear explanation of what the argument say, who defends it, and, if applicable, how that argument is being used in contemporary discourse. This paper should be between 1,000–3,000 words.
- (b) The second option is to write an op-ed style essay about a topic covered in this course. The goal will be to defend a claim in between 600–1,400 words in a manner suitable for a general audience.
- (c) The third option is for students to write a persuasive paper of between 1,500–3,000 words where the student makes a philosophical argument for a particular view about the philosophical foundations for freedom of speech.

Given the shorter length, my expectations for the quality of the writing will be higher for option (b). No matter which option you choose, you will be required to have your thesis statement or topic approved by me. More details about the requirements and the criteria for assessing these papers will be given during the semester.

Second Paper: The second paper will be due at the start of the final class period. For this second paper, all students will have to write a persuasive paper. Undergraduates need to write a paper that is between 1,500-4,500 words. Graduate students need to write a paper that is between 3,000-7,000

words. More details about the requirements and the criteria for assessing these papers will be given during the semester.

Weekly Module: Prior to the start of each week, I will post a new module on Canvas that contains all the content for that week. (For example, at the start of the third week of the term I will add a module called “Week 3” that will include all content assigned in the third week of the term.) A complete reading and assignment schedule is also listed at the end of this syllabus.

Email: You should check your WSU email regularly and read all messages sent to you about this class. Failing to read email messages or Canvas announcements is not an excuse for missing deadlines.

Office Hours: I will be available for weekly one-on-one meetings with students via Zoom. Students can sign up for a meeting using the Canvas calendar for this course. I will then email a Zoom link prior to the scheduled meeting. For students who cannot meet during my regularly scheduled office hours, please email me. I am happy to arrange other times to meet.

Camera Policy: For class session that meet on Zoom, students should keep their camera on unless they have asked for permission to have their camera off. If you need to have your camera off for class, please email me to request permission in advance. I recognize that there are many good reasons someone could have for needing their camera off and will grant all legitimate requests. Also, I understand that occasionally unanticipated circumstances may arise that require you to temporarily turn off your camera during class without first asking permission. That is no problem.

Plagiarism & Cheating: Plagiarism, cheating, or any other form of academic dishonesty is unacceptable. Students should familiarize themselves with the Student Code of Conduct available here: <http://doso.wayne.edu/student-conduct/index.html>. Students should also review the following webpage: <https://doso.wayne.edu/conduct/academic-misconduct>.

In the event that it is discovered that you have violated the code or otherwise engaged in academic dishonesty, you will, at a minimum, fail the assignment connected to the violation or dishonesty. I also reserve the right to fail you for the course or to seek other penalties. If at any point during the semester you find yourself unsure whether something would count as plagiarism or a violation of the Student Code of Conduct, please ask me. I’m more than happy to provide you with additional feedback and information.

Disability Accommodation: Wayne State University is committed to providing a welcoming and supportive environment for individuals with disabilities. I share this commitment. Wayne State University offers a variety of accommodations and services for students with documented disabilities. If you have a documented disability that requires academic adjustments, you should email me by the end of the first week of class to ensure we have time to make proper arrangements. More details about Wayne State’s disability accommodations can be found here: <https://studentdisability.wayne.edu/accommodations>.

Religious Observances: Wayne State is also committed to providing a welcoming and supportive environment for individuals of all faiths. I share this commitment too. It is University policy to respect the faith and religious obligations of its students. Because of the wide variety of religious affiliations of the Wayne State student body, our academic calendar does not make provisions for religious holidays. Thus, students with classes or examinations that conflict with their religious observances are expected

to notify their instructors well in advance so that mutually agreeable alternatives may be worked out. Please notify me at least two weeks in advance of such needs (the obvious exception being observances within the first two weeks of class).

Nondiscrimination Policy: Wayne State University is committed to a policy of non-discrimination and equal opportunity in all of its operations. I share this commitment as well. This policy embraces all persons regardless of race, color, sex (including sexual orientation and gender identity), national origin, religion, age, familial status, marital status, height, weight, disability, or veteran status. Wayne State also expressly forbids sexual harassment and retaliation against an individual for filing a complaint of discrimination or harassment. Please let me or another faculty/staff member know if you are experiencing harassment. More details about Wayne State's nondiscrimination policy can be found here: https://oeo.wayne.edu/pdf/affirm_actn_policy.pdf.

Campus Emergency Policy: In the unexpected occurrence of a major campus emergency, I reserve the right to alter course requirements, deadlines, and grading percentages in response to emergency circumstances. If such changes are made, I will do my best to make changes that are fair to all students. To the extent feasible, I will solicit input from students before making any changes.

Course Drops and Withdrawals: In the first two weeks of the (full) term, students can drop this class and receive 100% tuition and course fee cancellation. After the end of the second week there is no tuition or fee cancellation. Students who wish to withdraw from the class can initiate a withdrawal request on Academics. You will receive a transcript notation of WP (passing), WF (failing), or WN (no graded work) at the time of withdrawal. No withdrawals can be initiated after the end of the tenth week. Students enrolled in the tenth week and beyond will receive a grade. Because withdrawing from courses may have negative academic and financial consequences, students considering course withdrawal should make sure they fully understand all the consequences before taking this step. More information on this can be found at: <https://reg.wayne.edu/students/information#dropping>.

Class recordings: Students need prior written permission from me before recording any portion of this class. If permission is granted, the audio and/or video recording is to be used only for the student's personal instructional use. Such recordings are not intended for a wider public audience, such as postings to the internet or sharing with others. Students registered with Student Disabilities Services (SDS) who wish to record class materials should present their specific accommodation me as soon as possible.

Reading Schedule: What follows is a list of the readings assigned each week. All readings will be posted on Canvas under the module corresponding to the week in which they are assigned. Due dates for all major assignments are also listed. I reserve the right to make alterations to this list if need be (although I don't anticipate doing so). Any alterations to this list will be clearly indicated on the course website.

Week 1, January 12:

- "Free Speech," 1000-Word Philosophy
- Chapter 1 of *The Short Life and Curious Death of Free Speech in America*, Ellis Cose
- Short excerpts from John Milton's "Areopagitica"

Week 2, January 19:

- Chapter 20 of *Dare to Speak*, Suzanne Nossel
- Chapter 2 of *On Liberty*, John Stuart Mill

Week 3, January 26:

- Chapter 2 of *On Liberty*, John Stuart Mill (continued)
- “Plea for Freedom of Speech in Boston,” Frederick Douglass

Week 4, February 2:

- “Freedom of Speech in War Time,” Zechariah Chafee

Week 5, February 9:

- *Abrams v. United States* (with a focus on the dissent from Justice Oliver Wendell Holmes)
- *Whitney v. California* (with a focus on the concurrence by Justice Louis Brandeis)

Week 6, February 16:

- “The Prevention of Literature,” George Orwell
- “Freedom of the Park,” George Orwell
- Excerpt from Introduction to *The Free Speech Wars*, Charlotte Lydia Riley

Week 7, February 23:

- Chapter 1 & Reflections of *Free Speech and its Relation to Self-Government*, Alexander Meiklejohn
- Chapter 1 of *Rights Talk*, Mary Ann Glendon

Week 8, March 2:

- “A Theory of Freedom of Expression,” T. M. Scanlon
- “Free Speech Justifications,” Kent Greenawalt

Week 9, March 9:

- Introduction to *The Short Life and Curious Death of Free Speech in America*, Ellis Cose
- “It’s the (Democracy-Poisoning) Golden Age of Free Speech,” Zeynep Tufekci

Week 10, March 23:

- “Escape the Echo Chamber,” C. Thi Nguyen
- “Is the First Amendment Obsolete?” Tim Wu
- **MIDTERM ESSAY DUE BY 5PM ON FRIDAY 3/26**

Week 11, March 30:

- “The Coddling of the American Mind,” Greg Lukianoff and Jonathan Haidt
- “Are College Campuses Growing More Intolerant of Free Speech?” Michael Hiltzik
- “Grad School as Conversion Therapy: ‘Free Speech’ and the Rights of Trans and Non-Binary People on University Campuses,” Grace Lavery

Week 12, April 6:

- “Hate Speech is Protected Free Speech, Even on College Campuses,” Erwin Chemerinsky
- “No-Platforming and Higher-Order Evidence,” Neil Levy

Week 13, April 13:

- “When is Free Speech Not about Freedom? When it’s About Racism,” Omar Khan
- “Black Speech Matters,” Jennifer Kinsley

Week 14, April 20:

- “Colloquy with Emily Bell at Columbia University on Digital Platforms”
- “Internet Speech Will Never Go Back to Normal,” Jack Goldsmith & Andrew Keane Woods
- **FINAL PAPER DUE BY 5PM ON FRIDAY, APRIL 29**