

Advanced Institute, Winter 2019
CAN FREE SPEECH SURVIVE THE INTERNET?
Instructors: Antón Barba-Kay and Adam J. White
Washington, DC

Two divergent tendencies are strikingly evident in American public discourse: the invocation of the right not to be offended, and the insistence on the right to say whatever one pleases. And it is clear that both of these tendencies are affirmed and, in fact, enabled by the Internet.

This weekend seminar will explore the political psychology of the Internet, its latent implications for our political associations, and its bearing on our understanding of law and the common good. Students will look at current controversies in tech and the political principles that intersect them: What responsibilities do tech companies like Facebook and Twitter have to protect constitutional values like free speech? To promote civil debate? Why does social media seem to encourage mob mentality, and how should we respond to the chilling effects of online harassment for freedom of thought and expression? And can we trust private companies like Google—with their own vision of the public good—to neutrally enforce standards and police speech? More importantly, can we trust ourselves to use this powerful tool responsibly? What virtues are needed for the digital age?

All Saturday sessions will be taught by Antón Barba-Kay, assistant professor of philosophy at Catholic University of America. The Sunday morning session will be taught by Adam J. White, research fellow at the Hoover Institution and executive director of the C. Boyden Gray Center for the Study of the Administrative State at Antonin Scalia Law School.

Friday, February 15, 2019

6 pm to 8 pm

Dinner and Guest Speaker

**Guest Speaker: Jon Askonas, assistant professor,
Catholic University of America**

Saturday, March 23, 2019

8:30 am to 9 am

Group Breakfast

9 am to 10:30 am

On Medium as the Metaphor

Readings:

- Plato, *Phaedrus* 274b–278e
- Neil Postman, Chs. 1 & 2, *Amusing Ourselves to Death* (1985)
- Nicholas Carr, “Is Google Making Us Stupid?,” *The Atlantic*, July/August 2008

Discussion Questions:

1. Why is Theuth initially convinced of the value of writing? And what is Thamos's rejoinder? What is Socrates's critique of writing?
2. How does writing relate to speech? What is lost in the conversion of speech into written words? What is gained?
3. How does the medium of communication influence how we think, how we express ourselves, and thus, influence our culture? What are "media-metaphors"?
4. What characterizes the medium of the internet? How do these characteristics affect and inform our ways of reading, speaking, and thinking?
5. What different characteristics belong to different media? What does it mean to say we no longer live in the age of typography or print but in the age of television or in the age of computers?

10:30 am to 12:00 pm

On Community & Medium

Readings:

- Tocqueville, *Democracy in America*, Volume 1, Part II, Chs. 3–4, "Freedom of the Press" and "Political Association" and Volume 2, Part II, Chs. 5–6, "Associations in Civil Life" and "Associations and Newspapers"
- Lee Rainie and Barry Wellman, Ch. 1, *Networked: The New Social Operating System* (2012)
- Caroline Beaton, "Why Millennials Are Lonely," *Forbes*, February 9, 2017
- Caroline Beaton, "The Solution to Millennial Loneliness," *Forbes*, March 3, 2017

Discussion Questions:

1. What is the character of the American "periodical press," according to Tocqueville? How does it influence public opinion?
2. What endows American political associations with such vitality? What connection can be drawn between the freedom of the press and this vitality?
3. How does the right to freedom of the press connect to the other First Amendment rights (freedom of association, of speech, of religion)? How do these rights relate to the unique character of American communities?
4. How can the right of association become "dangerous"? How might the press contribute to that danger?
5. Note the reigning metaphor of Rainie and Wellman's analysis: what insight does this metaphor grant them? What limitations does it impose? How does the networked social operating system compare to the associations Tocqueville described?
6. What accounts for Millennials' increasing loneliness? Does American individualism account for it completely? What are the suggested solutions? Do they fit the scope of the problem?

12:00 pm to 1:30 pm

Lunch and Guest Speaker

Guest Speaker: Helen Andrews, managing editor, *The Washington Examiner*

Readings:

- Helen Andrews, "Shame Storm," *First Things*, January 2019

1:30 pm to 3:15 pm

On Context & Free Speech

Readings:

- Stephen Marche, “How We Solved Fake News the First Time,” *The New Yorker*, April 23, 2018
- James Gleick, Ch. 14, *The Information* (2011)
- Kate Klonick and Thomas Kadri, “How to Make Facebook’s ‘Supreme Court’ Work,” *The New York Times*, November 17, 2018
- “Hard Questions: How Is Facebook’s Fact-Checking Program Working?,” Facebook, June 14, 2018
- Cecilia Kang and Kate Conger, “Inside Twitter’s Struggle Over What Gets Banned,” *The New York Times*, August 10, 2018

Discussion Questions:

1. How does the context of speech relate to its content? Can speech be judged apart from its context? How can we determine what is “appropriate,” “offensive,” or “extreme” when that context is absent?
2. Does public discourse and deliberation depend on a shared context? If so, is such discourse possible on a global and disembodied internet?
3. Should we hold people accountable for their speech on the internet—and if so, how? Is it the responsibility of tech companies to police speech that is false, deceitful, or abusive? Is public shaming an appropriate way to enforce standards of public discourse?
4. How do institutions, associations, and free speech relate? How have past institutions mitigated abuses of freedom of speech? What new institutions (e.g., a Facebook Supreme Court) might be able to fill that role?

3:15 pm to 4:30 pm

On Internet Democracy & Tyranny

6 pm to 8 pm

Group Dinner and Discussion

Sunday, March 24, 2019

8:30 am to 9 am

Group Breakfast

9 am to Noon

Internet Platforms & Society

Readings:

- Adam J. White, “Google.gov,” *The New Atlantis*, Spring 2018
- Jonathan Zittrain, “How to Exercise the Power You Didn’t Ask For,” *Harvard Business Review*, September 19, 2018

Discussion Questions:

1. What are the benefits and dangers of increasingly personalized “Internet platforms” (like Google and Facebook) particularly in terms of liberty, democracy, and the marketplace of ideas?
2. Is Google’s “de-ranking” of disfavored websites a form of censorship? Does it matter if the “de-ranking” is determined by an algorithm versus a person? How should Google and other search engines deal with false and offensive results like Holocaust denial claims?
3. Should Google and other tech companies be required to act as “information fiduciaries,” guarding users’ information for the benefit of those users? Is this different from the idea of Google as a “public good”?

Noon to 2 pm

Lunch and Closing Conversation