

HERTOG 2021 SUMMER COURSES

FREE SPEECH IN A FRACTURED REPUBLIC

Martha Bayles, Professor, Boston College

Free speech in America is at a troubling impasse. At one extreme, the champions of free speech embrace the ultra-libertarian view that every limit on expression, no matter how benign, is a fatal step toward tyranny. At the other, the custodians of public virtue deploy star-chamber methods to enforce an ideology, congealed from political correctness, that grows ever more invasive, intolerant, and inhuman. Fellows will explore the challenge of preserving the Western ideal of free speech in a world where democratic governments seem paralyzed by political and cultural polarization; powerful tech companies have become unwilling content regulators; and authoritarian regimes deploy digital technology for surveillance, censorship, and propaganda.

This seminar will meet online weekly on **Tuesdays** from **4 PM to 6 PM ET** on the following dates: June 15, 22, 29, July 6, & 13.

Course Materials

- Course Reader

Discussion Papers: Each fellow will be responsible for completing a brief discussion paper (1-2 pages, single spaced). See below for your assigned session. Discussion questions will be provided by the instructor the week prior to each session.

Papers are due the day before your assigned session by 5 PM ET. They should be posted on the course Slack channel and will be part of the assigned readings for the session. Paper-writers should be ready to briefly present their ideas during the seminar.

Films: There are three films assigned in addition to our readings. Two of the films are available to view for no charge, while one (*The Cleaners*) can be rented. If there is interest, we will host class screenings of the films in advance of the sessions. These screenings will be announced on Slack.

Resources:

To learn more about the ideas and figures discussed in this course, we encourage you to explore a project supported by the Hertog Foundation: **The Great Thinkers** (<http://thegreatthinkers.org/>) and **Contemporary Thinkers** (<http://contemporarythinkers.org/>) websites.

Thursday, June 15, 2021

4 PM – 6 PM ET Session I: Why Free Speech? The Argument from Truth

Readings:

- Vincent Blasi, “Milton’s *Areopagitica* and the Modern First Amendment,” Ralph Gregory Elliot First Amendment Lecture, Yale Law School (1995)
- John Stuart Mill, Ch. 2 (abridged), *On Liberty* (Project Gutenberg, 1857)

Thursday, June 22, 2021

4 PM – 6 PM ET Session II: The Argument from Democracy

Readings:

- Frederick Schauer, “Free Speech and the Argument from Democracy,” *Nomos*, Vol. 25 (American Society for Political and Legal Philosophy, 1983), pp. 241–56
- Sophie Rosenfeld, Ch. 1, “The Problem of Democratic Truth,” *Democracy and Truth* (University of Pennsylvania Press, 2019)
- Werner J. Patzelt, “Populism—and How to Handle It,” eds. Claudia Crawford, et al., *Populism as a Common Challenge* (Konrad-Adenaeuer-Stiftung e.V., 2018)

Thursday, June 29, 2021

4 PM – 6 PM ET Session III: The Argument from Individual Autonomy

Readings:

- Harry M. Clor, “The Case for Public Morality,” *Public Morality and Liberal Society* (University of Notre Dame Press, 1996)
- Tim Alberta, “How the GOP Gave Up on Porn,” *Politico*, November 11, 2018
- Tarleton Gillespie, “Content Moderation, AI, and the Question of Scale,” *Big Data and Society* (2020)
- Moritz Rieseewieck and Hans Block, [The Cleaners](#) (2018) (Available for rent on [Vimeo](#))

Assigned Discussants:

- Lucy Onderwyzer Gold
- Andrew Lutz
- Catherine Schwenk

Thursday, July 6, 2021

4 PM – 6 PM ET Session IV: The Argument from Restraint of Power

Readings:

- Ron Anderson, “The Panopticon is Already Here,” *The Atlantic*, September 2020
- Xiao Qiang, “President Xi’s Surveillance State,” *Journal of Democracy* (National Endowment for Democracy, 2020)
- Robin Barnwell and Gesbeen Mohammad, [China Undercover](#), PBS, April 7, 2020

Thursday, July 13, 2021

4 PM – 6 PM ET Session V: Who (or What) Will Govern?

Readings:

- Matthew B. Crawford, “Algorithmic Governance and Political Legitimacy,” *American Affairs*, Summer 2019
- Timothy Garton Ash, “Ch. 9: Icebergs,” *Free Speech: Ten Principles for a Connected World* (Yale University Press, 2016), pp. 348–69
- Laura DeNardis, [The Internet in Everything](#), Quello Center, Michigan State University, 2019