

FYSem 1010
Speech, Censorship, Toleration, and Bigotry
Hamline University
M, W, F, 10:20-11:20

David Schultz
Fall 2017
Bush Library 301

Speech, Censorship, Toleration, and Bigotry
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Sticks and stone will break my bones but names will never hurt me.

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Course Description: Freedom of speech and toleration for divergent opinions are fundamental principles of liberal democracies such as the United States. Yet what exactly is freedom of speech, why is it important, and should all ideas be equally tolerated or permitted even if they are offensive or hateful to specific groups such as racial minorities, women, or others? This class explores the historical, political, and legal evolution and case for free speech and toleration, examining what limits, if any should be attached to either and why and how both are being challenged from the political left and right in the United States and across the world.

The class will begin with a survey of classic texts on freedom of speech, thought, and association, laying the foundation for the legal and political rules that have supported these concepts. The class will then look at contemporary challenges confronting free speech, thought, and association, including campus speech codes, hate speech laws, media and entertainment (self)-censorship, and political correctness.

Goals:

- * Understand the classic debates and literature regarding freedom of speech and toleration.
- * Explore contemporary debates surrounding what constitutes hate and other forms of offense speech and the arguments made to restrict it.
- * Discuss the merits surrounding current campus speech codes.
- * Introduce students to Hamline University's curriculum and library resources
- * Begin the process of becoming better writers and thinkers.

Disability-Related Accommodations: If you need disability-related accommodations for this course please contact the instructor as soon as possible. Accommodations are set up through the Disability Services Office. Please contact the Director of Disability Services, at 651.523.2521.

Sexual Assault, Relationship Violence, and Stalking: Hamline University also provides academic and other accommodations to students who have experienced sexual assault, relationship violence (physical, emotional, or other form of abuse by a dating or other intimate partner), or stalking. For more information about Hamline’s policy and the resources available to you, consult Hamline’s website or contact our Title IX Coordinator and Associate Dean of Students, Patti Klein, 651-523-2421, pklein01@hamline.edu.

Required Books:

These books are at the Hamline University bookstore.

Chemerinsky, Erwin, and Howard Gillman, *Free Speech on Campus*.

Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

Kennedy, Randall. *Nigger: The Strange Career of a Troublesome Word*.

MacKinnon, Catherine, *Only Words*.

In addition to the required books, all Fysem students are expected to read *Just Mercy: A Story of Justice and Redemption*, by Bryan Stevenson.

There are additional readings on the syllabus that will be marked with an asterisk (*). These materials are either located on the Blackboard site for this class, will be e-mailed to you, or you can locate them on the Internet.

Copyright Laws: Federal copyright law permits individuals to make copies of materials for their own “fair use.” If there are additional materials for this class, you are advised that under federal law you may make a copy for your own personal and educational use.

Course Rules: There are several basic rules for this course. It is assumed that you understand these rules, and that by taking this class you agree that they apply to you and this course unless otherwise amended or noted. (In other words if you violate any of these rules, your attendance in this class constitutes a waiver from the claim that you did not understand or know them).

1. Follow the Rules. All the University and college rules are applicable in this class, including the general rules on academic honesty. The honor code is located at:

http://bulletin.hamline.edu/content.php?catoid=9&navoid=253#aca_honorcode

My own personal policy on academic dishonesty is that any infractions of academic dishonesty will result in at least failure of this class.

Let me outline a few points for you to consider in terms of what constitutes plagiarism.

- * Copying any work off the Internet, out of any written materials, or from another student without giving credit to that work.
- * Submitting work produced by someone else and claiming it as your own.
- * Quoting or paraphrasing work produced by someone else and claiming it as your own.

The above three points are not the sum of what plagiarism or academic dishonesty constitutes. In this class you are expected to produce work that is of your own creation. Yes, you are expected to do research and cite other sources, but you may not claim those other sources as your own work product.

2. **Be Creative and Daring.** I have no monopoly on knowledge and do not enforce either PC or a party line. While I may have particular views on a subject, what I care more about is that you reach your conclusions and find ways to support your positions. Hence, I invite disagreement and discourage silence out of fear of what you think I or other students may think. However, seek to support your conclusions and disagreements; that is the goal of school and education, i.e., reasoned argument.
3. **Be Vocal.** Class is more fun if you talk and share your views. All of us can contribute unique views and observations and my hope is that all of you are active participants in the course.
4. **Rewriting Assignments.** Unless otherwise noted, you have the option to rewrite any assignment you turn into me until you are happy with it or disgusted with me or the paper. I encourage that you rewrite assignments. It is my belief that you will learn more by rewriting than by simply turning a paper in once and praying for the best. Thus, if you turn your assignments paper in early enough I will grade them and give you an option to rewrite.
5. **Late Papers.** Papers are due by class time on the due date. Late papers or assignments will be docked one letter grade per day.
6. **Plan Ahead.** Students will tell you that my assignments can not be completed on time if you start them the night before. My assignments take time and thought. Use both wisely.
7. **Work Together.** I encourage you to work together.
8. **Avoid Disappearing.** Students occasionally get into trouble, panic, fail to turn a paper in, or fall into other problems. Then they disappear for several weeks. Avoid this. If there is a problem come and see me as soon as possible. Hiding and ignoring me or the problem will not make it go away, and I will not come looking for you. I do not plan to take attendance but if absences get to be a problem I will take actions such as pop quizzes that will be incorporated into your class participation grade.

Warning: In this class you may be exposed to ideas that challenge what you already believe or you may hear, read, or discuss ideas and concepts that you may not like. Additionally, you may have your own prejudices challenged or ideas shall be discussed that may address controversial subjects or ideas. If any of the above poses a problem for you then you are advised to drop the course.

Requirements: There are several requirements for this class.

Library tutorials	0% of your final grade
Banned Books	25% of your final grade
<i>Just Mercy</i>	25% of your final grade
Midterm	20% of your final grade
Final	20% of your final grade
<u>Class Participation</u>	<u>10% of your final grade</u>
Final grade	100%

The **library tutorials** requires you by **September 13**, to take the pre-test and begin watching the tutorials on how to access library materials. The tutorial materials and pre-test is located at <http://bushlibraryguides.hamline.edu/first-year> .

The **Banned Books** assignment will ask you to select a banned book from the list provided by the library and to do several things. First, you are to read the banned book and do research to locate a particular passage of the book that has been considered objectionable and why. You are then to read that passage during class time in front of the library as part of Banned Books Week. You will then be required to write a five-page paper describing why the book was banned. More details on this assignment will be forthcoming. This assignment is worth 25% of your final grade.

The ***Just Mercy*** assignment and write a five-page paper examining the role of race in the criminal justice system in the United States. More details on this assignment will be forthcoming. This assignment is worth 25% of your final grade.

The **Midterm** will be take-home, asking you to critically analyze some of the major themes of the class material covered up to that point. The midterm is worth 20% of your grade.

The **Final** will be a comprehensive exam covering all of the material in the class. The exact format of the final will be determined by the professor and it will be worth 20% of your final grade.

Participation rewards class effort and work. You are expected to do the readings and assignments, attend class, and participate. Everyone is expected to “pull their weight.”

Field Trips: On Tuesday, November 14, and Tuesday November 21, from 9 AM to 12 PM we will be visiting the Minneapolis Institute of Arts and the Walker Art Centers. More details forthcoming but you need to inform other professors that you need to attend these trips and that, if you have classes during those hours, that you will be missing class.

Course Schedule
(Subject to modification and change)

September 3 (Sunday 3:30-4:30 PM GLC 204E)

Saturday Night Live–“The Job Interview.”

<https://www.youtube.com/watch?v=hhlpwBJ2NLs>

George Carlin, “Political Correctness.”

https://www.youtube.com/watch?v=DzHVv_U6L-k

Scenes from Charlottesville

<https://www.nytimes.com/video/us/100000005363670/charlottesville-virginia-white-nationalist-protests.html?mcubz=1>

September 6 Course Introduction

Arguments for Free Speech and Thought

September 8-11 Freedom of Thought: John Stuart Mill, *On Liberty*, part II, located at:
<http://eet.pixel-online.org/files/etranslation/original/Mill,%20On%20Liberty.pdf>

September 13 Individuality: John Stuart Mill, *On Liberty*, part IV.

September 13 Complete the Library pre-test.

September 15 Library day

September 18 Censorship: John Milton, *Areopagitica*, located at
<https://www.saylor.org/site/wp-content/uploads/2012/08/ENGL402-Milton-Aeropagitica.pdf>

September 20 Persecution and Truth: Plato, *Apology*, located at
<http://www2.hawaii.edu/~freeman/courses/phil100/04.%20Apology.pdf>

September 22 Hamline Plan presentation.

September 25-29 Banned Books: Readings from Banned Books: Assignments to be announced

The Constitution and Freedom of Speech, Thought, and Expression

October 2 The First Amendment Line: *Schenk v. United States*, *Brandenburg v. Ohio*.

- October 4 Expressive Conduct: *R.A.V. v. St. Paul, Texas v. Johnson*
- October 9 Group Libel and Obscenity: *Beauharnais v. Illinois, Miller v. California.*
- October 11 Dirty Words: *Cohen v. California, Morse v. Frederick, Federal Communications Commission v. Pacifica Foundation.*
- October 13 No class.

The Case for Censorship

- October 16 *American Booksellers Ass'n, Inc. v. Hudnut, Chaplinsky v. New Hampshire*
Irving Kristol, “ Pornography, Obscenity and The Case For Censorship,”
located at
http://www.nytimes.com/1971/03/28/archives/pornography-obscenity-and-the-case-for-censorship-pornography.html?_r=0
- October 16 Banned Books assignment due.**
- October 18 Kennedy, pp. 3-44.
- October 20 Career Fair, 5-7 PM.**
- October 20 Kennedy, pp. 45-88.
- October 23 Kennedy, pp. 89-141.
- October 23 **Midterm Due.**
- October 25 MacKinnon, *Only Words*, pp 1-42.
- October 27 No classes, midterm break.
- October 30 MacKinnon, 43-68.
- October 30 Career Fair paper due.**
- November 1 MacKinnon, 69-112.
- November 3 Richard Hofstadter, “The Paranoid Style in American Politics,” located at
<http://archive.harpers.org/1964/11/pdf/HarpersMagazine-1964-11-0014706.pdf?AWSAccessKeyId=AKIAJXATU3VRJAAA66RA&Expires=1495981435&Signature=WahIrmG83B4F7%2BEmy%2FqsSi1pAQ4%3D>

November 6 Arthur Miller, *The Crucible*, located at <https://esprdg.cscmonavenir.ca//files/2013/10/21078735-The-Crucible-Art-hur-Miller-2hmdzot.pdf>

November 8 Finish *The Crucible*.

Art and Censorship

November 10 Music and Artistic Censorship : <http://www.nytimes.com/1992/01/12/arts/classical-music-wagner-nazis-and-the-israeli-soul.html?pagewanted=all>

<http://ncac.org/blog/turn-that-down-40-banned-and-censored-songs>
John Berger, *Ways of Seeing*, located at <http://waysofseeingwaysofseeing.com/ways-of-seeing-john-berger-5.7.pdf>

November 13-15 Finish Berger, and also read:
Benjamin, Walter, “Art in the Age of Mechanical Reproduction,” located at <http://web.mit.edu/allanmc/www/benjamin.pdf>

November 13 *Just Mercy* Assignment due.

November 14 **Tuesday, 9 AM to 12 PM–Trip to the Minneapolis Institute of Arts.**

Hate Speech, and the Internet

November 20 Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

November 21 **Tuesday, 9 AM to 12 PM–Trip to the Walker Art Center.**

November 22 Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

November 24 **No class, Thanksgiving.**

November 27 Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

November 29 Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

December 1 Citron, Danielle Keats, *Hate Crimes in Cyberspace*.

Free Speech and the University

December 4 <https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/>
<https://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/>

December 6 Chemerinsky, Erwin, and Howard Gillman, *Free Speech on Campus*.

December 8 Chemerinsky, Erwin, and Howard Gillman, *Free Speech on Campus*.

December 11 Chemerinsky, Erwin, and Howard Gillman, *Free Speech on Campus*.

December 13 Chemerinsky, Erwin, and Howard Gillman, *Free Speech on Campus*.

Speech and Toleration in a Free Society

December 15 Conclusion: No readings.

December 19 10: 00 AM Final Exam. Format to be determined.