

Phil 520: Seminar in Ethical Theory
Free Speech, Free Press, and Democracy
Niccolls 301
Tuesday, 3:30–5:50 PM

University of Idaho
Department of Philosophy

Spring 2012

Assistant Professor Graham Hubbs
Office: 409 Morrill Hall
Office Hours: Thursday 2-4 PM or by appointment

Phone: 208.885.6284
Email: hubbs@uidaho.edu

Course description.

This course will examine the ethics of speech in democracy. The First Amendment to the United States Constitution states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Why, from a democratic point of view, are free speech and a free press ethically valuable? To answer these questions, we will need a general account of democracy: Rousseau’s *Social Contract* will be our guide. We will look at a variety of arguments, drawn from a variety of sources, that articulate both the need for and the limits to free speech in democracy. We will close the term with an extended discussion of Wikileaks and whether its activities are, from a democratic standpoint, ethically permissible.

Academic honesty, accommodation, and record-keeping.

Academic Honesty: It is the policy of the Philosophy Department to refer all instances of suspected academic dishonesty to the Student Judicial Council. For the Dean of Students' Academic Integrity site which includes UI Policies and Student Academic Dishonesty Resources, see <http://www.students.uidaho.edu/default.aspx?pid=45708>

Reasonable Accommodations: Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Students who require accommodation should see the instructor in his office during the first week of class to notify him; students should present a completed and signed Accommodation Checklist for the current semester from Disability Support Services (DSS) when requesting accommodations. All accommodations must be approved through DSS located in the Idaho Commons Building, Room 306 (208-885-6307; dss@uidaho.edu).

Assignment and Grade Record-keeping: Students are responsible for saving all graded work until final grades are recorded with the registrar and checked by the student.

Method of grading.

Over the course of the semester students will have the opportunity to earn up to 100 points. Each student's grade will be determined by the number of points he or she earns. The break-down for letter grades is as follows. '+'/'-' break-downs have been provided for students from Washington State University; students from the University of Idaho may ignore these distinctions.

A: 90-100	(A-: 90-92; A: 93-97; A+: 98-100)
B: 80-89	(B-: 80-82; B: 83-87; B+: 88-89)
C: 70-79	(C-: 70-72; C: 73-77; C+: 78-79)
D: 65-69	
F: 0-64	

Your grade will be based on your weekly questions, which you will post to the course wiki, your participation in class, your attendance at the INPC, and your final paper. Bonus points may be earned for contributing to the Wikileaks bibliography on the course wiki. The details for each of these are as follows.

- **Weekly questions.** Each week you must post a discussion question in response to the reading on the course wiki. The URL for the course wiki is <http://phil520.wikispaces.com/>. Each post must quote a passage from the week's reading; you will respond to this quote by asking a philosophically engaged question. Failure to quote the text or to ask engaged questions may result in partial credit. Each post is worth 3 points; a total of **36 points** may be earned by these questions.
- **Class participation.** Each week you must attend class. Verbal participation is encouraged but not required. You should notify the instructor if you will not be able to attend class. You have one unexcused absence. You will receive **24 points** for satisfying the attendance requirement, and you will lose two points for each unexcused absence, excepting the first.
- **INPC.** The University of Idaho will host the 2012 Inland Northwest Philosophy Conference on March 23-24. You are required to attend at least two talks and to submit summaries of the talks you attend by noon on Wednesday, March 28. To give you time to write your summaries, there will not be class on Tuesday, March 27. Each summary should be approximately 250 words long. A total of **10 points** may be earned by these summaries.
- **Final paper.** You will write a final research paper of approximately 3500 words on the topic of your choosing related to the class. You will email a précis of your paper to me by noon on Monday, April 23 outlining your project. You will receive **5 points** for submitting your précis. Your final paper will be due at noon on Monday, May 7. It is worth **25 points**.
- **Wikileaks bibliography.** You may earn bonus points by contributing to the Wikileaks bibliography on the course wiki. Every student who submits a new citation will receive one point. Each new citation beyond the first is worth an extra 1/3 of a point. The student who submits the most citations will receive five points. Citations must be of articles published in scholarly journals.

Schedule of assignments.

THIS SCHEDULE IS SUBJECT TO CHANGE. In the event of a change, students will be notified via email. Students should check their email regularly for updates to the schedule and other matters. Each date indicates the topic to be discussed on that date; students are to have read the indicated texts prior to attending class.

All texts are available electronically on Blackboard. Go to bblearn.uidaho.edu to find them.

January

- 17 – Introduction
- 24 – Jean Jacques Rousseau, *Social Contract*, I.6-I.8; II.1-4; III.1-5; IV.1-2
- 31 – Joshua Cohen, *Rousseau*, Ch. 5

February

- 7 – John Stuart Mill, *On Liberty*, Ch. 2 (“On the Liberty of Thought and Discussion”)
- 14 – Alexander Meiklejohn, *Free Speech and its Relation to Self-Government*, Chapters 1 & 2
- 21 – Alexander Meiklejohn, *Free Speech and its Relation to Self-Government*, Chapters 3 & 4; Redish and Mollen, “Understanding Post’s and Meikeljohn’s Mistakes,” pp. 1303-20
- 28 – Lawrence Lessig, *Republic, Lost*

March

- 6 – Lawrence Lessig, *Republic, Lost* (continued)
- 13 – NO CLASS – Spring Break
- 20 – Joshua Cohen, “Truth and Public Reason”
- 24-25 – INPC
- 27 – NO CLASS – INPC Sessions instead the previous week – Summaries due on 3/28

April

- 3 – Sarah Sorial, “Can Saying Something Make it So?”; Jonathan Gilmore, “Expression as Realization”
- 10 – Anne Barron, “Kant, Copyright, and Communicative Freedom”; John Garthoff, “Legitimacy is not Authority”
- 17 – Yochai Benkler, “A Free Irresponsible Press”
- 24 – Kirsten Lundberg, “Friend or Foe?”; Adam Moore, “Privacy, Security, and Government Surveillance”

May

- 1 – Course wrap-up
- 7 – Final paper due