

**Course Syllabus**  
**Free Speech and Toleration**  
**PHIL 494, Spring, 2018**

**Instructor:** Dr. Matt Zwolinski  
**Office Hours:** 9:30 – 10:30 AM; 2:00 – 3:30 PM (Tues/Thurs)  
**Office:** F167A  
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**Required Books:**

John Locke, *A Letter Concerning Toleration* (Broadview)  
John Stuart Mill, *On Liberty* (Broadview)  
Roger Williams, *On Religious Liberty* (Belknap/Harvard)  
Joel Feinberg, *Offense to Others* (Oxford)  
Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (Yale)

Other readings available on electronic reserve.

**Core Requirements:** This course fulfills the Core Curriculum requirement for a non-ethics, non-logic philosophy course

**Content:**

A commitment to free speech and toleration are among the defining features of modern, liberal democracies. But as a historical matter, these commitments are relatively recent phenomena. And philosophically, neither is as clear-cut or unambiguous as we might assume. Recent controversies involving religious extremism and controversial speakers on college campuses illustrate the difficulties applying these principles to concrete cases, and the normative challenges posed by those who question the desirability of doing so.

To better understand the values of free speech and toleration, we need to understand the historical context in which those values emerged, and the philosophical arguments that were made on behalf of them. Moreover, we need to better understand the arguments that were and continue to be made *against* those values. After all, as John Stuart Mill, one of the philosophers we will read in this class, once wrote, “The beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded.”

Accordingly, this class will begin with a brief survey of some of the most influential arguments made on behalf of religious *intolerance* and censorship, from the Catholic St. Augustine and the Protestant John Calvin. We will then turn to the classic arguments for religious toleration (by John Locke) and free expression (by John Stuart Mill). We will explore several modern challenges to these ideas including hate speech, pornography, and the pursuit of social justice. Finally, we will conclude with an in-depth examination of free speech on contemporary college campuses. Should universities regulate speech inside or outside of classrooms to create “safe spaces” for students? Do provocateurs like Milo Yiannopoulos have the right to speak on campus? Do protestors have the right to shout him down? How can a commitment to free speech be reconciled with a commitment to creating a diverse and inclusive learning environment for students?

## Course Requirements:

Philosophical readings are dense and difficult. It will probably take longer than you expect to read them once, and it will probably be necessary to re-read most pieces at least once in order to come to an adequate understanding of the material. You should expect to spend at least **six hours per week** outside of class time reading and re-reading the material.

The requirements set out in this syllabus are subject to revision at the instructor's discretion.

- **Daily Reflections** – By **9:00 am before each class session**, you must post to Blackboard approximately 200 words responding to the readings assigned for that day. You are not expected to write something that shows mastery of the reading. Rather, your purpose is to demonstrate thoughtful engagement with the readings. **You must also ask a question about the readings.** You should come to class prepared to be accountable for what you have written and to answer questions about it. **All students are responsible for these posting regardless of whether they attend class that day.**  
Forum postings will be graded 5 (excellent), 4 (solid), 3 (poor), or 0 (could have been written without doing the reading at all). One way to ensure achieving a 5 for any particular forum is (**in addition to making an original post**) to compose a thoughtful and respectful reply to another student's posting.
- **Exams:** You will have two in-class exams – one during the regular semester and one final exam. Each exam will consist of multiple-choice questions (drawn from your earlier quizzes), short-answer questions, and possibly a longer essay. The final exam will be cumulative, but will emphasize material covered in the last half of the course. **Both exams must be taken at the date and time at which they are scheduled on this syllabus.** No exceptions will be made except for cases of documented medical emergencies. Please **look at the dates now** and check for conflicts.
- **Term Paper** – I will assign a topic for your paper, which will involve two tasks: 1) **reconstructing an argument** or arguments from one or more of the readings we have covered in class, and 2) providing an **original critical evaluation** of that/those argument(s). I will grade this paper with an eye to *detail* and *conceptual rigor*.
- **Participation** – Philosophy is best learned through active conversation with others. It is therefore important that you be a regular participant in classroom discussions. Accordingly, I will take attendance and **you will lose all of that day's participation points if you are absent.** In addition, **showing up late to class three times will equal one absence.**  
Adequate participation does not necessarily require that you have an extroverted personality that naturally enjoys speaking in class. I will regularly create opportunities for everyone to participate in class. This will include calling on people to elaborate a point, respond to someone else's argument, or simply answer a fact-based question. There are also a number of ways to lose participation points. These include but are not limited to:
  - Sleeping in class
  - Texting, emailing, Facebooking, or otherwise using technology for non-academic purposes in class
  - Participating in class in a manner disrespectful to your professor or to your fellow students
  - **Failure to bring a copy of the assigned readings to class**

## Your Grade

Each activity in this class is worth a certain number of points. Your grade will be determined based on a straight (un-curved) analysis of percentage of points earned vs. total points possible.

Daily Reflections:	20%
Midterm Exam:	20%
Term Paper:	20%
Final Exam:	30%
Participation:	10%

A+	97 - 100%
A	93 - 96.9
A-	90 - 92.9
B+	87 - 89.9
B	83 - 86.9
B-	80 - 82.9
C+	77 - 79.9
C	73 - 76.9
C-	70 - 72.9
D+	67 - 67.9
D	63 - 66.9
D-	60 - 62.9
F	59.9 or below

## Learning Outcomes

By the end of this course...

- Students should be able to describe, in essay form, the major arguments both for and against religious toleration.
- Students should be able to describe, in essay form, the major arguments both for and against free speech.
- Finally, students should be able to develop a substantial written term paper that both reconstructs and critically evaluates the arguments presented in the works covered in class.

## Academic Integrity

You are expected to know and follow University Policies on cheating and plagiarism. See the Code of Academic Integrity. Outside research is *a good thing* in philosophy. Just cite it! If it is determined that you have cheated, you will fail the course and I may recommend that you be expelled from the University.

## Respect

This is a course in ethics, broadly construed, and one of the fundamental ethical values we will study is *respect*. I will treat you with respect in this course, and expect you to do the same for me and your fellow students. What this means in practice is (at a minimum):

*For me:*

- I will arrive on time and prepared for each class meeting scheduled on the syllabus.
- I will take student questions seriously and attempt to address them as helpfully as I can within the constraints of class time.
- I will keep my scheduled office hours, or provide advance notice if this is not possible.
- I will return written assignments within a reasonable time and provide you with ample constructive criticism and an adequate explanation of your grade.
- I will treat you as an adult. Part of what this means is taking your philosophical opinions seriously. But taking your views seriously does not mean treating you with kid gloves. It means that I will assume that you have put some thought into your position and that I will hold you accountable for it, and challenge you when appropriate. I expect the same from you.
- I will respect your time and not give you “busy work.”

*For you:*

- You will respect the opinions of your classmates, and respond to them with seriousness, courtesy, and charity.
- You will show up to class on time.
- You will read the material assigned for class prior to the meeting at which we are scheduled to discuss it.
- You will take responsibility for turning in your written assignments on time.
- You will respect my time and the time of your fellow students by helping to make our time together as productive and conducive to learning as possible.

## Integrity

Doing your own work is part of what it means to have respect for me, for your fellow students, and for yourself.

As above, my treating you with respect involves treating you like an adult. As an adult, you are responsible for knowing the University’s regulations concerning Academic Integrity. **“I didn’t know it was plagiarism” is not an excuse.** Any violation of the Code of Academic Integrity is grounds for failure from the class in addition to any further penalties deemed appropriate by the Academic Integrity Committee.

USD subscribes to a service called Turnitin.com. Turnitin.com is a web-based application that compares the content of submitted papers to the Turnitin.com database and checks for textual similarities. All required papers for this course may be subject to submission to Turnitin.com for textual similarity review and to verify originality. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting textual similarities and verifying originality. Each student is responsible for submitting his or her papers in such a way that no identifying information about the student is included. A student may not have anyone else submit papers on the student’s behalf to Turnitin.com. A student may request in writing that his or her papers not be submitted to Turnitin.com. However, if a student chooses this option, the student may be required to provide documentation in a form required by the faculty member to substantiate that the papers are the student’s original work.

## KEY DATES AT A GLANCE

Mar 13	-	Midterm Exam
Mar 15	-	No class (Instructor away)
Mar 26 – Apr 2	-	No class (Spring Break)
May 10	-	Term Paper due
May 22	-	Final Exam 11:00 AM – 1:00 PM

### Schedule of Readings for PHIL 494: Free Speech and Toleration Spring, 2018 Professor Matt Zwolinski

#### Introduction

1 Jan 30 Introduction

#### The Case for Religious Persecution

2 Feb 1 Guest Lecture  
**Required Reading:** - Guest Lecture, Dr. Jonathan Anomaly (reading TBA)

3 Feb 6 Augustine  
**Required Reading:** - St. Augustine, “Concerning the Correction of the Donatists” [ER]

#### The Case for Religious Tolerance

4 Feb 8 Locke’s Letter on Toleration  
**Required Reading:** - John Locke, *A Letter Concerning Toleration*

5 Feb 13 Locke’s Letter on Toleration  
**Required Reading:** - John Locke, *A Letter Concerning Toleration*

6 Feb 15 The Proast-Locke Debate  
**Required Reading:** - Jonas Proast, *The Argument of the Letter Concerning Toleration, Briefly Considered and Answered*  
- John Locke, *A Second Letter Concerning Toleration*

7 Feb 20 Roger Williams  
**Required Reading:** - Roger Williams, “Mr. Cotton’s Letter Lately Printed, Examined, and Answered”

8 Feb 22 Roger Williams  
**Required Reading:** - Roger Williams, “The Bloody Tenent of Persecution for Cause of Conscience”

#### The Case for Free Speech

9 Feb 27 Mill on Liberty  
**Required Reading:** - John Stuart Mill, *On Liberty*

10 Mar 1 Mill on Liberty  
**Required Reading:** - John Stuart Mill, *On Liberty*

11 Mar 6 Mill on Liberty

**Required Reading:** - John Stuart Mill, *On Liberty*

12 Mar 8 Mill on Liberty  
**Required Reading:** - John Stuart Mill, *On Liberty*

13 Mar 13 Midterm Exam  
*Midterm Exam*

**Challenges to Free Speech: Pornography**

14 Mar 15 No class (instructor away)

15 Mar 20 Pornography  
**Required Reading:** - Catharine MacKinnon, *Only Words*, chapter 1, “Defamation and Discrimination” [ER]

16 Mar 22 Pornography  
**Required Reading:** - Ronald Dworkin, “Women and Pornography” [ER]

**Spring Break Mar 26 – Apr 2**

**Challenges to Free Speech: Offense**

17 Apr 3 Offense to Others  
**Required Reading:** - Joel Feinberg, *Offense to Others*, chapter 7, “Offensive Nuisances”

18 Apr 5 Hate Speech  
**Required Reading:** - Joel Feinberg, *Offense to Others*, chapter 9, “Profound Offense”

**Challenges to Free Speech: Social Justice**

19 Apr 10 Marcuse  
**Required Reading:** - Herbert Marcuse, “Repressive Tolerance” [ER]

**Free Speech on Campus**

20 Apr 12 Cases  
**Required Reading:** - [“Yale’s Halloween Advice Stokes a Racially Charged Debate”](#) [ER]  
- [“Protestors Disrupt Speech by ‘Bell Curve’ Author at Vermont College”](#) [ER]  
- [“Berkeley Cancels Milo Yiannopoulos Speech, and Donald Trump Tweets Outrage”](#) [ER]  
- [“Duke Professor Resigns After Facing Discipline for Challenging Diversity Training”](#) [ER]  
- [“Denial of Job to Harsh Critic of Israel Divides Advocates of Academic Freedom”](#) [ER]

21 Apr 17 A Generation of Snowflakes?  
**Required Reading:** - Jonathan Haidt and Greg Lukianoff, [“The Coddling of the American Mind”](#) [ER]

22 Apr 19 Free Speech vs. Social Justice?  
**Required Reading:** - Jelani Cobb, [“Race and the Free Speech Diversion”](#) [ER]  
- Middlebury Students, [“Broken Inquiry on Campus”](#) [ER]

- 23 Apr 24 **Required Reading:** No Such Thing as Free Speech?  
- Stanley Fish, "There's No Such Thing as Free Speech...and it's a Good Thing Too!" [ER]
- 24 Apr 26 **Required Reading:** Free Speech on Campus and the Law  
- Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus*, chapters 1 and 2
- 25 May 1 **Required Reading:** Free Speech on Campus and the Law  
- Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus*, chapter 3
- 26 May 3 **Required Reading:** Free Speech on Campus and the Law  
- Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus*, chapter 4
- 27 May 8 **Required Reading:** Free Speech on Campus and the Law  
- Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus*, chapters 5 and 6
- 28 May 10 **Required Reading:** Free Speech and Title IX  
*Term Paper Due*  
- American Association of University Professors, "[The History, Uses, and Abuses of Title IX](#)" [ER]

Final Exam Tuesday, May 22<sup>nd</sup>, 11:00 AM – 1:00 PM