FREE SPEECH, HATE SPEECH, AND POLITICAL CORRECTNESS

Prof. Tom Gerety
Tuesdays 9:30- Noon.
Office hours: Tuesdays, Noon-2pm (office location to be announced).

"Sticks and stones can break my bones but words can never hurt me..." We all know this old proverb--and most of us know its untruth. Words can hurt and wound, and often do. Nonetheless, many of us feel that words, like thoughts, should be freely expressed and only rarely punished by the law.

This seminar will begin with first principles of free expression, as articulated by such 18th century figures as Thomas Jefferson and James Madison and the great 19th century philosopher John Stuart Mill. We will examine closely the origins of the First Amendment to the Constitution and some of the modern Supreme Court cases that have interpreted its guarantees. Then we will turn to recent controversies, particularly about offensive, insulting or hateful speech, on and off campus. We will try to understand the concept of a 'hostile environment', first developed as part of the law of sexual harassment but extended in our time to racial and religious insults or indignities, in classrooms, workspaces and such public spaces as parks and sidewalks. We will weigh the various uses of the loaded concept of 'political correctness'.

We will seek some comparative insights from the more restrictive laws of such nations as Germany--where the Nazi past has shaped a strong sense of restraint--and France--where a strict conception of secularism has led to prohibitions on religious displays that are usually protected by the First Amendment in the United States. We will read arguments from judges, scholars and activists, and from philosophers and artists. Many people, as you know, have passionately held but quite divergent views about what should or should not be allowed to said (or written) in a democracy, especially a democracy as troubled and unequal as our own. Finally, we will
examine various controversies about speech, particularly on modern university campuses.

This seminar will require several kinds of work from each student:

ATTENDANCE AND PARTICIPATION

Seminars work best when all come to class well prepared and ready to discuss and debate. Attendance is essential. You may miss class for truly urgent reasons such as illness, family emergencies or religious observance, but you should always email me with an explanation as soon as you know you will miss a session.

Two of you each week will be asked to lead discussion, aided by your reaction papers, described below, through most of the semester. Such ‘leads’ will take up perhaps fifteen minutes of discussion most weeks and should give each of you a chance to hone your skill in public speaking, including answering the questions posed by me and your classmates.

From time to time, I will begin a seminar meeting with a question that I will ask you to answer in writing. These will test your preparation and your impromptu writing. And we will stage occasional debates in which small teams of students will argue opposing viewpoints.

Attendance and participation will count for 10% of your grade; formal oral presentations and in-class writing, will count for another 10%.
WRITING AND EDITING

Clear, cogent, well edited writing is the most important skill we will work on in the seminar. Writing assignments for the class will be as follows:

- After the first week, I will ask you to submit one page ‘reactions’ or responses to the readings on alternate weeks. These should identify and analyze what you take to be the most important theme or concept in the week’s assignment, noting your own agreement or disagreement with the author or authors. These should be submitted the night before the class, by 10 pm at the latest. One will be due the first week and then one every two weeks thereafter. These seven pages will count for 20% of your grade.

- Roughly two weeks before the spring break, I will ask you to reflect in depth on a question I will pose for you ten days in advance. This essay should be five or six pages in length, due immediately before the break. It will count for 20% of your grade.

- During the semester I will press each of you to identify one controversy that you would like to make the subject of a final paper. At the end of the tenth week, I will ask you to submit a two page outline of this final paper project. The outline should state the question you intend to answer and should identify, tentatively, the readings and research you intend to do to reach your
conclusion. It should also include at least one page of argument. This outline will count for 10% of your grade.

- Before the last class meeting, you should submit a partial draft of your final paper. The paper in its final form will be eight to ten pages in length and the draft should be at least two thirds of that length. The timely submission of the rough draft will count for another 10% of your grade.

- Before the end of the exam period you should submit your final essay. It should take into account my written review of your rough draft and any suggestions we agree on in one-on-one meetings on your outline and your rough draft. The final paper will count for the remaining 20% of your overall grade in the seminar.

SYLLABUS OF READINGS BY WEEK:

We will read approximately one hundred pages of prose each week, though many fewer pages when we read law cases, all of which will be found at the Oyez Website linked at NYU Classes; articles and commentary will also be linked there. Films and film excerpts be assigned from time to time.
Books to be purchased or borrowed:


WEEKLY ASSIGNMENTS:


3. Does 'Political Correctness' Mean Anything? The PC Manifesto, [http://www.fiction.net/tidbits/politics(pc.html](http://www.fiction.net/tidbits/politics/pc.html); Steven Fry Interview: [https://www.youtube.com/watch?v=eJQHakkViPo](https://www.youtube.com/watch?v=eJQHakkViPo); Stanley Fish, Excerpts
from There is No Such Thing as Free Speech; Moira Weigel, "Political Correctness: How the Right Invented a Phantom Enemy," The Guardian: Long Reads


10. Campus arguments and Incidents: The Middlebury Incident and the Press Reaction, offprints and podcasts at NYU Classes. (50 pages plus one hour of viewing and listening).
NBC Video: https://www.youtube.com/watch?v=rJl8xmXYa8E; Volokh, The Washington Post:
Beinart, The Atlantic:
https://www.theatlantic.com/politics/archive/2017/03/middlebury-free-speech-violence/518667/; Middlebury College, Report of the Committee on Speech and Inclusion:
http://www.middlebury.edu/system/files/media/Middlebury%20Committee%20on%20Speech%20and%20Inclusion%20Report%20Jan%202018.pdf; Velie, The Middlebury Campus, Comment:

12. The Halloween Memo: The Yale Battle and its sequel of arguments, offprints, video and commentary at NYU Classes. (49 pages plus one and a half hours of video). Including: Friedersdorf, The Atlantic


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