

PHL370: Topics in Philosophy of Law: Liberalism and the Press

Syllabus

Course Information

Instructor

Instructors: Jeremy Davis & Steven Coyne

Email:

Office Hours: TBA

Course Description

The press is often referred to as the “fourth estate”, a label that serves as recognition of both its importance in democratic political life and for a well-functioning government, and its location outside the bounds of the standard three branches of government of most liberal democracies. Given these two observations, a number of important philosophical questions arise: In what way, exactly, is the press valuable to democracy? Is our best understanding of the press’s value one that reduces entirely to some other value—for example, the value of free speech more generally? And if not, does this mean that some legal restrictions on the press are desirable or even required?

This course will explore these and related issues. We begin by considering a liberal skeptic or reductionist view, which holds that the value (and corresponding right) of the press is just an extension of the value (and corresponding right) of free speech more generally. We then turn to alternative views, which identify special rights and duties that the press has (and that those engaging in regular speech, by contrast, do not have). We then turn to some possible justifications for these special rights and duties, followed by an exploration of the boundaries of the press—namely, by considering the way the internet and other contemporary mass media blur the lines of what counts as press-speech versus non-press speech.

Course Texts

All course readings will be available through Blackboard.

Evaluation

Participation (5%)

To earn a good participation mark, students should ask thoughtful questions and practice active class engagement. Of course, attendance is a prerequisite for both of these. Asking questions that are off-topic or out of order, violating norms of civility, and engaging in distracting behaviour (e.g., playing on your phone or laptop, or engaging in side conversations) will result in a lower participation mark.

6 Reading Responses (15%)

Reading responses will be critical summaries of one or more of the readings for a given class, no more than 250 words in length, and must be submitted via Blackboard before noon on the day of lecture. Late submissions on this assignment will not be accepted. Since there are 10 lectures with assigned readings, students may choose the 4 classes for which they will not submit a reading response.

The aim of a reading response should be to demonstrate an understanding of the reading, both by summarizing (briefly) the main argument and articulating some possible weaknesses, ambiguities, unclarity, or questions you have.

Each reading response will be marked on a scale of 0 to 4—roughly: 0=F, 1=D, 2=C, 3=B, 4=A.

First Essay (25%)

This essay will involve answering one of several prompts (to be distributed a few weeks prior) concerning one of the topics on the syllabus. For each question, students will be required to implement one of the 'extra' readings (listed on the syllabus) for that topic. The goal here is to show that you can encounter an argument on your own, incorporate it into a larger philosophical discussion, and assess it accordingly.

Midterm (25%)

The midterm will consist of several short answer and essay questions.

Second Essay (30%)

The final exam will be made up of a mix of short answer and essay questions, and will cover material from the entire semester. A very schematic study guide will be provided to students in advance of the exam to aid their study.

Course Policies

Email

Since there are two instructors for the course, please direct all emails to the email account listed above, which has been designated for this course and to which both instructors will have access. Emails should either concern administrative matters about which you are unclear, or else

very brief philosophical questions. Longer philosophical discussions or questions ought to be addressed in class or in office hours.

Technology

You are not permitted to use your cell phones during lecture or tutorials. This is very distracting to your fellow students as well as to your instructors. You are strongly discouraged from using your laptop in lecture and tutorials. In my view, the value on balance of using a laptop during lecture is typically outweighed by the disvalue of the potential (and often actual) distraction that it causes. (Note that this is not a blanket prohibition on computers. I realize that many students will, for one reason or another, require the use of a computer during lecture. Any students who misuse technology during lecture or tutorials may be asked to leave, or marks may be deducted.)

Deadlines, Lateness, Extensions, etc.

Your essay is due at 11:59 PM, and must be submitted through both Blackboard and Turnitin.com (details will be provided on how to submit your assignment closer to the deadline). Late assignments will be accepted up to one week after the due date, but your grade will be reduced by 4% per day for each day past the due date (including weekends). No assignments will be accepted after that date, unless arrangements have been made with the instructor prior to the deadline.

In order to secure an extension, the student must do two things prior to the deadline: (1) make a request via email to the instructor, and (2) provide documentation of illness or unforeseen conflict that precludes submission by the deadline. Please note that having other assignments or a busy work schedule do not qualify as unforeseen conflicts. Extensions requested *after* the deadline will be granted only in extraordinary circumstances.

Academic Integrity

You are expected to submit only your own work. Students caught plagiarizing will, at a minimum, fail the assignment, and further university sanctions may also be applied. All incidents of suspected plagiarism will be reported to the University's office of Academic Integrity. If you are unfamiliar with the guidelines surrounding academic integrity, you are advised to visit: www.utoronto.ca/academicintegrity, or ask the instructor or TA for further information.

Course Schedule

Class 1: Introduction

1. George Orwell, "Freedom of the Press"

Class 2: Liberalism and Free Speech I

1. John Stuart Mill, *On Liberty*, chapters 1 and 2
2. James Mill, "Liberty of the Press"

Class 3: Liberalism and Free Speech II

1. Tim Scanlon, "A Theory of Free Expression"
2. Kelley and Donway, "Liberalism and Free Speech"

Class 4: Free Speech and Free Press

1. Brian Leiter, "The Case Against Free Speech"
2. Judith Lichtenburg, "Foundations and Limits of Freedom of the Press"

****First Essay Due****

Class 5: The Press's Special Rights and Duties I

1. Carl Fox, "Public Reason, Objectivity, and Journalism in Liberal Democratic Societies"
2. Matthew Kieran, "Objectivity, Impartiality, and Good Journalism"

Class 6: The Press's Special Rights and Duties II

1. Ronald Dworkin, "The Rights of Myron Farber"
2. Brandeis and Warren, "The Right to Privacy"

Class 7: The Press's Special Rights and Duties III

1. Thomas Nagel, "Concealment and Exposure"

Class 8: Midterm (in class)

Class 9: Deliberative Democracy I

1. Amy Gutmann & Dennis Thompson, "What Deliberative Democracy Means"

Class 10: Deliberative Democracy II

1. Joshua Cohen, "Deliberation and Democratic Legitimacy"

Class 11: The Internet as a Public Sphere

1. Mark D West, "Is the Internet an Emergent Public Sphere?"
2. Dorf and Tarrow, "Stings and Scams: 'Fake News', the First Amendment, and New Activist Journalism"

Class 12: The Blogosphere

1. Alvin Goldman, "The Social Epistemology of Blogging"
2. David Coady, "An Epistemic Defence of the Blogosphere"

****Second Essay Due****