

Comm 322-301-2022A Freedom of Expression

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What Speech Does Democracy Require?

1. (Jan. 19)

The so-called *Harper's* letter signed by 153 artists, academics, cultural critics, novelists, historians, and others, passionately expresses one side of the so-called cancel culture debate. How is cancel culture described by those who see it as a damaging development. On the other side, what might these signatories have overlooked that justifies new rules for new topics of discussion?

What four functions does Emerson believe free speech serves in a democracy? What formal institutions undergird freedom of expression? How do public and private actors try to restrict speech? Though the First Amendment says, "Congress shall make no law...abridging the freedom of speech", what categories of speech are not included in this ultimatum? Is hate speech protected by the First Amendment?

What distinction does Fiss make between *democratic* and *libertarian* theories of speech regulation?

"A Letter on Justice and Open Debate," *Harper's*, July 7, 2020 <https://harpers.org/a-letter-on-justice-and-open-debate/>

Thomas Emerson, The System of Freedom of Expression, pp. 6-bottom of 13.
[EmersonThe System Of Freedom-pp6-13.pdf](#)

Owen M. Fiss, "Introduction," The Irony of Free Speech (Harvard, 1996), pp. 1-4.

2. (Jan. 24)

What political revolution did Benjamin Constant observe in his lifetime? In "Freedom of Thought", what view does he take of the state in its citizens' lives? What consequences does he assign to efforts to exercise control over men's thoughts? In "The Liberty of the Ancients Compared," how does he distinguish the *liberty of the moderns* from the *liberty of the ancients*? What distinction does he make between *political* liberty and *civil* liberty? Does Justice Breyer's "active liberty" belong to the liberty of the moderns or the ancients? To Fiss's democratic or libertarian theory? What are the markers of democratic government for Breyer? Why does Dewey think democracy is "personal"? Does he favor ancient or modern liberties more?

Benjamin Constant, "On Freedom of Thought," 1815.

Benjamin Constant, ["The Liberty of Ancients Compared with that of Moderns."](#) 1816. Z

Stephen Breyer, "Introduction," [Active Liberty](#) (Alfred A. Knopf, 2005), [pp. 3-12, 15-16.](#)

John Dewey, "Creative Democracy--The Task Before Us," [The Philosopher of the Common Man](#) , "[pp. 220-228.](#)

Foundations of Classical Liberalism

3. (Jan. 26)

Those who impose limits on expression justify them on behalf of the social good they are said to serve. Such speech-limiting justifications are found throughout history, including in Greek philosophy. According to Siebert et al., how do authoritarian states envision a role for speech in society? By this logic, is the Catholic Church authoritarian? What limits on speech does Plato put forward? What arguments does George Will share with Plato to argue that neo-Nazis should have been prevented from marching in Skokie, Illinois, in a famous 1978 episode. How do you think Dewey and Plato would each have thought about protecting the speech of the white nationalists in Charlottesville?

(Note: You don't have to read all the pages on display, only the pages assigned) Siebert, Peterson, Schramm, [Four Theories of the Press](#), "[The Authoritarian Theory](#)," [pp. 9-12,18.](#)

Plato, [The Republic, Book II](#), [pp. 624-625, 630-636.](#)

George Will, "[Nazis in Skokie are Confusing](#)," February 7, 1978

4. (Jan. 31)

What do classical liberals take to be the core attributes of human nature? How is autonomy defined in the social compact described by Hallowell? Why should it be enabled in law? How does autonomous man discover truth? What theological ideas are echoed in classical liberalism? What does a classical liberal mean by *reason, conscience, natural rights, freedom, society, natural harmony of interests, positive law, natural law*. What individual capacity does Kant single out for praise? Is this capacity intrinsic to human nature or is it the possession of superior individuals only? What are the obstacles to some broader expression of this capacity?

John Hallowell, [Main Currents in Modern Political Thought](#), "[The Rise of Liberalism](#)," pp. 84-92, pp.110-115.pp.142-147

Immanuel Kant, "What is Enlightenment?"

[file:///C:/Users/Carolyn%20Marvin/Downloads/Kant_What_is_Enlightenment%20\(1\).pdf](file:///C:/Users/Carolyn%20Marvin/Downloads/Kant_What_is_Enlightenment%20(1).pdf)

5. (Feb. 2)

Besides Kant, who proclaims independent reasoning as key, two foundational classical liberal thinkers were Adam Smith, for whom unregulated markets were engines of individual and national prosperity; and John Locke, who proposed governing principles for a just political society.

How does the mechanism of the market regulate economic activity to create prosperity for everyone, according to Adam Smith? What classical liberal notions can you recognize in Adam Smith's economic ideas?

According to Locke, what is the condition of men in the state of nature? Who enforces the law of nature? Is the state of nature a state of war? In the state of nature, what punishments are proper for a thief? What distinguishes natural liberty from slavery? What anchors the right of property? For Locke, is there an ethical limit to how much property a man should own? What is the purpose of a social compact? How do men create a commonwealth (what Locke calls a politically legitimate state)? What are its rightful tasks? Compare the freedoms of men in a commonwealth to the freedoms of men in a state of nature.

Adam Smith, Wealth of Nations, 1776, excerpts from "[The Division of Labor](#)," pp. 507-514.

John Locke, Second Treatise of Government, 1690, excerpts from "An Essay Concerning the True Original Extent and End of Civil Government" :

["Of the State of Nature," paragraphs 4-15.](#)

["Of the State of War," paragraphs 16-21.](#)

["Of Slavery," paragraphs 22-23.](#)

["Of Property," paragraphs 25-36.](#)

["Of the Beginning of Political Societies," paragraphs 95-98.](#)

["Of the Ends of Political society and Government," paragraphs 123-131.](#)

["Of the Dissolution of Government," paragraphs 211-212.](#)

6. (Feb. 7) THIS IS AMENDED WITH COHEN

Analyze the Declaration of Independence as a model classical liberal document. Consider every single phrase. What language and concepts of the Declaration show that the Founders were reading Locke? Are the ideals of the Declaration diminished by the ethical failings of the founders?

[Declaration of Independence \(Links to an external site.\)](#)

Roger Cohen, "The Tenacity of the Franco-American Ideal," *New York Times*, July 20, 2020. <https://www.nytimes.com/2020/07/17/opinion/france-america-thomas-jefferson-race.html?searchResultPosition=1>

Since the Declaration is relatively short, begin now reading *Areopagitica* for discussion next time. Though this version of that free speech classic is shortened and edited for 21st century readers, the diction of 17th century English is not easy to grasp in last minute reading.

7. (Feb. 9)

In Milton's view, who invented licensing (the requirement of advance state permission for publication) in the first place? To understand why *Areopagitica* is a landmark defense of free speech, we will drill down to its main arguments. Logically speaking, which two strong propositions must we accept to agree that censorship is a fundamental evil. Milton's additional arguments and examples work out the implications of these two claims. What are some of these examples? What is the trajectory of human history, according to Mill? What limits on speech is he willing to impose after all? Are these limits consistent with his own principled arguments against licensing? What was Locke's defense of tolerance?

Name four kinds of speech crime included under the term "libel" (speech that is false and dangerous). Which of these speech crimes survives today in some similar form?

A century after Milton, William Blackstone codified English law. His work is sometimes referenced in U.S. Supreme Court decisions two centuries later. What speech does Blackstone designate as criminal? What feature of Blackstone's "liberty of the press" is explicitly classical liberal? What feature is explicitly authoritarian? What was the English justification for punishing seditious libel? For punishing private libel? Does Blackstone believe truth is a legal defense against charges of libel?

What would have been the 16th century punishment for Kathy Griffin's video of a beheaded Donald Trump doll? How was Kathy Griffin punished? Did she deserve it?

John Milton, [Areopagitica: A Speech for the Liberty of Unlicensed Printing](#) (edited version)

Leonard Levy, [Emergence of a Free Press](#) (Oxford, 1985) last graf, pp. 93-first graf on 95.

Levy), pp. 5-first graph on p. 6, pp. 7-9, pp. 12-13.

TMZ, "Kathy Griffin Beheads Trump: I Support Gore," May 30, 2017.

<http://www.tz.com/2017/05/30/kathy-griffin-beheads-donald-trump-photo-tyler-shields/>

8. (Feb. 14)

What two classes of rights did the Founders recognize, according to Campbell? Explain the scope of each. Which authorities were tasked to enforce limits on each one.

On what philosophical and strategic grounds did Federalists and anti-Federalists debate a Bill of Rights? Did the Founders intend that the First Amendment should restrain only the federal government from restricting speech, or did they mean to restrain the states as well? What speech does Levy think the Founders meant the First Amendment to protect? Why does he think this? Why was the Sedition Act passed by the Adams administration in 1798 a model of forward-thinking classical liberalism in its time? Why does Campbell say that, rather than fostering engaged debate in the political sphere, modern rights beliefs shut that debate down? What older notions of the rightful arbiters of speech limits does Campbell claim we have lost?

Rodney A. Smolla, Free Speech in an Open Society (1993), pp. 30-first paragraph, 38.

Jud Campbell, "What Did the First Amendment Originally Mean?" *University of Richmond Scholarship Depository* (2018), pp. 19-22
<https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2496&context=law-faculty-publications>

Leonard Levy, Emergence of a Free Press (Oxford, 1985), pp. 220-top two lines, p. 226, middle of 234-first graph on 235, pp. 266-middle of 269, p. 297.

Order v. Liberty: The Limits of Dissent

9. (Feb. 16)

The Supreme Court had little to say about the scope of freedom of expression before *Schenck v. the United States* (1919). This case and *Abrams*, decided the same year, established a judicial test for legal political dissent. Speaking for a unanimous majority in *Schenck*, Justice Oliver Wendell Holmes proposed a level-of-harm standard for government prosecutions of violations of the Espionage Act of 1917. What is the standard? Do the facts in *Schenck* seem to meet the requirements of this standard?

In *Abrams v. United States* Justice Holmes dissented from the majority opinion. He did not think the defendants had violated the Espionage Act. In his dissent Holmes refined his test for seditious libel. (Though he lost in 1919, subsequent courts have upheld his refinement). What does he say?

Compare all the majority and minority opinions in *Schenck* and *Abrams*. Which of the *three* opinions (unanimous in one case, one majority opinion and one minority opinion in the second

case) most closely follows the Blackstone standard? Which opinion is farthest from that standard? What is the difference between “bad tendency” and "clear and present danger"? What classical liberal echoes do you hear in Holmes' dissent in *Abrams*?

Below, a range of legal experts discuss whether Trump and his “high level supporters” (not the barrier-breaching insurrectionists) were guilty of seditious libel for their remarks to supporters on Jan. 6 at the Capitol. (These opinions precede the work of the House Select Committee investigating speech and actions by members of the administration and the Congress.) What elements of Schenck and Abrams do they use to make their arguments?

Schenck v. United States (1919) Syllabus:

Opinion by Justice Holmes:

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0249_0047_ZO.html

Abrams v. United States (1919)

Opinion by Justice Clarke:

http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0250_0616_ZO.html

Dissent by Justice Holmes:

http://www.law.cornell.edu/supremecourt/text/250/616#writing-USSC_CR_0250_0616_ZD

“Conspiracy and Sedition...are Definitely on the Table” *Politico*, Jan 8, 2021

<https://www.politico.com/news/magazine/2021/01/08/how-to-investigate-charge-capitol-rioters-sedition-prosecutors-roundup-456127>

[The following optional article is a short primer on how to read legal opinions, of which there will be several this semester. It explains the parts of an opinion, relevant legal terms, and what reading an opinion tells you.

Orin S. Kerr, "How To Read A Legal Opinion," Green Bag: An Entertaining Journal of Law 2nd series, vol. 11, no. 1 (Autumn, 2007). [Click for pdf](#)]

10. (Feb. 21)

In 1989 the Supreme Court split 5-4 on whether flag burning is protected speech. What arguments does the majority put forward to protect flag burning? Does the minority see flag burning as seditious libel? Is flag burning action or expression? What is the ‘message’ of flag burning? Could this message be expressed as well or better in some way besides flag burning? If

so, is this a reason to criminalize flag burning? What is the strongest argument from the dissenting justices that flag burning should be a criminal offense? What was the message of kneeling during the national anthem (a song about the flag to accompany ceremonial flag honor) sent by Colin Kaepernick and other football players? Could that message have been expressed better some other way? If flag burning is protected speech, how can the NFL discipline players who kneel while the anthem is played?

Texas v. Gregory Lee Johnson [\(1989\), pp. 343-376.](#)

Optional reading: Carolyn Marvin, ["Bad Attitudes, Unnatural Acts,"](#)

[Alternative assignment for this date:]

Tim Wu, "Is the First Amendment Obsolete?" *Michigan Law Review*, Sept., 2018, vol. 117, issue 3, pp. 548-554, 571-581.

<https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1960&context=mlr>

Jameel Jaffer and Scott Wilkens, "Social Media Companies Want to Co-Opt the First Amendment. Courts Shouldn't Let Them," *New York Times*, Dec. 10, 2021.

<https://www.nytimes.com/2021/12/09/opinion/social-media-first-amendment.html?searchResultPosition=1>

Cracks in Classical Liberalism

11. (Feb. 23)

What does Tocqueville say most Americans will think of his argument? What attributes does he see as intrinsic to American civic character? Are these the attributes that classical liberals admire? How does he say truth is arrived at in a democracy? What is the 'tyranny of the majority'? What is the fate of unfettered thought wherever the principle of equality is strong?

Why do citizens in a democracy think less independently than citizens in an aristocracy? Do Twitter mobs reflect the omnipotence of the majority?

Alexis de Tocqueville, *Democracy in America*, (Harper & Row edition) "[The Principal Source of Beliefs Among Democratic Peoples](#)," pp. 398-401, and "[The Omnipotence of the Majority](#)," pp. 231-240.

12. (Feb. 28)

What "two hypotheses" does Mill take up in Ch. 2. Why is speech as important for him as experience (action)? Compare Mill's four arguments for freedom of expression to Milton's. What Miltonian argument does Mill reject? Is this refusal a knife to the heart of classical liberalism? For Mill, what are the worst abuses of expression and debate? Does he favor punishment for "intemperate" discussion?

In Ch. 3, how does Mill sort out allowed and disallowed speech? Is his logic grounded in classical liberalism? What model of human nature does Mill reject? What model does he prefer? Is his model follow classical liberal logic? What is the "despotism of custom"? How does Mill repeat Kant and Tocqueville before him.

Was Pauli Murray's argument for bringing the segregationist Gov. George Wallace to speak at Yale a Millian one? If George Wallace had spoken at Yale, would it have been an enrichment or an impoverishment of public debate?

John Mill, *On Liberty* (1869), [ch2](#) AND [ch3](#) <https://www.gutenberg.org/files/34901/34901-h/34901-h.htm>

Peter Salovey, "Free Speech Personified," *New York Times*, Nov. 26, 2017. <https://www.nytimes.com/2017/11/26/opinion/free-speech-yale-civil-rights.html?searchResultPosition=1>

13. (Mar. 2) Lecture on Romanticism. **MID TERM PAPER DUE IN CLASS.**

SPRING BREAK (Mar. 5-13)

14. (Mar. 14)

How does Hume say we anchor our knowledge of the world? What does this Humeian worldview imply for classical liberal claims about our autonomous discernment of truth?

David Hume, Inquiry Concerning Human Understanding, pp. 40-middle of 45; 56-top of 59, 6971.

Equality v. Freedom: The Romantic Challenge to Classical Liberalism

15. (Mar 16)

What sacred cows of classical liberalism does Rousseau attack? Compare Rousseau's to John Locke's origin story of civil society. Remind yourself of Mill's discussion of Rousseau's noble savage (second half of Ch. 2, On Liberty). Does Mill buy it? What feature of human nature does Rousseau most admire? What does Rousseau say is the root cause of inequality? Is he right?

Jean-Jacques Rousseau, "A Discourse: What is the Origin of Inequality Among Men?" from The First and Second Discourses, Roger D. Masters, ed. (St. Martin's, 1964),

[pp. 101-4](#), [last sentence 109-bottom of 110](#), [bottom of 114-middle of](#)

[116](#), [last paragraph 126-134](#), [bottom of 141-bottom of 143](#), [middle of](#)

[150-top of 152, 154-161](#).

16. (March 21)

What is the purpose of the "social contract?" What are its provisions? What is the general will and how do we recognize it? What is the status of private will in relation to the general will? Does the general will ever err? If individuals refuse to obey the general will, can the social contract survive? How is the social contract enforced? What is the task of the "censorship?" Is the general will the same as public opinion? Does the social contract embody ancient liberties or modern ones? (Look back at Constant if you've forgotten!)

Rousseau, The Social Contract (Penguin, 1968), [pp. 59-65, 72-75, 148-151, 174-175](#)

17. (Mar. 23)

What is the role of Reason in a Hegelian world? What is the goal of the World Spirit? What is Hegel claim is the social unit of historical change? How does historical change come about? What are the moral obligations of a citizen? Why does Hegel think of men as "means" rather

than “ends”? Does happiness measure the success of a civilization? Why or why not? What does Hegel mean when he says the world-historical individual has passion? Is the world-historical individual equal to other individuals? What concern does Hegel want us to feel for examples of injustice and misfortune? What similarities do you see between Hegel and Rousseau? Is Hegel's Reason a religious or secular concept?

Georg F. W. Hegel, Reason in History (Bobbs-Merrill, 1953), [pp. 11-15](#); [pp. 37-39](#); [pp. 40-47](#).

18. (Mar. 28, 30)

How does Marcuse describe the historical role of tolerance? What is the work of ‘abstract’ or ‘pure’ tolerance in contemporary media? How does he answer the classical liberal who morally prefers tolerance to violence? How does historical progress unfold for Marcuse? What ideas does he borrow from Hegel? What is the ‘neutralization of the opposites,’ and how does it shape the process of discovering truth? What is ‘discriminating tolerance’? Is it an ancient or modern liberty? How does Marcuse’s analysis resemble Plato’s myth of the cave? For Marcuse, what will it take to produce a truly democratic diversity of ideas?

Herbert Marcuse, "Repressive Tolerance," in Robert Wolff et al., A Critique of Pure Tolerance ([2 segments: first Marcuse class, pp. 81-99](#); [second Marcuse class, pp. 99-123](#)).

Walter Lippmann, Foreword to Public Opinion, (Free Press, 1965), [pp. vii](#).

Are Equality and Freedom Incommensurable?

19. (Apr 4)

Why did Judge Woolsey decide Ulysses was not obscene? If Ulysses is incomprehensible to casual readers, how could the public be endangered by its publication? Do you think James Joyce would be sorry if Ulysses "provoked lust" in readers? Would it be better art if it didn't? Can true art be obscene? Dissenting from Woolsey’s opinion, Judge Manton says people do not exist for the sake of art; art exists for the sake of people. What does he mean? He also argues that sexual speech should be treated like a controlled substance. Are drugs a useful model for describing the effects of speech? Compare T.S. Eliot’s theory of what makes art good and important to Judge Manton’s. Under Title 18 (b) how does the State of Pennsylvania define “community”? Under (b), what three prongs define obscenity? Would John Stuart Mill argue for or against “community standards” to decide if a work is obscene?

James Joyce. [Excerpt from Molly Bloom’s soliloquy in Ulysses \(The Modern Library, 1961\[1914\]\), pp.776-783](#).

Ernst and Schwarz, "[Four-Letter Words and the Unconscious](#)," in *Censorship*, pp. 93-107

T. S. Eliot, "[Ulysses, Order, and Myth](#)," *The Dial*, Nov., 1923.

Pennsylvania, Commonwealth of. 5903. Obscene and Other Sexual Materials.
[PennsylvaniaComm5903-1.pdf](#)

20. (Apr. 6, 11)

What does Catherine MacKinnon say is the essence of pornography? How does her view challenge the modern liberty claim that individuals require an inviolable sphere of private life uncontrolled by government? How does she view the classical liberal bright line between action and speech? How does her notion of harm differ from classical liberal notions of harm? MacKinnon says the First Amendment rests on assumptions that fail to take into account the situation of women. What assumptions and what situation? What images of sexual arousal MacKinnon consider *not to be* pornographic? Do you think she would be willing to remove nude sculptures and paintings of women in museums? What Romantic similarities exist between Marcuse's analysis of 'pure tolerance' and MacKinnon's analysis of pornography?

[Confucius, no title.](#)

Catharine MacKinnon, "[Not a Moral Issue](#)," *Yale Law Review*, October, 1984, pp.321-345.

21. (Apr 13)

What are McElroy's arguments against MacKinnon? What echoes of John Stuart Mill can you find in McElroy? Laura Kipnis's approach to pornography treats it as a popular culture text that can be analyzed as such. What underlying subtexts does she point to? Why does she say that pornography most flagrantly transgresses the public/private divide? What significance does she attribute to this transgression? How does she frame the contrast between romance fiction and pornography? Does Scott McDonald's account of consuming pornography in a porn arcade in any way challenge arguments that pornography always oppresses women, or causes men to think of women only as sexual objects?

Wendy McElroy, [XXX. A Woman's Right to Pornography](#), ch. 4: pp. 97-111, ch. 6: pp. 125-128.

Laura Kipnis, "How to Look at Pornography," [Bound and Gagged](#), (Grove, 1996), pp. 161-178, pp. 200-201

Scott MacDonald, "[Confessions of a Feminist Porn Watcher](#)," *Film Quarterly*, Spring, 1983, pp. 10-16. (G)

22. (Apr 18)

Brandenburg v. Ohio (1969) draws a constitutional ‘bright line’ between protected speech that enjoys First Amendment protection while advocating violence, and violent speech that crosses the bright line and is unprotected by the First Amendment. What are the facts of this case? What crime was Brandenburg charged with? Who do Brandenburg and his associates threaten? What are the three definers of the ‘bright line’ the justices draw? What precedents do the justices rely on that you have already read? Compare Ryder Winegar’s threats against Congress to those of the Ku Klux Klan in Ohio. How different are they?

Watch Paul Gosar’s anime video that inflicts cartoon violence on Alexandria Ocasio- Cortez and President Biden. Does it meet the *Brandenburg* standard for speech that can be legally punished? How do we distinguish the rhetorical use of violent language to make provocative points from speech that actively instigates violence? Is the *Brandenburg* distinction a useful one? Does it need to be updated for a polarized social media age?

Brandenburg v. Ohio ([1969](#))

Gina Hawkins, “A man said he’d hang 6 members of Congress who didn’t ‘get behind’ Trump, feds say. He got 33 months in prison,” *Washington Post*, Dec. 2, 2021.

Jean Guerrero, “Paul Gosar’s anime killing AOC is not a joke. It displays the new GOP’s violent extremist turn,” *Los Angeles Times*, Nov. 17, 2021.

https://www.latimes.com/opinion/story/2021-11-17/gosar-video-displays-gops-violent?_amp=true

23. (Apr 20, 25)

What are the failures of classical liberalism, according to Matsuda? What harms does she attribute to racist speech? What is her 3-prong test for legally punishable racist speech? How would the law identify which groups are historically oppressed? When does Matsuda favor legal exemptions for victim group members who use racist speech to target other victim group members? Do Matsuda and Kennedy differ about the way power is deployed around racial epithets? Do they differ on the use of racial slurs for pedagogical purposes? Where do you think John Stuart Mill would stand on prosecuting racist speech? Quote specific language and concepts from Mill to support your position.

Is substituting a euphemism for a taboo word morally different from directly speaking the word the index stands for? What gives words taboo power? How are taboo words sometimes transformed into un-taboo discourse? Does suppressing the use of taboo words amplify an injurious association that would otherwise fade and disappear? Why do taboo words tend to implicate bodily attributes or activities?

Mari J. Matsuda, "[Public Response to Racist Speech: Considering the Victim's Story.](#)" *Michigan Law Review*, Aug. 1989, pp. 2320-2322, 2323-2342, 2345-2348, 2353-2374, 2376-2378 (see strikethroughs in the text). (less than 44 pp. total).

Randall Kennedy, "Is It Ever OK to Enunciate a Slur in the Classroom," *Chronicle of Higher Education*, Sept. 10, 2021 <https://www.chronicle.com/article/is-is-ever-ok-to-enunciate-a-slur-in-the-classroom>

24. (Apr. 27)

Watch "The Closer" on *Netflix*. If you've seen it before, watch it again. What would Matsuda and *Brandenburg* say about whether "The Closer" instigates violence. Refer to specific lines or anecdotes in the special that support your argument.

Most criticism of "The Closer" focuses on two perceived issues: its lack of an intersectional critique of discrimination, and its contribution to violence against transgender people. Both arguments were made by Terra Field, a transgender *Netflix* employee. Assess these arguments from a Romantic and a classical liberal perspective. Does "The Closer" contribute in any positive way to current discussions of discrimination and freedom of expression?

Dave Chappelle special, "The Closer," *Netflix* (72 minutes). If you don't have a *Netflix* account you will need to pay \$5.99 for a one-month subscription to watch it.

Terra Field, "It Was Never About Dave," *Medium*, Oct. 18, 2021. <https://rainofterra.com/it-was-never-about-dave-9aee8b765978>