

“Toleration in a Free Society” Reading List (167 pages)

*Exploring Liberty Discussion Colloquium
Institute for Humane Studies*

Reader Abstract: This reader is designed to encourage thought about toleration, specifically in regards to free speech or the First Amendment. It presents classical arguments in favor of tolerating speech seen as “wrong” (morally or scientifically), counter-arguments to the notion of *absolute* free speech/tolerance, and more contemporary issues that deal with these challenges.

Session I: *Introduction to Toleration* (28 pages)

Rauch, Jonathan. “[New Threats to Free Thought.](#)” In *Kindly Inquisitors: The New Attacks on Free Thought*, 1-28. Chicago: University of Chicago Press, 2014.

Session Abstract: The Rauch piece is intended to frame the entire day’s conversation, as it has clear application to the subsequent readings. It details a concise history of censorship movements in the past two centuries, and it explains the conflicting principles upon which various people base their approach to opposing views: fundamentalism, simple egalitarianism, radical egalitarianism, humanitarianism, and liberalism. Every one of the subsequent readings can be categorized according to one of Rauch’s principles.

Session II: *Mill on Toleration* (45 pages)

Mill, John Stuart. “[Of the Liberty of Thought and Discussion.](#)” In *On Liberty*, 18-52. Walsden: J.W. Parker & Son, Ltd., 1859.

Mill, John Stuart. “[Of the Limits to the Authority of Society over the Individual.](#)” In *On Liberty*, 69-78. Walsden: J.W. Parker & Son, Ltd., 1859.

Session Abstract: The Mill excerpts from *On Liberty* provide a classical argument against censorship of any kind. These readings are intended to (1) provide the liberal case for toleration and (2) encourage students to think about how the issues of the past have application to the issues they deal with today, which will relate to the subsequent readings, especially those in session 4.

Session III: *Limits on Toleration* (47 pages)

MacKinnon, Catherine A. “[The Sexual Politics of the First Amendment.](#)” In *Feminism Unmodified: Discourses on Life and Law*, 206-213, 301-305. Cambridge: Harvard University Press, 1987.

Feinberg, Joel. Excerpts from, "Offensive Nuisances," and, "Mediating the Offense Principle." In *The Moral Limits of the Criminal Law, Volume II: Offense to Others*, 10-44. Oxford: Oxford University Press, 1988.

Session Abstract: These readings are intended to offer a counterpoint to the liberal view on toleration as represented in Mill’s writings. The MacKinnon piece offers a feminist argument that treating pornography as free speech entails violence against women, justifying its suppression. She also makes arguments in favoring of limiting the free speech of some (e.g., the super wealthy) in order to keep resources available for the speech of others (marginalized groups). Her arguments would fall into

Huemer's "radical egalitarian" category. The Fienberg piece begins with hypothetical situations of varying types and degrees of offense. Fienberg uses this to (attempt to) establish criteria upon which reasonable rules for censorship can be established.

Session IV: *Contemporary Issues on Toleration* (47 pages)

Lukianoff, Greg. [Freedom from Speech](#), 1-14, 26-58. New York: Encounter Books, 2014.

Session Abstract: This reading introduces the problem of censoring offensive hate speech in universities, as it produces a "quieting" effect on educators. The focus of the readings is on recent movements to disinvite campus speakers, the "right to not be offended," and the requirement of "trigger warnings" in classroom materials.

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