

Protecting Freedom of Speech

Student Name

PHI 208: Ethics and Moral Reasoning

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## Protecting Freedom of Speech

### **Part 1: Ethical Question**

Do we have a moral obligation to protect free speech even in cases where that speech causes harm to others?

### **Part 2: Introduction**

In August of 2017, the city of Charlottesville, Virginia became the focal point of violent demonstrations that resulted in injury, death and psychological harm. The violence was the result of clashes between white supremacists who gathered in Charlottesville for a planned “Unite the Right” rally to protest the possible removal of the Confederate Statue of Robert E. Lee (Katz, n.d.). The violence included hate speech in the form of signs, chants and a Friday night “Hitler youth” torch rally. These events and the reactions to them launched the issue of free speech into the national spotlight.

Freedom of speech is one of the most fundamental rights cherished by Americans and granted to all through our Constitution, but ethical issues arise when the exercise of that right results in direct harm to others. The primary ethical issue that arises concerns the balance between protecting this fundamental right of speech and preventing the harm associated with hate speech. According to our textbook, ethics asks the question of how we should live and that with “each conscious, deliberate choice we make, we are living out an answer to this question.” (Thames, 2018).

Americans have many rights granted to them by the Constitution, but these rights are not absolute or limitless and they carry with them a responsibility to uphold laws (Brandenburg v. Ohio n.d.). It is perfectly legal to hate someone, but it is illegal to act on that hate if doing so causes harm. From an ethical standpoint, our responsibility to act in certain ways goes beyond merely conforming to society's laws. When considering the balance between protecting free speech and preventing harm, the ethical theory of utilitarianism tells us that we should weigh the overall positive and negative consequences of an action and choose only those actions that result in the greatest overall good (Thames, 2018. Sec. 3.1). This paper will consider the positive and negative aspects of protecting free speech vs. preventing the harm that it may cause and show that utilitarianism would support restrictions on speech that is intended or likely to cause harm.

### **Part 3: Explanation of the Ethical Theory**

This section of the paper should focus exclusively on explaining the ethical theory you have chosen to use to examine the ethical issue. There should be three components to this section. The first is a brief account of the historical background of the theory and the primary philosopher associated with it. For example, if you have chosen utilitarianism, you would begin this section with a brief account of John Stuart Mill and/or Jeremy Bentham and the historical context in which they wrote.

The second component is an explanation of the core moral principle (or principles) of the theory. A core moral principle is a principle that lies at the center of the theory and defines and drives the moral reasoning of the theory. For example, although relativism is not per se,

an ethical theory, we might define its core principle as the idea that there are no absolute moral values, or that moral notions of good and right and just differ from one culture to the next.

The third component is a brief, general explanation of how the theory and its core moral principles applies to moral questions. Note that here you must choose an example that is different from the ethical question you are addressing in the paper. For example, based on the Freedom of Speech Week One Model Example, and focusing in this paper on how utilitarianism applies to freedom of speech, here you could explain how utilitarianism would apply to an issue like lying for the sake of the greater good.

This section should be around 300 words and must incorporate at least one quote from the required resources on the ethical theory you have chosen

#### **Part 4: Application of the Ethical Theory**

Now that you have explained in general terms the core principle of the ethical theory you're focusing on in this paper, you will apply that theory and its core principle to your ethical question. The main focus in this section is to explain as clearly and precisely as you can how the core principle of the ethical theory leads to a specific answer to your ethical question. For example, based on the Freedom of Speech Week One Model Example, and on the selection of utilitarianism as the ethical theory, in this section you would demonstrate the moral reasoning of utilitarianism by showing how the core principles of this ethical theory lead to a specific conclusion on your ethical issue such. In other words, you should demonstrate the clear connection between that core principle and the specific conclusion it reaches. It might be

helpful to think of this task as filling in the following sentence: Because the core principle of utilitarianism is \_\_\_\_\_, someone using this ethical theory to consider \_\_\_\_\_ would arrive at the conclusion that \_\_\_\_\_.

This section should be around 300 words.

**References**

Brandenburg v. Ohio. (n.d.). *Oyez*. Retrieved from <https://www.oyez.org/cases/1968/492>

Katz, A. (n.d.). Unrest in Virginia. *Time*. Retrieved from <http://time.com/charlottesville-white-nationalist-rally-clashes/>

Post Editors (n.d.). Great American thinkers on free speech. Retrieved from <http://www.saturdayeveningpost.com/2015/01/16/history/great-american-thinkers-free-speech.htm>

Mill, J. S. (1873). *Autobiography*. Retrieved from <http://www.utilitarianism.com/millauto/>

Thames, B. (2018). *How should one live? An introduction to ethics and moral reasoning* (3rd ed.). [Electronic version]. Retrieved from <https://content.ashford.edu/>