

24.150 Liberalism, Toleration, and Freedom of Speech, Fall 2023

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October 30, 2023

An Open Letter from Columbia University and Barnard College Faculty in Defense of Robust Debate About the History and Meaning of the War in Israel/Gaza:

The most recent devastating violence in Israel and Gaza that began on October 7, 2023 has had very disturbing reverberations on our campus – for all of us, students, faculty, staff, and the larger Columbia community. We write now to express grave concerns about how some of our students are being viciously targeted with doxing, public shaming, surveillance by members of our community, including other students, and reprisals from employers. These egregious forms of harassment and efforts to chill otherwise protected speech on campus are unacceptable, and we implore every person in the Columbia University community - faculty, administrators, students, alums, public safety - to do more to protect all of our students while preserving Columbia University as a beacon for “fostering critical thinking and opening minds to different points of view,” as President Shafik wrote to the community in her October 18th message about upholding our collective values.

We are appalled that trucks broadcasting students' names and images are circling the campus, identifying them individually as “Columbia's Leading Anti-Semites”, and that some students have had offers of employment withdrawn by employers that sought to punish them for signing the student statement, or for being merely affiliated with student groups associated with the statement. In the absence of university action, students and faculty have undertaken the burden of blocking the images and identifying information broadcast on the doxing trucks. It is worth noting that most of the students targeted by this doxing campaign are Arab, Muslim, Palestinian, or South Asian.

One of the core responsibilities of a world-class university is to interrogate the underlying facts of both settled propositions and those that are ardently disputed. As faculty we are committed to the project of holding discomfort and working across difference with our students. These core academic values and purposes are profoundly undermined when our students are vilified for voicing perspectives that, while legitimately debated in other institutional settings, expose them to severe forms of harassment and intimidation at Columbia.

We ask Columbia University's leadership, our faculty colleagues, Columbia alumni, potential employers of Columbia students, and all who share a commitment to the notion of a just society to join us in condemning, in the strongest of terms, the vicious targeting of our students with doxing, public shaming, surveillance by members of our community, including other students, and reprisals from employers.

Sincerely,

President Sally Kornbluth
President, Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139

President Kornbluth and Chair Gorenberg,

We, 607 MIT Alumni, Staff, and Students, are writing to express our deep concern, fear, and disappointment regarding the recent protest that took place Thursday afternoon, in front of the MIT Stratton Student Center. While we fully support the principles of free speech and the right to peaceful assembly, it is essential that we also prioritize the safety and well-being of all members of the MIT community.

During the protest, a particular slogan was prominently displayed and chanted, which has raised significant concerns. The slogan "From the [Jordan] river to the [Mediterranean] sea, Palestine will be free!" has been a source of contention due to its potential implications and the real safety risks it poses to Jewish and Israeli students on campus (See video footage attached). This slogan has been time and again associated with calls for the destruction of the State of Israel and has been used in contexts that promote violence, which raises legitimate concerns about the safety and security of our Jewish and Israeli students and staff.

Furthermore, we would like to draw your attention to recent events that demonstrate the potential dangers associated with this slogan. During the 2023 Israel-Hamas war, British Home Secretary Suella Braverman proposed criminalizing the use of the slogan in certain contexts, recognizing the potential harm it can cause. Additionally, on October 11, 23, Vienna police banned a demonstration, citing the inclusion of the phrase "from the river to the sea" in invitations, as it was seen as a portrayal of a violation of Article 2 of the European Convention on Human Rights.

In addition to the use of these derogatory messages, several attendees of the event used hateful writings and messages towards Jewish and Israeli bystanders. In one case, a perpetrator aggressively held their bicycles as intended to harm a Jewish MIT student, stating that "[your] ancestors did not die in the Holocaust so they could kill Palestinians" (See video footage attached). In another incident, protesters chanted "one solution, infitade revolution". In the context of the on-going Israeli-Palestinian conflict, the word "infatada" means the armed and violent Palestinian insurrection targeting Israelis, including civilians, which resulted in the killing of thousands of Israelis in the last few decades.

On Oct. 22nd, a statement by MIT CAA (Coalition Against Apartheid) came to our attention. In this document, MIT CAA states that they "hold the Israeli regime responsible for all unfolding violence". They later call the October 7th terror attack a "response to the settler colonial regime", and continue justifying it throughout the document.

In this matter, MIT CAA is justifying the heinous and barbaric crimes committed on Oct 7th. Furthermore, these statements have the potential to fuel acts of aggression, hate speech, and ultimately, violence, as evidenced by incidents witnessed last week.

Consequently, we urgently implore MIT to take the following actions:

1. Cease all operations associated with individuals and organizations responsible for these statements on MIT grounds. The dissolution of the CAA is imperative, accompanied by appropriate disciplinary actions against its leadership.
2. Establish unequivocal rules and regulations to be enforced against perpetrators on campus, specifically phrases that are an open incitement of violence.
3. Heighten security and oversight at events, incorporating measures such as increased presence of MIT police and the implementation of both physical and technological measures.

We understand the importance of fostering an environment of free expression and diverse viewpoints on our campus. However, it is also our responsibility to ensure the safety and well-being of all members of our community. **We therefore request that MIT take this matter seriously and implement immediate measures to prevent the propagation of slogans, messages, and hateful acts that may threaten the safety of Jewish and Israeli students or any other group on campus. We request that any financial support by MIT to groups advocating terrorism be ceased.**

We appreciate your attention to this matter and hope that we can work together to address these concerns in a way that upholds MIT's commitment to both academic freedom and the safety of its diverse community. Thank you for your time and consideration.

Sincerely,
607 MIT Alumni, Staff, and Students

FOX NEWS

Hundreds of MIT alumni petition school to take campus threats against Jews 'seriously'

Brianna Herlihy

Sat, October 28, 2023 at 4:00 AM EDT · 5 min read

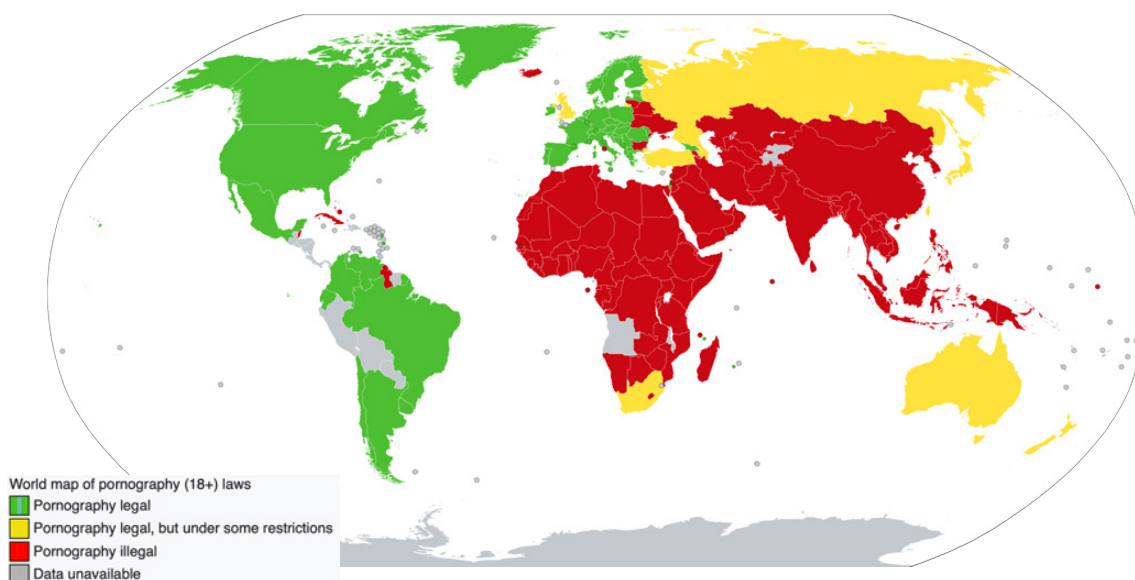
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Herlihy, Brianna. From "Hundreds of MIT alumni petition school to take campus threats against Jews 'seriously'." Fox News. October 28, 2023. © Fox News Network, LLC. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

thoughts?

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Pornography



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Pornography: current status under 1A

Long story short: “obscene” expression is not protected under 1A.

“In *Miller v CA* (1973), the Court reasoned that individuals could not be convicted of obscenity charges unless the materials depict ‘patently offensive hard core sexual conduct.’ Under that reasoning, many sexually explicit materials — pornographic magazines, books, and movies — are not legally obscene.”

Hudson, David L., Jr. From “Obscenity and Pornography.” Free Speech Center at Middle Tennessee State University. January 1, 2009. © Middle Tennessee State University. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

[<https://firstamendment.mtsu.edu/article/obscenity-and-pornography/>]

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Pornography: current status under 1A

Which premise is false?

1. The right to freedom of speech (only) protects the *expression of ideas or opinions in words*.
2. Making pornography is not a case of expressing ideas or opinions in words.
3. The right to freedom of speech does not protect pornography.

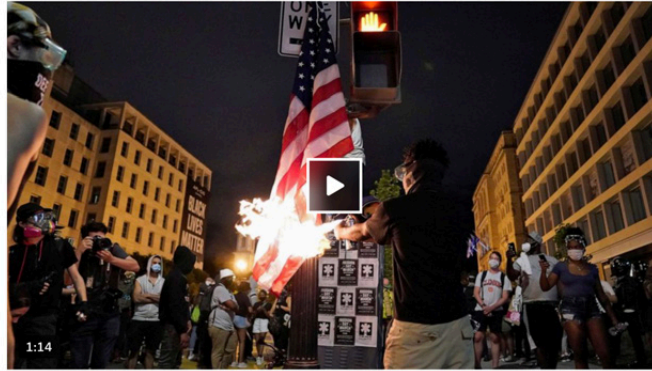


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Trump demands end to flag burning as protests flare again near White House

Some protesters have tried to establish a police-free autonomous zone.

By [Jack Arnholtz](#)
June 24, 2020, 1:17 PM



Arnholtz, Jack. From "Trump Demands End to Flag Burning as Protests Flare Again Near White House." ABC News. June 24, 2020. © ABC News. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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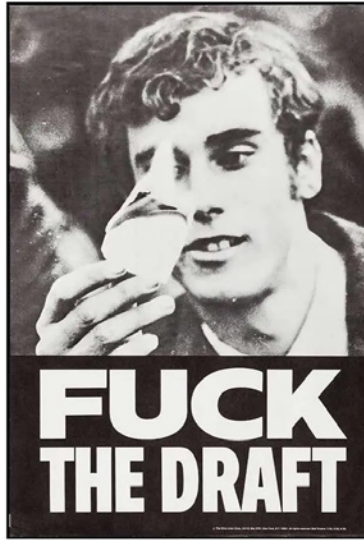
Pornography: current status under 1A

Which premise is false?

1. The right to freedom of speech (only) protects the *expression of ideas or opinions*, no matter what the means. ("Idea or opinion" = something that can be true or false.)
2. Making pornography is not a case of expressing ideas or opinions.
3. The right to freedom of speech does not protect pornography.



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Obscenity or Art? Trial on Rap Lyrics Opens



Share full article



By **Sara Rimer**, **Special To the New York Times**

Oct. 17, 1990

To decode the group's performance, the defense expects to call among its witnesses John Leland, a music critic for Newsday, who is considered an expert on hip hop music; and Henry Louis Gates Jr., a professor of American literature at Duke University who has written about rap as a part of black culture. Mr. Gates will portray the 2 Live Crew as "literary geniuses," said Allen Jacobi, a lawyer for the group.

Lyrics to many songs on the group's album "As Nasty as They Wanna Be" consist almost solely of relentlessly coarse accounts of the singer's lusts and sexual adventures. Typically, the singer brags about the physical power of his penis, refers to a woman in terms of her genitalia and commands the woman - usually addressed as "bitch" - to gratify his desires for genital, oral and anal sex.

Rimer, Sara. From "Obscenity or Art? Trial on Rap Lyrics," *New York Times*, October 17, 1990. © The New York Times Company. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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Jurors Acquit 2 Live Crew in Obscenity Case

Los Angeles Times

BY MIKE CLARY
OCT. 21, 1990 12 AM PT



SPECIAL TO THE TIMES

FT. LAUDERDALE, Fla. — Without a serious disagreement among them, six jurors took only about two hours Saturday to eat lunch and then find three members of the rap group 2 Live Crew not guilty of violating obscenity laws in a nightclub concert performance.

The verdict caused an eruption of cheers from fans of the Miami-based singers who packed the courtroom, and dealt a defeat to local Sheriff Nick Navarro's efforts to prosecute the group, whose best-selling album had been declared obscene by a federal court judge only four days before the concert.

"Our first and strongest impression was that this is political," said juror Helena Bailie, 76, a retired sociology professor. "They were thumbing their noses back (at Broward County and Navarro)."

Clary, Mike. From "Jurors Acquit 2 Live Crew in Obscenity Case," *Los Angeles Times*, October 21, 1990. © Los Angeles Times. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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Pornography: current status under 1A

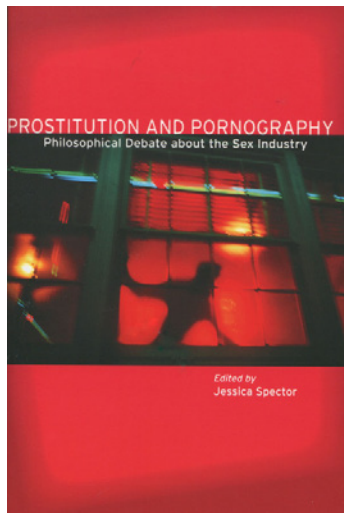
Which premise is false?

1. The right to freedom of speech (only) protects the *expression* of ideas, opinions, *feelings, attitudes, etc.*, no matter what the means.
2. Making pornography is not a case of expressing ideas, feelings etc.
3. The right to freedom of speech does not protect pornography.



Examples (?): works of art; films, photographs, tv shows. "I made X to entertain, not to express any ideas, feelings etc."

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Cohen, 'Freedom, equality, pornography'

Spector, Jessica, ed. *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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'the Left'

1. Substantive equality of opportunity is a basic element of social justice.
2. Existing inequalities of wealth and power thwart substantive equality of opportunity.
3. Achieving substantive equality of opportunity requires an affirmative role for the state

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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If substantive equality of opportunity is an important aspect of justice, and if there are background inequalities of power between men and women, then why, apart from reflex appeals to freedom of speech, resist the regulation of 'sexual choices' in the name of sexual equality?

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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To put the main idea in broader terms: From Emma Goldman to Noam Chomsky, an important strand of the egalitarian tradition has urged that expressive liberty is an intrinsic element of human liberation and a precondition for popular democratic politics. I endorse that strand of free-speech egalitarianism and explore its implications for the case of pornography.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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From Wikipedia, the free encyclopedia

Emma Goldman (June 27, 1869 – May 14, 1940) was a Russian-born [anarchist](#), political activist, and writer. She played a pivotal role in the development of [anarchist political philosophy](#) in North America and Europe in the first half of the 20th century.

From "Emma Goldman" on Wikipedia. © The Wikimedia Foundation, Inc. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.



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An argument for anti-porn legislation (MacKinnon)

1. As a general matter, women suffer systematic social disadvantage by comparison with men.
2. Such systematic disadvantage—that is, sexism—is a fundamental injustice.
3. The reproduction of unjust, systematic disadvantage...is always a complicated causal story...But force, and threats of force, are also part of the answer...force and threats of force function as enforcement mechanisms for gender norms, thus helping to maintain a system that disadvantages women because of their sex, and benefits men because of theirs.
4. Many people—and not only men—find subordination and the force that helps to sustain it sexually exciting.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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Table 1a. Prevalence (%) and Odds Ratios (Men versus Women) for Desire (Wish to Experience) Paraphilic Behaviors Among 1,040 Adults (475 Men and 565 Women) Surveyed in the General Population (Presented in Descending Order of Prevalence)

| | Overall | Men | Women | X ² | p | ES | OR | CI (95%) |
|--------------------------|-------------|-------|-------|----------------|------|-----|------------------|----------|
| Voyeurism | 46.3 | 60.0* | 34.7 | 66.5 | .000 | .25 | 2.8 | 2.2–3.6 |
| Fetishism | 44.5 | 40.4 | 47.9 | 5.95 | .015 | .08 | 1.4 ⁺ | 1.1–1.7 |
| Exhibitionism (extended) | 30.6 | 35.0 | 26.9 | 7.87 | .005 | .09 | 1.5 | 1.1–1.9 |
| Frotteurism | 26.7 | 34.2* | 20.7 | 24.3 | .000 | .15 | 2.0 | 1.5–2.6 |
| Masochism | 23.8 | 19.2 | 27.8* | 10.6 | .001 | .10 | 1.7 ⁺ | 1.3–2.0 |
| Sadism | 7.1 | 9.5 | 5.1 | 7.4 | .007 | .08 | 1.9 | 1.2–3.1 |
| Transvestism | 6.3 | 7.2 | 5.5 | 1.23 | .27 | .03 | 1.3 | 0.8–2.2 |
| Exhibitionism (strict) | 4.5 | 5.9 | 3.4 | 3.8 | .05 | .06 | 1.8 | 1.0–3.3 |
| Sex with child | 0.6 | 1.1 | 0.2 | NA | NA | NA | 6.0 | 0.7–51.5 |

Note. See Method section for definitions of paraphilia terms. ES = effect size; OR = odds ratio (men/women); CI = confidence intervals; NA = not applicable (includes cell frequencies with less than five persons). **Bold** = rates higher than statistical criteria (normal curve) for unusual (15.9%) occurrence.

*Significantly different from opposite gender after Bonferroni correction (.05/9 = .006).

⁺ 1/OR (women more likely than men).

Joyal, Catherine C., and Julie Carpentier. Table 1a from "The Prevalence of Paraphilic Interests and Behaviors in the General Population: A Provincial Survey." *Journal of Sex Research* 52, no. 2 (2017): 161–71. © Informa UK Limited. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

To cite this article: Christian C. Joyal & Julie Carpentier (2017) The Prevalence of Paraphilic Interests and Behaviors in the General Population: A Provincial Survey, *The Journal of Sex Research*, 54:2, 161-171, DOI: 10.1080/00224499.2016.1139034

To link to this article: <https://doi.org/10.1080/00224499.2016.1139034>

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5. An important part of the explanation for the reproduction of sexual subordination is that many people—and not only men—find subordination and the force that helps to sustain it sexually exciting.

6. It is not original or intrinsic to human nature that people find sexism sexy...the particular forms of sexual desire dominating our lives are a product of politics—in particular, the power of men and a culture dominated by that power.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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7· Pornography plays a central role in defining what sexuality is for us, in particular in sexualizing—and so making permissible and attractive—subordination and the force that helps to sustain it...pornography 'is a *major way* [my emphasis] in which sexism is enjoyed and practiced as well as learned.'

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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Pornography produces a psychology perfectly suited to a social structure of sexual inequality, and in so doing provides the linchpin for the reproduction of such inequality.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

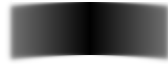
how does it do that?

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The **cognitive** mechanism reflects the fusion of sexuality and subordination in pornographic images, the background fact of male dominance, and two psychological facts—that we grasp concepts in part by mastering their paradigmatic instances, and that our desires are, as a general matter, concept dependent.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

plausible?



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According to the **behavioral** mechanism, pornography works by “conditioning men’s orgasm to sexual inequality.”

...the behavioral mechanism is less plausible because it applies only to men whose orgasms are associated sufficiently frequently with consuming pornography for the reinforcement to work its effects.

Cohen, Joshua. From "Freedom, Equality, Pornography." Chapter 11 in *Prostitution and Pornography: Philosophical Debate about the Sex Industry*. Edited by Jessica Spector. Stanford University Press, 2006. © Stanford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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Pornography and Sexual Aggression: Can Meta-Analysis Find a Link?

TRAUMA, VIOLENCE, & ABUSE
2022, Vol. 23(1) 278–287
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Christopher J. Ferguson¹  and Richard D. Hartley²

Abstract

Whether pornography contributes to sexual aggression in real life has been the subject of dozens of studies over multiple decades. Nevertheless, scholars have not come to a consensus about whether effects are real. The current meta-analysis examined experimental, correlational, and population studies of the pornography/sexual aggression link dating back from the 1970s to the current time. Methodological weaknesses were very common in this field of research. Nonetheless, evidence did not suggest that nonviolent pornography was associated with sexual aggression. Evidence was particularly weak for longitudinal studies, suggesting an absence of long-term effects. Violent pornography was weakly correlated with sexual aggression, although the current evidence was unable to distinguish between a selection effect as compared to a socialization effect. Studies that employed more best practices tended to provide less evidence for relationships whereas studies with citation bias, an indication of researcher expectancy effects, tended to have higher effect sizes. Population studies suggested that increased availability of pornography is associated with reduced sexual aggression at the population level. More studies with improved practices and preregistration would be welcome.

Ferguson, Christopher J., and Richard D. Hartley. From "Pornography and Sexual Aggression: Can Meta-Analysis Find a Link?" *Trauma, Violence, & Abuse* 23 (2022): 278–87.
<https://doi.org/10.1177/1524838020942754>. © Sage Publications. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

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1. Cohen says that 'protections of expressive liberty' (that is, freedom of speech) serve an 'expressive' and a 'deliberative' interest. What are these interests? Have we seen these (alleged) benefits of free speech in other writers, or are they new with Cohen?

2. What does Cohen think is the 'expressive interest' in sexually explicit materials?

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3. What does he think is the 'deliberative interest'?

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Fall 2023

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