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## Controversial Speakers - What a University Ought to Do

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# **Controversial Speakers**

## **What a University Ought to Do**

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An Honors Capstone Project

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Written by Elizabeth Webb

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Advised by Frances Howard Snyder

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## **Preface:**

The intention of this paper is to create a philosophical dialog interested in the ethical duty that public universities hold toward their students. As a student of Western Washington University my paper naturally uses material and standards set by WWU. My personal hope is that this paper can provide a framework that other universities<sup>1</sup> and or students can use to develop stronger discourse on campus.

## **Introduction:**

Throughout my four years attending an undergraduate institution I have been privy to the complexities of higher education. This initial ideas for this paper were inspired by some news articles I read in November of 2018 that detailed a political speaker being “blocked”<sup>2</sup> by a university from speaking. My educational background consists of philosophy, American legal systems and politics so I was easily interested in the situation. Through greater research I became interested in examining and evaluating the ethical nature of bringing controversial speakers to college campuses.

Let me first examine the situation at Gonzaga University, to shed light on the issue this paper is dealing with. In November of 2018 news sources erupted with reports of Ben Sharpio, a conservative political commentator, was reportedly blocked from speaking. Sharpio was invited to GU by the College Republicans, who made a formal request with the university regarding their speaker. Gonzaga denied the College Republicans’ request for

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<sup>1</sup> This paper is written around the standards and practices of public universities. The standards cited may not apply to private universities or two year colleges.

<sup>2</sup> Chasmar, Jessica. “Gonzaga University Blocks Ben Shapiro Event, Citing School’s Christian Mission.” *The Washington Times*, The Washington Times, 29 Nov. 2018, [www.washingtontimes.com/news/2018/nov/29/gonzaga-university-blocks-ben-shapiro-event-citing/](http://www.washingtontimes.com/news/2018/nov/29/gonzaga-university-blocks-ben-shapiro-event-citing/).

Sharpio to visit citing safety and security concerns, suggesting that the group find a different venue to accommodate the notoriety and crowd connected to the speaker.

This situation intrigued me based on the divisive response that the community had. The more research I did the more common the situation was made to me, it even had its own terminology. During my research I came across a nonprofit called FIRE. FIRE stands for Foundation for Individual Rights in Education and their mission is to “defend and sustain the individual rights of students and faculty members at America’s colleges and universities”. The mission statement goes on to say that FIRE believes that individual rights include “freedom of speech, freedom of association, due process, legal equality, religious liberty, and sanctity of conscience – the essential qualities of liberty.”<sup>3</sup>

The FIRE website contained a very interesting ‘database’ that took the form of a spreadsheet. The spreadsheet was labeled ‘DISINVITATION ATTEMPTS’. The word disinvitation was meant to describe individuals who were once invited to speak at a university or college and then ‘disinvited’ from said speech. The spreadsheet had different columns that provided data about these speakers. The information included was the year, school, speaker, event type, controversy topic, ‘from the right or left speaker’, and a details hyperlink. The database also held a search bar in which readers could search key words. The database held four hundred and eighty eight entries, which I poured extensively over for weeks.

The first entry that I chose to read was from 1998, Macalester College, when Ted Turner was invited as a commencement speaker. Ted Turner was the owner of the Atlanta Braves

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<sup>3</sup> “Experienced. Nonpartisan. Defending YourRights.” *FIRE - Mission Statement*, FIRE, 2020, [www.thefire.org/](http://www.thefire.org/).

baseball team, and was asked to withdraw his appearance for commencement because of the student protests over the Braves “Indian Mascot”<sup>4</sup>. After searching through the database I compiled a simple graph to display the ‘disinventions’ broken down per years.

Year	# of Disinventions	Year	# of Disinventions	Year	# of Disinventions
1998	1	2007	18	2015	24
2000*	6	2008*	16	2016*	43
2001	4	2009	29	2017	40
2002	14	2010	17	2018	18
2003	11	2011	22	2019	39
2004*	12	2012*	21	2020*	7
2005	23	2013	34		
2006	20	2014	29		* = Election Year

According to the information listed in the graph, the last ten years has seen a significant rise in the number of disinventions. The average number for the last ten years has been 27.7, while from 2000-2010 the average was 16.4 disinvented speakers. This rising trend has sparked nationwide interest, and has become something that I have been tracking as well.

<sup>4</sup> “Disinvitation Database.” *FIRE*, Knack, 2020, [www.thefire.org/research/disinvitation-database/#home/viewdisinvitationattemptdetails/5cab9cea0c35e607f02e5aa2/](http://www.thefire.org/research/disinvitation-database/#home/viewdisinvitationattemptdetails/5cab9cea0c35e607f02e5aa2/).

<sup>5</sup> “Disinvitation Database.” *FIRE*, Knack, 2020, [www.thefire.org/research/disinvitation-database/#home/?view\\_2\\_sort=field\\_6|asc&view\\_2\\_per\\_page=1000&view\\_2\\_page=1](http://www.thefire.org/research/disinvitation-database/#home/?view_2_sort=field_6|asc&view_2_per_page=1000&view_2_page=1).

### **The debate:**

So, now that we have been introduced to the relevant data it is time to understand the debate. Some individuals believe that if a certain speakers different ideologies do not match the political climate of a university then the speaker should not attend. Others believe that regardless of political climates speakers should be welcomed onto college campuses to engage in dialogue so long as the speakers presence doesn't bring hate speech or violence to the university. Different universities have different policies in regards to different lecturers. In many situations the University itself doesn't seek out speakers, but instead different groups or clubs requests permission for a speaker to be allowed to speak in a building on campus. The university then has the ability to confirm or deny the presence of the speaker.

In the example of Ben Sharpio being denied speaking at Gonzaga University, a few circumstances make it a weaker candidate for examination. Gonzaga University cited public safety as their main reason for denying Sharpio. However, many were still vocal about their discontent with the situation. Some vocalized that they felt that Sharpio should've been able to speak at the university, regardless of the public threat. Others felt as though the reasoning that Gonzaga offered was a false claim and that politics really were behind it. Gonzaga, as a private Jesuit university, also has different policies and procedures in place that alter the moral duties that they have toward their students. So, lets look at a more accurate example that can be referenced throughout the paper.

### **Loftus Example:**

Elizabeth Loftus<sup>6</sup> is one of the most prominent psychologists in the study of memory in the United States. She is currently a professor at University of California – Irvine, where she teaches in both the Department of Psychology and Social Behavior and the Department of Criminology, Law, and Society. Loftus also teaches in the Department of Cognitive Sciences and the Center for the Neurobiology of Learning and Memory. She holds an honorary law degree from John Jay College of Criminal Justice, as well as many other prestigious awards. A large part of Loftus's career is applying her knowledge of memory and learning in a courtroom. She has testified and consulted on a multitude of different cases. Her testimony on false and distorted memories has been used in many well known cases involving Martha Stewart, the Mendez Brothers, and Harvey Weinstein.

Recently, Loftus's testimony on distorted memory has become one of controversy. In the Harvey Weinstein trial, Loftus was called as an expert to talk about false memories. Speaking to the jury in this trial, she said that:

“False memories, once created — either through misinformation or through these suggestive processes — can be experienced with a great deal of emotion, a great deal of confidence and a lot of detail, even though they're false,”<sup>7</sup>

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<sup>6</sup> Zagorski, Nick. “Profile of Elizabeth F. Loftus.” *PNAS*, National Academy of Sciences, 27 Sept. 2005, [www.pnas.org/content/102/39/13721](http://www.pnas.org/content/102/39/13721).

<sup>7</sup> Newberry, Laura. “Harvey Weinstein Trial: Memory Expert and UC Irvine Professor Elizabeth Loftus Testifies for Defense.” *Los Angeles Times*, Los Angeles Times, 7 Feb. 2020, 9:21 AM, [www.latimes.com/california/story/2020-02-07/memory-expert-elizabeth-loftus-testifies-for-the-defense-in-harvey-weinstein-trial](http://www.latimes.com/california/story/2020-02-07/memory-expert-elizabeth-loftus-testifies-for-the-defense-in-harvey-weinstein-trial).

This, and other witness given by Loftus has been used by attorneys to create doubt or discredit a victims testimony in court, specifically allegations of sexual assault in the Harvey Weinstein case.

Previous to Loftus' appearance in court, she was invited to speak at New York University's Distinguished Lecture Series in September 2019. The lecture series was centered on

“especially those at the forefront of interdisciplinary research and perspectives that bridge across multiple areas of psychology.”<sup>8</sup>

Loftus's invitation was scheduled for April 2020 and plane tickets had been purchased by the University. When NYU got ahold of the article published by the Los Angeles Times, previously cited, they notified Loftus that her lecture invitation had been rescinded. NYU cited “circumstances beyond our control” in their email which revoked Loftus's invitation. Loftus emailed multiple times asking the true reason for her cancellation, and going so far as to asking if her testimony in the Weinstein trial was the reason. NYU never replied to her emails.

In the situation of Elizabeth Loftus, her invitation to speak at NYU was rescinded potentially due to her involvement in a legal trial. More specifically, the way in which Loftus' research was used to 'potentially discredit victims' was likely the cause of her being disinvited to NYU's event.

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<sup>8</sup> DiMauro , Anthony. “After Renowned Psychologist Testifies at Weinstein Trial, NYU Revokes Invitation.” *James G Martin Center* , The James G. Martin Center for Academic Renewal, 26 Apr. 2020, [www.jamesgmartin.center/2020/03/after-renowned-psychologist-testifies-at-weinstein-trial-nyu-revokes-invitation/](http://www.jamesgmartin.center/2020/03/after-renowned-psychologist-testifies-at-weinstein-trial-nyu-revokes-invitation/).



The Loftus example is one that will be cited throughout the paper. This example will be cited for four reasons: First, Loftus was disinvited from speaking at a university most likely due to her testimony in the Weinstein trial, Second, threats of violence did not occur, third, hate speech was not present, and Fourth, Loftus' credentials were not in question .

Some may argue that Loftus deserved to be disinvited to speak at NYU because of the way in which her research was used in a trial. One way to view the situation is that NYU is completely in their right to disinvite Loftus from speaking and even go as far to say that the university has no obligation to bring Loftus to speak. However, another side of the issue is that by disinviting Loftus to speak at NYU, the university is isolating their students and faculty from hearing a lecture from a renowned psychologist. By denying students and faculty this experience the university is denying the opportunity for discourse on both sides of the issue. Students and faculty will not be provided the opportunity to evaluate and question Loftus's research and data. This also denies Loftus the opportunity to strengthen or see the weaknesses in her research and data. Regardless of whether or not Loftus should or should not have been invited to speak at NYU, no one can deny that by revoking Loftus' invitation refinement of ideas surrounding her research cannot occur on NYU's campus.

**Thesis:**

State universities have ethical duties to foster discourse on campuses, the most effective way to foster discourse on a state university is to allow groups to bring qualified speakers

of opposing subject matter onto campus. However, state universities also have a competing ethical duty to protect the safety of the student from physical danger and hate speech that often incites danger. The question at hand is whether or not public universities should strive to accept a diverse set of voices to talk about important issues, sanctioned by the school.

### **Some Possible Initial Replies:**

State Universities have been ruled “limited public forums”<sup>9</sup> in different circuit courts according to the First Amendment Center. Many universities have experienced a similar situation that goes something like this,

A state university approves a request to have a speaker come to campus. When the speaker arrives to lecture, students and other members of the community protest the event. The protesting leads to potentially disruptive behavior in regards to the speaker and so the university cancels the event and escorts the speaker off campus.

In the above situation, many have coined the term “heckler’s veto” and “hostile audience case”<sup>10</sup> to describe when a group protests a speaker and said protest results in the speaker not being able to share. These protestors are generally met with contempt, as they are blamed for the speaker having to leave.

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<sup>9</sup> Ojalvo, Holly Epstein. “Do Controversial Figures Have a Right to Speak at Public Universities?” *USA Today*, Gannett Satellite Information Network, 20 Apr. 2017, 2:59 PM, [www.usatoday.com/story/college/2017/04/20/do-controversial-figures-have-a-right-to-speak-at-public-universities/37431059/](http://www.usatoday.com/story/college/2017/04/20/do-controversial-figures-have-a-right-to-speak-at-public-universities/37431059/).

<sup>10</sup> Hudson, David L. “Controversial Campus Speakers.” *Freedom Forum*, Freedom Forum Institute, Apr. 2017, [www.freedomforuminstitute.org/first-amendment-center/topics/freedom-of-speech-2/free-speech-on-public-college-campuses-overview/campus-speakers/](http://www.freedomforuminstitute.org/first-amendment-center/topics/freedom-of-speech-2/free-speech-on-public-college-campuses-overview/campus-speakers/).

In most situations, student groups on a campus will make a request to bring a speaker and the university will confirm or deny the request. The university has the ability to set certain standards to which a speaker must meet to gain approval.

In the above example, three replies seem to be popular. One way to reply to the situation is that public universities have every right to deny any speaker based on a large set of reasonable explanations, which could include safety, political climate, student response, ect. A second way to respond to this situation is that all speakers deserve the right to speak on college campuses regardless of message and if the safety of the lecturer is at risk the university should rise to the occasion. A third, more mediated approach, argues that universities have responsibilities to bring controversial speakers to campus while also respecting the safety and wellbeing of their students. I advocate for the third approach.

### **Western Washington University:**

The American higher education system consists of over 5,300 colleges and universities<sup>11</sup>. While a more comprehensive approach to understanding the American higher education system would be appropriate, this paper has been written under the lens of education at Western Washington University. Because of the years I have spent attending Western Washington University, I am more familiar with the practices and procedures of this specific university. However, I hope that the logical framework that is developed can be used by other universities to foster discourse among competing viewpoints.

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<sup>11</sup> Staff. "How Many Universities & Colleges Are in the US?" *Education Unlimited Blog*, Education Unlimited , 5 Aug. 2019, [www.educationunlimited.com/blog/how-many-universities-colleges-are-in-the-us/](http://www.educationunlimited.com/blog/how-many-universities-colleges-are-in-the-us/).

On Western Washington Universities 'Mission and Values' page certain university goals are outlined. Such goals include,

**“As a community, we uphold certain basic values.**

**These include:**

**Commitment to student success, critical thought, creativity, and sustainability**

**Commitment to equity and justice, and respect for the rights and dignity of others**

**Pursuit of excellence, in an environment characterized by principles of shared governance, academic freedom and effective engagement**

**Integrity, responsibility and accountability in all our work”<sup>12</sup>**

As per the goals of Western Washington University listed above, a few conclusions can be made based on the above requirements. If WWU is committed to critical thought, then WWU must be committed to engaging in discourse. If WWU is committed to the rights and dignity of others then WWU must be committed to engaging in discourse. If WWU is committed to the pursuit of excellence then WWU must be committed to engaging in discourse.

### **The Purpose of an Undergraduate Education:**

The typical American education starts with pre-k, moves to kindergarten and then runs through first to twelfth grade. After students have completed the twelfth grade some move

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<sup>12</sup> Staff. "Mission & Strategic Plan." *Mission & Strategic Plan | President's Office*, Western Washington University, 2015, [president.wwu.edu/mission-strategic-plan](http://president.wwu.edu/mission-strategic-plan).

onto an undergraduate education. While the primary educational goals of kindergarten through twelfth is knowledge acquisition, an undergraduate education differs. While college courses do require a levels of knowledge acquisition, college courses add an additional layer of discourse.

Each course that I have enrolled in, during college, has required students to engage in different ways in order to share different ideas. Discussion boards, presentations, papers and projects all have an element of discourse. Each one of the previously listed assignments have, in my experience, asked the student to present, explain, evaluate, and defend a certain piece of information. All of these tasks contain elements of discourse. Merriam Webster defines discourse as the “verbal interchange of ideas, formal and orderly and usually extended expression of thought on a subject”. I cannot think of a single course that I have participated in that did not contain strong elements of discourse among students. In *The Puzzle of Humility and Disparity* by Whitcomb et al, the topic of discourse is being discussed under the lens of humility. They reference a quote from Frederick Douglass,

“Douglass argued that those in the wrong, even those heinously and ridiculously in the wrong, are not beneath our engagement... In any case, Douglass did engage with his oppressors, in his context of disparity.”<sup>13</sup>

While Douglass is speaking outside of an academic lens, the quotation accurately describes how Douglass feels individuals should act when engaging with those in the wrong. The way that the author uses the word engagement can be synonymous with the way in which I am using the word discourse. To frivolously disengage with others leads to problematic

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<sup>13</sup> Whitcomb , Dennis, et al. *The Puzzle of Humility and Disparity*. Forthcoming in *Routledge Handbook of the Philosophy of Humility*, Eds. Alfano, Lynch, and Tanesini, 2020, file:///C:/Users/ewebb/Downloads/Whitcomb%20et%20al%202020.pdf.

results. To engage with others is to participate in discourse with others. The collegiate education system, specifically at Western Washington University, has encouraged discourse and engagement every step of the way. So, it is safe to say that Western Washington University and its instructors value the engagement of discourse in the classroom.

To circle back to the powerful quote from Frederick Douglass, within a classroom and outside of one, discourse and engagement are crucial concepts that a university should be invested in. To be clear, if a university doesn't value the engagement of discourse then said university is not committed to true education. We see this type of engagement in a classroom when a student makes a sexist comment, and the professor or another student engages with them to point out the problem. We see it in psychology courses where outdated treatments are discussed and students are required to analyze why they are outdated. We see engagement in legal classes in which old cases are read and we analyze why the ruling of the case was laced with racism, sexism, and other bigoted ideologies. Engagement can be seen in logic courses where students debate the strongest way to complete a proof, and why both ways have value. In each of these examples engagement and discourse is fostered by university instructors through different mediums.

### **The power of discourse:**

While I believe that engagement through discourse is powerful, my reader may not support this same assertion. So one of the most powerful ways that I can think to persuade my reader is through a real world example.

Many have heard of the Westboro Baptist church, a religious group in Topeka Kansas. The church is known for its frequent use of hate speech toward the LGBT+ community, Catholics, Christians, Atheists, Muslims, Jewish people, soldiers of the United States, and politicians<sup>14</sup>. The legal community has labeled the church as a hate group and the Southern Poverty Law Center asserts that the Westboro Baptist Church is “arguably the most obnoxious and rabid hate group in America”. Megan Phelps-Roper, 34, was at one point the official spokesperson of the Westboro Baptist Church. In 2012, she decided to leave the WBC and has since become their most staunch and vocal critics.

Phelps-Roper has since changed her life. In her 2017 TED talk she speaks about her disassociation with the Westboro Baptist church. When speaking of pivotal moments for Megan she said that.

“My friends on Twitter didn’t abandon their beliefs or their principles, only their scorn. They channeled their infinitely justifiable offense and came to me with pointed questions and tempered with kindness and humor.... They approached me as a human being and that was more transformative than two full decades of outrage”<sup>15</sup>

Phelps-Roper credits a twitter moderated, engaged discourse to change her bigoted ways. She goes onto say that,

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<sup>14</sup> “Westboro Baptist Church.” *Southern Poverty Law Center*, SPLC, 2020, [www.splcenter.org/fighting-hate/extremist-files/group/westboro-baptist-church](http://www.splcenter.org/fighting-hate/extremist-files/group/westboro-baptist-church).

<sup>15</sup> Editor. “Megan Phelps-Roper: If You're Raised To Hate, Can You Reverse It?” *New England Public Radio*, 31 Oct. 2017, [www.nepr.net/post/megan-phelps-roper-if-youre-raised-hate-can-you-reverse-it#stream/0](http://www.nepr.net/post/megan-phelps-roper-if-youre-raised-hate-can-you-reverse-it#stream/0).

“My friends on Twitter took the time to understand Westboro's doctrines and in doing so, they were able to find inconsistencies I'd missed my entire life. Why did we advocate the death penalty for gays when Jesus said, let he who is without sin cast the first stone? How could we claim to love our neighbor while at the same time praying for God to destroy them? These realizations were life-altering.”

Similar to the previous quotation by Frederick Douglass, Megan's debaters didn't shy away or isolate her. Instead they chose to engage and discuss and debate. These individuals decided that Megan was not 'beneath their engagement' and decided to engage logically and intellectually to point out inaccuracies and logical flaws. This example is intended to illustrate the powerful force that engagement through discourse can create powerful change and refinement of ideas.

Some may ask, Isn't the sharing of information enough? The answer is no. Discourse is powerful because it allows for people to engage in a sort of strengthening process. This process is critical to refinement because it gives lecturers and listeners to discuss and evaluate certain points. In the Elizabeth Loftus example, NYU's invitation and event would allow students and faculty to discuss the point that Loftus' research can be used to discredit victims of crime. This point of contention could be used to highlight a problem in Loftus' research, or provide a point of concern. Students could discuss with Loftus what ways in which she would agree or disagree with this use of her research, if it's a problem to her, or if she stands by the use of her research? Had NYU allowed Loftus to keep her place in the lecture series, other professionals could've critiqued her work, or pointed out flaws. Had Loftus been allowed to speak, but not discuss her work with students and professionals



then discourse wouldn't have occurred in a productive setting. So, the sharing of knowledge isn't enough, engaging in discourse must occur. Discourse is the higher goal, with a starting point of sharing information.

### **What does it mean for a university to have an ethical duty?**

The phrase ethical duty is frequently used but not as frequently defined. As such, I will offer a quick outline of the branch of philosophy, known as ethics. The term ethical duty belongs to the realm of deontological ethics. Broken down, deontological ethics is the study of logos, or an appeal to logic. So, deontological ethics is the study of the appeal to logic. Ethics, also known as moral philosophy, is concerned with the evaluation of concepts that can be deemed right, wrong or somewhere in between.

The field of ethics can be divided into three distinct categories; normative ethics, applied ethics<sup>16</sup> and metaethics<sup>17</sup>. Normative ethics is a subtype of ethics that is concerned with moral principles which ought to structure ones behavior and or conduct. Deontological ethics is a normative theory deals with what people are "morally required, forbidden, or permitted to do"<sup>18</sup>. This genre of ethics makes assertions about the level of acceptableness attached to a certain action. This is the branch of ethics that I will be using to evaluate the duty that a public university holds toward its students.

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<sup>16</sup> Ethics interested in the practical nature of the regulation between right and wrong behavior (Fieser , James. "Ethics ." *Internet Encyclopedia of Philosophy*, Internet Encyclopedia of Philosophy , 2020, [www.iep.utm.edu/ethics/](http://www.iep.utm.edu/ethics/).)

<sup>17</sup> Ethics involved in the investigation of where the ethical principles that applied and normative ethics deal with are derived from. Metaethics is concerned with the larger, origin picture of ethics and what it all means. (Fieser , James. "Ethics ." *Internet Encyclopedia of Philosophy*, Internet Encyclopedia of Philosophy , 2020, [www.iep.utm.edu/ethics/](http://www.iep.utm.edu/ethics/).)

<sup>18</sup> Alexander, Larry, and Michael Moore. "Deontological Ethics." *Stanford Encyclopedia of Philosophy*, Stanford University, 17 Oct. 2016, [plato.stanford.edu/entries/ethics-deontological/](http://plato.stanford.edu/entries/ethics-deontological/).

Now that we know what type of category an ethical duty falls under, we can now examine what exactly an ethical duty is. Ethical duties, as previously stated, fall under normative ethics and therefore are concerned with the moral standards that determine right and wrong behavior. So what are these moral standards that highlight right and wrong action? One specific type of ethical duty is called a conditional duty. Keeping promises falls under the constraints of conditional duty.

Philosopher W.D. Ross developed a strong duty based theory, where he argues that one's duties are "part of the fundamental nature of the universe."<sup>19</sup> Ross outlines seven duties, four of which (bolded) apply to our current topic in what we ought to do, listed below<sup>20</sup>

- ***Fidelity: the duty to keep promises***
- *Reparation: the duty to compensate others when we harm them*
- *Gratitude: the duty to thank those who help us*
- ***Justice: the duty to recognize merit***
- ***Beneficence: the duty to improve the conditions of others***
- ***Self-improvement: the duty to improve our virtue and intelligence***
- *Nonmaleficence: the duty to not injure others*

In understanding these types of duties, a problem seemingly arises. Do these duties apply to individual persons or can they also apply to groups? This paper is clearly concerned with the group known as Western Washington University, and other public universities, and

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<sup>19</sup> Fieser, James. "Ethics." *Internet Encyclopedia of Philosophy*, Internet Encyclopedia of Philosophy, 2020, [www.iep.utm.edu/ethics/](http://www.iep.utm.edu/ethics/).

<sup>20</sup> Garrett, Dr. Jan. "A Simple and Usable (Although Incomplete) Ethical Theory Based on the Ethics of W. D. Ross." *A Simple Ethical Theory Based on W. D. Ross*, 10 Aug. 2004, [people.wku.edu/jan.garrett/ethics/rossethc.htm](http://people.wku.edu/jan.garrett/ethics/rossethc.htm).

therefore is not just one singular individual. Because of the nature of this paper, the idea of collective responsibility must be introduced.

### **What is Collective Responsibility:**

Collective responsibility is similar to personal and shared responsibility. For a group to possess collective responsibility they must “publicize their responsibility as part of a social... practice of accountability in particular contexts with particular purposes in mind”<sup>21</sup> As previously quoted, WWU has clearly and publicly<sup>22</sup> made their intentions available with particular purposes in mind. Therefore WWU satisfies the necessary conditions to possess collective responsibility. While collective responsibility seems initially attractive, many contend that the theory itself does more harm than good.

One major pitfall of the theory of collective responsibility is that it must be “backward looking”<sup>23</sup>, meaning that, if WWU had collective responsibility they not only would have to will as a collective entity and act as a collective entity in the past and the future. This seems too restrictive of a theory to place on a diverse group of people. If these people were to act as the entity of WWU, they would all be required to will and act on the past and future seems to be an immense responsibility. Many also argue that collective responsibility doesn’t lend well to being a moral responsibility.

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<sup>21</sup> Smiley, Marion. “Collective Responsibility.” *Stanford Encyclopedia of Philosophy*, Stanford University, 27 Mar. 2017, plato.stanford.edu/entries/collective-responsibility/#CollRespQuesCons.

<sup>22</sup> As provided on published pages by the university (wwu.edu)

<sup>23</sup> Smiley, Marion. “Collective Responsibility.” *Stanford Encyclopedia of Philosophy*, Stanford University, 27 Mar. 2017, plato.stanford.edu/entries/collective-responsibility/#CollRespQuesCons.

Collective responsibility requires the unity of group in interactions. This group must be more than its members, but a collective at its whole which supposedly has responsibility, intentions, and moral blameworthiness. However, it is not clear whether such an entity can possess any of these attributes, most noticeably blameworthiness. Another problem that faces collective responsibility is that the moral responsibility of an individual apart of the group. Let us imagine that WWU possess collective responsibility and is found blameworthy of inflicting harm on another. How does that harm receive redress, and how do the individuals in the group divide the blameworthiness. To illustrate this point we can look at our legal system.

Suppose a woman is convicted of theft. She slips into the backdoor of a gas station and steals \$100 dollars' worth of merchandise. Who is blameworthy in this situation? Many would answer that the woman who stole is morally blameworthy.

Now suppose the same above situation occurs, but this time the woman has a getaway driver. Who is morally blameworthy now? Even though the driver was an accomplice to a crime, should the driver and the woman both receive equal punishments? Are they both equal in their moral blameworthiness? Do they possess collective responsibility? If you answer yes to the last question then both the driver and the woman would need to be punished equally. If you answer no then one can split the punishment based on involvement.

So, the idea of collective responsibility seems to cause more problems than it gives solutions. Collective responsibility doesn't create enough answers to confidently apply the standards that it sets. So, we will move on the next idea, universities having moral duties.

### **The Moral Duties of Western Washington University:**

Western Washington University, as a whole, has a moral duty and responsibility to their students to foster discourse. While collective responsibility seemed to yield futile results, I believe that Western Washington University as a whole has a moral duty to its students to engage in discourse by bringing controversial speakers to campuses. To clearly attribute moral duty and responsibility, we must take a forward looking approach.

Ascribing moral responsibility to Western Washington University would allow a person to make moral judgements about the decisions made by the University. As a student I pay money to WWU, an educational institution, and in return I expect to receive certain educational standards and goods. These goods that I expect to receive can be seen in the basic values outlined by WWU. The commitment that Western has made to 'critical thought', 'student success', and the 'pursuit of excellence' are all actions that Western is responsible for upholding.

Moral responsibility is given to WWU because of the clear intentions published by the university. The individuals in which the intentions are supposed to serve are then able to judge actions through blame or praise based on "morally significant outcomes"<sup>24</sup> that the university is responsible for. These morally significant outcomes can be determined to be important based on whether an alternate action would have caused the same result on others. But does controversial speakers apply to this? Yes. Western Washington University has a moral responsibility to bring these speakers to campus, barring extreme circumstances, to uphold the commitment that Western has made to their students.

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<sup>24</sup> Noorman, Merel. "Computing and Moral Responsibility." *Stanford Encyclopedia of Philosophy*, Stanford University, 16 Feb. 2018, [plato.stanford.edu/entries/computing-responsibility/#ChaMorRes](https://plato.stanford.edu/entries/computing-responsibility/#ChaMorRes).

In regards to moral responsibility, a forward looking approach involves “focusing on the beneficial consequences”<sup>25</sup>. So what are some of the beneficial consequences that would occur if WWU engaged in the practice of bringing controversial speakers to campus? When individuals are allowed to engage with others, even experts, on any topic then both the speaker and the listener are exposed to new information. This exposure then allows both parties to critically think and critique the information presented. Through this critiquing process both the speaker and audience can then engage in the discussion of the information, its strengths and its flaws.

So, once again, what does WWU have to gain by allowing speakers onto campus that are deemed controversial? They gain the refinement of research, arguments, and information which leads to higher rankings, prestige, and investment. Not only would Western experience higher levels of academic engagement, greater refinement of student and faculty knowledge, and an increase of public opinion that can lead to more funding.

### **Political Discourse:**

Under the ‘Some Initial Replies’ section that was presented earlier in the paper, three responses were introduced. The second response said that “all speakers deserve the right to speak on college campuses regardless of message”. One proponent of this idea is John Stuart Mill. Mill is cited as one of the most impactful English language philosopher in the

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<sup>25</sup> Talbert, Matthew. “Moral Responsibility.” *Stanford Encyclopedia of Philosophy*, Stanford University, 16 Oct. 2019, plato.stanford.edu/entries/moral-responsibility/#ForwLookAcco.

nineteenth century<sup>26</sup>. One of Mill's most famous contributions to the philosophical and political community is his examination of political discourse.

Mill's ideas of political discourse comes at a defense of free speech. Mill says that<sup>27</sup>,

“here ought to exist the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine, however immoral it may be considered.”(1978, pg. 15)

He goes onto say that,

“If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.”(1978 pg. 16)

Mill has one of the strongest defenses of free speech ever seen. Under Mill's declaration the subject matter one is speaking of doesn't matter. The speaker can talk about anything, no matter how heinous a subject. Mill would have to support the discourse of any and every bigoted view that exists. Mill says that every single person has this right to speak. He however, gives on qualification. Mill says that the only time in which this right can be prevented is if the speaker is causing harm to others, and only then can the speaker lose their right. This is known as the harm principle.

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<sup>26</sup> Macleod, Christopher. “John Stuart Mill.” *Stanford Encyclopedia of Philosophy*, Stanford University, 25 Aug. 2016, plato.stanford.edu/entries/mill/.

<sup>27</sup> Van Mill, David. “Freedom of Speech.” *Stanford Encyclopedia of Philosophy*, Stanford University, 1 May 2017, plato.stanford.edu/entries/freedom-speech/#JohStuMilHarPri.

The way in which Mill argues for this concept hinges on the difference between logical and social limits. He says that persons have an “absolute freedom of opinion and sentiment on all subjects”(1978 pg. 11). This type of absolute freedom allows speakers to talk about any topic to its logical end, instead of its social end. A social end is one in which a specific topic is being discussed and one or more individuals stop speaking because to continue would bring social embarrassment. Logical ends, when understood in discussion, are reached when the root of a topic, or its logical nature, is revealed through conversation.

One could infer that Mill’s claims about political discourse would apply to speakers visiting a university, with one requirement. This requirement is the harm principle previously mentioned. This harm principle is would allow speakers to be blocked if what they are talking about causes harm to the listeners. But what exactly causes harm has been a subject of debate since Mill released his work. Mill spoke on this in his book and said that two speech acts, one that falls into the harm principle and one that doesn’t, differ because one will “constitute...a positive instigation to some mischievous act”(1978 pg. 53). The harm principle sounds as if it would include the idea of hate speech, however if the hate speech doesn’t incite ‘some mischievous act’ then Mill would not agree with the equivocation of hate speech and the harm principle. Therefore Mill’s idea of political discourse is one that I do not fully identify with.

### **Hate Speech Exception:**

While I have argued for discourse among controversial speakers, I do not agree with bringing all speakers to campus. To be clear I do not believe that certain speakers are not worthy of discourse. I believe that all people are worthy of engaging in discourse. However,



in regards to speakers wanting to visit a college campus Universities might have competing duties. These competing duties arise when said speakers engage in hate speech, which is harmful and can incite violence among groups.

Hate speech can be understood as,

“verbal or non-verbal communication that involves hostility directed towards particular social groups”<sup>28</sup>

This definition, is much less strict than the harm principle introduced by Mill. This definition of hate speech deals with individuals and groups that illicit ‘hostility’ toward others, in a specific way.

Hate speech relates to the topic of collegiate discourse because it highlights an alternate responsibility that a university has to its students. Western Washington University, and other universities, also have a moral responsibility to protect its students safety.

Universities invest in safety in many ways. At WWU we have Western Alerts, Blue Light Boxes, and University Police. These safety protocols are in place because of the moral duty that WWU has. So, how should WWU, or any other university, respond to a situation in which two moral duties are in conflict? While competing moral duties is a topic of its own, a simple way to answer the question is by examining the relative importance of each duty.

The upshot for Western to provide the opportunity for discourse on campus is great. But, the upshot for Western to provide safety to their students is much greater. Simply stated, a student cannot engage in discourse if they are being treated with hostility and/or violence.

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<sup>28</sup> Planck, Max. “Hate Speech.” *Oxford Constitutions*, July 2017, [oxcon.ouplaw.com/view/10.1093/law-mpeccol/law-mpeccol-e130](http://oxcon.ouplaw.com/view/10.1093/law-mpeccol/law-mpeccol-e130).

If students are not safe at an event, they most likely won't show up. Discourse cannot occur if individuals do not show up to the event. So, when groups at a university are applying to have a speaker come visit campus the university should evaluate whether or not the speaker has engaged in hate speech. If the speaker has engaged in hate speech and has not rectified the situation adequately, then the speaker should not be invited to campus.

### **Legal Precedent:**

Perry Education Association v. Perry Local Educators' Association (460 U.S. 37 (1983)) is the leading court opinion that discusses the connection between the first amendment and access to public forums<sup>29</sup>. EA v. Perry was concerned with unions having access to school mail and mailboxes. The case opinion by Justice Byron R. White created important distinctions of government property and free speech. The opinion made three important distinctions on public forums, in order to allocate the amount of government control that could be used in regards to speech.<sup>30</sup> The three types of forums are<sup>31</sup>,

#### **1. Quintessential or traditional**

- a. Streets, parks, or places open to assembly and debate
- b. Strongest first amendment protections exist
- c. Cannot be closed

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<sup>29</sup> Cengage. "Perry Education Association v. Perry Local Educators' Association 460 U.S. 37 (1983)." *Encyclopedia of the American Constitution*, Encyclopedia.com, 3 June 2020, [www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/perry-education-association-v-perry-local-educators-association-460-us-37-1983](http://www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/perry-education-association-v-perry-local-educators-association-460-us-37-1983).

<sup>30</sup> Parker, Richard. *Perry Education Association v. Perry Local Educators' Association*, [www.mtsu.edu/first-amendment/article/624/perry-education-association-v-perry-local-educators-association](http://www.mtsu.edu/first-amendment/article/624/perry-education-association-v-perry-local-educators-association).

<sup>31</sup> "Forums." *Legal Information Institute*, Cornell University, 2020, [www.law.cornell.edu/wex/forums#:~:text=In%20Perry%20Educ,designated%20forums%2C%20and%20nonpublic%20forums](http://www.law.cornell.edu/wex/forums#:~:text=In%20Perry%20Educ,designated%20forums%2C%20and%20nonpublic%20forums).

## **2. Limited or designated**

- a. Municipal theater, meeting rooms at state universities
- b. Public property opened for public expression
- c. The government is not obligated to keep the property open
- d. May limit access and/or types of speech
- e. May discriminate against different types of speech
- f. Cannot engage in viewpoint discrimination
- g. Can be closed

## **3. Nonpublic**

- a. Airport terminals, polling place, etc.
- b. Not traditional nor designated
- c. Government may restrict contents of a speech in a reasonable nondiscriminatory way based on viewpoints.

According to the above information, Western Washington University falls into a limited or designated form. Legally speaking, since WWU and other public universities fall into this limited forum category speakers can be limited in terms of access and speech type, as long as the limitations do not discriminate based on viewpoint. These requirements set by legal precedent allow for universities to regulate speakers.

### **General Limits:**

In order to advocate for discourse and bringing controversial speakers to college campuses (barring hate speech), one must also acknowledge the practical concerns that exist. Below I will outline multiple specifics that should be addressed when universities are considering whom to allow to speak on campus.

**Allowing vs. seeking out:**

When speakers are invited to speak on university campuses they are invited by a campus group, faculty, or organization associated with the campus. In most every situation, speakers are invited by some affiliate of the university and not the university itself. As previously asserted, I believe that universities have ethical duties to their students to foster discourse. However, this statement leaves some things up to a university. The university as an entity is not required to seek out speakers to come to campus, but they are able to do so. Because of the way in which speakers are brought to campus, the universities ethical duties are found in allowing speakers to come to campus. When groups request approval for a speaker to come to campus, the university has to approve or deny. As seen in the Gonzaga case Ben Sharpio was denied access to speak. In the Elizabeth Loftus case NYU initially approved her to speak but then changed their decision. So, a universities ethical duties do not involve seeking out speakers to come to campus. However, the university's ethical duties do apply to approving speakers to come to campus, unless violence or hate speech is incited. So, while university leadership has ethical duties to allow speakers on campus, whether or not that same leadership should seek out its own speakers is a separate discussion.

**Funding:**

A key component to visiting speakers is financial incentive. While the nature of each speaker is different, financial expenses will occur. The policies of each university are different in regards to funding speakers and lecturers. However, a general rule can

be applied to funding to create equal opportunity for speakers that are requested for campus events. When faced with the task of approval and denying campus visits universities should be aware of the financial costs, and the request that individuals place should include the intended expenses. The university should set a cap on fees that will apply to all speakers. This cap should allow for a healthy number of speakers to be able to come to campus. After the cap has been set, universities should also be willing to spend the same amount of money on speakers with opposing messages or information. This equal expenditure would allow for speakers with different messages the opportunity to engage. However, funding and resources are not endless. Surely, a university cannot allow everyone to speak on campus. So, universities should require formal applications, expenditures, and any other relevant details to show the university why this speaker would be a relevant and supported visitation.

**Access:**

Clearly not everyone can have the opportunity to speak on campus. So, a university will inevitably have to deny a speaker or two if funding or space cannot be allocated. While universities have ethical duties to allow speakers, they are not required to approve every single person who wants to come speak on campus. This is why speakers should be requested by different groups affiliated with the university and ushered through an approval process. This system should weed out those who are not qualified or asked to speak.

At WWU we have many different groups and clubs. Two clubs that have clearly different purposes are the Philosophy Club and the Theistic Thinkers Club. Let's say that the Philosophy Club invites a Christian philosopher to campus, and the Theistic Thinkers invite the same speaker for two separate events. What is the university to do? Aside from reaching out to both groups, the university is obliged to evaluate each application and make a decision based on circumstances. In this situation the university has certain practical concerns but both groups are within their bounds to invite the same speaker. Lets say that each of these groups invited speakers of opposing viewpoints. The university would have the same obligation to evaluate each request and approve or deny.

**University responsibilities in respect to students:**

As previously seen, WWU and other universities, have made specific and public goals to their students. In regards to campus speakers, universities have ethical duties to foster discourse on their campuses. Universities also have ethical duties to keep their students and faculty physically safe. So, when groups invite speakers to campus and the university evaluates their application, they are bound to keep these duties and responsibilities at the forefront of their decisions.

**University responsibilities in respect to speakers:**

When speakers are invited to university sanctioned events they also have duties to the speaker. While the safety of the speaker is important, it is the universities decision on whether or not to provide extra security, past what is already provided. The university has the responsibility to provide the facility and funds that were

approved. The university also has the responsibility to inform the speaker about the level of danger that they might encounter so the speaker can have all the relevant information.

### **Conclusion:**

Throughout this paper I have attempted to convince my reader that intellectual discourse on college campuses, specifically at WWU, is an ethical responsibility of the university to foster. While the topic itself is one of controversy, I believe that engaging with those whom we disagree with is a virtuous action worth pursuit. While many factors are at play when speakers are requested to come to campus, the same set of rewards can be seen. When we chose to engage with individuals such as Megan Phelps Roper can yield incredible results. So, if the entirety of my paper has been of little significance to you, I hope that the one conclusion you take is the importance of engaging in discourse with those who hold different opinions and views. To close I would like to quote a paper, written by two of our own faculty, on humility. They say that,

“Engaging the Other. Believing that in-the-wrong parties are monsters, or hating them with a resolve that hardens us against their humanity, can lead us to disengage with them: to leave them to their own devices away from our clean hands. While disengagement is surely sometimes called for, surely other times it is not. Virtues such as civility, charity, and respect for others can guide us here. When they advise engagement, the virtue of humility can assist them through tempering and bolstering.”<sup>32</sup>

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<sup>32</sup> Whitcomb, Dennis, et al. *The Puzzle of Humility and Disparity*. Forthcoming in *Routledge Handbook of the Philosophy of Humility*, Eds. Alfano, Lynch, and Tanesini, 2020, file:///C:/Users/ewebb/Downloads/Whitcomb%20et%20al%202020.pdf.

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