

CENTER FOR THE STUDY
OF AMERICAN DEMOCRACY
2017 CONFERENCE



SEPTEMBER 27-28
CONFERENCE PROGRAM

FREE SPEECH CIVIL DISCOURSE

CENTER FOR THE STUDY
OF AMERICAN DEMOCRACY
2017 CONFERENCE

The 2017 biennial conference of the Center for the Study of American Democracy is focused on the issues relating to free speech and civil discourse.

THE RIGHT TO FREE AND CANDID SPEECH represents a critical element of liberal education and democratic self-government. Yet American political discourse and academia are often characterized by incivility, disrespect, intolerance, even hate.

As the conference title suggests, the imperatives of free society and polite society are sometimes in considerable tension. These tensions in turn contribute to competing results: an impetus for restrictions on speech, a culture of political correctness, or desire for a safe space in which to express one's opinions.

Political freedom requires that individuals be able to speak openly about controversial subjects, differences of opinion, and the quality of government and those standing for public office. At the same time, sustaining free government may presuppose certain qualities in its people, including the capacity for political discourse characterized by deliberation and civility.

Liberal education in turn rests upon an ability to engage in discourse with some respect for unpopular or different perspectives. Both education and democracy may produce discomfort and impoliteness. The process of recognizing the limits of one's own knowledge or of one's political opinions may not be a pleasant experience.

How to balance and address these tensions is one of many questions to be addressed in this wide-ranging two day conference held here in Gambier, Ohio.

WEDNESDAY, SEPTEMBER 27

4 P.M. CONFERENCE WELCOME

Tom Karako, *director, Center for the Study of American Democracy (CSAD)*

CANDOR, CRITICISM AND THE FOUNDATIONS OF A FREE SOCIETY

Eugene Volokh, *UCLA School of Law*

Teresa Bejan, *University of Oxford*

Shadi Hamid, *Brookings Institution*

Moderated by Nancy Powers, assistant director, CSAD

5 P.M. PUBLIC RECEPTION (Gund Gallery Atrium)

7:30 P.M. OPENING ADDRESS: FREE SPEECH AND THE CONSTITUTION (Rosse Hall)

Jeff Rosen, *National Constitution Center*

Introduced by Sean Decatur, president of Kenyon College

THURSDAY, SEPTEMBER 28

9:30 A.M. OPEN DISCOURSE AND LIBERAL EDUCATION

Stanley Fish, *Yeshiva University*

Allison Stanger, *Middlebury College*

Moderated by Greg Lukianoff, Foundation for Individual Rights in Education

11:10 A.M. IS FREE SPEECH THE ENEMY OF CIVIL SOCIETY?

Nadine Strossen, *former president of the American Civil Liberties Union*

Moderated by Paul Singer '88, USA Today

1:30 P.M. HATE SPEECH AND THE LIMITS OF FREE EXPRESSION

Ulrich Baer, *New York University*

Stephanie Fryberg '94, *University of Washington*

John McWhorter, *Columbia University*

Moderated by Melanie Marlowe, Carnegie Mellon University

3 P.M. IS THE ACADEMY TOO POLITICALLY CORRECT?

Laura Kipnis, *Northwestern University*

Derald Wing Sue, *Columbia University*

Moderated by H. Abbie Erler, associate professor of political science

4:30 P.M. PUBLIC RECEPTION (Gund Gallery Atrium)

7:15 P.M. CIVIL DISCOURSE AND AMERICA (Rosse Hall)

Howard Dean, *former Governor of Vermont*

Steven Pinker, *Harvard University*

Heather Mac Donald, *Manhattan Institute*

Moderated by Tom Karako, director, CSAD

Introduction by Joe Klesner, provost of Kenyon College

Unless otherwise noted, all events will be held in the Gund Gallery Community Foundation Theater.

CANDOR, CRITICISM AND THE FOUNDATIONS OF A FREE SOCIETY

Moderated by Nancy Powers, assistant director, CSAD



EUGENE VOLOKH

Eugene Volokh teaches free speech law, tort law, religious freedom law, church-state relations law and a First Amendment amicus brief clinic at UCLA School of Law. Before joining UCLA, he clerked for Justice Sandra Day O'Connor on the U.S. Supreme Court and for Judge Alex Kozinski on the U.S. Court of Appeals for the Ninth Circuit. Volokh authored the textbooks *The First Amendment and Related Statutes* (6th ed. 2016) and *Academic Legal Writing* (5th ed. 2016). He founded *The Volokh Conspiracy*, a blog now hosted by the Washington Post that gets about 30,000 visits per weekday.



TERESA BEJAN

Teresa M. Bejan is an associate professor of political theory at the University of Oxford. Her research brings early modern English and American political thought to bear on contemporary questions. Her first book, *Mere Civility: Disagreement and the Limits of Toleration* (Harvard University Press, 2017) examines contemporary calls for civility in light of seventeenth-century debates about religious toleration. She has published articles in *The Journal of Politics*, *History of Political Thought*, *Review of Politics* and *History of European Ideas*. In 2015 she was elected as the final Balzan-Skinner Fellow in Modern Intellectual History at the University of Cambridge.



SHADI HAMID

Shadi Hamid is a senior fellow at the Brookings Institution and a contributing editor at the Atlantic. He is author of *Islamic Exceptionalism: How the Struggle Over Islam is Reshaping the World* and co-editor of *Rethinking Political Islam*. His first book, *Temptations of Power: Islamists and Illiberal Democracy in a New Middle East*, was named a Foreign Affairs Best Book of 2014. Hamid served as director of research at the Brookings Doha Center until January 2014. His articles have appeared in the *New York Times*, the *Washington Post*, *Foreign Affairs*, *Foreign Policy* and *The National Interest*.

OPENING ADDRESS:

FREE SPEECH AND THE CONSTITUTION

GEORGE L. OHRSTROM JR. LECTURESHIP ON DEMOCRACY

With an introduction by Sean Decatur, president of Kenyon College



JEFF ROSEN

Jeff Rosen is the president and chief executive officer of the National Constitution Center, the only institution in America chartered by Congress to disseminate information about the United States Constitution on a nonpartisan basis. Rosen is also a professor at the George Washington University Law School and a contributing editor for the Atlantic.

His essays and commentaries have appeared in the New York Times Magazine, the Atlantic, on National Public Radio and in The New Yorker, where he has been a staff writer. The Chicago Tribune named him one of the 10 best magazine journalists in America. He received the 2012 Golden Pen Award from the Legal Writing Institute for his “extraordinary contribution to the cause of better legal writing.”

Rosen is the author of “Louis Brandeis: American Prophet,” “The Supreme Court: The Personalities and Rivalries that Defined America,” “The Most Democratic Branch: How the Courts Serve America,” “The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age” and “The Unwanted Gaze: The Destruction of Privacy in America.” He is co-editor of “Constitution 3.0: Freedom and Technological Change.”

PANEL DISCUSSION:

OPEN DISCOURSE AND LIBERAL EDUCATION

Moderated by Greg Lukianoff, Foundation for Individual Rights in Education

**STANLEY FISH**

Stanley Fish is the Floersheimer Distinguished Visiting Professor of Law at Yeshiva University's School of Law. He began his academic career at the University of California, then taught as the Kenan Professor of English and Humanities at Johns Hopkins University from 1974 to 1985. Fish was a professor of English and a professor of law at Duke and then served as dean of the College of Liberal Arts and Sciences at the University of Illinois from 1999 to 2004. Fish is a prolific author of more than 200 scholarly books and articles and contributes to The Opinionator blog for the New York Times.

**ALLISON STANGER**

Allison Stanger is the Russell Leng '60 Professor of International Politics and Economics and founding director of the Rohatyn Center for International Affairs at Middlebury College. She is the author of "One Nation Under Contract: The Outsourcing of American Power and the Future of Foreign Policy" and the forthcoming "Life, Liberty, and the Pursuit of Leaks: The Story of Whistleblowing in America." Stanger has published opinion pieces in Foreign Affairs, Foreign Policy, Financial Times, New York Times and Washington Post. She is a member of the Council on Foreign Relations and a Cybersecurity Fellow at the New America Foundation.

**GREG LUKIANOFF**

Greg Lukianoff is an attorney and the president and CEO of the Foundation for Individual Rights in Education (FIRE). He is the author of "Unlearning Liberty: Campus Censorship and the End of American Debate" and "Freedom From Speech," as well as a co-author of the Atlantic's September 2015 cover story, "The Coddling of the American Mind," written in partnership with Jonathan Haidt. Greg has also been published in the Wall Street Journal, the Washington Post, the New York Times, the Los Angeles Times, Time, the Boston Globe, Forbes, Reason and numerous other publications. He is a regular columnist for The Huffington Post and frequently appears on TV shows and radio programs, including "CBS Evening News," "The Today Show," and NPR's "Radio Times." Greg is a graduate of American University and of Stanford Law School.

REMARKS:

IS FREE SPEECH THE ENEMY OF CIVIL SOCIETY?

Moderated by Paul Singer '88, USA Today



NADINE STROSSEN

Nadine Strossen is the John Marshall Harlan II Professor of Law at New York Law School. From 1991 through 2008 she served as president of the American Civil Liberties Union, the first woman to head the nation's largest and oldest civil liberties organization. When Strossen stepped down as ACLU president, Supreme Court justices Ruth Bader Ginsburg, Antonin Scalia and David Souter participated in her tribute luncheon. Her book "HATE: Fighting it With Free Speech, Not Censorship" will be published by Oxford University Press in 2018. She authored "Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights" and co-authored "Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties."

Before becoming a law professor, she practiced law for nine years in her hometown of Minneapolis and in New York City. In 2005, her work was honored by the University of Tulsa College of Law and the Tulsa Law Review's Fifth Annual Legal Scholarship Symposium, titled "Nadine Strossen: Scholar as Activist." Strossen has received honorary doctor of law degrees from the University of Rhode Island, the University of Vermont, San Joaquin College of Law, Rocky Mountain College, the Massachusetts School of Law and Mount Holyoke College. Strossen is a member of the Council on Foreign Relations.



PAUL SINGER '88

Paul Singer '88 is the Washington correspondent for USA Today, producing and overseeing congressional and political coverage for the nation's largest newspaper and the 100 news outlets of the Gannett chain. For the past decade he has specialized in coverage of campaigns, congressional ethics and government spending; he is now working to expand USA Today's coverage of the intersection of faith and public policy. Singer is also the host of a weekly political podcast called Cup of Politics and an occasional guest on televised panels.

Singer started his first newspaper as a summer hobby when he was 9 years old, and has been involved in journalism ever since, including a career-defining stint as editor of the Kenyon Collegian.

PANEL DISCUSSION:

HATE SPEECH AND THE LIMITS OF FREE EXPRESSION

Moderated by Melanie Marlowe, Carnegie Mellon University



ULRICH BAER

Ulrich Baer is a professor of German and comparative literature and a vice provost for faculty and undergraduate academic affairs at New York University. He has written essays on topics ranging from cultural politics to globalization and books on poetry, photography and critical theory. He has edited books on Holocaust testimony, 9/11, Hannah Arendt, Rainer Maria Rilke and critic Shoshana Felman. His published works include a collection of short stories set in Shanghai, China, and a novel, “We Are But A Moment.”



STEPHANIE FRYBERG '94

Stephanie A. Fryberg '94 is an associate professor in the Department of Psychology and American Indian Studies at the University of Washington. As a social and cultural psychologist, her research focuses on how social representations of race, culture and social class influence the development of self, psychological well-being, physical health and educational attainment. Her many publications include “The Truly Diverse Faculty: New Dialogues in American Higher Education.” Fryberg received the Society for the Psychological Study of Social Issues Louise Kidder Early Career Award and in 2011 was inducted into the Multicultural Alumni Hall of Fame at Stanford University.



JOHN MCWHORTER

John McWhorter teaches linguistics, philosophy and music history at Columbia University. He is the author of 19 books including “Words on the Move,” “The Language Hoax” and “Talking Back, Talking Black.” He writes regularly for Time and CNN, and his work has also appeared in the New York Times, the New Yorker, the Atlantic, and many other venues. He hosts Slate’s language podcast “Lexicon Valley,” and is the author of four audiovisual courses on language from the Great Courses company.



MELANIE MARLOWE

Melanie Marlowe is a fellow with the Institute for Policy and Strategy at Carnegie Mellon University. She edited, with Carol McNamara, “The Obama Presidency in the Constitutional Order.” She is currently editing two additional volumes, one on national security law and policy and another on the Trump administration and the Constitution. She was previously a lecturer at Miami University, where she coordinated the Thomas W. Smith Project on Liberty, Democracy, and Citizenship and taught courses on constitutional law, the presidency, administrative law and civil liberties. She has been a visiting scholar at Georgetown University Law Center, a visiting fellow at the Hudson Institute and a Congressional fellow with the American Political Science Association.

PANEL DISCUSSION:

IS THE ACADEMY TOO POLITICALLY CORRECT?

Moderated by H. Abbie Erler, associate professor of political science



LAURA KIPNIS

Laura Kipnis is a professor in the Department of Radio/TV/Film at Northwestern University. She is a cultural critic and former video artist whose work focuses on sexual politics, aesthetics, emotion, acting out and bad behavior. Her latest book, “Unwanted Advances: Sexual Paranoia Comes to Campus,” arose from the experience of becoming the subject of a Title IX investigation for writing an essay (“Sexual Paranoia Strikes Academe,” which was included in “The Best American Essays 2016”). Her previous books include “Men: Notes from an Ongoing Investigation,” “How to Become A Scandal,” and “Against Love: A Polemic.”



DERALD WING SUE

Derald Wing Sue is professor of psychology and education in the Department of Counseling and Clinical Psychology at Teachers College, Columbia University. He was co-founder and first president of the Asian American Psychological Association, and a past president of the Society for the Psychological Study of Culture, Ethnicity and Race and of the Society of Counseling Psychology. Sue is a pioneer in the field of multicultural psychology, multicultural education, microaggression theory, the psychology of racial dialogues, multicultural counseling and therapy and the psychology of racism/antiracism.

PANEL DISCUSSION:

CIVIL DISCOURSE AND AMERICA

Introduction by Joe Klesner, provost of Kenyon College

Moderated by Tom Karako, director, CSAD

**HOWARD DEAN**

Howard Dean's groundbreaking campaign for the U.S. Presidency in 2004 and subsequent four years as chairman of the Democratic National Committee have provided him with both an insider's view and a reformer's commitment to the economy, foreign trade policy and international relations. His 12 years as governor and his chairmanship of the National Governor's Association have given him a vast knowledge of domestic issues. His stewardship of the party as Democratic National Committee chair began in 2005 and continued through the inauguration of President Barack Obama. As Chairman of the Democratic National Committee, Governor Dean made the Democratic Party competitive in every race, in every district, in every state and territory, while integrating national and state party operations and standing up for Democrats' core values. His initial political roles included working as an elected official in the Vermont House of Representatives, serving as Vermont's lieutenant governor and Vermont's governor from the 1980s through early 2000s. Now an MSNBC commentator, he also serves as a board member of National Democratic Institute.

**STEVEN PINKER**

Steven Pinker is an experimental psychologist who conducts research in visual cognition, psycholinguistics and social relations. He is the Johnstone Professor of Psychology at Harvard University and has taught at Stanford and MIT. His nine books include "The Language Instinct," "How the Mind Works," "The Blank Slate," "The Better Angels of Our Nature" and "The Sense of Style." He is an elected member of the National Academy of Sciences, a two-time Pulitzer Prize finalist and one of Foreign Policy's World's Top 100 Public Intellectuals and Time's 100 Most Influential People in the World Today.

**HEATHER MAC DONALD**

Heather Mac Donald is the Thomas W. Smith Fellow at the Manhattan Institute and a contributing editor of City Journal, where she covers topics such as higher education, immigration, policing, homelessness and homeless advocacy, criminal-justice reform and race relations. Her writing has appeared in the Wall Street Journal, Washington Post, New York Times, Los Angeles Times, The New Republic and The New Criterion. Mac Donald's newest book, "The War on Cops," warns that raced-based attacks on the criminal-justice system erode the authority of law and put lives at risk.



THE CENTER FOR THE STUDY OF AMERICAN DEMOCRACY

The Center for the Study of American Democracy at Kenyon was created in 2007-08 with the help of a major grant from the National Endowment for the Humanities (NEH). On a campus renowned for intellectual inquiry in the spirit of the traditional liberal arts and sciences, the center brings students together with policymakers, political leaders, scholars, and journalists to debate the country's most pressing issues—and in the manner of nonpartisan, civil, probing discourse.

Throughout the academic year, the center sponsors lectures, panel discussions, and other events on campus. Frequently these involve visiting scholars, politicians, and journalists who, in addition to making public presentations, meet informally with students and faculty members.

Every two years, the center organizes a conference in which political leaders join noted scholars and journalists on the Kenyon campus to discuss some major issue. The inaugural conference, in 2010, focused on “The Future of Political Parties.” The 2012 conference considered the question, “Should America Promote Democracy Abroad?” In 2014, the center considered “The Politics of Economic Inequality,” and it explored “The Expectation of Privacy” in its 2016 conference.

The center also sponsors informal student and faculty gatherings to watch and discuss political debates, election returns and State of the Union addresses. In addition, the CSAD Democracy Scholars Program provides opportunities for students to work closely with faculty members on some fundamental question of American democracy. Students selected for these competitive awards receive stipends to support their work. The center also sponsors an annual prize for the best student essay on American government; sessions for students on “How to Find an Internship in Washington, D.C.”; faculty development seminars; and other curricular enhancements.

Support from the NEH was vital in the establishment of the center. That support came in the form of a \$710,000 challenge grant, awarded in 2007 as part of the NEH “We the People” program. The program is designed to encourage and enhance the teaching, study, and understanding of American history, culture, and democratic principles.

The NEH grant required that the College raise \$2,130,000 in matching funds. Led by trustee Brackett Denniston III '69, a number of individuals came forward with contributions to an endowment for the Center, and were named fellows of the Center.

The Thomas W. Smith Foundation, the Arthur Vining Davis Foundations, the George L. Ohrstrom Jr. Foundation and the Jack Miller Center have also provided major support for the center.

