

## ERIN LYNN MILLER

Assistant Professor of Law & Philosophy

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### ACADEMIC POSITIONS

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**University of Southern California Gould School of Law** 2021-present  
Assistant Professor of Law & Philosophy

**University of Chicago Law School** 2019-2021  
Harry A. Bigelow Fellow & Lecturer in Law

### EDUCATION

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**Ph.D., Politics (political theory), Princeton University, 2019**

Dissertation: *Assessing Competing Claims to Speak over Mass Media: The Priority of Audiences' Epistemic Claims*

Committee: Charles Beitz (chair), Philip Pettit, Anna Stilz

Laurance S. Rockefeller Graduate Prize Fellow, University Center for Human Values, 2017-18

**J.D., Yale Law School, 2013**

*Yale Journal of Law & Policy*, Lead Editor

**B.A., Philosophy & Political Science, Yale University, 2009**

Percival Wood Clement Prize (best senior thesis on the Bill of Rights)

### TEACHING

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- *Courses Taught*: First Amendment, Constitutional Law: Rights, Criminal Procedure, Philosophical Issues in Free Speech

### PUBLICATIONS

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[\*The Private Abridgment of Free Speech\*](#), 32 WM. & MARY BILL RTS. J. 615 (2024)

[\*Media Power Through Epistemic Funnels\*](#), 20 GEO. J. L. & PUB. POL'Y 873 (2022)

[\*Amplified Speech\*](#), 43 CARDOZO L. REV. 1 (2021)

[\*With Group Power Comes Great \(Individual\) Responsibility\*](#), 20 POL. PHIL. & ECON. 22 (2021) (peer reviewed)

[\*The Limits of Law in the Evaluation of Mitigating Evidence\*](#), 45 AMER. J. CRIM. L. 167 (2018) (with Emad Atiq)

[\*Let the Burden Fit the Crime: Reviewing Sex Offender Restrictions for Proportionality\*](#), Comment, 123 YALE L.J. 1607 (2014)

### WORKS-IN-PROGRESS

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*The Ideal of Content Diversity in Public Discourse*

- This paper argues on democratic grounds for the airing of diverse views and viewpoints in mass media. I explain how such diversity offers several democratic benefits compared to alternative principles for distributing opportunities to speak over media: more rational and informed public opinion, more constraints on private social/economic power, and more egalitarian participation. I also present the challenges of extending content diversity from more controlled, deliberative environments to the larger public sphere—where media consumption is fragmented, discontinuous, and distracted.

*The Culture of Ideas*

- Some theories justify the freedom of speech based on its value in the search for knowledge. This paper contends that such epistemic theories face new challenges when the dominant mediums of communication are digital. Digital speech travels faster and further, and discourages rational reflection and engagement. These features both decrease the instrumental value of free speech for discovering and disseminating knowledge and increase the potential dangers of false and/or harmful speech. While I offer two lines of defense for epistemic theories, I argue that—to be successful—both depend on serious changes to our digital speech environment.

*Freedom of Speech, Not Expression*

- This paper argues that "speech" in First Amendment doctrine should be defined in line with the "speaker meaning" conception of speech in the philosophy of language, building on the original articulation of that conception by Paul Grice. I then explain how this definition solves several puzzles in the doctrine about speech "intermediaries," like periodical publishers, internet service providers, and social media platforms, who rarely actually speak. But this solution does not come at the cost of protection of these activities-- they are protected, albeit differently than speech, as "derivative" speech rights, because of their indispensable role in facilitating speech.

*The Anti-Control Proviso* (with Chloé Bakalar)

- This paper offers an argument, grounded in centuries of property theory and common law, for why any ownership of core public infrastructure that gives the owner "controlling" influence over the infrastructure's operation is subject to a public trust, or a legislatively and judicially enforceable requirement that the infrastructure be maintained consistent with the public interest. Our definition of core public infrastructure includes not just traditional public utilities like roads and electricity, but also speech forums such as social media platforms.

**ACADEMIC AWARDS & SERVICE**

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2023 Future Promise Award, AALS Jurisprudence Section (co-winner)

AALS Jurisprudence Section, *Board Member* 2024-present

**SELECTED ACADEMIC PRESENTATIONS**

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UCLA Faculty Workshop March 2025  
Paper: *Freedom of Speech, Not Expression*

Yale Information Society Project "Ideas" Workshop February 2025  
Paper: *The Ideal of Content Diversity in Public Discourse*

Politics, Philosophy, & Economics Society Conference November 2024  
Presentation: *Solving John Stuart Mill's "Paradox" About Socially Coercive Speech*

Southern California Law Review Symposium: The First Amendment & Listener Interests November 2024  
(co-organized with Rebecca Brown & Abby Wood)  
Commentary on Aziz Huq, *Algorithmic Islands of Integrity*

Political Philosophy of Online Speech Conference, University College London June 2024  
Paper: *The Private Abridgement of Free Speech* (under another title)

Freedom of Expression Scholars Workshop, Yale Law School Paper: <i>Freedom of Speech, Not Expression</i> (under another title)	April 2024
Critic at Book Launch for J.P. Messina, <i>Private Censorship</i> , Purdue University	March 2024
Law & Philosophy Colloquium, UCLA Law School Paper: <i>The Culture of Ideas</i> (under another title)	February 2024
USC Center for Law & Philosophy Conference, Univ. of Southern California Paper: <i>The Ideal of Content Diversity in Public Discourse</i> (under another title)	October 2023
USC-King's College London-Rutgers Law & Philosophy Workshop, Univ. of Southern California (co-organized with Jonathan Gingerich & Todd Karhu) Paper: <i>The Ideal of Content Diversity in Public Discourse</i> (under another title)	August 2023
Freedom of Expression Scholars Conference, Yale Law School Paper: <i>Is a Timeless Epistemic Theory of Free Speech Possible?</i>	April 2023
Political Philosophy of Online Free Speech Workshop, Univ. of Southern California Paper: <i>Is a Timeless Epistemic Justification of Free Speech Possible?</i>	March 2023
Digital Life Initiative Workshop Series, Cornell Tech Paper: <i>The Private Abridgement of Free Speech</i> (under another title)	November 2022
Ethics of Freedom of Speech Symposium, Georgetown Institute for Study of Markets & Ethics Paper: <i>Media Power Through Epistemic Funnels</i> (under another title)	November 2021
Freedom of Expression Scholars Conference, Yale Law School Paper: <i>The Private Abridgement of Free Speech</i> (under another title)	May 2021
Freedom of Expression Scholars Conference, Yale Law School Paper: <i>Amplified Speech</i>	October 2020
American Political Science Association Annual Meeting (with Chloé Bakalar) Paper: <i>The Anti-Control Proviso</i>	September 2019
Philosophy, Politics, & Economics Society Conference Paper: <i>Amplified Speech</i> (under another title)	March 2019
Princeton-UPF Conference in Political Theory, Pompeu Fabra University Paper: <i>The Predomination of Public over Private Interests in Widely Disseminated Speech</i>	Fall 2017
Harvard Graduate Conference in Political Theory Paper: <i>Caretaker Responsibility: A Reductive Account of Moral Responsibility for Group Acts</i>	Fall 2017
Yale Doctoral Conference (with Emad Atiq) Paper: <i>The Causal Nexus Fallacy: A Judicial Error in Capital Sentencing</i>	Fall 2014

Harvard Graduate Legal Philosophy Colloquium (with Emad Atiq) Fall 2014  
Paper: *The Causal Nexus Fallacy: A Judicial Error in Capital Sentencing*

**OTHER LEGAL PROFESSIONAL POSITIONS**

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Connecticut for One Standard of Justice, *Board Member* 2015-2017  
Non-profit organization founded to ensure the rights and fair treatment of criminal offenders.

Subcommittee on Sex Offender Sentencing, Connecticut Sentencing Commission, *Member* 2015-2016  
Committee commissioned by the Connecticut General Assembly to review the state's sex offender laws.

U.S. Court of Appeals for the Ninth Circuit, Judge Sidney Thomas, *Law Clerk* 2013-2014

Sanford Wittels & Heisler, Washington, DC, *Summer Associate* Summer 2012  
Plaintiff-side employment firm specializing in race and gender discrimination class actions.

Department of Justice, Civil Appellate Section, Washington, DC, *Intern* Summer 2011

SCOTUSblog/Howe & Russell, Washington, DC, *Blog Manager* 2009-2010

**BAR ADMISSION**

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State Bar of New York 2016-present