

POLS BC 3254 Lecture Course on First Amendment Values

Prof. Paula Franzese

Office Hours: Tuesdays, 6:00 - 7:00pm

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Course Description:

This course examines contemporary applications of the first amendment rights of speech and freedom of the press. Analysis of landmark U.S. Supreme Court rulings and scholarly commentary will provide the basis for exploring the theoretical antecedents as well as contemporary applications of first amendment values to questions of censorship, political speech, hate speech, cyber-speech, pornography, obscenity, media bias, media conglomerates and citizen access.

Prerequisites: POLS BC1001 “Dynamics of American Politics” or POLS W1201 “Introduction to American Government & Politics” or equivalent. This course has a limited enrollment of 25 students.

Requirements Students must attend all classes. You may therefore not miss more than **two** class sessions. I understand that there may be occasions where illness or emergencies will keep you from attending class. Please notify me of such as soon as possible. You will receive a class participation grade of zero for any session for which you have an unexcused absence or for which you are unprepared. Class participation is required. You must be prepared to discuss the readings during each class session.

The take-home midterm exam will count for 30% of your overall grade, the take-home final will count for 50% of your overall grade and your class participation will count for the remaining 20%.

Laptops

Please do not use your laptops during class. If you are interested in the pedagogical reasons for the ban, *see* Kevin Yamamoto, *Banning Laptops in the Classroom*, 7 J. LEG. EDUC. 77 (2007). If you have any questions or require an accommodation for medical reasons, please see me.

Learning Objectives:

This course will provide students with a working knowledge of the legal method of inquiry as it pertains to consideration of first amendment guarantees. Students will learn to:

1. Identify the various constitutional standards of judicial review.
2. Apply legal and analytical constructs to contemporary issues of free speech and association, while critically examining historical and theoretical underpinnings of libel law, hate speech, freedom of the press, virtual speech, political discourse, obscenity, and bias in the media.
3. Evaluate the merits and shortcomings of the major theoretical debates within the first amendment narrative.
4. Analyze and assess contemporary scholarly and journalistic writings on free speech values by critically examining their strengths, weaknesses and applicable counterpoints.

Grading: Grades will be calculated as follows:

Class participation: 20%

Take-home Midterm Exam: 30%

Take-home Final Exam: 50%

Texts (all are available at the Columbia University bookstore):

1. PAULA FRANZESE, A SHORT AND HAPPY GUIDE TO BEING A COLLEGE STUDENT (WEST, 2014).
2. JAMES T. HAMILTON, ALL THE NEWS THAT'S FIT TO SELL?: HOW THE MARKET TRANSFORMS INFORMATION INTO NEWS (Princeton Univ. Press, 2003).
3. STEPHEN HEYMAN, FREE SPEECH AND HUMAN DIGNITY
4. ANTHONY LEWIS, FREEDOM FOR THE THOUGHT THAT WE HATE: A BIOGRAPHY OF THE FIRST AMENDMENT (Basic Books, 2008).
5. EVGENY MOROZOV, THE NET DELUSION: HOW NOT TO LIBERATE THE WORLD (Penguin Books, 2011)
6. JONATHAN RAUCH, KINDLY INQUISITORS: THE NEW ATTACKS ON FREE THOUGHT (Univ. of Chicago Press, 1995).
7. FRANK RICH, THE GREATEST STORY EVER SOLD: THE DECLINE AND FALL OF TRUTH IN BUSH'S AMERICA (Penguin Books, 2007)
8. RIVERS & BARNETT, THE NEW SOFT WAR ON WOMEN (2014)
9. GEOFFREY R. STONE, PERILOUS TIMES: FREE SPEECH IN WARTIME FROM THE SEDITION ACT OF 1798 TO THE WAR ON TERRORISM (W. W. Norton & Company, 2004).
10. JEREMY WALDRON, THE HARM IN HATE SPEECH (Harv. Univ. Press, 2012).
11. NIGEL WARBURTON, FREE SPEECH: A VERY SHORT INTRODUCTION (Oxford Univ. Press, 2009).
12. MONICA YOUN, MONEY, POLITICS AND THE CONSTITUTION

Readings and Class Schedule

Week One: *The History and Philosophy of Free Expression: Doctrinal Underpinnings and Relevant Legal Antecedents*

Week Two: *Seminal U.S. Supreme Court Precedent*

Warburton, Free Speech: A Very Short Introduction

Rauch, Kindly Inquisitors

What is Rauch's essential point? Do you agree?

Week Three: *Freedom for the Thought that We Hate?*

Lewis, Freedom for the Thought that We Hate

Please bring to class an example of expressive activity that proves Lewis wrong.

Week Four: *The Harm in Hate Speech*

Waldron, The Harm in Hate Speech

Should we outlaw hate speech? Is there a way to do that without compromising first amendment values?

Week Five: *Free Speech and Human Dignity*

Heyman, Free Speech and Human Dignity

What does Heyman add to Waldron's argument? Where is Heyman most persuasive and least persuasive?

Week Six: *Cyber-Speech, Cyber-Bullying and Regulation of the Internet*

Morozov, The Net Delusion

Please bring to class an example of cyber-speech that makes the case for (or against) regulation of social media.

Week Seven: *First Amendment Values in "Perilous Times"*

Stone, Perilous Times

Please bring to class an example from current events of Prof. Stone's template.

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Week Eight: *"Perilous Times" continued*

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Week Nine: *Media Manipulation in Contemporary Context*

Rich, The Greatest Story Ever Sold

Is Rich's polemic an example of bias in the media? Why or why not?
What surprised you about his account? Why?

Week Ten: *Political Speech in a Post-Citizens United World*

Youn, Money, Politics and the Constitution

What does the U.S. Supreme Court case *Citizens United* stand for? Was the case rightly decided? Why or why not?

Week Eleven: *Political Speech, continued*

Youn, Money, Politics and the Constitution

Week Twelve: *First Amendment Values in a Market Economy*

Hamilton, All the News That's Fit to Sell

Have first amendment values sold out? How so or how not?

Week Thirteen: *The Role of the Media in Shaping Perceptions of Women*

Rivers & Barnett, The New Soft War on Women

Week Fourteen: *The Press We Deserve?*

Guest speakers from the popular media to address the course's essential themes_