

POLS BC 3254 Lecture Course on First Amendment Values

Prof. Paula Franzese

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

Paula.franzese@shu.edu

(973) 642-8817

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. 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. Class participation is required. You must be prepared to discuss the readings during each class session.

The take-home midterm exam will count for 35% 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 15%.

Laptops

Please do not use your laptops or cell phones 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: 15%

Take-home Midterm Exam: 35%

Take-home Final Exam: 50%

Texts (all are available at the Columbia University bookstore). In addition, a reading packet will be distributed on the first day of class.

1. JAMES T. HAMILTON, ALL THE NEWS THAT'S FIT TO SELL?: HOW THE MARKET TRANSFORMS INFORMATION INTO NEWS
2. DAVID SHIPLER, FREEDOM OF SPEECH: MIGHTIER THAN THE SWORD
3. HAM & BENSON, END OF DISCUSSION
4. EVGENY MOROZOV, TO SAVE EVERYTHING, [CLICK HERE](#)
5. JONATHAN RAUCH, KINDLY INQUISITORS: THE NEW ATTACKS ON FREE THOUGHT (Univ. of Chicago Press, 1995).
6. FRANK RICH, THE GREATEST STORY EVER SOLD: THE DECLINE AND FALL OF TRUTH IN BUSH'S AMERICA (Penguin Books, 2007)
7. WILLIAMS & DEMPSEY, WHAT WORKS FOR WOMEN AT WORK
8. 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).
9. JEREMY WALDRON, THE HARM IN HATE SPEECH (Harv. Univ. Press, 2012).
10. MONICA YOUN, MONEY, POLITICS AND THE CONSTITUTION
11. PAULA FRANZESE, A SHORT AND HAPPY GUIDE TO BEING A COLLEGE STUDENT (WEST, 2014).

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*

Shipler, *Freedom of Speech: Mightier Than the Sword*

Which examples in Shipler's account matter most to you? Why?

Week Three: *The Aims of a Marketplace of Ideas*

Rauch, *Kindly Inquisitors*

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

Week Four: *The Harm in Hate Speech*

Waldron, *The Harm in Hate Speech*

Should we/can we outlaw hate speech? At what cost?

Week Five: *Political Correctness and "Regressive Liberalism"*

Ham & Benson, *End of Discussion*

Is there such a thing as "regressive liberalism" and if so, is it frustrating the marketplace of ideas?

Week Six: *The Information Age, Technology and the Marketplace of Ideas*

Morozov, *To Save Everything, Click Here*

Consider whether "Silicon Valley innovation" stifles a robust marketplace of ideas.

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

Stone, *Perilous Times*, introduction and chapters 3 and 4

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Week Eight: *"Perilous Times" continued*

Stone, *chapters 5 and 6*

Week Nine: *Media Manipulation in "Perilous Times"*

Rich, *The Greatest Story Ever Sold*

Is Rich's polemic an example of bias in the media? Why or why not?

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

Youn, Money, Politics and the Constitution, chapters 1 through 7

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, chapters 8 through 12

Has campaign spending corrupted the marketplace of ideas?

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*

Williams & Dempsey, *What Works for Women at Work*

Week Fourteen: *The Press We Deserve?*

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

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