

PT321. Freedom of Expression

Seminar Leader: Michael Weinman

Course Meetings: Tuesday and Thursday, 14:00 – 15:30

Office Hours: Tuesday and Thursday, 13:00-14:00

Email: m.weinman@berlin.bard.edu

On Bard/CCE Network Courses

Network courses are developed collectively by faculty and offered simultaneously at multiple campuses across the Bard network of partner institutions, including: Al-Quds Bard College of Arts and Sciences (East Jerusalem, Palestine), American University of Central Asia (Bishkek, Kyrgyz Republic), Bard College Annandale (New York, USA), Bard College Berlin (Berlin, Germany), European Humanities University (Vilnius, Lithuania), and the Faculty of Liberal Arts and Sciences at St. Petersburg State University (“Smolny”, St. Petersburg, Russia). Network courses are designed with input from faculty from different disciplines, countries, and intellectual traditions. They are structured to expose students to diverse perspectives and promote intercultural dialogue through assignments that put students from across the globe in dialogue with each other synchronously and asynchronously. Courses feature multiple common texts, “virtual” (on-line video) lectures and shared individual and group assignments, including image analyses, dialogical notebooks, Model-UN style simulations and cross-campus debates.

Course Description

In this course, we investigate a very old and quite foundational question in political thought; namely: what, if any, are the possibly justifiable limits to the freedom of expression? In so doing, we will keep close to the conviction that “theory follows practice,” meaning: we shall “discipline” our theoretical discussion through constant reference to actual legal, political, and cultural practices of restricting or regulating speech. Our reading of theoretical reflections defending or questioning an absolute right to free expression, from classical to modern to contemporary, will closely follow case studies of constitutional and criminal law in the United States and Germany. Through this interplay of historical and normative study, we shall try to encompass not only the range of controverting views concerning this fundamental right within the liberal order that have existed and persist until today, but also to understand something about the future valences of the very notion of “basic rights,” widely considered to be under attack as the liberal international order faces an ongoing crisis of legitimacy.

Course Readings

Buruma, I. 2006. *Murder in Amsterdam*. ISBN: 978-1843545477

Butler, J. 1997. *Excitable Speech*. ISBN: 978-0415915885

Saxonhouse, A. 2008. *Free Speech and Democracy in Ancient Athens*. ISBN: 978-0521721585

Matsuda, M., et. al. 1993. *Words that Wound*. ISBN: 978-0813384283

Course reader (print).

Requirements

Attendance: Attendance at ALL classes is expected. More than two absences in a semester will result in an overall course grade reduction of 0.2 on a 4.0 scale (e.g., from 3.5 to 3.3).

Course Assignments: This course is part of a Bard Network cluster of courses dedicated to the theme of Nationalism and your assignments will be completed in conjunction with colleagues from one or more of the other Network institutions—Bard-Annandale, Al-Quds Bard, Smolny College, European Humanities University, and the American University of Central Asia; details will follow in class but the assignments overall are summarized below. (Please note **all assignments are to be submitted to the Google Classroom.**)

- (1) **Image Analysis.** This assignment has **two parts**. The **first part (due Friday, 7 February)** is to choose an image that represents what “Freedom of Expression” means to you and write a short essay (of 500-750 words) explaining why you chose this image. In addition, you should also write a short (no more than 50 words) caption to accompany your image that succinctly explains why you chose it. The **second part (due Friday, 17 April)**, is to select one image from those uploaded to the Classroom and write a 500-word reflection on the image you selected, and the caption and essay connected to it. You should say something both about the image itself and why it strikes you and also about what the student who submitted it initially wrote about it: do you agree with how they have presented it and what they have said in response? Why or why not?
- (2) **Dialogical Notebook.** On three occasions this semester, you will join one (or two) colleague(s) from a partner campus in completing a Dialogical Notebook. In each case, there will be an initial prompt, to which either you or your partner(s) will make an initial response of about 750 words. Then, if you have written the initial response, your partner will write a response to your reflection; or, if your partner has written the initial response you will respond to that. Finally, whichever partner wrote the initial reflection will then write a response to the response to their reflection. The procedure will be practiced in class before the first submission. The notebook will be collected on **Friday, 29 February; Friday, 3 April; and Friday, 8 May**.
- (3) **Midterm Essay.** Due **Friday, 27 March**, this network-wide essay assignment will constitute your response to “the hate speech debate.” You will receive the prompt for this assignment, with all relevant details, in due course.
- (4) **Seminar.** Beyond merely attending class, carefully preparing the reading and considering what you would like the class session to address is essential to the success of this course. Preparing for class means reading thoughtfully and engaging with the course materials, for instance, by taking notes while reading and thinking through the argument in a particular reading assignment, or by looking over in advance the description of a special event we might have. This aspect of coursework, and not just physical presence or the amount you speak constitute the grounds of your seminar grade.

Academic Integrity: Bard College Berlin maintains the staunchest regard for academic integrity and expects good academic practice from students in their studies. As such, instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section 14.3 (Academic Misconduct) in the Student Handbook.

Policy on Late Submission of Papers (Student Handbook): *essays that are up to 24 hours late will be downgraded one full grade (from B+ to C+, for example). Instructors are not obliged to accept essays that are more than 24 hours late. Where an instructor agrees to accept a late essay, it must be submitted within four weeks of the deadline and cannot receive a grade of higher than C. Thereafter, the student will receive a failing grade for the assignment.*

Grade Breakdown: Image Analysis (20%); Dialogical Notebook (30%); Midterm Essay (20%); Seminar (30%)

Library and Book Purchase Policies: You are expected to come to class with your own copy of each of the course books listed above, including the course reader. The booklist has been sent to you at registration: **please ensure possession of the readings before the semester begins.**

Course Schedule

Week	Tuesday	Thursday	Assignment
Unit 1. Historical and Theoretical Framework: Normative Claims about Limiting Expression			
27.1	Athenian Democracy: Its Limits; Its Promise Saxonhouse, <i>Free Speech</i> , Prologue, Ch. 1	Athenian Democracy: Case of Socrates Saxonhouse, <i>Free Speech</i> , Chs. 4,5	
3.2	Athenian Democracy: Open Questions Saxonhouse, <i>Free Speech</i> , Ch. 7 + Conclusion	Class rescheduled for 20.2 Ancients/Moderns: Religion / Expression Ghazzali, <i>Deliverer from Error</i>	Image Assignment 1
10.2	Ancients/Moderns: Freedom/Equality Arendt, "Introduction into Politics"	Free Expression and Political Liberalism Rorty, <i>Contingency, Irony, Solidarity</i> (Ch. 3)	
17.2	Free Expression and Political Liberalism Waldron, <i>The Harm in Hate Speech</i> Introduction, Ch. 5	Free Expression and Political Liberalism Fish, <i>No Free Speech</i> (selection) PLUS John Taylor Lecture 7:00 PM	
24.2	"Worthless" Art and Free Expression Kateb, "Freedom of Worthless/ Harmful Speech" PLUS Joint Session with Matthias 7 PM	Free Expression: The Recent Debates Butler, <i>Excitable Speech</i> , Introduction	Dialogical Notebook 1
2.3	Free Expression: The Recent Debates Butler, <i>Excitable Speech</i> , Ch. 1	Free Expression: The Recent Debates Butler, <i>Excitable Speech</i> , Ch. 4	
Unit 2. Legal Framework: Jurisprudence and Case Law about Limiting Expression			
9.3	Religion, Authority, & Free Expression Kabir, "Free Speech: 'Us and Them' Debate"	Religion, Authority, & Free Expression Buruma, <i>Murder in Amsterdam</i>	
16.3	Religion, Authority, & Free Expression Buruma, <i>Murder in Amsterdam</i> Krayem, "Freedom of Speech Muslim Minority"	Class postponed, make up Tues. 12.5	
23.3	Expression: Legal Institutionalization UN UDHR, Art. 19; US Constitution (Amendment 1); <i>Grundgesetz</i> , Art. 1	Sedition and Limiting Expression Abrams v. United States (1919) Butler, <i>Excitable Speech</i> , Ch. 2	Midterm Essay
30.3	Free Expression and Harm: Racism Virginia v. Black (Cross Burning) Matsuda et. al., <i>Words that Wound</i> , Ch 1/6	Free Expression and Harm: Antisemitism Neier, <i>Defending My Enemy</i> (selection) Marx, "ACLU Should Not Represent Nazis"	Dialogical Notebook 2
Week of 6 April; Semester break			
Unit 3. Case Studies: Racism; Sexism; Fascism; Genocide			
13.4	Class cancelled in exchange for joint session with Matthias in Feb	Class postponed, make up Tues. 12.5	Image Assignment 2
20.4	Free Expression and Harm Matsuda, <i>Words that Wound</i> , Ch. 2	Free Expression and Harm Lawrence, <i>Words that Wound</i> , Ch. 3	
27.4	Free Expression and Harm Raz, "Free Expression and Identification"	Fascism in the Streets: America Today #Charlottesville: Before and Beyond	
4.5	Limiting Expression Post-Genocide Fyfe, "Hate Speech as Incitement to Genocide"	Limiting Expression Post-Genocide Allen and Norris, "Is Genocide Different?"	Dialogical Notebook 3
11.5	Tues., 12.5 2:00 PM – 5:00 PM Course Conclusion: Debate on "No-Platforming" on Campus		

Pink=Special Sessions; Green = Course text; Turquoise = Course Reader