

**COMMUNICATION 371**  
**CENSORSHIP AND THE LAW: FROM THE PRESS TO CYBERSPACE**  
Paul Von Blum  
Course Syllabus

General Description

A basic principle of American democracy is freedom of expression, guaranteed by the First Amendment of the United States Constitution. In practice, this freedom has been limited by various political, economic, social, psychological and other factors in our national history. Indeed, the entire area of freedom of communication has generated vigorous political debate for many decades. Through an examination of leading Supreme Court decisions and dramatic case studies of censorship of books, speeches, artworks, and many other forms of communication, students will discover the extent and limitations of freedom of communication in this society. As a result, they will have the opportunity to formulate and express their own views on the proper scope of free expression. **This class is an undergraduate liberal arts class intended to promote broader historical, political, and social analysis rather than the more narrow legal interpretation that is common in a law school setting.**

Specific Course Units:

**1. Introduction.** The first class session will present a comprehensive overview of the course. Following a description of the thematic focus, course requirements, course format, the instructor's perspective and educational philosophy, and all other administrative details, we will examine a wide variety of actual and hypothetical free expression and censorship cases as an introduction to the scope and style of the course. Specific reading assignments for the second and subsequent weeks will be made in the opening class session.

**2. Legal Foundations and Controversies**

As noted above in the General Description, the First Amendment is the starting point for a deeper consideration of the political controversies involving free expression and censorship:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.**

Politicians, scholars, judges, and laypersons alike have applied these words to specific cases in dramatically different, often contradictory ways. The first and largest segment of the class will accordingly focus on some major decisions of the U. S. Supreme Court in the 20<sup>th</sup> and 21<sup>st</sup> centuries. These cases deal with a variety of issues giving rise to real or alleged government censorship. Among other things, we will consider the issues of seditious speech; "fighting words"

and hate speech (including “extremist” political discourse); prior restraint; symbolic speech (draft card burning, flag burning, nude dancing etc.); defamation and privacy; obscenity and pornography (including the electronic media; free press vs. fair trail; time, place, and manner regulations; commercial and corporate speech and communications; and federal vs. state standards of free expression.

During this course unit, we will examine both the legal theories and doctrines supporting various interpretations of the Constitution and the deeper political and other factors influencing these theories and doctrines. Consideration of these issues will serve as the foundation for the other themes and case studies to be discussed in the latter part of the course.

### **3. Free Expression and Censorship in the Schools**

Public schools have been a major censorship battleground over the years in the United States. In every academic year, serious conflicts about the rights of administrators, students, and teachers in public schools invariably erupt throughout the United States. During this course unit, we will explore such topics as the rights of teachers to deal with controversial material (evolution, etc.) the rights of students to wear political buttons and other insignia, publish and speak about controversial materials, the removal of books from school libraries, and related educational themes.

### **4. Freedom of Communication and Censorship in the Arts**

Perhaps the most emotional free expression battles in recent years have involved the arts, including literature, film, television, visual art, and music. Throughout history, artists in every medium of expression have sought to push the boundaries of public respectability. During this course segment, we will consider the long history of censorship in this realm. Each year, new cases of attempted censorship in film, visual artworks, theater, and music arise throughout the country. Specific examples from these artistic media will be made available for discussion, especially film and visual art forms like photography and public murals.

### **5. Reputational Censorship**

This final course unit examines a neglected but nonetheless serious dimension of diminished intellectual discourse in America: reputational censorship. At various times in our national history, periods of political repression have dominated American life and consciousness. Blacklists and even the removal of major figures of political and cultural life became the norm, depriving citizens and others the full opportunity to learn a more comprehensive story about America’s triumphs and failures. This form of censorship largely independent of First Amendment concerns, is nevertheless as consequential to the deeper needs of a democratic society as the more conventional

controversies centering on constitutional interpretation. This unit will present three short case studies of key political and artistic figures whose lives and accomplishments have been largely forgotten as a result of American reputational censorship.

Course Readings:

**CENSORSHIP: A CASEBOOK**, edited by Paul Von Blum, Cognella, 2010

Course Requirements:

This course best meets its educational objectives when students assume an active role. To that end, participation is actively solicited and discussion vigorously encouraged. There will be one in-class midterm examination. This will be worth 50% of the final grade. Students will have the opportunity to take and develop their own positions involving freedom of communication and censorship. A final examination at the end of the semester will also be required; this will also be worth 50% of the final grade. Further details about grading criteria will be discussed in the first class session. **Regular and punctual attendance at lectures and sections is expected** and mechanisms to ensure this feature of the course requirement may be established and announced in class.

Office Hours:

Wednesdays 4:15 to 5:30 and by appointment: Location To be announced in class.. **Because university education transcends course content alone, students are invited to drop by even without any specific academic agenda. Students should feel free to come by to introduce themselves and discuss any topic throughout the term.**

**PLEASE CONTACT ME BY USING MY REGULAR EMAIL:**

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