

## **FREEDOM OF SPEECH**

### **SPRING 2019 – 6 Credits**

- **Instructor(s):** Hannepes TAYCHAYEV LL.M, Chingiz BATYRBKOV, MA in Human Rights
- **Class hours:**
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- **Office hours:** by appointment

### **COURSE DESCRIPTION AND OBJECTIVES**

The objective of this course is to provide students with an introduction to the fundamental principles of freedom of speech and issues related to the idea in a comparative perspective. The course will begin with an overview of historical development of the idea of freedom of speech, discuss its role and importance in modern democracies and proceed on examining problems associated with freedom of speech in the region. Class materials will be presented in a comparative perspective through study of case law of domestic courts and the Supreme Court of the United States of America. Throughout the course students will examine domestic issues related to freedom of speech and see the way the decisions of the US Supreme Court could inform our analysis of the matter.

### **COURSE REQUIREMENTS AND POLICIES**

1. Class sessions are a mixture of class discussion based on the reading assignments, lecture and interactive student-focused activities (group work, case-study analysis, etc.). Students are expected to come to classes prepared and ready to discuss the assigned materials. Students will be called on at random to discuss the assigned materials, case or hypothetical, or to perform any other tasks in furtherance of the course objectives.
2. Class participation includes participation in class that shows the student's preparation for class through either the use of and/or reference to the materials assignment that the student was assigned to read or to prepare prior to class. Class participation also includes presentations as noted in the syllabus.
3. Class **attendance is required**. For each **unexcused absence** exceeding (2) classes, students will receive a **5% deduction** from the attendance and participation grade (up to -20%).
4. Students will be on time for every class. Students regularly **arriving late** to any class will be **marked as "absent"** for that class period. For each student absence exceeding two (2) classes will receive a 5% deduction from the attendance and participation grade (up to -20%).
5. Students will submit all written assignments and homework, if any on the "due date". The grade for **late submissions** will be deducted 10% for each day the assignment is late. After ten (10) days, students will be given a grade of "zero" (0) for the assignment.

6. The use of **cell phones** (talking, texting, etc.) during class is strictly **prohibited**. Students violating this policy will be given one (1) warning. A second violation of this policy will result in the student being counted absent for the class.
7. The use of **any other electronic devices** during class for any purpose **not related** to the furtherance of the **class objectives** is strictly **prohibited**. Students violating this policy will be given one (1) warning. A second violation of this policy will result in the student being counted absent for the class.
8. Students are expected to follow the AUCA ACADEMIC HONESTY code. All types of plagiarism, cheating, or unauthorized group work are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" for the work or an "F" for the whole class, depending on the type of assignment and relevant circumstances. Students are expected to read and follow the section on the Student Academic Dishonesty of the AUCA Code of Student Rights, Responsibilities and Conduct.
9. This **syllabus** is **subject to change**. Any changes to the syllabus will be announced in class and the updated version of the written syllabus may be found on the "e-course". It is each **student's responsibility** to stay informed of any changes made.

### GRADING POLICY

Student's final grade will be based on the grading policy below. No **EXTRA POINT** assignments will be allowed. Students who **miss** more 5 classes with no excuse will have their grade **capped** at B.

Class attendance and participation	10%
Pop-up quizzes	10%
Image analysis 1	10%
Image analysis 2	10%
Mid-term essay	20%
Dialogical notebooks	5%
Final essay	25%
Presentation	10%

### GRADING CRITERIA

A	94 – 100 %	B -	80 – 83 %	D+	67 – 69 %
A -	90 – 93 %	C+	77 – 79 %	D	64 – 66 %
B+	87 - 89 %	C	74 – 76 %	D-	60 – 63 %
B	84 – 86 %	C -	70 – 73 %	F	Below 60%

### **UNDERSTANDING THE COURSE SYLLABUS**

Below is an outline of the course content. Each class session identifies the general topic to be discussed during that meeting. Required readings and homework will be posted on the "e-course" at least one week prior to class. The "e-course" may also identify "supplemental" readings that, while not required to be read, may be helpful in better understanding a particular topic or may provide a different perspective not discussed in class.

Required readings and homework, if any, are to be completed before the beginning of each class meeting (not after). Each session's lecture and discussion will be based on these materials. In order to understand the day's topic and be better prepared for discussion of the same, you will need to have read the assigned materials and completed the homework assignments.

### **COURSE MATERIALS**

All class materials will be distributed in class or via the e-course.

## COURSE CONTENT

Week	Date	Topic(s)
1		<p><b>Introduction to the class</b></p> <p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Melkonian, Harry. 2012. <i>Freedom of Speech and Society</i>. Cambria Press, pp. 1 - 11</li> </ol>
2		<p><b>Legal Foundations of Freedom of Speech</b></p> <p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Article 19 of the Universal Declaration of Human Rights</li> <li>2. The First Amendment to the United States Constitution states</li> <li>3. Article 10 of the European Convention on Human Rights</li> <li>4. Stephens, Otis Jr, and John Scheb. 2008. <i>American Constitutional Law: Civil Rights and Liberties</i>. 4 ed. Vol. 2. pp. 123 – 127</li> </ol> <p><b>Presentation:</b></p> <p><b>Assignment:</b> Image Assignment 1</p>
3		<p><b>Speech that provokes violence</b></p> <p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Butler, Judith. 1997. <i>Excitable Speech</i>. Routledge</li> <li>2. Stephens, Otis Jr, and John Scheb. 2008. <i>American Constitutional Law: Civil Rights and Liberties</i>. 4 ed. Vol. 2. pp. 128 – 134</li> </ol> <p><b>Presentation:</b></p> <p><b>Assignment:</b></p>
4		<p><b>Fighting words, hate speech and profanity</b></p> <p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Jeremy Waldron, <i>The Harm in Hate Speech</i> (2012)</li> <li>2. Stephens, Otis Jr, and John Scheb. 2008. <i>American Constitutional Law: Civil Rights and Liberties</i>. 4 ed. Vol. 2. pp. 133 - 136</li> </ol> <p><b>Presentation:</b></p> <p><b>Assignment:</b> Start dialogic notebook, pre-keynote assignment, Pillay keynote</p>
5		<p><b>Symbolic Speech and Expressive Conduct</b></p> <p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Stephens, Otis Jr, and John Scheb. 2008. <i>American Constitutional Law: Civil Rights and Liberties</i>. 4 ed. Vol. 2. pp. 136 - 139</li> </ol>

		<b>Presentation:</b>
6		<b>Defamation, invasion of privacy</b>  <b>Readings for the week:</b> <ol style="list-style-type: none"> <li>1. Stephens, Otis Jr, and John Scheb. 2008. American Constitutional Law: Civil Rights and Liberties. 4 ed. Vol. 2. pp. 139 – 142</li> <li>2.</li> </ol> <b>Presentation:</b>  <b>Assignment:</b> Notebooks Mid-semester assignment
7		<b>Obscenity and freedom of speech</b>  <b>Readings for the week:</b> Stephens, Otis Jr, and John Scheb. 2008. American Constitutional Law: Civil Rights and Liberties. 4 ed. Vol. 2. pp. 142 - 149  <b>Presentation:</b>  <b>Assignment:</b>
8		<b>Genocide</b>  <b>Readings for the week:</b> <ol style="list-style-type: none"> <li>1. Genocide: Tracking Hate Speech by Fyfe</li> <li>2. Article 5 of the Rome Statute</li> </ol> <b>Presentation:</b>  <b>Assignment:</b> Midways essay
9		
10		<b>Freedom of Religion and Freedom of Expression</b>  <b>Readings for the week</b> <ol style="list-style-type: none"> <li>1. Peter Danchin, "Defaming Muhammad: Dignity, Harm and Incitement to Religious Hatred", 6 Duke Forum for Law and Social Change, 2010, pp. 18-28.  <a href="https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1009&amp;context=dfisc">https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1009&amp;context=dfisc</a> </li> </ol> <b>Presentation:</b>  <b>Assignment:</b> Image Essay 2



11		<p><b>Readings for the week:</b></p> <ol style="list-style-type: none"> <li>1. Jytte Klausen, The Cartoons that Shook the World, Yale University Press, 2009, pp. 1-12.</li> </ol> <p><b>Presentation:</b></p>	
12		<p><b>Reading of the week:</b></p> <ol style="list-style-type: none"> <li>1. Slavoj Zizek: Defenders of Faith <a href="https://www.nytimes.com/2006/03/12/opinion/defenders-of-the-faith.html">https://www.nytimes.com/2006/03/12/opinion/defenders-of-the-faith.html</a>Op-ed in Nytimes: Defenders of the faith</li> <li>2. Ian Buruma: "Murder in Amsterdam" 2006</li> </ol> <p><b>Presentation:</b></p> <p><b>Assignment: completion of Notebooks</b></p>	
13		<p><b>Social media and the digital era</b></p> <p><b>Reading of the week:</b></p> <ol style="list-style-type: none"> <li>1. Jack M. Balkin, The Future of Free Expression in a Digital Age, pp. 427-444.</li> </ol> <p><b>Presentation:</b></p>	
14		<p><b>Freedom of Speech in the Turbulence of the Changing World</b></p> <p><b>Reading of the week:</b></p> <ol style="list-style-type: none"> <li>1. Pekka Hallberg and Janne Virkkunen, Freedom of Speech in the Turbulence of the Changing World, pp. 223-254.</li> </ol> <p><b>Presentation:</b></p>	
15		<p><b>Freedom of Speech and Mass Media</b></p> <p><b>Reading of the week:</b></p> <ol style="list-style-type: none"> <li>1. Gönül Cengiz «Post-Soviet Politicized Media and Free Press within the Context of Central Asian Countries»</li> </ol> <p>Guest lecture by UN Media Associate in Kyrgyzstan</p> <p><b>Presentation:</b></p>	



16		<p>The Politics of the Mass Media and the Free Speech Principle in Central Asia</p> <p><b>Reading of the week:</b></p> <p>1. Mehrdad Haghayeghi, Media and Politics in Central Asia.</p> <p><b>Presentation:</b></p>	
17		<p><b>Revision and finalization of the semester</b></p> <p><b>Final Paper due May 12th</b></p>	

\*Note: This is a tentative class schedule and the Instructors reserve the right to make any changes in the content and schedule of topics. It is one of the main responsibilities of the students to attend the class and be informed about any changes.