Course Description and Objectives

This course will explore contemporary censorship in America through the backdrop of history and a focus on such specific issues as sexuality, media violence, and political dissent. We will start with the development of obscenity law as a response to societal concerns about vulnerable readers and as a means to control literature, art, and public discourse. We will then examine the Hollywood Production Code and the movie licensing boards of early-to-mid-20th century America; late 20th century “culture war” battles over pornography and government arts funding; the regulation of “indecency” in broadcasting; the diminishing protection for students’ free speech; contemporary debates over media violence and hate speech; Internet filtering and other efforts to control expression online; and the tension between copyright control and “fair use.”

Because legal developments play an important role in understanding censorship, we will be reading judicial decisions along with historical and sociological materials. I have edited these court decisions to have a minimum of “legalese.” No previous exposure to the legal process is necessary for the course.

Censorship issues are often divisive and emotional. One goal of the class is for the students to develop an enhanced understanding of the contexts in which struggles over censorship have taken place, and to bring that understanding to bear on contemporary debates about the arts, sexuality, media technology, and other arenas where values clash. During the course, we will occasionally confront raw language or explicit images. Our purpose will be to examine the taboos and points of cultural sensitivity that often give rise to censorship.

Requirements and Grading

Attendance and Participation: 25%

Class attendance is required. You are expected to read the assignments carefully and to be prepared to discuss them meaningfully in class. The course is conceived as an upper level seminar and you should bring your experience, insight, and intelligence to bear on our discussions.
Each week, you should e-mail me a short summary of the main point(s) of the assigned readings (not more than two paragraphs total), bringing up at least one question that the readings raised in your mind. These should ideally come before the Tuesday class, but I will accept them as late as Thursday 10 a.m. (You can also divide your weekly summary into two parts, with only the first part submitted before our Tuesday class.) Submitting your summaries late is not acceptable, because I will need them to frame our discussion of the readings. A late submission counts as a missed submission. I will not grade these individually but they will affect your class participation grade.

The class participation grade will also include your presentation of your final paper research. (See “Final Paper,” below.)

Please let me know in advance if you will be missing class for a religious observance, family emergency, or medical problem. If you must be absent for any of these reasons, do not ask me to tell you what has been covered in class. Instead, borrow one of your classmates’ notes.

Do not eat in class, check your email, twitter, text, or surf the Web. Everybody should be fully engaged in the discussion. Laptops in class are solely for taking notes. Cell phones must be turned off.

Midterm: 35%
There will be an in-class midterm exam on Thursday, March 8. It will consist of five short-answer questions based on the readings and class discussions, followed by a choice of one of two essay questions. We will have a midterm review in class on Tuesday, March 6.

Final Paper: 40%
The final term paper will be on a topic that you choose, subject to my approval. The paper should be 20 pages long (not including endnotes or bibliography), double-spaced, with one-inch margins. (I won’t read past the 20th page.) You should choose your topic and begin your research by the 5th week of the semester, and e-mail me a two-sentence description of the topic by 10 p.m. on Friday February 24. A detailed outline of 2-3 pages double-spaced will be due in my e-mailbox on or before 10 p.m. on Friday April 13. If the outline is not adequate, I will ask you to revise it. The paper will be due in my office mailbox (NOT e-mailbox) by 5 p.m. on Friday, May 4, the day after our last class, but earlier submissions are encouraged.

If you are addressing a controversial issue in your paper, please try to be even-handed in your approach. Feel free to take a position, but if you do so, be sure to address the arguments on both sides. Please do not feel that you should agree with the instructor: I welcome differing viewpoints. It is the quality of your research and your thoughtful analysis of the issues that count.

Late papers will be marked down one half-grade for every day they are late.
Each student will give a 10-minute presentation of his or her research in class between April 19 and May 1. I am hoping we can cluster these presentations into related topic areas. If two or more students choose the same or a similar topic, I will ask you to collaborate on your presentations, to avoid duplication.

The final paper must be submitted in hard copy, not as an e-mail attachment. It must be paginated and include a bibliography or list of works cited, and must cite sources where appropriate. (See “Academic Honesty,” below.) Check style manuals for proper citation form; then choose one, and use it consistently. (Footnotes, endnotes, or parenthetical citations in the body of the paper are all acceptable formats). Please proofread carefully, avoid misspellings, and avoid sentence fragments and other grammatical errors.

Be careful about the sources you use for research. If you consult the information on a website, use your judgment in determining whether it is reliable. Remember that information on Wikipedia – and the many websites that reproduce Wikipedia entries – can be posted by anyone, with limited quality control. It is best to use reputable books and articles for your research. This can include tracking down and reading the sources that are cited in Wikipedia footnotes.

Your research should include at least three books, in addition to journal articles and reliable web sites.

Academic Honesty and Plagiarism
Plagiarism consists of presenting someone else’s words or ideas as your own. If you rely on information or ideas contained in a source, or copy words from it, and fail to cite the source in question, or to indent the words copied or put them inside quotation marks, this is plagiarism. Serious plagiarism (an entire paper or whole paragraphs) will result in failing the course. Accidental or minor plagiarism (e.g., a few words or a single failure to cite a source) will result in reduction by a full grade on your final paper. Plagiarism may also result in having a report filed with the university authorities. See the Steinhardt School’s statement on academic integrity at http://steinhardt.nyu.edu/policies/academic_integrity

Required Reading (books available for purchase at NYU bookstore)

Censoring Culture (Robert Atkins & Svetlana Mintcheva, eds.) (New Press, 2006)
Blackboard documents and links; online readings and viewings as noted in the syllabus.

NB: Because of the high cost of coursepaks, all of the readings other than Censoring Culture and Not in Front of the Children are online. But having hardcopies of the materials helps immensely with meaningful class discussions. (Scrolling through the
readings on your computer screen during class discussion doesn’t work.) Therefore, please print out online readings before class, and bring them to class on the day we will be discussing them.

Schedule of Classes:


Class 2: Origins of “obscenity” law: controlling adolescents, women, children, and the “working classes.”

Readings:
Not in Front of the Children, pp. 3-36
Alessandra Stanley, “Arts Abroad: What Scandalous Doin’s in the Ruins of Pompeii,” 4/6/00,
query.nytimes.com/gst/fullpage.html?res=9D07E0DF153FF935A35757C0A9669C8B63
Slide show of provocative and censored art,

Class 3: Sex and censorship, 1913-1957; literary and art censorship in the U.S. and England.

Readings:
Not in Front of the Children, pp. 37-59
Excerpts from U.S. District Court opinion in United States v. One Book Called “Ulysses” (Blackboard)

Class 4: Demystifying law: the legal process – trials and appeals; how to read a court decision; the difference between free speech as cultural policy and as First Amendment right. Example: the Supreme Court opinion on film censorship in the “Miracle” case.

Readings:
Marjorie Heins, “Demystifying First Amendment Law” (Blackboard)
Excerpts from Supreme Court opinions in Burstyn v. Wilson (Blackboard)


Readings:
Marjorie Heins, “The Miracle: Film Censorship and the Entanglement of Church
and State,”  http://www.fepproject.org/commentaries/themiracle.html
The Motion Picture Production Code of 1930,
  http://www.artsreformation.com/a001/hays-code.html

Class 6 : The Supreme Court weighs in on obscenity and “harm to minors.”

Readings:
  Not in Front of the Children, pp. 60-84
  Excerpts from Supreme Court opinions in Roth v. United States (Blackboard)

Class 7 : Broadening the definition of “obscenity”: from Roth to Miller.

Readings:
  Not in Front of the Children, pp. 85-88
  Excerpts from Supreme Court opinions in Miller v. California and Paris Adult
  Theatre v. Slaton (Blackboard)

Class 8 : Pornography, feminism, and the culture wars.

Readings:
  Catharine MacKinnon, excerpt from “Not a Moral Issue” (Blackboard)
  Brief Amici Curiae of Feminist Anti-Censorship Task Force, in American
  Booksellers Association v. Hudnut, pp. 1-8 (Blackboard)
  Excerpts from U.S. Court of Appeals opinion in American Booksellers Association
  v. Hudnut (Blackboard)
  Not in Front of the Children, pp. 109-111

Class 9 : Sexual abuse and moral panic: the law of child pornography.

Readings:
  Excerpts from Supreme Court opinions in New York v. Ferber and United States v.
  Williams (Blackboard)
  Amy Adler, “Child Pornography Law and the Proliferation of the Sexualized
  Child,” in Censoring Culture, pp. 228-240
  “‘Not a Pretty Picture’: Four Photographers Tell Their Personal Stories About
  Child ‘Pornography’ and Censorship,” in Censoring Culture, pp. 213-227

Class 10 : The FCC and “indecency,” from Jerry Garcia to George Carlin; what is the difference between “obscenity,” “indecency,” and “harmful to minors”?

Readings:
  Not in Front of the Children, pp. 89-108
  Excerpts from Supreme Court opinions in FCC v. Pacifica Foundation (including
  the Appendix, Carlin’s “Filthy Words” monologue) (Blackboard)
Two-sentence description of your final paper topic due by 10 p.m., Feb. 24

Class 11: Indecency regulation at the crossroads: Janet Jackson’s “wardrobe malfunction” and the “fleeting expletives” rule. Should the FCC stop censoring “indecency”?

Readings:
Not in Front of the Children, pp. 112-131, xvi-xx (middle of page)
Excerpts from U.S. Court of Appeals opinion in Fox Television v. FCC (Blackboard)
Excerpts from Supreme Court oral argument in Fox Television v. FCC (1/10/12) (Blackboard)

Class 12: Pornography, “indecency,” and the Internet; the pros and cons of filters; privacy versus online free speech.

Readings:
Not in Front of the Children, pp. 157-190, xx (middle of page) – xxiii (top of page)
Excerpts from Supreme Court opinions in Reno v. ACLU (Blackboard)
Meghan Lisson, “Out-of-Control Gossip on Juicy Campus Web Site,” 10/3/08 (Blackboard)

Class 13: Internet censorship, continued; midterm review.

Class 14: Midterm exam

3/12 – 3/16: winter break

Class 15: Student free speech: from black armbands to “Bong Hits 4 Jesus.”

Readings:
Not in Front of the Children, pp.131 (bottom of page)-134 (middle of page), review 76-78 (middle of page)
Excerpts from Supreme Court opinions in Tinker v. Des Moines School District, Bethel School District v. Fraser, and Morse v. Frederick (Blackboard)

Class 16: Censoring media violence: from “penny dreadfuls” to Batman to “Grand Theft Auto.”

Readings:
Not in Front of the Children, pp. 134 (middle of page) - 136, 194 (v-chip section) - 200;
228-237 (top of page)
Excerpts from Jeffrey Goldstein, “Immortal Kombat: War Toys and Violent Video Games,” in Why We Watch (Jeffrey Goldstein, ed.), pp. 53-67 (NYU ebrary/Blackboard link)
Seth Killian, “Violent Video Game Players Mysteriously Avoid Killing Selves, Others,” in Censoring Culture, pp. 199-201

Class 17: Media violence, continued: the law and the debate over adverse effects.

Readings:
Not in Front of the Children, pp. 237-253, xxiv (middle of page) – xxvi (bottom of page)
Excerpts from Supreme Court opinion in Brandenburg v. Ohio (Blackboard)
Excerpts from Supreme Court opinions in Brown v. Entertainment Merchants Association (Blackboard)

Class 18: Should we regulate hate speech? How should we define it?

Readings:
Randall Kennedy, “Pitfalls in Fighting ‘Nigger’: Perils of Deception, Censoriousness, and Excessive Anger,” in Censoring Culture, pp. 256-69
Diane Ravitch, “The New Meaning of Bias,” in Censoring Culture, pp. 287-295
Hetert-Qebu Walters, “Educate, Don’t Censor: The Adventures of Huckleberry Finn and the ‘N’ Word,” 1/10/2011 (Blackboard)

Class 19: Public funding and public spaces: the NEA and the culture wars.

Readings/viewings:
Comments on Andres Serrano by Members of the United States Senate (from the Congressional Record), 5/18/89, www.csulb.edu/~jvancamp/361_r7.html
Excerpts from Supreme Court opinions in NEA v. Finley (Blackboard)
Class 20: Film: “Damned in the USA”

Class 21: Private censorship and self-censorship; the example of movie ratings.

Readings:
Lawrence Soley, “Private Censorship, Corporate Power,” in Censoring Culture, pp. 15-28
“The Ubiquitous Censor: Artists and Writers on Self Censorship, in Censoring Culture, pp. 321-325 (Judy Blume), 325-327 (Guillermo Gomez-Peña)
Marjorie Heins, “From X to NC-17,” Index on Censorship, 6/95, pp. 144-46 (Blackboard)
William Grimes, “Reviewing the NC-17 Rating: Clear Guide of an X By a New Name?” New York Times, 11/30/92,
Bernard Weinraub, “The Talk of Hollywood; Louis Malle Cuts a Film and Grows Indignant,” New York Times, 12/22/92,

Class 22: Intellectual property and free speech: how do copyright and trademark policies affect creativity? Fair use and other free expression “safety valves.”

Readings:
Marjorie Heins & Tricia Beckles, “Will Fair Use Survive?”, Introduction (pp. 1-8),
Siva Vaidhyanathan, “American Music Challenges the Copyright Tradition,” in Censoring Culture, pp. 29-50
Excerpts from Supreme Court opinions in Harper & Row v. Nation Enterprises (Blackboard)

Detailed outline for final paper due by 10 p.m., April 13.

Class 23: IP and fair use, continued; creative freedom online and off. The debate over “SOPA” and “PIPA.”

Readings and viewings:
Excerpts from Supreme Court opinion in Campbell v. Acuff Rose Music (Blackboard)
Lawrence Lessig, “Creativity in Real Space,” in Censoring Culture, pp. 96-116
Randy Kennedy, “Apropos Appropriation,” *New York Times*, 1/1/12,  
http://www.nytimes.com/2012/01/01/arts/design/richard-prince-lawsuit-focuses-on-limits-of-appropriation.html?ref=design  
David Carr, “The Danger of an Attack on Piracy Online,” *NY Times*, 1/1/12,  
http://www.nytimes.com/2012/01/02/business/media/the-danger-of-an-attack-on-piracy-online.html

Class 24 – Class 27: Student presentations.

Class 28: Issues of political censorship today; final thoughts.

Readings:  
*Not in Front of the Children*, pp. 254-263  
Tom LoBianco, “Protesting nuns branded terrorists,” *Washington Times*, 10/10/08,  
Nick Madigan, “Spying uncovered,” *Baltimore Sun*, 7/18/08,  
George Packer, “Keep Out,” *The New Yorker*, 10/16/06,  
http://www.newyorker.com/archive/2006/10/16/061016ta_talk_packer  
Chris Gaither, “Berkeley Course on Mideast Raises Concerns,” *New York Times*, 5/16/02,  
http://query.nytimes.com/gst/fullpage.html?res=9504E2D71039F935A25756C0A9649C8B63&scp=1&sq=berkeley%20course%20on%20mideast&st=cse

Final Paper Due by 5 p.m., (hardcopy only).