

SAMPLE SYLLABUS – *This syllabus is provided as a sample. Some course content may vary.*

NYUSteinhardt
DEPARTMENT OF MEDIA, CULTURE, AND COMMUNICATION

Censorship in American Culture
E59.1010

Course Description and Objectives

This course will explore the phenomenon of censorship in America. We will start with basic concepts of free speech and the First Amendment; then look at 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 film licensing boards of early-to-mid 20th century America; late 20th century “culture war” battles over pornography; the continuing controversy over government regulation of “indecent” in broadcasting; the diminishing protection for students’ free speech; Internet filtering and other efforts to control expression online; controversies over hate speech, over media violence, and over public funding of the arts; film ratings and other forms of private-industry “self-regulation”; and the tension between strong 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: 10%

Class attendance is required. You are expected to read the assignments carefully and be prepared to discuss them meaningfully in class, bringing your experience, insight, and intelligence to our discussions.

Please let me know in advance if you will be missing class for religious observances, family emergencies, or medical problems. 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. Laptops in class are solely for taking notes or reviewing online readings. Cell phones must be turned off.

Short Research Paper: 10%

A short (4-5 page) research paper will be due during the 5th week of the semester. I will give you a list of topics/questions to choose from. This preliminary research can form the basis for your final term paper if you choose.

Midterm: 30%

I will give a midterm exam during the 7th week of the semester. It will consist of 8 questions based on the readings and class discussions, each question to be answered in one exam book page or less.

Final Paper: 50%

The final term paper will be on a topic that you choose, subject to my approval. The paper should be about 20 pages. You should choose your topic and begin your research by the 5th or 6th week of the semester. A detailed outline will be due at the beginning of the 11th week. If the outline is not adequate, I will ask you to revise it. The paper will be due on Dec. 16, the day after our last class, but earlier submissions are encouraged.

Late Work

I will accept late work, but will mark it down one half-grade for every day it is late. The final term paper cannot be more than one day late, however, because of the university's deadline for submitting grades.

Format of Written Work

Do not submit your assignments as email attachments. Hard copies must be turned in to receive credit for the assignment. Work must be typed, double-spaced, and paginated, with a bibliography or works cited page, and footnotes or parenthetical citations to sources in the body of the paper. Please proofread, 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.

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 having your grade for that assignment reduced by a full grade. 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)

Marjorie Heins, *Not in Front of the Children: "Indecency," Censorship, and the Innocence of Youth* (2nd edition – Rutgers U. Press, 2007) NB: **2nd edition only**
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. **Therefore, it is best to print out online readings before class, if possible, and bring them to class on the day we will be discussing them.**

Schedule of Classes:

Class 1 (9/8/09): Some basic questions: What is censorship? What forms does it take? What – if any – should be the limits of free expression? An outline of the course and what lies ahead.

Class 2 (9/10/09): Demystifying law: the legal process in American culture; interpreting the First Amendment.

Readings:

Marjorie Heins, "Demystifying First Amendment Law" (Blackboard)
Excerpts from U.S. Supreme Court opinion in *Hurley v Irish-American Gay, Lesbian and Bisexual Group of Boston* (Blackboard)

Class 3 (9/15/09): 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,"
query.nytimes.com/gst/fullpage.html?res=9D07E0DF153FF935A35757C0A9669C8B63

Slide show of provocative and censored art,
<http://www.fepproject.org/fepp/artcensorshipslideshow.ppt>, slides 1-3.

Class 4 (9/17/09): The Supreme Court confronts the First Amendment: "clear and present danger."

Readings:

Excerpts from Supreme Court opinions in *Schenck v. United States* and *Abrams v. United States* (Blackboard)
Geoffrey Stone, *Perilous Times*, pp. 160 (middle of page) - 170 (middle of page)
(search books.google.com)

9/22/09: Distribution of assignments for short research paper (due 10/8)

Class 5 (9/22/09): 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 James Joyce, *Ulysses* (the "Nausicaa" episode) (Blackboard)
Excerpts from U.S. District Court opinion in *United States v. One Book Called "Ulysses"* (Blackboard)

Class 6 (9/24/09): "I lost it at the movies": official film licensing boards and industry self-censorship (the Hollywood Production Code).

Readings:

The Motion Picture Production Code of 1930,
<http://www.artsreformation.com/a001/hays-code.html>
Marjorie Heins, "The Miracle: Film Censorship and the Entanglement of Church and State," <http://www.fepproject.org/commentaries/themiracle.html>
Excerpts from Supreme Court opinions in *Burstyn v. Wilson* (Blackboard)

Class 7 (9/29/09): Political repression hits Hollywood: the House Un-American Activities Committee, blacklisting, and the Hollywood Ten.

Readings:

Eric Johnston Testifies Before HUAC, <http://historymatters.gmu.edu/d/6443>
John Howard Lawson's Warning to the American Public,
<http://historymatters.gmu.edu/d/6441>
The Waldorf Declaration,
http://www.cobbles.com/simpp_archive/huac_nelson1947.htm
Excerpts from U.S. Court of Appeals opinion in *Lawson & Trumbo v. United States* (Blackboard)
Stephen J. Whitfield, *The Culture of the Cold War*, pp. 166-169 (section 3)
(search books.google.com)
Lillian Hellman, Letter to HUAC, May 19, 1952,
<http://historymatters.gmu.edu/d/6454/>

Class 8 (10/1/09): The Supreme Court weighs in on obscenity and "harm to minors" law.

Readings:

Not in Front of the Children, pp. 60-84

Excerpts from Supreme Court opinions in *Roth v. United States* and *Ginsberg v. New York* (Blackboard)

Class 9 (10/6/09): 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)

10/8/09: Short research paper due.

Class 10 (10/8/09): Pornography, feminism, and the culture wars.

Readings:

Catharine MacKinnon, excerpt from “Not a Moral Issue,” in *Feminism Unmodified*, pp. 146-155 (end of 2nd paragraph) (search books.google.com)

Rochelle Gurstein, *The Repeal of Reticence*, pp. 3-7 (search books.google.com)

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 (section on the Meese Commission)

Class 11 (10/13/09): Sexual abuse and moral panic: the law of child pornography.

Readings:

Excerpts from Supreme Court opinions in *Ferber v. New York* (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 12 (10/15/09): The FCC and “indecentcy”: from Jerry Garcia to George Carlin’s “Filthy Words.”

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)

Class 13 (10/20/09): Indecency regulation at the crossroads: from Sarah Jones to “fleeting expletives” and Janet Jackson’s “wardrobe malfunction.”. Midterm review.

Readings:

Not in Front of the Children, pp. 112-131, xvi-xx (middle of page)

Excerpts from U.S. Court of Appeals and Supreme Court opinions in *Fox Television v. FCC* (Blackboard)

Class 14 (10/22/09): Midterm exam

Class 15 (10/27/09): Indecency and the Internet: *Reno v. ACLU*.

Readings:

Not in Front of the Children, pp. 157-179

Excerpts from Supreme Court opinions in *Reno v. ACLU* (Blackboard)

Class 16 (10/29/09): Filtering fever, conditions on government funding, and the "CIPA" case.

Readings:

Not in Front of the Children, pp. 180-190 (top of page)

Heins, Cho, & Feldman, Introduction to *Internet Filters: A Public Policy Report*, pp. 1-8, <http://www.fepproject.org/policyreports/filters2.pdf>

Excerpts from Supreme Court opinions in *U.S. v. American Library Association* (Blackboard)

Class 17 (11/3/09): Student free speech: from black armbands to "Bong Hits 4 Jesus."

Readings:

Not in Front of the Children, pp.131-134 (middle of page), review 76-78 (top of page)

Excerpts from Supreme Court opinions in *Tinker v. Des Moines School District*, *Bethel v. Fraser*, and *Morse v. Frederick* (Blackboard)

"Cartoon causes new uproar at Conn. paper," Student Press Law Center,

Sept. 18, 2007, http://www.splc.org/newsflash_archives.asp?id=1607&year=2007

"Delaware student sues school over suspension for Web postings," Student Press Law Center, Aug. 3, 2007, <http://www.splc.org/newsflash.asp?id=1589>

Class 18 (11/5/09): 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-chips section) - 200; 228-237 (top of page); review pp. 52 (last paragraph) - 55 (bottom of page)

David Hadju, *The Ten-Cent Plague*, pp. 114 (bottom paragraph) - 119 (search books.google.com)

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 19 (11/10/09): 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)

Kevin Saunders, "The Cost of Errors in the Debate Over Media Harm to Children,"

2005 Michigan State Law Review 771 (NYU Lexis database/Blackboard link)

Excerpts from U.S. Court of Appeals opinion in *American Amusement Machine Association v. Kendrick* (Blackboard)

Class 20 (11/12/09): Defining and regulating hate speech: should it be protected by the First Amendment?

Readings:

Excerpts from Supreme Court opinions in *Brandenburg v. Ohio* and *R.A.V. v. St. Paul* (Blackboard)

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

Marjorie Heins, "Of Threats, Intimidation, Sensitivity and Free Speech: The Muhammad Cartoons," Feb. 22, 2006,

<http://www.fepproject.org/commentaries/muhammadcartoons.html>

Robert Shibley, "Unexplained Mysteries in Mohammed Cartoon Controversy," Aug. 14, 2009, <http://pajamasmedia.com/blog/unexplained-mysteries-in-mohammed-cartoon-controversy/>

Class 21 (11/17/09): 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*), May 18, 1989, www.csulb.edu/~jvancamp/361_r7.html

Barbara Gamarekian, "Corcoran, to Foil Dispute, Drops Mapplethorpe Show,"

NY Times, June 14, 1989, <http://www.nytimes.com/1989/06/14/arts/corcoran-to-foil-dispute-drops-mapplethorpe-show.html>

Karen Finley, "Politics," Salon.com, Nov. 13, 2000,

archive.salon.com/sex/feature/2000/11/13/finley/index.html

Excerpts from Supreme Court opinions in *NEA v. Finley* (Blackboard)

Andres Serrano, "Piss Christ," slide 14 in FEPP slide show of provocative &

censored art, <http://www.fepproject.org/fepp/artcensorshipslideshow.ppt>

Robert Mapplethorpe, "The X Portfolio,"

http://phomul.canalblog.com/archives/mapplethorpe_robert/index.html

Class 22 (11/19/09): Film: "Damned in the USA" (hopefully)

Class 23 (11/24/09): Public funding and public spaces, continued: Rudy Giuliani and the Brooklyn Museum.

Readings and viewings:

Excerpts from U.S. District Court opinion in *Brooklyn Institute of Arts & Sciences v. City of New York* (Blackboard)

Chris Ofili, "The Holy Virgin Mary,"

<http://www.guardian.co.uk/pictures/image/0,8543,-10704194503,00.html>

Class 24 (12/1/09): Flag burning, flag art, and other subversive speech.

Readings and viewings:

David Rubin, *Old Glory: The American Flag in Contemporary Art*, p. 2 of scanned document (bottom of 2nd column) – p. 5 of scanned document (middle of 1st column), p. 6 of scanned document ("The Jesse Helms Era") – p. 12 of scanned document (Blackboard)

Excerpts from Supreme Court opinions in *Texas v. Johnson* (coursepak)

Slide show of provocative and censored art,

<http://www.fepproject.org/fepp/artcensorship/slideshow.ppt>, slides 9-11 (flag art + David Nelson, "Mirth and Girth")

Text accompanying "Mirth and Girth,"

<http://www.thefileroom.org/documents/dyn/DisplayCase.cfm/id/201>

Class 25 (12/3/09): Private censorship/self-censorship: the case 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*, 6/1995, pp. 144-46 (Blackboard)

William Grimes, "Reviewing the NC-17 Rating: Clear Guide of an X By a New Name?" *New York Times*, Nov. 30, 1992,

query.nytimes.com/gst/fullpage.html?res=9E0CE0DD113BF933A05752C1A964958260

Bernard Weinraub, "The Talk of Hollywood; Louis Malle Cuts a Film and Grows Indignant," *New York Times*, Dec. 22, 1992,

query.nytimes.com/gst/fullpage.html?res=9E0CE1DE1F31F931A15751C1A964958260

Gilbert Cruz, "Happy 40th Birthday, Movie Ratings," *Time*, Oct. 30, 2008,

www.time.com/time/printout/0,8816,1854732,00.html

Class 26 (12/8/09): 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),

<http://www.fepproject.org/policyreports/WillFairUseSurvive.pdf>

Siva Vaidyanathan, "American Music Challenges the Copyright Tradition," in

Censoring Culture, pp. 29-50

Excerpts from Supreme Court opinions in *Harper & Row v. Nation Enterprises*
(Blackboard)

Class 27 (12/10/09): IP and fair use, continued. Creative freedom on the Internet.

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
"Illegal Art" homepage, <http://www.illegal-art.org/> and images from the
exhibit, <http://www.illegal-art.org/print/index.html>

Slide show of provocative and censored art,

<http://www.fepproject.org/fepp/artcensorshipslideshow.ppt> , slides 22-27

Class 28 (12/15/09): Issues of political censorship today; final thoughts.

Readings:

Not in Front of the Children, pp. 254-63

Tom LoBiano, "Protesting nuns branded terrorists," *Washington Times*,
Oct. 10, 2008,

<http://www.washingtontimes.com/news/2008/oct/10/protesting-nuns-branded-terrorists/>

Nick Madigan, "Spying uncovered," *Baltimore Sun*, July 18, 2008,

<http://www.baltimoresun.com/news/maryland/bal-te.md.spy18jul18,0,262491,print.story>

George Packer, "Keep Out," *The New Yorker*, Oct. 16, 2006,

http://www.newyorker.com/archive/2006/10/16/061016ta_talk_packer

Chris Gaither, "Berkeley Course on Mideast Raises Concerns," *New York Times*,
May 16, 2002,

<http://query.nytimes.com/gst/fullpage.html?res=9504E2D71039F935A25756C0A9649C8B63&scp=1&sq=berkeley%20course%20on%20mideast&st=cse>

Final Paper Due December 16 (Wed.) by 5 pm in my mailbox.