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## MEDIA LAW, POLICY, & ETHICS in Spring 2019 (CM3046)

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| <b>Course Code</b>    | CM3046                  | <b>Professor(s)</b>     | Matthew Fraser                        |
| <b>Prerequisites</b>  | None                    | <b>Office Number</b>    | Grenelle 4th floor                    |
| <b>Class Schedule</b> | MR: 15:20-16:40 in SD-1 | <b>Office Hours</b>     | Wednesday 12 – 3 pm or by appointment |
| <b>Credits</b>        | 4                       | <b>Email</b>            | mfraser@aup.edu                       |
| <b>Semester</b>       | Spring 2019             | <b>Office Tel. Ext.</b> | 0689263247 (mobile)                   |

## Course Description

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The course will examine issues in the expanding field of media law, specifically how constitutional and statutory law define, delimit, and protect the media and the free flow of information. We will examine philosophical principles underpinning various models and interpretations that define freedoms of speech. We will also study how legal frameworks have been destabilized by the forces of technological change and globalization. While values and practices are undergoing unprecedented pressures in the digital sphere as media laws, regulations and policies struggle to adapt to change, fundamental questions remain relevant: What are the rights, roles and responsibilities of the media? How do the media act as a guarantor of fundamental freedoms?

Course lectures and readings will introduce students to issues including free speech, slander and libel, privacy protection, and commercial pressures on media. We will investigate how various media — from traditional press and broadcasting to internet-based platforms and social media networks — engage in self-regulation and develop their own code of ethics. We will consider the role of states from a comparative perspective in formulating legal frameworks and regulating media. We will also examine issues such as “fake news” and the public’s capacity to know and access “truth”. Students will approach these issues with legal intellectual tools: gathering evidence, examining and comparing perspectives, considering interpretations and precedent, shaping arguments and counter-arguments, and presenting and communicating rhetorically compelling opinions.

## Course Learning Outcomes

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To gain a richer, more informed understanding of law with particular attention to media law and the issues and debates surrounding the role and function of law in guaranteeing fundamental freedoms within civil society, particularly free speech, access to information and the protection of privacy.

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To become familiar with how policy is developed within media institutions.  
To interrogate the nature of “media ethics” both in terms of what fundamental philosophical perspectives underlie ethical practices within the media and in terms of what makes certain contemporary media practices fair and trustworthy or, in certain instances, biased and unjust.  
To become more practiced in identifying, analyzing and articulating instances of media regulation  
To become more practiced in structuring arguments while debating the contemporary issues that the media now faces in terms of regulation, policy and ethics.

## General Education

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### Course Outline

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Please note: The schedule is flexible and may be revisited as the course progresses.

#### Week I

##### **Session I**

**TOPICS:** Course Overview – Introduction to the legal framing of media.

**READINGS:** Nigel Warburton, *Free Speech*, ch. 1.

##### **Session II**

**TOPICS:** Definition and framing the study of “media law”, “media policy”, “media ethics”.

**READINGS:** Pember, *Mass Media Law*, ch. 2, “First Amendment: The Meaning of Freedom”; Downie and Schudson, “The Reconstruction of American Journalism”.

#### Week II

##### **Session I**

**TOPICS** – Free speech – free marketplace of ideas? The role of journalism in the public sphere.

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**READINGS** – Pember, *Mass Media Law*, ch. 2; Warburton, *Free Speech*, ch. 2; “The Clash of Expression”, *The Economist*; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS** – Journalism and “truth” – from hoaxes to “fake news”.

**READINGS** – Warburton, *Free Speech*, ch. 2 and 5; articles on course blog: <https://mediapolicyethics.law.blog/>; “The Great Moon Hoax Was a Sign of Its Time”, *Smithsonian*, July 2017; “The Real History of Fake News”, *Columbia Journalism Review*; “Fighting the Reality of Deepfakes”, *Nieman Lab*.

### **Week III**

#### ***Session I***

**TOPICS** – Theories of the press and free speech: liberal & authoritarian models.

**READINGS** – Siebert, *Four Theories of the Press*; articles on course blog: <https://mediapolicyethics.law.blog/>

#### ***Session II***

**TOPICS** – “Social responsibility” model of the press– Walter Lippman vs John Dewey.

**READINGS** – Siebert, *Four Theories of the Press*; Eric Alterman, “Out of Print”, *The New Yorker*; articles on course blog: <https://mediapolicyethics.law.blog/>

### **Week IV**

#### ***Session I***

**TOPICS** – New Journalism and subjective “truth”.

**READINGS** – Siobhan Lyons, “In Cold Ink: The Celebrity True Crime Author and Ethical Journalism”; and “Truman Capote and the Old Failings of New Journalism”, *The Guardian*; articles on course blog: <https://mediapolicyethics.law.blog/>

#### ***Session II***

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**TOPICS** – Fact and Fiction: When journalists get it wrong and make things up.

**READINGS** – Case studies: Janet Cooke, Judith Miller, Stephen Glass; *Rolling Stone* article, “Rape on Campus”; “The source of the Trouble”, *New York* magazine; articles on course blog: <https://mediapolicyethics.law.blog/>

## **Week V**

### ***Session I***

**TOPICS** – Censorship and Prior Restraint.

**READINGS** – Pember, *Mass Media Law*, ch. 3; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS**: Blasphemy and Giving Offence.

**READINGS** – Pember, *Mass Media Law*, ch. 4-6; Warburton, *Free Speech*, ch. 3, “Giving and Taking Offence”; case study: Charlie Hebdo; articles on course blog: <https://mediapolicyethics.law.blog/>

## **Week VI**

### ***Session I***

**TOPICS** – The Ethics of Reputation: Slander, Libel & Satire.

**READINGS** – Pember, *Mass Media Law*, ch. 4-6; Warburton, *Free Speech*, ch. 4, “Giving and Taking Offence”; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS**: Obscenity and Indecent Speech.

**READINGS** – Pember, *Mass Media Law*, ch. 13; Warburton, *Free Speech*, ch. 4, “Censoring Pornography”; Case study: Twitter trolling – what are the limits of free speech; articles on course blog: <https://mediapolicyethics.law.blog/>

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## **Week VII**

### ***Session I***

**TOPICS** – Privacy – US, UK and French legal traditions. Naming and shaming.

**READINGS** – Pember, *Mass Media Law*, ch 7; Case study: Max Mosley sex scandal; sex crime victims, gun owners, the Gatwick airport drones; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS** – Caught between French and US legal and media traditions: the Dominique Strauss-Kahn scandal.

**READINGS** – Pember, *Mass Media Law*, ch. 5; “Private” vs “public” persons; “Looking at the Law -Blancing Act: First and Sixth amendment rights in high-profile cases”, *Social Education*; articles on course blog: <https://mediapolicyethics.law.blog/>

## **Week VIII**

### ***Session I***

**TOPICS** – Midterm exam review.

**READINGS** – Articles on Blackboard and course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS** – Midterm exam.

**READINGS** – Articles on Blackboard course blog: <https://mediapolicyethics.law.blog/>

## **Week IX**

### ***Session I***

**TOPICS** – The Ethics of Anonymous Sources.

**READINGS** – “How the Times uses anonymous sources”, *New York Times*; articles on course blog: <https://mediapolicyethics.law.blog/>

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## ***Session II***

**TOPICS** – Checkbook Journalism – paying for a scoop.

**READINGS** – “Yet again ABC has disclosure problems”, SPJ; articles on course blog: <https://mediapolicyethics.law.blog/>

## ***Week X***

### ***Session I***

**TOPICS** – Market Pressures – editorial/advertising separation and the ethics of “native advertising”.

**READINGS** – “Native ads aren’t as clear as outlets think”, *Columbia Journalism Review*; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS** – Student presentations on case study briefs.

**READINGS** – Articles on course blog: <https://mediapolicyethics.law.blog/>

## ***Week XI***

### ***Session I***

**TOPICS** – PR and “spin”.

**READINGS** - “Public Relations: The Rise of the Image Men”, *The Economist*; Noam Chomsky’s Propaganda Model; articles on course blog: <https://mediapolicyethics.law.blog/>

### ***Session II***

**TOPICS** – Student presentations on case study briefs.

**READINGS** – Articles on course blog: <https://mediapolicyethics.law.blog/>

## ***Week XII***

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## **Session I**

**TOPICS** – News vs Opinion and Media Bias.

**READINGS** – “Advocates are becoming journalists, is that a good thing?”, Matthew Ingram, *Columbia Journalism Review*; “How America’s largest TV owners turned its anchors into soldiers in Trump’s war on the media”; “Drawing a clear line between opinion and news”, *New York Times*; articles on course blog: <https://mediapolicyethics.law.blog/>

## **Session II**

**TOPICS** – Student presentations on case study briefs.

**READINGS** – Articles on course blog: <https://mediapolicyethics.law.blog/>

## **Week XIII**

### **Session I**

**TOPICS** – Presidential Politics and the Media.

**READINGS** – The *New York Times* and “weapons of mass destruction”; “No, Twitter shouldn’t ban Donald Trump”, *Columbia Journalism Review*; “Do social media threaten democracy?”, *The Economist*; articles on course blog: <https://mediapolicyethics.law.blog/>

### **Session II**

**TOPICS** – Student presentations on case study briefs.

**READINGS** – Articles on course blog: <https://mediapolicyethics.law.blog/>

## **Week XIV**

### **Session I**

**TOPICS** – The Future of Free Speech.

**READINGS** – Warburton, ch. 5, “Free speech in the age of the internet”; articles on course blog: <https://mediapolicyethics.law.blog/>

### **Session II**

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**TOPICS** – Student presentations on case study briefs.

**READINGS** – Articles on course blog: <https://mediapolicyethics.law.blog/>

## Textbooks

| Title                                   | Author          | Publisher | ISBN          | Required |
|-----------------------------------------|-----------------|-----------|---------------|----------|
| Free Speech : A Very Short Introduction | Warburton,Nigel | OUP       | 9780199232352 | Yes      |

## Attendance Policy

Students studying at The American University of Paris are expected to attend ALL scheduled classes, and in case of absence, should contact their professors to explain the situation. It is the student's responsibility to be aware of any specific attendance policy that a faculty member might have set in the course syllabus. The French Department, for example, has its own attendance policy, and students are responsible for compliance. Academic Affairs will excuse an absence for students' participation in study trips related to their courses.

Attendance at all exams is mandatory.

IN ALL CASES OF MISSED COURSE MEETINGS, THE RESPONSIBILITY FOR COMMUNICATION WITH THE PROFESSOR, AND FOR ARRANGING TO MAKE UP MISSED WORK, RESTS SOLELY WITH THE STUDENT.

Whether an absence is excused or not is ALWAYS up to the discretion of the professor or the department. Unexcused absences can result in a low or failing participation grade. In the case of excessive absences, it is up to the professor or the department to decide if the student will receive an "F" for the course. An instructor may recommend that a student withdraw, if absences have made it impossible to continue in the course at a satisfactory level.

Students must be mindful of this policy when making their travel arrangements, and especially during the Drop/Add and Exam Periods.

## Grading Policy

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- 20% - Two assignments (analysis of legal case studies)
  - 25% - Mid-term exam
  - 20% - In-class group presentation on a case brief
  - 25% - Final Exam
  - 10% -- Participation and discussion leading

## Other

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