
MEDIA LAW, POLICY, & ETHICS in Spring 2021 (CM3046)

Course Code	CM3046	Professor(s)	Charles Talcott
Prerequisites	None	Office Number	G-402
Class Schedule	M: 10:35-11:55 in C-104 R: 15:20-16:40 in C-104	Office Hours	Tuesday 3-5pm Friday 9-11am and by appointment
Credits	4	Email	ctalcott@aup.edu
Semester	Spring 2021	Office Tel. Ext.	x575

Course Description

Media Law, Policy, & Ethics

The foundations of social and civil communication practices are undergoing unprecedented, shape-shifting pressures and the media laws, regulations, policies and principles are hard-pressed to keep apace. Communication plays a fundamental role in the development of modern civil society with media institutions and media technologies acting as guarantors of and enablers for the free distribution and circulation of ideas, opinions, facts and information. But what are the fundamental rights, roles and responsibilities of the media? How do the media and the right to communicate freely and widely act as a guarantor of fundamental civil freedoms? In this course we will undertake a rigorous examination of the expanding field of “media law,” specifically exploring how constitutional and statutory law define, delimit and protect the media and the ‘free flow’ of information. We will examine the philosophical principles that determine the various schools and interpretations that define freedoms of speech. We will also examine how these laws vary in different countries and situations and how globalization and digitization have destabilized and made more porous, once-closed, local jurisdictions. Course lectures, discussion sections and readings will introduce students to such matters as free speech, libel law, privacy protection, copyright and author’s rights, commercial and advertising rights issues, and their global variations. We will investigate how various media institutions, from traditional press, television and radio to net-based information sources, digital distribution platforms and social media engage in ‘self-regulation’ developing their own ‘code of ethics’ that determine the content and circulation of distributed and archived material. We will consider the role of government institutions and regulatory bodies in formulating policy on such matters as newsgathering, children’s television, the gaming industry, reputation management and advertising regulation. The course will examine the many facets of the contemporary crisis of ‘fake news’ and ‘crooked media’; hyper-surveillance and the upheaval of traditional conceptions of personal privacy, the rise of algorithmic cultures and A.I. as they impact the public’s capacity to know and access ‘truth’. The course will emphasize work on core liberal arts critical thinking skills as we practice thinking and researching ‘like lawyers’ - 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

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.

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

STUDENT LEARNING OUTCOMES OF THE Global Communications MAJOR

1. Show knowledge of the history of communications and the development of communications as an academic discipline.
2. Show in-depth knowledge of the theoretical foundations and recent developments in particular areas of communications study.
3. Understand and compare systems of media communications and culture from a global perspective.
4. Use research methods, including historical, textual, qualitative and quantitative, in order to write and present research.
5. Apply practical skills important to careers in communications.

Course Outline

	Topics	Readings & Assignments
Week 1 Law within Media & Communication		
M Jan 18	Introduction – the legal framing of communication	Reading: <i>Free Speech, A Ve</i>
Th Jan 21	Defining, framing and studying "media law," "policy," and "ethics." Media law, regulation & institutions Law as 'constitutional'	Reading: <i>Free Speech, A Ve</i>
Week 2 Local Free Expression & Global Challenges		
M Jan 25	Free Speech & Media Systems: The Place of Communication & Media in Civil Society	Reading: <i>Free Speech, A Ve</i>
Th Jan 28	Theories of Freedom of Expression 7 Constitutional interpretations of Free Speech Legal, Syllogistic Reasoning	Chap 2 Pember MassMedia
Week 3 Media Systems, Free Expression & Legislation		
M Feb 1	From Free Speech to 'Unprotected Speech' How do we make sound legal judgments? Precedent, Tests, Standards Elonis v. United States What defines a 'true threat'?	Elonis v. United States Pember, MML Chapter 3
Th Feb 4	The Jyllands-Posten controversy: Freedom of Expression & the 'Global'...Regulating Speech around the World:	Documentary "Bloody Cartoo (46 minutes) http://youtu.be/CcaHGkRBW
Week 4 Unprotected Speech		
M Feb 8	NO CLASS – University Holiday	
Th Feb 11	Case Study: The Jyllands-Posten	Ali Mohamed "Journalistic Et Perspective" Pember, MML Chapter 4

Week 5 Libel, Defamation and personal privacy		
M Feb 15	Censorship; Prior restraint; Time, Manner, Place	
Th Feb 18	Libel: Defenses & Damages Establishing a Case Privacy & reputation management Who 'owns' your image? Research Paper Overview	Pember, MML Chapter 5
Week 6 Regulating Freedom of Expression		
Media and Individual Rights - PRIVACY		
M Feb 22	McLibel case Libel: Proof of Fault Libel and new technology Privacy & the Press Privacy - Public Disclosure of Private Facts	Pember, MML Chapter 6
Th Feb 25	NO CLASS – University Holiday	

	Texts & Topics	Readings & Assignments
Week 7 Privacy, Propriety & New Media		
M Mar 1	Regulation of Controversial and 'Adult' Material: obscenity and indecent speech Review	Pember, MML Chapter 13
Th Mar 4	Privacy & the Press (continued) Privacy - Public Disclosure of Private Facts, Hyper surveillance Case study: China and hyper-surveillance	Pember, MML Chapter 7 pp. Pember, MML Chapter 8 pp.
Week 8 Regulating Publication, Circulation & Advertising		

M	Mar 8	Midterm exam preparation & review	
Th	Mar 11	Midterm EXAM - in class	
Week 9 Journalism & Ethics			
M	Mar 15	Regulating Publicity & Advertising	Pember MML Chapter 15
Th	Mar 18	What constitutes 'ethical' decision-making? Deciding what to 'make public' Protecting the Press - News gathering	Pember MML Chapter 9 Christians, Clifford, et. al. "Ethical Perspectives" from <i>Media Ethics</i>
Week 10 Copyright			
M	Mar 22		
Th	Mar 25	A Copyright and Fair Use Cyber-sharing, Piracy & Digital Theft	Pember MML Chapter 14 Pember MML Chapter 16
Week 11 Contemporary Issues			
M	Mar 29	Reporting War: Media & security and the public's 'right to know'	case materials
Th	Apr 1	The Case of Wiki-leaks: Julian Assange, Bradley Manning & Edward Snowden	DUE: Reflection/response #3
Week 12			
M	Apr 5	NO CLASS – University Holiday	
Th	Apr 8	The Impact of Digital on Media Law Digital Millennium Copyright Act (DMCA)	Topic Dossier: selected readings
Week 13 Contemporary Issues			
M	Apr 12	Fake News & the Integrity of the Press Case studies	Topic Dossier: selected readings
Th	Apr 15	Fake News & the Integrity of the Press Case studies	Topic Dossier: selected readings
Week 14			
M	Apr 19	Privacy, Surveillance & Digital Tracking Case Studies	Topic Dossier: selected readings
Th	Apr 22	Privacy, Surveillance & Digital Tracking Case Studies	Topic Dossier: selected readings
Week 15			
M	Apr 26	Last class - Summary & preparation for final	<i>Last class</i> Position papers
TH	May 6	FINAL EXAM*	NB*: 6:30pm-21:00pm

Textbooks

This course doesn't have any textbook.

Attendance Policy

AUP ATTENDANCE POLICY

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

COVID-19 TEMPORARY AMENDMENTS

Students studying at The American University of Paris are STILL EXPECTED TO ATTEND ALL scheduled classes. During the Covid-19 pandemic, students will have the option of attending classes remotely when special circumstances arise. For example, when students are placed under quarantine by the French authorities or by their doctor, or when they develop symptoms of Covid-19 and are directed, by their doctor or the AUP Health Office, to remain home. It is the student's responsibility to be aware of any specific attendance policy that their professor might have set in the course syllabus. In particular, Students attending remotely from distant Time Zones should check with their professors about the department's attendance policy for remote learners.

Attendance at all exams is mandatory.

In all cases of missed course meetings, the responsibility for communication with the professor, and for any missed work, rests solely with the student. Whether an absence is excused or not is ALWAYS up to the professor or the department. Unexcused absences can result in a low or failing participation grade. In the case of excused absences, it is up to the professor or the department to decide if the student will receive an "F" for the course. The professor may also recommend that a student withdraw, if absences have made it impossible to continue in the course at the required level. Students must be mindful of this policy when making their travel arrangements, and especially during Exam Periods.

ENGLISH LANGUAGE PROFICIENCY STATEMENT: As an Anglophone university, The American University is strongly committed to effective English language mastery at the undergraduate level. Most courses require reading and formal written and oral presentations in English, and AUP students are expected to strive to achieve proficiency in English in all domains as part of their course work. To that end, professors include English proficiency among the criteria for evaluation, often referring students to the university Writing Lab where they may obtain help on specific assignments. Proficiency in English is monitored at various points throughout the student's academic career, most notably during admissions and advising processes, while the student is completing general education requirements, and during the accomplishment of degree program courses and senior theses.

Grading Policy

Projects for this course consist of take-home assignments: including chapter summaries and response worksheets; an in-class mid-term exam; one presentation; a **final position paper of ten pages**

(approximately 3000 words) including an abstract and a critical bibliography; and an **in-class final examination**.

The position paper is due **Monday April 26**

Your work must be submitted typed, double-spaced, in 12 point font, with 1 inch margins.

Assignments (analyses, reading responses, essays, worksheets)	30%
Midterm exam	20%
Participation and discussion leading	10%
Position paper	20%
Final exam	20%

The following guidelines will be used to evaluate and grade your work and performance.

A = Exceptional; the quality of the student's work meets the highest standards of the department and the university, going well beyond the assigned requirements. A student

demonstrates creative mastery of the course material. Work evinces great planning, extensive development, originality, rigorous research and argumentation, unique ideas and excellent written expression.

B = Very good; A student demonstrates a thorough understanding of the course material. Work fulfils all the assigned requirements and then some. Work demonstrates careful planning and organization, strong, well-formulated argumentation and a solid grasp of course concepts and material. Written work is clear, cogent and correctly constructed.

C = Satisfactory; Work satisfies all the basic minimum requirements for the course. Work reflects a basic understanding of all the course fundamentals. Written work covers all the necessary requirements in terms of content and form and shows reasonable command of argumentation, organization, style and grammar.

D = Unsatisfactory; Work submitted is incomplete; Written work is confused in argumentation and lacks unity and coherence. Claims are unsubstantiated. Written work does not adhere to basic academic standards in terms of content, form, register and style; written work contains grammatical and stylistic errors of various kinds

F = Poor; little evidence of effort to fulfil even the most basic of course requirements.

Note: a *plus* or *minus* may follow these letter grades at the professor's discretion.

Other
