

Free Expression, Humor and Terror

(5 ECTS credits)

Jacobs University
Winter School
11-19 January 2016



“I do not agree with what you have to say, but I'll defend to the death your right to say it.”
— Voltaire

“God is a comedian playing to an audience that is too afraid to laugh.”
— Voltaire

Among the complex issues raised by the horrific Charlie Hebdo events in Paris in January, 2015 is the question of whether free expression that some find offensive, indeed blasphemous¹, justifies strong reaction, legal or extra-legal, peaceful or violent. The course will introduce concepts of free expression and its limits, comparing especially absolutist U. S.² with qualified European models.³

A particularly interesting focus of this general problem is offensive, *humorous* free expression: “Calm down, it was just a joke for ‘God’s’ sake!” Three specific questions will frame the comedic dimension of the analysis: what is the nature and the role of humor, is there a comedic ethics and does humor legally mitigate or aggravate offensive expression?

The course will consider the nature, history, and cultural diversity of violent societal conflict. In particular, the course will consider evolving definitions of “war” and attempts by international organizations to create a binding framework – legal or at least ethical – for constraining war.

¹ “The undisturbed practice of religion shall be guaranteed.” *Basic Law for the Federal Republic of Germany*, Article 4.

² “Congress shall make no law ... abridging the freedom of speech, or of the press;...” *United States Constitution*, Amendment 1. Although not even U.S. jurisprudence is, in practice, absolute and unqualified, one might imagine the following lay American response: “Chill out, I’ve got a legal right to say – and draw – whatever I like [without consequences].”

³ “1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” *European Convention on Human Rights*, Article 10. “Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.” *European Convention on Human Rights*, Article 17. See also in French law, for example, see the *Declaration of the Rights of Man and of the Citizen of 1789*, Article 11. See also *Basic Law for the Federal Republic of Germany*, Articles 5, 18 and 19.

Finally, this section of the course will focus upon wars OF as well as wars ON “terror” and the western and Islamic just war traditions.

The recent particular events and issues will thus be set in the larger context of contemporary debates about terrorism, religious fundamentalism, law and ethics, globalization and the prerequisites of civil, democratic society.

So, is it really true that “everyone is Charlie” ... and should they be? Let us work together on these questions.

Course Requirements

The course – and evaluation of student performance – will center upon the following activities for students who require 5 ECTS credits:

1. **Classroom participation**. The course is intended to be, as much as is possible, an opportunity for discussion among all colleagues, student and faculty. Some lecturing will, of course, be required, especially early in the course. (15-20%)
2. **Mock Trial Simulation**. This extensive group activity will involve role-playing that draws out to conclusion a realistic simulation of a relevant court case on appeal to the European Court of Human Rights. (40-55%)⁴
3. **Term Paper**. This essay will ask each individual student to consider and take a reasoned position on the critical issues presented in the course. (25-45%)

Course Materials

A set of relevant reading materials will be prepared and made available to students for careful review and use in the course.

Class Schedule

5 ECTS credit students will meet daily with a morning session – 9:00 – 11:30 AM – and an afternoon session – 1:30 – 4:00 PM (35 total hours of class time).

There will be no formal class meetings on the weekend – Saturday, 16 January and Sunday, 17 January.

All students are expected to attend all required classes. Attendance is particularly crucial for the mock trial simulation sessions because of their interactive, role-playing nature. Missing a simulation session without an extraordinary justification will result in a failing grade for the simulation. Students with serious, legitimate reasons to miss a class session should consult with Professor Lennertz as soon as possible, preferably before the session day and time.

⁴ See, for example, the case of the anti-Semitic French comedian Dieudonné M’bala M’bala who was convicted in March, 2015 in a French court of inciting racial hatred. <http://www.independent.co.uk/news/world/europe/french-comedian-dieudonne-convicted-for-second-time-in-two-days-10121058.html>

Students are expected to devote at least two hours of out-of-class preparation and reflection for each hour of in-class time.

Professor Lennertz will be available for office hour meetings with students from 4:00 – 5:00 PM and at other arranged, mutually-agreeable times.

Monday, 11 January

9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session: Introduction

1. Introduction of the class members
2. Statement of the problem
3. Course requirements, activities and principles
4. Key concepts: law, rights and justice
5. Key concepts: free expression and *abus de droit*
6. Key concept: ethics

Afternoon Session: Our Conceptual Tool Kit (continued)

1. Humor, satire and sarcasm
2. Terror and just war
3. Mock trial simulation preparation
4. Term Paper preparation (50 minutes, required of 5 ECTS students only)

Tuesday, 12 January

9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session:

1. Law, society and justice
2. Comparative perspectives
3. Rights and wrongs
4. Democracy, civil society and free expression
5. Term paper preparation (50 minutes, required of 5 ECTS students only)

Afternoon Session:

1. Religion and secular society
2. Limits of rights
3. Mock trial simulation preparation

Wednesday, 13 January
9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session:

1. Theories of humor
2. Genres of humor
3. Term paper preparation (50 minutes, required of 5 ECTS students only)

Afternoon Session:

1. Humor, law and justice
2. Humor and ethics
3. Mock trial simulation preparation

Thursday, 14 January
9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session:

1. War across history and cultures
2. Constraints on violent conflict
3. The war ON terror
4. The war OF terror
5. Term paper preparation (50 minutes, required of 5 ECTS students only)

Afternoon Session:

1. Connecting the dots: free expression, humor and terror
2. Mock trial simulation preparation

Friday, 15 January
9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session:

1. Mock trial simulation preparation
2. Term paper preparation (50 minutes, required of 5 ECTS students only)

Afternoon Session: Mock trial simulation

1. Pre-trial motions
2. Opening statements (plaintiff and defense)
3. Plaintiff's evidence (testimonial and documentary)

Monday, 18 January
9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session: Mock trial simulation

1. Defense evidence (testimonial and documentary)
2. Closing arguments
3. Term paper preparation (50 minutes, required of 5 ECTS students only)

Afternoon Session: Judicial deliberations

Tuesday, 19 January
9:00 – 11:30 AM and 1:30 – 4:00 PM

Morning Session:

1. Judicial decision and opinions
2. De-briefing the mock trial simulation

Afternoon Session: Wrap-up

1. Course insights
2. Next questions
3. Course evaluation