



UNIwersYTET  
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W POZNANIU

## Freedom of Speech and its Limits in Law

### Educational subject description sheet

#### Basic information

<b>Study programme</b> European Legal Studies <b>Speciality</b> - <b>Organizational unit</b> Faculty of Law and Administration <b>Study level</b> First-cycle programme <b>Study form</b> Full-time <b>Education profile</b> General academic		<b>Didactic cycle</b> 2023/24 <b>Subject code</b> 10ELSS.14HS.04841.23 <b>Lecture languages</b> English <b>Course type</b> Obligatory <b>Block</b> Humanities and social subjects
<b>Subject coordinator</b>	Katarzyna Woźniak-Boińska, Michał Urbańczyk	
<b>Lecturer</b>	Michał Urbańczyk	
<b>Period</b> Semester 3	<b>Activities and hours</b> • Lecture: 30, Exam	<b>Number of ECTS points</b> 4

#### Goals

Code	Goal
C1	□ Providing the students with basic knowledge about the nature, significance and function of freedom of expression in contemporary liberal democracy □ Providing the students with a structured knowledge of the legal framework on freedom of expression in the European Union and in selected EU countries/ □ Providing the students with a detailed knowledge of the practical aspects of implementing the right to freedom of expression, based on the case law of the selected European courts

## Subject learning outcomes

Code	Outcomes in terms of	Learning outcomes	Examination methods
<b>Knowledge - Student:</b>			
W1	is able to describe and explain the basic concepts related to freedom of expression: its origins, definitions, meaning, types and functions	ELS_K1_W03	Written exam, Essay
W2	is able to describe and explain the evolution of the right to freedom of expression in the context of the history of human rights	ELS_K1_W02	Written exam, Essay
W3	is able to explain the grounds for restrictions on freedom of expression	ELS_K1_W05	Written exam, Essay
W4	is able to describe and explain practical aspects of theoretical concepts and legal regulations in simple case studies	ELS_K1_W10, ELS_K1_W11	Written exam, Essay
W5	is able to search for legal regulations in internet databases relating to the exercise of the right to freedom of speech	ELS_K1_W12	Written exam, Essay
<b>Skills - Student:</b>			
U1	is able to describe and explain the basic concepts related to freedom of expression: its origins, definitions, meaning, types and functions	ELS_K1_U03	Written exam, Essay
U2	is able to describe and explain the evolution of the right to freedom of expression in the context of the history of human rights	ELS_K1_U01, ELS_K1_U03	Written exam, Essay
U3	is able to explain the grounds for restrictions on freedom of expression	ELS_K1_U05, ELS_K1_U09	Written exam, Essay
U4	is able to identify ways to resolve conflicts between freedom of expression and other values protected by law	ELS_K1_U05, ELS_K1_U06, ELS_K1_U07	Written exam, Essay
U5	is able to describe and explain practical aspects of theoretical concepts and legal regulations in simple case studies	ELS_K1_U02, ELS_K1_U06, ELS_K1_U07, ELS_K1_U09	Written exam, Essay
U6	is able to search for legal regulations in internet databases relating to the exercise of the right to freedom of speech	ELS_K1_U10	Written exam, Essay
<b>Social competences - Student:</b>			
K1	is able to describe and explain the basic concepts related to freedom of expression: its origins, definitions, meaning, types and functions	ELS_K1_K01	Written exam, Essay
K2	is able to describe and explain the evolution of the right to freedom of expression in the context of the history of human rights	ELS_K1_K01	Written exam, Essay
K3	is able to explain the grounds for restrictions on freedom of expression	ELS_K1_K04	Written exam, Essay
K4	is able to identify ways to resolve conflicts between freedom of expression and other values protected by law	ELS_K1_K01, ELS_K1_K04	Written exam, Essay

## Study content

No.	Course content	Subject learning outcomes	Activities
1.	Introduction. Freedom of expression as a fundamental element of liberal democracy	W1, W3, U1, U3, K1, K3	Lecture
2.	The evolution of the liberal doctrine of freedom of expression in Europe	W1, W2, U1, U2, K1, K2	Lecture
3.	Freedom of expression and its limits in international law	W3, W4, W5, U4, U5, U6, K3	Lecture
4.	Freedom of expression and its limits in EU law	W4, W5, U4, U5, U6, K4	Lecture
5.	The limits of freedom of expression in civil law in the context of conflicts with other values protected by law	W4, W5, U4, U5, U6, K4	Lecture
6.	The limits of freedom of expression in the criminal law in the context of conflicts with other values protected by law	W4, W5, U4, U5, U6, K4	Lecture
7.	Limits of freedom of expression in selected case law study. ECHR and hate speech	W3, W4, W5, U3, U5, U6, K4	Lecture
8.	Freedom of speech, privacy and gathering information in internet	W3, W4, W5, U3, U5, U6, K2, K3	Lecture
9.	Comparative case law study. First Amendment and American free speech doctrine	W1, W4, W5, U1, U5, U6, K1	Lecture

## Additional information

Activities	Teaching and learning methods and activities
Lecture	Lecture with a multimedia presentation of selected issues, Problem-based lecture, Discussion, Audio and/or video demonstrations

Activities	Credit conditions
Lecture	<p>very good (A; 5.0):</p> <ul style="list-style-type: none"> <li>a) very good knowledge of regulations and case law on freedom of speech,</li> <li>b) very good formulation of views and their rational justification;</li> </ul> <p>good plus (B+; 4.5):</p> <ul style="list-style-type: none"> <li>a) very good knowledge of regulations and case law on freedom of speech;</li> <li>b) good formulation of opinions and their rational justification;</li> </ul> <p>good (B; 4.0):</p> <ul style="list-style-type: none"> <li>a) good knowledge of regulations and case law on freedom of speech</li> <li>(b) good formulation of views and their rational justification;</li> </ul> <p>average (C+; 3.5):</p> <ul style="list-style-type: none"> <li>a) good knowledge of the laws and case-law on the right to freedom of expression;</li> <li>b) correct formulation of opinions and their rational justification;</li> </ul> <p>satisfactory (C; 3,0):</p> <ul style="list-style-type: none"> <li>(a) sufficient knowledge of the laws and case-law relating to freedom of expression;</li> <li>(b) correct formulation and reasoning of opinions.</li> </ul> <p>unsatisfactory (D; 2,0):</p> <ul style="list-style-type: none"> <li>a) insufficient knowledge of laws and case-law on freedom of speech;</li> <li>b) incorrect formulation of views and lack of their rational justification.</li> </ul>

## Literature

### Obligatory

1. András Sajó, Freedom of expression, Warszawa 2004. Philip Leach, Taking a case to the European Court of Human Rights, Oxford 2005. W. Wacławczyk, From Milton to Mill: classic defenders of freedom of speech, Torun 2012. Importing the first amendment: freedom of expression in American, English and European law / ed. by Ian Loveland, Oxford 1998. Extreme speech and democracy, eds. Ivan Hare, James Weinstein, Oxford 2009.
2. Guenter Lewy, Outlawing genocide denial: the dilemmas of official historical truth, Salt Lake City 2014. European Courts Judgements (<https://eur-lex.europa.eu/homepage.html?locale=en>), Supreme Court of the U.S. ([https://www.supremecourt.gov/search\\_center.aspx](https://www.supremecourt.gov/search_center.aspx))

### Calculation of ECTS points

Activities	Activity hours*
Lecture	30
Reading the indicated literature	10
Preparation for the assessment	30
Preparation for the exam	50
<b>Student workload</b>	<b>Hours</b> 120
<b>Number of ECTS points</b>	<b>ECTS</b> 4

\* academic hour = 45 minutes

## Efekty uczenia się dla kierunku

Kod	Treść
ELS_K1_K01	The graduate is ready to critically appraise his or her knowledge, particularly in the context of the changing acquis on the regulation and critical assessment of the acquired knowledge, especially in view of the changing acquis on the regulation and application of law
ELS_K1_K04	The graduate is ready to perform professional roles relating to the conduct of fundamental research activities and the development and application of European Union Law in a responsible manner
ELS_K1_U01	The graduate can interpret social phenomena (cultural, political, legal, economic) within legal science
ELS_K1_U02	The graduate can use the basic theoretical knowledge and independently procure data to analyse individual processes and social phenomena (cultural, political, legal and economic) within legal science
ELS_K1_U03	The graduate can analyse the causes and course of individual processes and social phenomena (cultural, political, legal and economic) within legal science
ELS_K1_U05	The graduate can use basic EU normative systems and selected norms, rules and regulations (legal, professional, moral) to solve a specific task
ELS_K1_U06	The graduate can use the knowledge gained to resolve dilemmas at work arising during their professional career as well as throughout pursued lifelong learning
ELS_K1_U07	The graduate can identify and analyse selected solution of specific individual problems and propose relevant resolutions
ELS_K1_U09	The graduate can prepare and present (individually or as a member of a team) standard oral presentations on specific and detailed aspects of European law, using for that basic theoretical approaches and different source materials
ELS_K1_U10	The graduate can read with understanding, and be capable of preparing, standard texts in English on European Union law, pertaining to detailed issues or specific subjects, using basic theoretical approaches and source materials
ELS_K1_W02	The graduate knows and understands the basic assumptions of integration processes analysed on the example of the European Union, in the social, cultural and economic context
ELS_K1_W03	The graduate knows and understands the concept and scope of European Union law, including a deepened understanding of its sources approached in a systematic way
ELS_K1_W05	The graduate knows and understands the structure of the European law system against the background of its relations with international and national legal orders
ELS_K1_W10	The graduate knows and understands EU private law regulations, both substantive and procedural, in selected sectors
ELS_K1_W11	The graduate knows and understands EU public law regulations, including criminal law, in selected sectors
ELS_K1_W12	The graduate knows and understands methods and tools, including techniques, of obtaining data on the existing EU legislation and related to it institutionalised structures