

The Constitutional Protection of

FREEDOM OF EXPRESSION



RICHARD MOON

Constitutional Protection Of Freedom Of Expression

Robert Wheeler Lane, Robert Lane



Constitutional Protection Of Freedom Of Expression:

Freedom of Expression in the 21st Century Robert Trager, Donna L. Dickerson, 1999-01-25 An ideal supplement for any course with the goal to make free speech issues meaningful and relevant to young media professionals today Features of the text INTERACTIVE it helps instructors engage students in meaningful discussions about current free speech issues It presents situations often taken from court cases followed by questions that challenge students to clarify and justify their own beliefs about freedom of expression INTERNATIONAL communicates how and why countries and governments other than the United States deal with free speech issues in different ways NEUTRAL not a flag waving catechism for the American way Asks difficult questions as to whether the freedoms many U S citizens take for granted are the best approach to some issues It develops critical thinking skills

The Free Speech Century Geoffrey R. Stone, Lee C. Bollinger, 2018-11-02 The Supreme Court's 1919 decision in *Schenck vs the United States* is one of the most important free speech cases in American history Written by Oliver Wendell Holmes it is most famous for first invoking the phrase clear and present danger Although the decision upheld the conviction of an individual for criticizing the draft during World War I it also laid the foundation for our nation's robust protection of free speech Over time the standard Holmes devised made freedom of speech in America a reality rather than merely an ideal In *The Free Speech Century* two of America's leading First Amendment scholars Lee C. Bollinger and Geoffrey R. Stone have gathered a group of the nation's leading constitutional scholars Cass Sunstein Lawrence Lessig Laurence Tribe Kathleen Sullivan Catherine McKinnon among others to evaluate the evolution of free speech doctrine since *Schenk* and to assess where it might be headed in the future Since 1919 First Amendment jurisprudence in America has been a signal development in the history of constitutional democracies remarkable for its level of doctrinal refinement remarkable for its lateness in coming in relation to the adoption of the First Amendment and remarkable for the scope of protection it has afforded since the 1960s Over the course of *The First Amendment Century* judicial engagement with these fundamental rights has grown exponentially We now have an elaborate set of free speech laws and norms but as Stone and Bollinger stress the context is always shifting New societal threats like terrorism and new technologies of communication continually reshape our understanding of what speech should be allowed Publishing on the one hundredth anniversary of the decision that laid the foundation for America's free speech tradition *The Free Speech Century* will serve as an essential resource for anyone interested in how our understanding of the First Amendment transformed over time and why it is so critical both for the United States and for the world today

The Constitutional Protection of Freedom of Expression Richard Moon, 2000-01-01 Moon argues that recognition of the social dynamic of communication is critical to understanding the potential value and harm of language and to addressing questions about the scope and limits on one's rights to freedom of expression

Freedom of Speech and Press Henry Cohen, 2010-02 This report provides an overview of the major exceptions to the First Amendment of the ways that the Supreme Court has interpreted the guarantee of freedom of speech

and press to provide no protection or only limited protection for some types of speech

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Commercial Speech as Free Expression Martin H. Redish, 2021-06-10

A bold controversial advance in the theory of free expression grounded in a new underlying theoretical perspective for a dramatic extension of commercial speech protection

State Constitutions as Sources of Expanded Protection for Freedom of Expression Emile C. Netzhammer, 1987

The First Amendment William Cohen, 2003

This law school casebook examines the contours of the freedoms of expression and religion under the United States Constitution It features original notes questions and expertly edited cases to help stimulate class discussion

Rethinking Free Speech Peter Ives, 2024-11-12T00:00:00Z

Clashes over free speech rights and wrongs haunt public debates about the state of democracy freedom and the future

While freedom of speech is recognized as foundational to democratic society its meaning is persistently misunderstood and distorted

Prominent commentators have built massive platforms around claims that their right to free speech is being undermined

Critics of free speech correctly see these claims as a veil for misogyny white supremacy colonialism and transphobia concluding it is a political weapon to conserve entrenched power arrangements

But is this all there is to say

Rethinking Free Speech will change the way you think about the politics of speech and its relationship to the future of freedom and democracy in the age of social media

Political theorist Peter Ives offers a new way of thinking about the essential and increasingly contentious debates around the politics of speech

Drawing on political philosophy including the classic arguments of JS Mill and everyday examples Ives takes the reader on a journey through the hotspots of today s raging speech wars

In its bold and careful insights on the combative politics of language *Rethinking Free Speech* provides a map for critically grasping these battles as they erupt in university classrooms

debates around the meaning of antisemitism the cancelling of racist comedians and the proliferation of hate speech on social media

This is an original and essential guide to the perils and possibilities of communication for democracy and justice

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examples Ives takes the reader on a journey through the hotspots of today's raging speech wars. This book provides a map for critically grasping these battles as they erupt in university classrooms, debates around the meaning of antisemitism, the cancelling of racist comedians, and the proliferation of hate speech on social media. This is an original and essential guide to the perils and possibilities of communication for democracy and justice.

Freedom of Speech and Press Henry Cohen, 2005. The First Amendment to the United States Constitution provides that Congress shall make no law abridging the freedom of speech or of the press. This language restricts government both more and less than it would if it were applied literally. It restricts government more in that it applies not only to Congress but to all branches of the federal government and to all branches of state and local government. It restricts government less in that it provides no protection to some types of speech and only limited protection to others. This report provides an overview of the major exceptions to the First Amendment of the ways that the Supreme Court has interpreted the guarantee of freedom of speech and press to provide no protection or only limited protection for some types of speech. For example, the Court has decided that the First Amendment provides no protection to obscenity, child pornography, or speech that constitutes advocacy of the use of force or of law violation where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. The Court has also decided that the First Amendment provides less than full protection to commercial speech, defamation, libel, and slander, speech that may be harmful to children, speech broadcast on radio and television, and public employees' speech. Even speech that enjoys the most extensive First Amendment protection may be subject to regulations of the time, place, and manner of expression which are content neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. And even speech that enjoys the most extensive First Amendment protection may be restricted on the basis of its content if the restriction passes strict scrutiny, i.e., if the government shows that the restriction serves to promote a compelling interest and is the least restrictive means to further the articulated interest.

Freedom of Speech Larry J. Alexander, 2018-05-08. This title was first published in 2000. This text presents a two-volume collection of theoretical articles on the topic of freedom of speech. The articles have all been written since the early 1970s. The first volume begins with an encyclopaedia entry functioning as an overview of the topic, and further articles deal with justificatory theories of freedom of speech, the scope of the First Amendment, the value of free speech, communication control in law and society, and what kinds of acts raise freedom of speech concerns. The second volume turns to doctrinal theories, examining insults, incitements, and governmental subsidies. Areas addressed include distinctions between content regulations, Robert Post's concepts of the public forum and public discourse, and their bearing on free speech doctrine, and the significant arena for free speech controversies in the future.

Obscenity and Freedom of Expression Haig A. Bosmajian, 1976. Contains primary source material.

Constitutional Protection of Freedom of Expression in the Age of Social Media Anni Carlsson, 2024.

Challenges to Law at the End of the 20th Century: Rights International

Association for Philosophy of Law and Social Philosophy. World Congress,1997 **Hate Speech Is Not Free** W. Wat Hopkins,2024-02-02 Hate speech has been a societal problem for many years and has seen a resurgence recently alongside political divisiveness and technologies that ease and accelerate the spread of messages Methods to protect individuals and groups from hate speech have eluded lawmakers as the call for restrictions or bans on such speech are confronted by claims of First Amendment protection Problematic speech the argument goes should be confronted by more speech rather than by restriction Debate over the extent of First Amendment protection is based on two bodies of law the practical precedent determined by the Supreme Court and the theoretical framework of First Amendment jurisprudence In **Hate Speech Is Not Free** The Case Against Constitutional Protection W Wat Hopkins argues that the prevailing thought that hate is protected by both case law and theory is incorrect Within the Supreme Court s established hierarchy of speech protection hate speech falls to the lowest level deserving no protection as it does not advance ideas containing social value Ultimately the Supreme Court s cases addressing protected and unprotected speech set forth a clear rationale for excommunicating hate speech from First Amendment protection **In the Name of Security Secrecy, Surveillance and Journalism** Johan Lidberg,Denis Muller,2018-05-15 The terrorist attacks on the World Trade Center in New York on 11 September 2001 saw the start of the so called war on terror The aim of **In the Name of Security Secrecy Surveillance and Journalism** is to assess the impact of surveillance and other security measures on in depth public interest journalism How has the global fear driven security paradigm sparked by 11 September affected journalism At the core of the book sits what the authors have labeled the trust us dilemma Governments justify passing at times oppressive and far reaching anti terror laws to keep citizens safe from terror By doing so governments are asking the public to trust their good intentions and the integrity of the security agencies But how can the public decide to trust the government and its agencies if it does not have access to information on which to base its decision **In the Name of Security Secrecy Surveillance and Journalism** takes an internationally comparative approach using case studies from the powerful intelligence sharing group known as the Five Eyes consisting of the US Canada the UK Australia and New Zealand Chapters assessing a selection of EU countries and some of the BRICS countries provide additional and important points of comparison to the English speaking countries that make up the Five Eyes **Handbook on Human Rights in China** Sarah Biddulph,Joshua Rosenzweig,2019 This Handbook gives a wide ranging account of the theory and practice of human rights in China viewed against international standards and China s international engagements around human rights The Handbook is organised into the following sections contested meanings international dimensions economic and social rights civil and political rights rights in action and access to justice political dimensions of human rights in Greater China and new frontiers *Beyond the Schoolhouse Gate* Robert Wheeler Lane,Robert Lane,2010-04-20 Outstanding Academic Title Choice 1995 What makes Lane s approach unique is that he weaves together different perspectives on the nature of school into a very colorful but informative and lucid tapestry that seeks the outer limits of free

expression within the boundaries of the school context always with an eye toward promoting the goal of inculcation of values a worthy end for students and school officials alike Samuel M Davis Allen Post Professor of Law University of Georgia In a 1969 landmark case the U S Supreme Court ruled that the suspension of student for protesting the Vietnam War violated the First Amendment In 1972 the U S court of appeals upheld the suspension of black high school students for protesting the playing of Dixie at a pep rally In 1986 a U S district court ruled that the suspension of a student for directing a vulgar gesture at one of his school teachers in a fast food restaurant was unconstitutional On what grounds do public school students merit First Amendment protection These three examples illustrate the broad range of litigation that has attempted to answer this question Robert Wheeler Lane reviews the obstacles of this important issue and suggests a mix of protection and autonomy for students Pulling together evidence about the aims of public education the changing legal status of children and the values underlying freedom of expression Lane debates the relationship between constitutional litigation and the dual pursuits of academic excellence and classroom order Ultimately utilizing both lower court and Supreme Court decisions he finds that independent student expression deserves considerable constitutional protection student expression assisted by school officials such as school funded student newspapers should be subject to some control and nonstudent expression such as a school s selection of library books should be left largely to the school s discretion His conclusions suggest that in forging First Amendment protection for public school students strongly held positions need not be extreme **Freedom of Speech** E. M. Barendt, 2005-08-11 Fully revised and updated this title examines topical issues such as free speech and freedom of the press as well as considering other important developments and legislation *The First Amendment in Cross-Cultural Perspective* Ronald J. Krotoszynski Jr., Ronald J. Krotoszynski, 2009-03 The First Amendment and its guarantee of free speech for all Americans has been at the center of scholarly and public debate since the birth of the Constitution and the fervor in which intellectuals politicians and ordinary citizens approach the topic shows no sign of abating as the legal boundaries and definitions of free speech are continually evolving and facing new challenges Such discussions have generally remained within the boundaries of the U S Constitution and its American context but consideration of free speech in other industrial democracies can offer valuable insights into the relationship between free speech and democracy on a larger and more global scale thereby shedding new light on some unexamined and untested assumptions that underlie U S free speech doctrine Ronald J Krotoszynski Jr compares the First Amendment with free speech law in Japan Canada Germany and the United Kingdom countries that are all considered modern democracies but have radically different understandings of what constitutes free speech Challenging the popular and largely American assertion that free speech is inherently necessary for democracy to thrive Krotoszynski contends that it is very difficult to speak of free speech in universalist terms when the concept is examined from a framework of comparative law that takes cultural difference into full account **Eternally Vigilant** Lee C. Bollinger, Geoffrey R. Stone, 2003-04 While freedom of speech has been guaranteed us for centuries the First

Amendment as we know it today is largely a creation of the past eighty years Eternally Vigilant brings together a group of distinguished legal scholars to reflect boldly on its past its present shape and what forms our understanding of it might take in the future Contributors Lillian R BeVier Vincent Blasi Lee C Bollinger Stanley Fish Owen M Fiss R Kent Greenawalt Richard A Posner Robert C Post Frederick Schauer Geoffrey R Stone David A Strauss Cass R Sunstein

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