

Freeing the First Amendment

Critical
Perspectives on
Freedom of
Expression

EDITED BY David S. Allen AND Robert Jensen

Freeing The First Amendment Critical Perspectives On Freedom Of Expression

David Kirk



Freeing The First Amendment Critical Perspectives On Freedom Of Expression:

Freeing the First Amendment David S. Allen, Robert Jensen, 1995-11 In a society that prides itself on the most expansive legal guarantees of free speech in history why are so many individuals and groups frustrated by the American system of freedom of expression As the public sphere continues to be redefined by advances in technology and new debates about this technology crop up daily the time has come to move from reflexive discussions about the value of more speech to a detailed assessment of the real power and limits of speech Why this volume asks does the First Amendment the very document intended to ensure the freedom of U S citizens need to be freed And from what Long an icon in American law politics and journalism the First Amendment and the potential and real dilemmas with which it presents us have only recently begun to be scrutinized Challenging the idea that the only champions of free speech are traditional liberal theorists who oppose alternatives to the mainstream interpretation of the First Amendment the contributors to this volume among them such prominent thinkers as Frederick Schauer Owen Fiss and Cass Sunstein explore new and provocative ways to think about freedom of expression By reformulating traditional liberal and libertarian approaches to the First Amendment this volume convincingly disputes the notion that those who question an unwavering reliance on free and open competition between individuals to produce free expression are necessarily enemies of free speech It argues instead that these alleged enemies can in fact be champions as well

Freedom of Speech and Society, Free Speech and the Politics of Identity David A. J. Richards, 1999 Free Speech and the Politics of Identity challenges the scholarly view as well as the dominant legal view outside the United States that the right of free speech may reasonably be traded off in pursuit of justice to stigmatized minorities These views appeal to an alleged reasonable balance between two basic human rights the right of free speech and the right against unjust discrimination Compelling arguments of normative political theory and interpretative history show however that these rights are structurally linked the abridgement of one compromises the other To make this case David Richards offers an original political theory of toleration and of structural injustice that addresses the nature and scope of the right of free speech and the right against unjust discrimination its analytic focus is on the role played by members of subordinated groups in the protest of the terms of structural injustice the politics of identity advancing constitutional justice under law While the argument is developed on the basis of American constitutional experience from the antebellum period forward its normative force is brought to bear both in defending and criticizing some aspects of American law and in challenging the continuing legitimacy of laws against group libel obscenity and blasphemy under national legal systems including Germany France Britain Canada Israel India South Africa and others regional systems the jurisprudence of the European Court of Human Rights and public international law The book's innovative normative and interpretative methodology calls for a new departure in comparative public law in which all states responsibly address their common problems not only of inadequate protection of free speech but correlative failure to take seriously the continuing political

power of such evils as anti-Semitism racism sexism and homophobia *Defamation, Libel Tourism and the SPEECH Act of 2010* , The Encyclopedia of the Supreme Court David Shultz,2005 An illustrated A Z reference containing over 500 entries related to the history important individuals structure and proceedings of the United States Supreme Court *How Machines Came to Speak* Jennifer Petersen,2022-01-24 In *How Machines Came to Speak* Jennifer Petersen constructs a genealogy of how legal conceptions of speech have transformed over the last century in response to new media technologies Drawing on media and legal history Petersen shows that the legal category of speech has varied considerably evolving from a narrow category of oratory and print publication to a broad abstract conception encompassing expressive nonverbal actions algorithms and data She examines a series of pivotal US court cases in which new media technologies such as phonographs radio film and computer code were integral to this shift In judicial decisions ranging from the determination that silent films were not a form of speech to the expansion of speech rights to include algorithmic outputs courts understood speech as mediated through technology Speech thus became disarticulated from individual speakers By outlining how legal definitions of speech are indelibly dependent on technology Petersen demonstrates that future innovations such as artificial intelligence will continue to restructure speech law in ways that threaten to protect corporate and institutional forms of speech over the rights and interests of citizens **Free Expression and Five Democratic Publics** Julie L. Andsager,Robert O. Wyatt,Ernest L. Martin (Ph.D.),2004 To date scholarly work on public support for free expression has been rather sporadic and primarily descriptive The authors propose the theory that those who hold power in a society are more likely than the comparatively disenfranchised to support free speech and free press rights They support this proposition with original survey data gathered in the U S Russia Hong Kong and Israel among Arabs and Jews **Constitutionalism and American Culture** Sandra F. VanBurkleo,Kermit L. Hall,Robert J. Kaczorowski,2002 Cultural history and themendment New York Times v Sullivan and its times Kermit L Hall New directions in American constitutional history Words as hard as cannon balls women s rights agitation And liberty of speech in nineteenth century America Sandra F VanBurkleo Race state market and civil society in constitutional history Mark Tushnet Constitutional history and the cultural turn cross Examining the legal reelist narratives of Henry Fonda Norman L Rosenberg Contributors *Stanford Journal of International Law* ,2002

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 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 that it is a political weapon to conserve entrenched power arrangements Rethinking Free Speech will change the way you think about the politics of speech in the age of social media Peter Ives offers a new way of thinking about the essential and increasingly contentious debates around the politics of speech Drawing on political philosophy and everyday 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 *Brigham Young University Law Review* ,2000

Magill's Legal Guide Frank Northen Magill,Timothy L. Hall,R. Kent Rasmussen,2000 Volume 1 **The Hastings Law Journal** ,2011 *Freedom of Political Speech and Social Responsibility in Malaysia* Mohd. Azizuddin Mohd. Sani,2010

Free Expression in the Age of the Internet Jeremy Lipschultz,2018-03-08 In *Free Expression in the Age of the Internet* Jeremy Lipschultz investigates the Internet and its potential for profound change analyzing the use of its technology from social political and economic perspectives Lipschultz provides new insights on traditional legal concepts such as marketplace of ideas social responsibility and public interest arguing that from a communication theory perspective free expression is constrained by social norms and conformity In *Free Expression in the Age of the Internet* Jeremy Lipschultz investigates the Internet and its potential for profound change analyzing the use of its technology from social political and economic perspectives Lipschultz provides new insights on traditional legal concepts such as marketplace of ideas social responsibility and public interest arguing that from a communication theory perspective free expression is constrained by social norms and conformity Lipschultz explores social limits on free expression by first examining history of print and electronic media law and regulation He utilizes the gatekeeping metaphor the spiral of silence and diffusion theory to explore current data on the Internet He uses *Reno v ACLU* 1997 as a case study of current First Amendment thinking This book includes recent evidence

including samples of content from Internet gossip columnist Matt Drudge and the investigation of President Clinton as it unfolded on the World Wide Web The analysis is related to broader issues about Internet content including commercial and other communication The new technologies raise new questions about legal and social definitions of concepts such as privacy Free expression is explored in this book under the umbrella of a global commercial economy that places importance on legal rights such as copyright even where those rights limit free flow of ideas The Internet places free expression on two tracks On the one hand corporate players are developing cyberspace as a new mass media On the other hand the Internet is virtual space where individuals have the power to connect and communicate with others in ways never before seen This groundbreaking text advancing new media scholarship uses the most current case studies from the Internet to show free expression in practice today Lipshultz presents a relevant and efficacious social communication theory of free expression which critically examines the necessary factors involved in comprehensive policy analysis and enactment

Trager's The Law of Journalism and Mass Communication Victoria Smith Ekstrand, Caitlin Ring Carlson, Erin Coyle, Susan Dente Ross, Amy Reynolds, 2023-06-26 Trager's The Law of Journalism and Mass Communication provides a clear and engaging introduction to media law with comprehensive coverage and analysis for future journalists and media professionals The Eighth Edition brings the law to life with cutting edge research the latest court and legislative rulings and a wealth of new content

Communications and the law Liora Salter, 2001 [First Amendment, First Principles](#) John F. Wirenius, 2004

Selected Acquisitions of the Library Indiana University, Bloomington. Law Library, 1996

The People, Press, and Politics of Croatia Stjepan Malovic, Gary W. Selnow, 2001-05-30 Malovic and Selnow examine the evolution of the press government relationship in Croatia from the Tito era to the present Their story is one of three interacting players the Croatian government which until recently has sat firmly in control the compliant press which seemed little motivated to change and the largely quiescent public which demanded little from its press or its government A provocative often first hand account that will be of interest to scholars and researchers involved with Balkan current affairs journalism and politics

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