

1ST AMENDMENT

*Congress shall make no law respecting
an establishment of religion, or prohibiting
the free exercise thereof; or
abridging the freedom of speech, or of the
press; or the right of the people peaceably
to assemble, and to petition the Government
for a redress of grievances.*

Speech Acts And The First Amendment

Tamara Piety



Speech Acts And The First Amendment:

"*Speech Acts*" and the First Amendment Franklyn Saul Haiman, 1993 What can a democratic society reasonably do about the perplexing problems of racial intolerance sexual harassment incitements to violence and invasions of privacy Is it possible to preserve the constitutional ideal of free expression while protecting the community from those who would trample on the rights of others Franklyn S Haiman critically examines the reasoning behind recent efforts to prohibit certain forms of speech and explores the possible consequences to democracy of such moves Speech act theory well known to scholars of rhetoric communication and language underlies this emerging trend in judicial and legislative thinking The idea that words are deeds first articulated in language philosophy by Wittgenstein and elaborated by J L Austin and John Searle is being invoked by some members of the legal community to target objectionable speech For example speech codes on some college campuses prohibit racist sexist and homophobic expression and attempts have been made through local laws to classify pornography as a form of sex discrimination By defining certain kinds of arguably immoral symbolic behavior such as hate speech obscenity or portrayals of violence as acts rather than as pure speech speech act advocates make it easier to argue that such conduct should be subject to social control through the law Unlike totalitarian or theocratic societies that see no difference between their concept of morality and the law however a democracy must make a distinction between what it regards as immoral and what it makes illegal Haiman maintains that in the realm of symbolic behavior the line between them should be drawn as closely as possible to expression that results in the most serious direct immediate and physical harm to others Thus he joins with former Supreme Court Justice Louis Brandeis in concluding that absent an emergency more speech not enforced silence should be the aim of a free society Fair Housing Reform and Freedom of Speech Act of 1997 United States. Congress.

House. Committee on the Judiciary. Subcommittee on the Constitution, 1997 **Defamation, Libel Tourism and the SPEECH Act of 2010** , Brandishing the First Amendment Tamara Piety, 2012-02-08 Over the past two decades corporations and other commercial entities have used strategic litigation to win more expansive First Amendment protections for commercial speech from the regulation of advertising to the role corporate interests play in the political process most recently debated in the Supreme Court case of Citizens United v Federal Election Commission Tamara R Piety a nationally known critic of commercial and corporate speech argues that such an expansion of First Amendment speech rights imperils public health safety and welfare the reliability of commercial and consumer information the stability of financial markets and the global environment Beginning with an evaluation of commonly evoked philosophical justifications for freedom of expression Piety determines that while these are appropriate for the protection of an individual's rights they should not be applied too literally to commercial expression because the corporate person is not the moral equivalent of the human person She then gathers evidence from public relations and marketing behavioral economics psychology and cognitive studies to show how overly permissive extensions of First Amendment protections to commercial expression limit governmental power

to address some of the major social economic and environmental challenges of our time The timeliness of the topic and the provision of original positions are sure to make the book a valuable contribution that should draw much attention Kevin W Saunders Michigan State University **Socio-Legal Aspects of the 3D Printing Revolution** Angela Daly,2016-05-20 Additive manufacturing or 3D printing has emerged into the mainstream in the last few years with much hype about its revolutionary potential as the latest disruptive technology to destroy existing business models empower individuals and evade any kind of government control This book examines the trajectory of 3D printing in practice and how it interacts with various areas of law including intellectual property product liability gun laws data privacy and fundamental constitutional rights A particular comparison is made between 3D printing and the Internet as this has been legally speaking another disruptive technology and also one on which 3D printing is partially dependent This book is the first expert analysis of 3D printing from a legal perspective and provides a critical assessment of the extent to which existing legal regimes can be successfully applied to and enforced vis vis 3D printing The Cambridge Handbook of the Law of Algorithms Woodrow Barfield,2020-11-05 Algorithms are a fundamental building block of artificial intelligence and increasingly society but our legal institutions have largely failed to recognize or respond to this reality The Cambridge Handbook of the Law of Algorithms which features contributions from US EU and Asian legal scholars discusses the specific challenges algorithms pose not only to current law but also as algorithms replace people as decision makers to the foundations of society itself The work includes wide coverage of the law as it relates to algorithms with chapters analyzing how human biases have crept into algorithmic decision making about who receives housing or credit the length of sentences for defendants convicted of crimes and many other decisions that impact constitutionally protected groups Other issues covered in the work include the impact of algorithms on the law of free speech intellectual property and commercial and human rights law , **Supreme Court For Dummies** Lisa Paddock,2011-04-22 Gives you the scoop on how the Court reaches its decisions Get involved and track a case through the system This fun and easy guide demystifies the federal court system by describing what kinds of cases the justices hear outlining how cases reach the Supreme Court clarifying legal terms and explaining how the Court arrives at its decisions You ll discover how to get inside the Court yourself and investigate both the key issues and the players involved The Dummies Way Explanations in plain English Get in get out information Icons and other navigational aids Tear out cheat sheet Top ten lists A dash of humor and fun *A Citizen's Guide to the Constitution and the Supreme Court* Morgan Marietta,2013-08-15 The U S Constitution is a blueprint for a free society as well as a source of enduring conflict over how that society must be governed The competing ways of reading our founding document shape the decisions of the Supreme Court which acts as the final voice on constitutional questions This breezy concise guide explains the central conflicts that frame our constitutional controversies written in clear non academic language to serve as a resource for engaged citizens both inside and outside of an academic setting After covering the main points of conflict in constitutional law Marietta gives

readers an overview of the perspectives from the leading schools of constitutional interpretation textualism common law constitutionalism originalism and living constitutionalism He then walks through the points of conflict and competing schools of thought in the context of several landmark cases and ends with advice to readers on how to interpret constitutional issues ourselves

The Fallacy of Corporate Moral Agency David Rönnegard, 2015-05-12 It is uncontroversial that corporations are legal agents that can be held legally responsible but can corporations also be moral agents that are morally responsible Part one of this book explicates the most prominent theories of corporate moral agency and provides a detailed debunking of why corporate moral agency is a fallacy This implies that talk of corporate moral responsibilities beyond the mere metaphorical is essentially meaningless Part two takes the fallacy of corporate moral agency as its premise and spells out its implications It shows how prominent normative theories within Corporate Social Responsibility such as Stakeholder Theory and Social Contract Theory rest on an implicit assumption of corporate moral agency In this metaphysical respect such theories are untenable In order to provide a more robust metaphysical foundation for corporations the book explicates the development of the corporate legal form in the US and UK which displays how the corporation has come to have its current legal attributes This historical evolution shows that the corporation is a legal fiction created by the state in order to serve both public and private goals The normative implication for corporate accountability is that citizens of democratic states ought to primarily make calls for legal enactments in order to hold the corporate legal instruments accountable to their preferences

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