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The First Amendment, Democracy, and Romance Steven H. Shiffrin, 2014-07-14 If an organizing symbol makes sense in First Amendment jurisprudence it is not the image of a content neutral government argues Steven Shiffrin nor is it a town hall meeting or even a robust marketplace of ideas If the First Amendment is to have an organizing symbol let it be an Emersonian symbol let it be the image of the dissenter Originally published in 1993 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

Identities, Politics, and Rights Austin Sarat, Thomas R. Kearns, 2010-05-06 The subject of rights occupies a central place in liberal political thought This tradition posits that rights are entitlements of individuals by virtue of their personhood and that rights stand apart from politics that rights in fact hold at bay intrusions of state policy The essays in *Identities Politics and Rights* question these assumptions and examine how rights constitute us as subjects and are at the same time implicated in political struggles In contrast to the liberal notion of rights universality these essays emphasize the context specific nature of rights as well as their constitutive effects Recognizing that political disputes throughout the world have increasingly been cast as arguments about rights the essays in this volume examine the varied roles that rights play in political movements and contests They argue that rights talk is used by many different groups primarily because of its fluidity Certainly rights can empower individuals and protect them from their societies but they also constrain them in other areas Frequently empowerment for one group means disabling rights for another group Moreover focusing on rights can both liberate and limit the imagination of the possible By alerting us to this paradox of rights empowerment and limitation *Identities Politics and Rights* illuminates ongoing challenges to rights and reminds us that rights can both energize political engagement and provide a resource for defenders of the status quo Contributors are Richard Abel Bruce Ackerman Wendy Brown John Comaroff Drucilla Cornell Jane Gaines Thomas R Kearns Elizabeth Kiss Kirstie McClure Sally Merry Martha Minow Austin Sarat and Steven Shiffrin Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science Amherst College Thomas R Kearns is William H Hastie Professor of Philosophy Amherst College

Cato Supreme Court Review
2001-2002 Roger Pilon, James L. Swanson, 2002 Annotation A timely review of the Court's recent decisions **Politics and Capital** John Attanasio, 2018-04-06 Using both theoretical methods and practical political analysis this book shows how recent Supreme Court decisions and campaign finance regulations map onto a pernicious and growing inequality in America John Attanasio puts forward a novel solution grounded in a new principle of personal autonomy The solution Attanasio proposes is the principle of distributive autonomy sharply contrasting it with the individualism of modern libertarian ideas

which have given rise to the radical inequality that reduces rather than enhances autonomy A profound synthesis of theory and practice Politics and Capital is crucial to understanding the ominous political and economic problems besetting twenty first century America

Toleration David Heyd,1998-07-01 If we are to understand the concept of toleration in terms of everyday life we must address a key philosophical and political tension the call for restraint when encountering apparently wrong beliefs and actions versus the good reasons for interfering with the lives of the subjects of these beliefs and actions This collection contains original contributions to the ongoing debate on the nature of toleration including its definition historical development justification and limits In exploring the issues surrounding toleration the essays address a variety of provocative questions Is toleration a moral virtue of individuals or rather a pragmatic political compromise Is it an intrinsically good principle or only a second best solution to the dangers of fanaticism to be superseded one day by the full acceptance of others Does the value of toleration lie in respect to individuals and their autonomy or rather in the recognition of the right of minority groups to maintain their communal identity Throughout the contributors point to the inherent indeterminacy of the concept and to the difficulty in locating it between intolerant absolutism and skeptical pluralism Religion sex speech and education are major areas requiring toleration in liberal societies By applying theoretical analysis these essays show the differences in the argument for toleration and its scope in each of these realms The contributors include Joshua Cohen George Fletcher Gordon Graham Alon Harel Moshe Halbertal Barbara Herman John Horton Will Kymlicka Avishai Margalit David Richards Thomas Scanlon and Bernard Williams

Contested Commodities Margaret Jane Radin,2001-11-05 This work looks at ethical and moral questions surrounding certain economic commodities such as body parts and babies It argues that commodification should remain incomplete with some contested things being bought and sold only under strict regulation

Human Rights Judith Blau,Alberto Moncada,2005-02-25 This book analyzes the complex relationship between human rights and liberalism as two different worldviews and how American liberalism impedes the recognition of human rights In order to achieve democratic equitable and sustainable societies people need to be accorded fundamental human rights and to grant these rights to others Visit our website for sample chapters

Constitutional Interpretation Jeffrey M. Shaman,2000-11-30 This study analyzes the process of constitutional interpretation that is the methodology by which the Supreme Court goes about interpreting the Constitution and offers a comprehensive view of constitutional law through the lens of history political science and jurisprudence Shaman examines the practice of creating meaning for the Constitution the dichotomy of legal formalism and realism the levels of judicial scrutiny the perception of reality and the puzzle of legislative motive While the book traces the historical development of constitutional law its main focus is on modern jurisprudence including analyses of the major themes of constitutional interpretation developed by the Warren Burger and Rehnquist Courts Shaman details the Warren Court s move to a more realistic jurisprudence and its development of a multi level system of judicial review that has become increasingly more complex under the Burger and

Rehnquist Courts He critiques the Supreme Court's reversion in recent years to an old fashioned formalistic jurisprudence and the growing tendency of the Court to look to the past rather than to future to interpret the Constitution The book also includes discussion of recent major doctrinal developments such as constitutional theory underlying Supreme Court decisions on gender discrimination discrimination on the basis of sexual preference the right to die abortion and freedom of speech

The Law of Public Communication William E. Lee, Daxton R. Stewart, Jonathan Peters, 2024-08-01 This thoroughly updated classic textbook provides an overview of communication and media law including the most current legal developments It explains laws affecting the daily work of writers broadcasters public relations practitioners photographers bloggers and other public communicators By outlining statutes and cases in an accessible manner even to students studying law for the first time the authors ensure that readers acquire a firm grasp of the legal issues affecting the media The book examines legal topics such as libel privacy intellectual property obscenity and access to information considering the development and current standing of relevant laws and important cases It examines how these laws affect public political and commercial communication The 13th edition covers contemporary U S Supreme Court cases including the true threats case *Counterman v Colorado* the Andy Warhol fair use case and the Jack Daniel's trademark parody case It also presents the Biden administration's revision of policy on the use of subpoenas and search warrants to uncover reporters confidential sources along with the gag orders imposed by courts handling criminal and civil trials in which Donald Trump is a defendant Further cases explored include the attacks by legislatures against the LGBTQ community exemplified by a Tennessee law banning drag performances and the emerging issues presented by artificial intelligence and the content moderation policies of social media platforms The Law of Public Communication is an ideal core textbook for undergraduate and graduate courses in communication law and mass media law A test bank for instructors is available at www.routledge.com 9781032676388

Information Ethics Adam D. Moore, 2005 This anthology which focuses on the ethical issues surrounding free speech and information control includes writings by Aristotle John Stuart Mill and Immanuel Kant as well as expert 20th and 21st century commentators on aspects of the current debate *Information Ethics* Adam Daniel Moore, 2012-09-01 This anthology focuses on the ethical issues surrounding information control in the broadest sense Anglo American institutions of intellectual property protect and restrict access to vast amounts of information Ideas and expressions captured in music movies paintings processes of manufacture human genetic information and the like are protected domestically and globally The ethical issues and tensions surrounding free speech and information control intersect in at least two important respects First the commons of thought and expression is threatened by institutions of copyright patent and trade secret While institutions of intellectual property may be necessary for innovation and social progress they may also be detrimental when used by the privileged and economically advantaged to control information access consumption and expression Second free speech concerns have been allowed to trump privacy interests in all but the most egregious of cases At the same time our

ability to control access to information about ourselves what some call informational privacy is rapidly diminishing Data mining and digital profiling are opening up what most would consider private domains for public consumption and manipulation Post 9 11 issues of national security have run headlong into individual rights to privacy and free speech concerns While constitutional guarantees against unwarranted searches and seizures have been relaxed access to vast amounts of information held by government agencies libraries and other information storehouses has been restricted in the name of national security

Speech, Crime, and the Uses of Language Kent Greenawalt, 1992-09-17 In this book Greenawalt explores the three way relationship between the idea of freedom of speech the law of crimes and the many uses of language He begins by considering free speech as a political principle and after a thorough and incisive analysis of the justifications commonly advanced for freedom of speech looks at the kinds of communications to which the principle of free speech applies He then turns to an examination of communications for which criminal liability is fixed Focusing on threats and solicitations to crime Greenawalt attempts to determine whether liability for such communications seriously conflicts with freedom of speech In the second half of the book he goes on to develop the significance of his conclusions for American constitutional law addressing such questions as what should be considered speech within the meaning of the First Amendment and what tests the courts should employ in deciding whether particular criminal statutes should be held constitutional He concludes that the issues are too complex to yield simple solutions and insists that the protection of the First Amendment can be reduced neither to one justification nor to one all purpose test of coverage

From the Bottom Up Kent Greenawalt, 2016-05-02 Constituting a collection of essays written over the last five decades about a wide range of topics Kent Greenawalt's *From the Bottom Up* addresses vital ties between the law and political and moral philosophy Its overarching theme is that in all these domains when people and judges face different debatable issues the wisest approach needs to focus on particular contexts not simply broad abstract generalization

The Bill of Rights in the Modern State Geoffrey R. Stone, Richard A. Epstein, Cass R. Sunstein, 1992-10-15 Also published as v 59 no 1 winter 1992 of the University of Chicago law review

Situatedness, or, Why We Keep Saying Where We're Coming From David Simpson, 2002-01-09 A distinguished critic explores the term situatedness the self's position in time and place in the world and its treatment seen in legal theory social science literature and philosophy

The Encyclopedia of Civil Liberties in America David Schultz, John R. Vile, 2015-04-10 Driven by the growing reality of international terrorism the threats to civil liberties and individual rights in America are greater today than at any time since the McCarthy era in the 1950s At this critical time when individual freedoms are being weighed against the need for increased security this exhaustive three volume set provides the most detailed coverage of contemporary and historical issues relating to basic rights covered in the United States Constitution The *Encyclopedia of Civil Liberties in America* examines the history and hotly contested debates surrounding the concept and practice of civil liberties It provides detailed history of court cases events Constitutional amendments and rights personalities

and themes that have had an impact on our freedoms in America The Encyclopedia appraises the state of civil liberties in America today and examines growing concerns over the limiting of personal freedoms for the common good Complete with selected relevant documents and a chronology of civil liberties developments and arranged in A Z format with multiple indexes for quick reference The Encyclopedia of Civil Liberties in America includes in depth coverage of freedom of speech religion press and assembly as outlined in the first amendment protection against unreasonable search and seizure as outlined in the fourth amendment criminal due process rights as outlined in the fifth sixth seventh and eighth amendments property rights economic liberties and other rights found within the text of the United States Constitution Supreme Court justices presidents and other personalities focusing specifically on their contributions to or effect on civil liberties concepts themes and events related to civil liberties both practical and theoretical court cases and their impact on civil liberties

Courting the Abyss John Durham Peters, 2010-02-15 Courting the Abyss updates the philosophy of free expression for a world that is very different from the one in which it originated The notion that a free society should allow Klansmen neo Nazis sundry extremists and pornographers to spread their doctrines as freely as everyone else has come increasingly under fire At the same time in the wake of 9 11 the Right and the Left continue to wage war over the utility of an absolute vision of free speech in a time of increased national security Courting the Abyss revisits the tangled history of free speech finding resolutions to these debates hidden at the very roots of the liberal tradition A mesmerizing account of the role of public communication in the Anglo American world Courting the Abyss shows that liberty s earliest advocates recognized its fraternal relationship with wickedness and evil While we understand freedom of expression to mean anything goes John Durham Peters asks why its advocates so often celebrate a sojourn in hell and the overcoming of suffering He directs us to such well known sources as the prose and poetry of John Milton and the political and philosophical theory of John Locke Adam Smith John Stuart Mill and Oliver Wendell Holmes Jr as well as lesser known sources such as the theology of Paul of Tarsus In various ways they all he shows envisioned an attitude of self mastery or self transcendence as a response to the inevitable dangers of free speech a troubled legacy that continues to inform ruling norms about knowledge ethical responsibility and democracy today A world of gigabytes undiminished religious passion and relentless scientific discovery calls for a fresh account of liberty that recognizes its risk and its splendor Instead of celebrating noxious doctrine as proof of society s robustness Courting the Abyss invites us to rethink public communication today by looking more deeply into the unfathomable mystery of liberty and evil We Must Not Be Afraid to Be Free Ronald K.L. Collins, Sam Chaltain, 2011-02-25 In a stinging dissent to a 1961 Supreme Court decision that allowed the Illinois state bar to deny admission to prospective lawyers if they refused to answer political questions Justice Hugo Black closed with the memorable line We must not be afraid to be free Black saw the First Amendment as the foundation of American freedom the guarantor of all other Constitutional rights Yet since free speech is by nature unruly people fear it Consequently the impulse to curb or limit it has

been a constant danger throughout American history In *We Must Not Be Afraid to Be Free* two of America's leading free speech scholar activists Ron Collins and Sam Chaltain provide an authoritative history of free speech in modern America Each chapter is an engaging narrative account of a landmark First Amendment case that foregrounds the colorful people involved judges plaintiffs attorneys defendants and the issue at stake Cumulatively the chapters provide a definitive account of how the First Amendment evolved over the course of a century Tracing the development of free speech rights from a more restrictive era the early twentieth century through the Warren Court revolution of the 1960s and up to the current post 9 11 era of heightened security concerns Collins and Chaltain not only cover the history of an ideal but explain in accessible language how the law surrounding the ideal transformed Essential for anyone interested in this most essential of rights *We Must Not Be Afraid to Be Free* will be a standard work on free speech for years to come

Cultural Practices, Political Possibilities Rohee Dasgupta, 2009-03-26 Culture has long been regarded as one of the most complicated concepts in the social sciences possibly over theorized Its ubiquity tangled senses of particularity and the almost universal recognition of that assumed particularity require an extended vocabulary for framing the politics embedded in it *Cultural Practices Political Possibilities* attempts to explain the political significance and overlaps of cultural constructions as witnessed in global local clashes convergences of texts and contexts within the state and community identity and the self Through various case studies concepts and interdisciplinary perspectives the multinational group of authors from diverse academic backgrounds interprets cultural constructions of politics as factionalizing identitarian situational and particularistic in their links affirmations and consequential divides Each contribution in its unique way explores the performative asymmetries and contradictions witnessed in diverse cultural interactions that shape new areas of political investigation The book will be welcomed by students of international relations environmental politics sociology anthropology and cultural studies

Managed Dissent Timothy Zick, 2023-05-11 This book provides a comprehensive analysis of the wide ranging body of law that applies to public protest activity

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