

SPEECH, CRIME, & THE USES OF LANGUAGE

Kent Greenawalt

Speech Crime And The Uses Of Language

Gary Remer



Speech Crime And The Uses Of Language:

Speech, Crime, and the Uses of Language Kent Greenawalt, 1989 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

The Constitution and the Flag: The flag salute cases Michael Kent Curtis, 1993 First Published in 1993 Routledge is an imprint of Taylor Francis an informa company

Humanism and the Rhetoric of Toleration Gary Remer, 2010-11-01 Religious toleration is much discussed these days But where did the Western notion of toleration come from In this thought provoking book Gary Remer traces arguments for religious toleration back to the Renaissance demonstrating how humanist thinkers initiated an intellectual tradition that has persisted even to our present day Although toleration has long been recognized as an important theme in Renaissance humanist thinking many scholars have mistakenly portrayed the humanists as proto Enlightenment rationalists and nascent liberals Remer however offers the surprising conclusion that humanist thinking on toleration was actually founded on the classical tradition of rhetoric It was the rhetorician s commitment to decorum the ability to argue both sides of an issue and the search for an acceptable epistemological standard in probability and consensus that grounded humanist arguments for toleration Remer also finds that the primary humanist model for a full fledged theory of toleration was the Ciceronian rhetorical category of sermo conversation The historical scope of this book is wide ranging Remer begins by focusing on the works of four humanists Desiderius Erasmus Jacobus Acontius William Chillingworth and Jean Bodin Then he considers the challenge posed to the humanist defense of toleration by Thomas Hobbes and Pierre Bayle Finally he shows how humanist ideas have continued to influence arguments for toleration even after the passing of humanism from John Locke to contemporary American discussions of freedom of speech

Interpreting the Constitution Kent Greenawalt, 2015-10-07 This third volume about legal interpretation focuses on the interpretation of a constitution most specifically that of the United States of America In what may be unique it combines a generalized account of various claims and possibilities with an examination of major domains of American constitutional law This demonstrates convincingly that the book s major themes

not only can be supported by individual examples but are undeniably in accord with the continuing practice of the United States Supreme Court over time and cannot be dismissed as misguided The book's central thesis is that strategies of constitutional interpretation cannot be simple that judges must take account of multiple factors not systematically reducible to any clear ordering For any constitution that lasts over centuries and is hard to amend original understanding cannot be completely determinative To discern what that is both how informed readers grasped a provision and what were the enactors' aims matter Indeed distinguishing these is usually extremely difficult and often neither is really discernible As time passes what modern citizens understand becomes important diminishing the significance of original understanding Simple versions of textualist originalism neither reflect what has taken place nor is really supportable The focus on specific provisions shows among other things the obstacles to discerning original understanding and why the original sense of proper interpretation should itself carry importance For applying the Bill of Rights to states' conceptions conceived when the Fourteenth Amendment was adopted should take priority over those in 1791 But practically for courts to interpret provisions differently for the federal and state governments would be highly unwise The scope of various provisions such as those regarding free speech and cruel and unusual punishment have expanded hugely since both 1791 and 1865 And questions such as how much deference judges should accord the political branches depend greatly on what provisions and issues are involved Even with respect to single provisions such as the Free Speech Clause interpretive approaches have sensibly varied greatly depending on the more particular subjects involved How much deference judges should accord political actors also depends critically on the kind of issue involved

The Free Flow of Information: Media law and freedom of expression in the United States Michael Edward Lenert, 2014-07-23 The primary objectives of this casebook are 1 to outline the fundamental legal decisions that constitute the framework of media law 2 to develop the skills to apply this framework to contemporary controversies in media law and ethics 3 to give you practical guidance how to stay out of legal trouble in your career in the media The casebook requires the close reading of original legal texts and decisions concerning defamation privacy intellectual property and other selected topics

Constitutionalism and American Culture Sandra F. VanBurkleo, Kermit L. Hall, Robert J. Kaczorowski, 2002 Cultural history and the amendment 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 realist narratives of Henry Fonda Norman L. Rosenberg Contributors

Deference in International Courts and Tribunals Lukasz Gruszczynski, Wouter G. Werner, 2014 International courts use two key methodologies to determine the degree of deference granted to states in their implementation of international obligations the standard of review and margin of appreciation This book investigates how these doctrines are applied in international courts analysing where their approaches converge and diverge

A Test of Faith? Dr Jogchum

Vrielink, Ms Katayoun Alidadi, Professor Marie-Claire Foblets, 2012-09-01 Issues of religious diversity in the workplace have become very topical and have been raised before domestic courts and the European Court of Human Rights Examining the controversial and constantly evolving position of religion in the workplace this collection brings together chapters by legal and social science scholars and provides a wealth of information on legal responses across Europe Turkey and the United States to conflicts between professional and religious obligations involving employees and employers The contributors examine how case law from the European Court of Human Rights domestic experiences and comparative analyses can indicate trends and reveal established and innovative approaches This multi perspective volume will be relevant for legal practitioners researchers academics and policy makers interested in human rights law discrimination law labour law and the intersection of law and religion Privacy in the Commercial World United States. Congress. House. Committee on Energy and Commerce. Subcommittee on Commerce, Trade, and Consumer Protection, 2001 The First Amendment John H. Garvey, Frederick F. Schauer, 1996 Each chapter opens with a concise scene setting commentary then turns the debate over to selections from the large amount of literature that has treated free speech press religion since the 17th century The authors describe their general editorial approach to selecting the pieces as tending toward consensus classics in the field and other articles especially good at clarifying arguments for the classroom

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