

FREEDOM
OF SPEECH



Free Speech

Mark A. Graber



Free Speech:

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.

Free Speech in the Digital Age Susan J. Brison, Katharine Gelber, 2019-02-27 This collection of thirteen new essays is the first to examine from a range of disciplinary perspectives how the new technologies and global reach of the Internet are changing the theory and practice of free speech. The rapid expansion of online communication, as well as the changing roles of government and private organizations in monitoring and regulating the digital world, give rise to new questions, including: How do philosophical defenses of the right to freedom of expression developed in the age of the town square and the printing press apply in the digital age? Should search engines be covered by free speech principles? How should international conflicts over online speech regulations be resolved? Is there a right to be forgotten that is at odds with the right to free speech? How has the Internet facilitated new speech-based harms, such as cyberstalking, Twitter trolling, and revenge porn, and how should these harms be addressed? The contributors to this groundbreaking volume include philosophers, legal theorists, political scientists, communications scholars, public policy makers, and activists.

Free Speech and Its Relation to Self-Government Alexander Meiklejohn, 2000 Reprint of sole edition. Originally published New York: Harper Brothers Publishers, 1948. Dr. Meiklejohn, in a book which greatly needed writing, has thought

through anew the foundations and structure of our theory of free speech he rejects all compromise He reexamines the fundamental principles of Justice Holmes theory of free speech and finds it wanting because as he views it under the Holmes doctrine speech is not free enough In these few pages Holmes meets an adversary worthy of him Meiklejohn in his own way writes a prose as piercing as Holmes and as a foremost American philosopher the reach of his culture is as great this is the most dangerous assault which the Holmes position has ever borne JOHN P FRANK Texas Law Review 27 405 412

ALEXANDER MEIKLEJOHN 1872 1964 was dean of Brown University from 1901 1913 when he became president of Amherst College In 1923 Meiklejohn moved to the University of Wisconsin Madison where he set up an experimental college He was a longtime member of the National Committee of the American Civil Liberties Union In 1945 he was a United States delegate to the charter meeting of UNESCO in London Lectureships have been named for him at Brown University and at the University of Wisconsin He was awarded the Presidential Medal of Freedom in 1963 *The Free Speech Movement* Robert Cohen,Reginald E. Zelnik,2002-10 This is a superb book We are well launched into a new generation of 60s scholarship and The Free Speech Movement will be at the center of it The analysis and personal recollection mix well arguing persuasively for the never to be underestimated place of contingency in history Todd Gitlin author of Media Unlimited and The Sixties Years of Hope Days of Rage This powerful book not only will be the classic work on the Free Speech Movement but also will be combed as a basis for hypotheses and new research on the movements of the 60s It s absolutely thrilling full of large implications for history social movements and character The book contributed to my self knowledge personal political and professional and will do the same for others It combines humor and a firsthand I was there flavor with provocative analyses As a serious original work of scholarship this gives edited volumes back their good name Jesse Lemisch Professor of History Emeritus John Jay College of Criminal Justice of the City University of New York and author of The American Revolution Seen from the Bottom Up This book gets the Free Speech Movement and its significance exactly right from the civil rights origins to refusing to idealize the moment at the expense of what came later And no two better editors could be doing it Michael Rogin author of Ronald Reagan The Movie And Other Episodes in Political Demonology As a journalist I was in Berkeley s Sproul Plaza to witness the mass arrests of the Free Speech Movement demonstrators in December 1964 As a citizen I ve always known that this was one of the pivotal moments in the great political and moral awakening of the 1960s As a reader I found much to feast on in this splendid and thoughtful collection of essays about a movement whose effects and inspiration are with us still Adam Hochschild author of King Leopold s Ghost A Story of Greed Terror and Heroism in Colonial Africa The Free Speech Movement was a pivotal moment in the evolution of student rights and university responsibilities These splendid essays memorialize this period and offer competing perspectives on its meaning Though differing widely in conclusions collectively and individually they stand testament to the conviction that the price of freedom is eternal vigilance and that the critical test of freedom of expression is the right of others to speak out on behalf of what we believe to be wrong Geoffrey R

Stone author of *Eternally Vigilant Freedom of Speech in the Modern Era* This rich and entertaining set of essays offers remarkable insight into the genesis development and consequences of the Free Speech Movement Written largely by participants and close observers these essays offer both personal and analytical assessments of the roles of students faculty and administrators Above all the chapters on Mario Savio demonstrate his unusual capacity for leadership charismatic without being dogmatic committed to the cause while retaining a capacity to think and deal openly with dissent This book should be read by anyone interested in understanding university and national politics in the 60s Chancellor Robert M Berdahl University of California Berkeley

Free Speech Timothy Garton Ash,2016-05-24 Never in human history was there such a chance for freedom of expression If we have Internet access any one of us can publish almost anything we like and potentially reach an audience of millions Never was there a time when the evils of unlimited speech flowed so easily across frontiers violent intimidation gross violations of privacy tidal waves of abuse A pastor burns a Koran in Florida and UN officials die in Afghanistan Drawing on a lifetime of writing about dictatorships and dissidents Timothy Garton Ash argues that in this connected world that he calls cosmopolis the way to combine freedom and diversity is to have more but also better free speech Across all cultural divides we must strive to agree on how we disagree He draws on a thirteen language global online project freespeechdebate.com conducted out of Oxford University and devoted to doing just that With vivid examples from his personal experience of China s Orwellian censorship apparatus to the controversy around Charlie Hebdo to a very English court case involving food writer Nigella Lawson he proposes a framework for civilized conflict in a world where we are all becoming neighbors

Free Speech Alan Haworth,2012-09-10 Free Speech is a philosophical treatment of a topic which is of immense importance to all of us Writing with great clarity wit and genuine concern Alan Haworth situates the main arguments for free speech by tracing their relationship to contemporary debates in politics and political philosophy and their historical roots to earlier controversies over religious toleration Free Speech will appeal to anyone with an interest in philosophy politics and current affairs

Free Speech Theory Paul Wragg,2025-05-29 Do free speech rights apply against private actors Free Speech Theory challenges contemporary thought on this issue It champions free speech not for its contribution to epistemic advance or informed democratic participation but as a product of individuality located in a system of freedom from state control This has wide ranging implications for rights claims directed against private actors concerning online workplace and public interest based forms of speech This innovative rigorously researched and comprehensive restatement of free speech principle is both topical and important It has significance for policy makers practitioners and commentators around the world

Free Speech Len Niehoff,Leonard M. Niehoff,E. Thomas Sullivan,2022-04-28 This book provides a readable and comprehensive overview of the history theory law and current debates over freedom of speech

[Free Speech in an Open Society](#) Rodney A. Smolla,1992 Should we tolerate speech designed to spread intolerance As we grope for a response we find our constitutional and moral imperatives for tolerance and

equality in conflict with the equally imperative value of free speech This is but one of the many such pressing issues dealt with in this timely important book Exploring the question What should freedom of speech mean in a democracy Rodney Smolla argues that it is a value of overarching significance Freedom of speech he says is not merely an aid to self governance but is uniquely connected to all that defines the human spirit to imagination creativity enterprise rationality love worship and wonder In a complex modern society freedom of speech is constantly threatened by other social interests and values which often seem more important in the short term national security personal reputation and privacy eliminating racism and sexism instilling values of decency and tolerance in children controlling the corrupting influences of money on the political process and bringing order to global electronic communications all worthy social interests Smolla shows how even seemingly reasonable regulation of speech tends to progress inexorably toward censorship He takes on the difficult issue of Who Decides and he analyzes symbolic and violent dissent and the clear and present danger doctrine He probes the disturbing issues of hate speech obscenity tolerating intolerance and truth and falsehood in political campaigns He looks at personal confidentiality ponders the possible criteria for creating an objective definition of newsworthiness and public speech especially with reference to governmental funding of the arts education and broadcasting and explores the implications of the Noriega case Persian Gulf censorship issues attempts to export the American concept of free speech and the challenge of new technologies Throughout the discussion of pros and cons is balanced yet Smolla helps us see clearly why we should defend vigorously our endangered First Amendment rights

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Free Speech in Classical Antiquity Ineke Sluiter, Ralph Rosen, 2017-07-31 This book contains a collection of essays on the notion of Free Speech in classical antiquity The essays examine such concepts as freedom of speech self expression and censorship in ancient Greek and Roman culture from historical philosophical and literary perspectives Among the many questions addressed are what was the precise lexicographical valence of the ancient terms we routinely translate as Freedom of Speech e g Parrhesia in Greece Licentia in Rome What relationship do such terms have with concepts such as isgoria d mokratia and eleutheria or libertas res publica and imperium What does ancient theorizing about free speech tell us about contemporary relationships between power and speech What are the philosophical foundations and ideological underpinnings of free speech in specific historical contexts

The Irony of Free Speech Owen Fiss, 2009-06-01 How free is the speech of someone who can't be heard Not very and this Owen Fiss suggests is where the First Amendment comes in In this book a marvel of conciseness and eloquence Fiss reframes the debate over free speech to reflect the First Amendment's role in ensuring public debate that is in Justice William Brennan's words truly uninhibited robust and wide open Hate speech pornography campaign spending funding for the arts the heated often overheated struggle over these issues generally pits liberty as embodied in the First Amendment against equality as in the Fourteenth Fiss presents a democratic view of the First Amendment that transcends this opposition If equal participation is a

precondition of free and open public debate then the First Amendment encompasses the values of both equality and liberty By examining the silencing effects of speech its power to overwhelm and intimidate the underfunded underrepresented or disadvantaged voice Fiss shows how restrictions on political expenditures hate speech and pornography can be defended in terms of the First Amendment not despite it Similarly when the state requires the media to air voices of opposition or funds art that presents controversial or challenging points of view it is doing its constitutional part to protect democratic self rule from the aggregations of private power that threaten it Where most liberal accounts cast the state as the enemy of freedom and the First Amendment as a restraint this one reminds us that the state can also be the friend of freedom protecting and fostering speech that might otherwise die unheard depriving our democracy of the full range and richness of its expression

Is Free Speech Under Threat? Charlotte Lydia Riley, Suzanne Nossel, Intelligence Squared, 2024-10-10 Two leading thinkers present alternative answers to one of the most difficult and divisive questions of our times Is free speech under threat Suzanne Nossel CEO of PEN America the leading free expression organisation argues that alongside the necessary and long overdue elevation of minority voices in recent years there has also arisen an uncompromising intolerance most notably on university campuses and online that wrongly equates a wide range of offensive speech with violence and seeks to shut it down This has led to an escalating free speech arms race from which everyone loses Charlotte Lydia Riley historian of empire and editor of *The Free Speech Wars* argues that accusations of cancel culture and defences of free speech are too often disingenuous attempts to fuel a culture war and so inhibit an important realignment in which hateful speech is at last being called out for what it is and the right to free expression is being extended to more people than ever before Published in conjunction with Intelligence Squared the world's leading curator of debate this book is part of the THINK AGAIN series short books that present two expert contrasting but equally persuasive views in a single volume that can be read from either end

Transforming Free Speech Mark A. Graber, 2023-11-15 Contemporary civil libertarians claim that their works preserve a worthy American tradition of defending free speech rights dating back to the framing of the First Amendment Transforming Free Speech challenges the worthiness and indeed the very existence of one uninterrupted libertarian tradition Mark A Graber asserts that in the past broader political visions inspired libertarian interpretations of the First Amendment In reexamining the philosophical and jurisprudential foundations of the defense of expression rights from the Civil War to the present he exposes the monolithic free speech tradition as a myth Instead of one conception of the system of free expression two emerge the conservative libertarian tradition that dominated discourse from the Civil War until World War I and the civil libertarian tradition that dominates later twentieth century argument The essence of the current perception of the American free speech tradition derives from the writings of Zechariah Chafee Jr 1885 1957 the progressive jurist most responsible for the modern interpretation of the First Amendment His interpretation however deliberately obscured earlier libertarian arguments linking liberty of speech with liberty of property Moreover Chafee stunted the development of a more radical

interpretation of expression rights that would give citizens the resources and independence necessary for the effective exercise of free speech. Instead, Chafee maintained that the right to political and social commentary could be protected independent of material inequalities that might restrict access to the marketplace of ideas. His influence enfeebled expression rights in a world where their exercise depends increasingly on economic power.

Untangling the libertarian legacy: Graber points out the disjunction in the libertarian tradition to show that free speech rights having once been transformed can be transformed again. Well conceived and original in perspective, *Transforming Free Speech* will interest political theorists, students of government, and anyone interested in the origins of the free speech tradition in the United States. Contemporary civil libertarians claim that their works preserve a worthy American tradition of defending free speech rights dating back to the framing of the First Amendment. *Transforming Free Speech* challenges the worthiness and indeed the very existence of *Free Speech in the Balance*. Alexander Tsesis, 2020-11-12. *Free Speech in the Balance* is the first comprehensive study of proportional analysis in free speech theory. This book challenges the US Supreme Court's categorical approach and explains the importance of understanding the breadth of concerns arising from regulations directly and indirectly impacting expression. The author provides in-depth analysis of some of the important social and political principles governing topics of vital concern, including campaign financing, university speech codes, secondary school rules, incitement, and threats. This book should be read by students and scholars of free speech theory and anyone interested in learning more about the history of existing law, the issues of current importance, and trends in expressive significance.

Free Speech and the State David van Mill, 2017-01-23. This book addresses the question: What should be the appropriate limits to free speech? The author claims that it is the state rather than abstract principles that must provide the answer. The book defends a version of Hobbesian absolutism and rejects the dominant liberal idea that there is a right human or civil setting of the boundaries of free speech. This liberal view can be known as the principled defence of free speech, in which speech is established as a constitutional principle that has priority over the state. The author instead offers an unprincipled approach to free speech, suggesting that the boundaries of speech must necessarily be set by the state, which in liberal democracies means through social and political contestation. The final chapter applies the argument to the topic of hate speech and argues that it is appropriate to limit such speech when it causes harm and offense. The book will be of use to students and scholars across political theory, political science, sociology, philosophy, and law.

Campus Free Speech Lori Cox Han, Jerry Price, 2023-07-27. Comprehensive and accessible, this one-stop resource examines the history, development, and present state of free speech issues on college campuses, including a range of political perspectives and viewpoints. It explains such concepts and forces as academic freedom, intellectual benefits of open debate, using speech as a weapon of hate and harassment, and the history of campus social protest. It also presents a broad survey of the arguments and rhetoric, as well as the actual record of America's two major parties on campus free speech and academic freedom issues. Other focuses of coverage include major laws and commonly

employed college and university policies governing free speech and civil liberties for students faculty and other employees on campuses and classrooms across the country This book accomplishes all of the above via a combination of informative resources tables primary documents biographical profiles illuminating essays a chronology and more that are the trademark of the Contemporary World Issues series

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

Balancing Privacy and Free Speech Mark

Tunick, 2014-08-21 In an age of smartphones Facebook and YouTube privacy may seem to be a norm of the past This book addresses ethical and legal questions that arise when media technologies are used to give individuals unwanted attention Drawing from a broad range of cases within the US UK Australia Europe and elsewhere Mark Tunick asks whether privacy interests can ever be weightier than society's interest in free speech and access to information Taking a comparative and interdisciplinary approach and drawing on the work of political theorist Jeremy Waldron concerning toleration the book argues that we can still have a legitimate interest in controlling the extent to which information about us is disseminated The book begins by exploring why privacy and free speech are valuable before developing a framework for weighing these conflicting values By taking up key cases in the US and Europe and the debate about a right to be forgotten Tunick discusses the potential costs of limiting free speech and points to legal remedies and other ways to develop new social attitudes to

privacy in an age of instant information sharing This book will be of great interest to students of privacy law legal ethics internet governance and media law in general Journalism and Free Speech John Steel,2013-06-17 Journalism and Free Speech brings together for the first time an historical and theoretical exploration of journalism and its relationship with the idea of free speech Though freedom of the press is widely regarded as an essential ingredient to democratic societies the relationship between the idea of freedom of speech and the practice of press freedom is one that is generally taken for granted Censorship in general terms is an anathema This book explores the philosophical and historical development of free speech and critically examines the ways in which it relates to freedom of the press in practice The main contention of the book is that the actualisation of press freedom should be seen as encompassing modes of censorship which place pressure upon the principled connection between journalism and freedom of speech Topics covered include The Philosophy of Free Speech Journalism and Free Speech Press Freedom and the Democratic Imperative New Media and the Global Public Sphere Regulating Journalism Privacy and Defamation National Security and Insecurity Ownership News Language Culture and Censorship This book introduces students to a wide range of issues centred around freedom of speech press freedom and censorship providing an accessible text for courses on journalism and mass media Free Speech in Indonesia Eka Nugraha Putra,2025-06-13 This book discusses the practice of free speech and its limitations defamation and hate speech in the context of Indonesia Focusing on several legislations mainly in the Indonesian Criminal Code KUHP and the Information and Electronic Transaction Law The ITE Law the analysis centers on defamation and hate speech and how public interest defense is implemented in such limitations The book discusses free speech in Indonesia through historical context and legal framework both national and international Detailed analyses of laws and case studies are provided and the author examines key judicial decisions in defamation and hate speech cases that occurred in offline and online realms The book demonstrates that Indonesia has ratified international human rights frameworks but that democracy in Indonesia has been declining in recent years particularly due to the restrictions on free speech imposed by laws which has resulted in a significant increase in cases involving free speech limitations Offering a much needed analysis of free speech and its implementation in Indonesia this book will be of interest to academics studying Southeast Asia Indonesia Human Rights Media Law and Law in Asia

Free Speech Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the power of words has be more evident than ever. They have the capability to inspire, provoke, and ignite change. Such may be the essence of the book **Free Speech**, a literary masterpiece that delves deep in to the significance of words and their affect our lives. Written by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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Free Speech Introduction

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