Must We Defend Nazis?

Hate Speech,
Pornography,
and the New
First Amendment



RICHARD DELGADO and JEAN STEFANCIC

Must We Defend Nazis Hate Speech Pornography And The New First Amendment

Timothy Zick

Must We Defend Nazis Hate Speech Pornography And The New First Amendment:

Must We Defend Nazis? Richard Delgado, Jean Stefancic, 1999-11-01 In Must We Defend Nazis Richard Delgado and Jean Stefancic set out to liberate speech from its current straight jacket Over the past hundred years almost all of American law has matured from the mechanical jurisprudence approach which held that cases could be solved on the basis of legal rules and logic alone to that of legal realism which maintains that legal reasoning must also take into account social policy common sense and experience But in the area of free speech the authors argue such archaic formulas as the prohibition against content regulation the maxim that the cure for bad speech is more speech and the speech act distinction continue to reign creating a system which fails to take account of the harms speech can cause to disempowered marginalized people Focusing on the issues of hate speech and pornography this volume examines the efforts of reformers to oblige society and law to take account of such harms It contends that the values of free expression and equal dignity stand in reciprocal relation Speech in any sort of meaningful sense requires equal dignity equal access and equal respect on the parts of all of the speakers in a dialogue free speech in other words presupposes equality The authors argue for a system of free speech which takes into account nuance context sensitivity and competing values such as human dignity and equal protection of the law

Free Speech Law and the Pornography Debate Lynn Mills Eckert, 2020-06-26 By examining the highly contested legal debate about the regulation of pornography through an epistemic lens this book analyzes competing claims about the proper role of speech in our society pornography s harm the relationship between speech and equality and whether law should regulate and if so upon what grounds In maintaining that inegalitarian pornography generates discursive effects the book contends that law cannot simply adopt a libertarian approach to free speech While inegalitarian pornography may not be determinative of gender inequality it does contribute reinforce reflect and help maintain such unfairness As a result we can place reasonable gender based regulations on inegalitarian pornography while upholding our most treasured commitments to dissident speech just as other liberal democracies with strong free speech traditions have done **Must We Defend Nazis?** Richard Delgado, Jean Stefancic, 1997 Failed to see the need for relief **Campus Hate Speech on Trial** Timothy C. Shiell, 2009 Ban it the initial arguments for campus speech codes Wayne dick s plea the critics fight back See you in court the campus hate speech cases Hostile environment takes a front seat The attack on hostile environment And the verdict is The debate 1998 2008 The Cosmopolitan First Amendment Timothy Zick, 2014 We live in an interconnected world in which expressive and religious cultures increasingly commingle and collide In a globalized and digitized era we need to better understand the relationship between the First Amendment to the United States Constitution and international borders This book focuses on the exercise and protection of cross border and beyond border expressive and religious liberties and on the First Amendment's relationship to the world beyond US shores It reveals a cosmopolitan First Amendment that protects cross border conversation facilitates the global spread of democratic principles recognizes expressive and religious liberties

regardless of location is influential across the world and encourages respectful engagement with the liberty regimes of other nations The Cosmopolitan First Amendment is the product of historical social political technological and legal developments It examines the First Amendment's relationship to foreign travel immigration cross border communication and association religious activities that traverse international borders conflicts among foreign and US speech and religious liberty models and the conduct of international affairs and diplomacy Streitbare Demokratie in Deutschland und den Vereinigten Staaten Gereon Flümann, 2014-11-26 Wie verfahren demokratische Verfassungsstaaten mit politischen Extremisten die offen oder verdeckt eine diktatorische Ordnung anstreben sich dabei jedoch zun chst keiner physischen Gewalt bedienen Gereon Fl mann unternimmt einen Vergleich der Vereinigten Staaten und der Bundesrepublik Deutschland und fragt danach wie sich in beiden Staaten unterschiedliche Demokratieschutzkonzepte entwickelt haben und ob die jeweils selbst gesetzten Anspr che im Umgang mit nichtgewaltt tigem politischem Extremismus erf llt werden Mit der Analyse zweier fundamental differierender Ans tze Tendenz zu repressiven Ma nahmen vs Gew hrung von Freir umen liefert seine Studie einen wichtigen Beitrag zur vergleichenden Erforschung demokratischer Streitbarkeit **Desperately Seeking Ethics** Howard Good, 2004-09-08 Trends prevailing in the media suggest a seemingly disintegrating concept of media ethics. It is no surprise being ethical is hard work and could very well put a person in conflict with prevailing trends Many of the people cited within the 13 essays of Desperately Seeking Ethics illustrate this from Socrates and Martin Luther King Jr who both died for their principles to reporter David Kidwell of the Miami Herald who chose jail over testifying for the prosecution in a murder trial This is not just another media ethics book Engaging and non conventional it breaks away from the usual text practice of presenting the ethical theories of well known philosophers in watered down form Instead the contributors all of whom teach media ethics select a poem movie song speech or other cultural document analyze it for implied or explicit ethical lessons and then apply the lessons of that work to a specific case that involved controversial media conduct In addition to endnotes each chapter contains questions for discussion and a list of further readings Where possible the contributors have included all or part of the poems speeches and other documents they analyze as sources of ethical instruction and inspiration

Combating Hate Billie Murray,2022-05-03 The United States has a hate problem In recent years hate speech has led not only to deep division in our politics but also to violence murder and even insurrection And yet established constitutional jurisprudence holds that all speech is protected as content neutral and that the proper democratic response to hateful expression is not regulation but more speech So how can ordinary citizens stand up to hate groups when the state will not In Combating Hate Billie Murray proposes an answer to this question As a participant in anti racist and anti fascist protests including demonstrations against the Ku Klux Klan neo Nazis and the Westboro Baptist Church Murray witnessed firsthand the limitations of the more speech approach as well as the combative tactics of anti fascist activists She argues that this latter group commonly known as antifa embodies a radically different strategy for combating hate one that explodes the myth

of content neutrality and reveals hate speech to be a tactic of fascist organizing with very real highly anti democratic consequences Drawing on communication theory and this on the ground experience Murray presents a new strategy which she calls allied tactics rooted in the commitment to affirm support and even protect those who are the victims of hate speech Engaging and sophisticated Combating Hate contends that there are concrete ways to fight hate speech from the front lines Murray's urgent argument that we reconsider how to confront and fight this blight on American life is essential reading for Acts of Rebellion Ward Churchill, 2003-12-16 What could be more American than Columbus Day Or the Washington Redskins For Native Americans they are bitter reminders that they live in a world where their identity is still fodder for white society The law has always been used as toilet paper by the status quo where American Indians are concerned writes Ward Churchill in Acts of Rebellion a collection of his most important writings from the past twenty years Vocal and incisive Churchill stands at the forefront of American Indian concerns from land issues to the American Indian Movement from government repression to the history of genocide Churchill one of the most respected writers on Native American issues lends a strong and radical voice to the American Indian cause Acts of Rebellion shows how the most basic civil rights laws put into place to aid all Americans failed miserably and continue to fail when put into practice for our indigenous brothers and sisters Seeking to convey what has been done to Native North America Churchill skillfully dissects Native Americans struggles for property and freedom their resistance and repression cultural issues and radical Indian The Rights Revolution Samuel Walker, 1998 Walker offers a vigorous defense of the rise of personal rights in ideologies America conceding that the expansion of individual rights does present problems but insisting that the gains far outweigh the Privacy Revisited Ronald J. Krotoszynski Jr, 2016-04-18 Privacy Revisited articulates the legal meanings of privacy losses and dignity through the lens of comparative law and argues that the concept of privacy requires a more systematic approach if it is to be useful in framing and protecting certain fundamental autonomy interests *Encyclopedia of the United States* Constitution David Andrew Schultz, 2010-05-18 Covers the people court cases historical events and terms relating to one of the most studied political documents in schools across the country the United States Constitution The Miracle Case Laura Wittern-Keller, Raymond J. Haberski, 2008 Examines the Supreme Court's unanimous 1952 decision in favor of a film exhibitor who had been denied a license to show the controversial Italian film Il Miracolo The ruling was a watershed event in the history of film censorship ushering in a new era of mature and sophisticated American filmmaking The Freedom to Be Racist? Erik Bleich, 2011-09-05 The Freedom to be Racist focuses on the tension between combating racism and protecting freedom of speech 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 balancebetween 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 EuropeanCourt 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 Research Handbook on Liberalism Duncan Ivison, 2024-05-02 This timely Research racism sexism and homophobia Handbook reckons with the past present and future of liberalism at a time when anxieties are being expressed about its viability Duncan Ivison brings together a broad and international range of leading experts to explore the complexities of liberalism examining the extent to which it can address rising challenges from illiberalism to inequality and Free Speech Chris Demaske, 2011-01-01 Modern Power and Free Speech takes a socio political approach to question the application of the First Amendment in cases dealing with the speech rights of disempowered groups Combining legal analysis First Amendment theory feminist theory and political theory Chris Demaske addresses the inadequacies of current free The Handbook of Media and Mass Communication Theory, 2 Volume Set Robert S. Fortner, P. speech doctrine Mark Fackler, 2014-05-05 The Handbook of Media and Mass Communication Theory presents a comprehensive collection of original essays that focus on all aspects of current and classic theories and practices relating to media and mass communication Focuses on all aspects of current and classic theories and practices relating to media and mass communication Includes essays from a variety of global contexts from Asia and the Middle East to the Americas Gives niche theories new life in several essays that use them to illuminate their application in specific contexts Features coverage of a wide variety of theoretical perspectives Pays close attention to the use of theory in understanding new communication contexts such as social media 2 Volumes Freedom of Speech Eric Barendt, 2005-08-11 This is a fully revised and updated new edition of the classic work first published in 1985 There have been many important developments since the first edition including enactment of the Charter of Rights and Freedoms in Canada in 1982 the impact of the European Human Rights Convention and the consideration by English courts of Judgments of the European Court of Human Rights Social and

cultural changes mean that free speech claims are being made in novel contexts to challenge the validity of bans on tobacco advertising to publish kiss and tell stories about celebrities and to resist attempts to regulate the Internet Barendt considers the meaning and scope of freedom of speech How far do free speech and expression clauses protect pornography commercial advertising and public meetings on the streets Does this freedom cover desecration of a national flag Does it include nude dancing Eric Barendt discusses the legal protection of free speech in countries including England the United States including recent decisions of the United States Supreme Court Canada Germany and under the European Human Rights Convention He examines the varied approaches of different legal systems and constitutional traditions to balancing free speech and freedom of the press against rights to reputation and privacy and to copyright and explores the case law in light of the philosophical and political arguments for free speech guarantees Freedom of Expression Ioanna Tourkochoriti, 2021-11-11 Two legal systems founded on similar Enlightenment philosophical and political values use state coercion differently to regulate a liberty at the core of the Enlightenment freedom of expression This comparative study of France and the United States proposes a novel theory of how the limits of freedom of expression are informed by different revolutionary experiences and constitutional and political arrangements Ioanna Tourkochoriti argues that the different ways freedom of expression is balanced against other values in France and the United States can be understood in reference to the role of the government and the understanding of republicanism and liberty This understanding affects how jurists define the content and the limits of a liberty and strike a balance between liberties in conflict Exploring both the legal traditions of the two countries this study sheds new light on the broader historical social and philosophical contexts in which jurists operate

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