

FREE SPEECH



CURRENT

CONTROVERSIES

FREE SPEECH

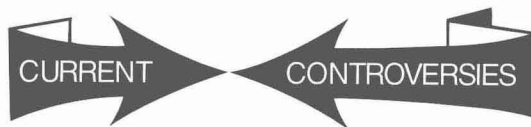
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Other Books in the Current Controversies Series:

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Alcoholism
Drug Trafficking
Energy Alternatives
Europe
Gun Control
Illegal Immigration
Iraq
Nationalism and Ethnic Conflict
Police Brutality
Pollution
Sexual Harassment
Violence Against Women
Women in the Military
Youth Violence

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Government support of the arts and humanities dates back to the founders. Recent attempts to limit NEA-funded grants to non-controversial art undermine the very purpose of the NEA and ignore the diverse nature of American society.

Congress Should Fund the NEA Without Restrictions 62

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by Paul Berman

The issue of “political correctness” (PC) has generated a national debate and has led to a new educational ideology. The debate hinges in large part on the subject of free speech, since proponents of PC have succeeded in imposing official speech codes on numerous college campuses. The debate promises to widen and grow more heated.

Yes: Unrestricted Speech Should Be Allowed on College Campuses

All Speech Should Be Unrestricted on College Campuses 75

by Gerald Gunther

Free speech should not be suppressed because members of a community find it offensive. In fact, protecting the right to express offensive and even harmful opinions, while a difficult obligation, is a central test of a community’s commitment to free speech. Historically, one need look no further than Nazi Germany to recognize the importance of free speech.

Campus Speech Codes Are Incompatible with Free Speech 80
by Nat Hentoff

Speech codes on college campuses are fostering confusion that threatens to eventually eclipse the greater purpose of the college campus: to provide a forum for the free exchange of ideas. In fact, a precedent has been set in which the principle of free speech is being undermined. Unquestionably, speech codes are limiting free speech on campus.

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What advocates of hate speech codes on college campuses do not realize is that ultimately, they are harming those they wish to protect by placing restraints on their rights to freely express themselves. Colleges function best when students are free to say what they think. The answer to the “problem” of free speech, therefore, is more speech.

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Speech codes on college campuses (and elsewhere) are not only ineffective as weapons against hatred and prejudice, they also serve as barriers to a wider understanding and greater tolerance among people.

College Speech Codes Endanger Freedom of Speech 96
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Freedom of speech is under attack on college and university campuses throughout America. The anti-speech movement in higher education, prodded by those whose overriding concern is to suppress politically incorrect speech, threatens the foundation of liberty in America.

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Racist speech on college campuses can and often does lead to bodily harm as well as psychological injury. Words that by their very utterance inflict injury do not enjoy First Amendment protection.

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by John E. Van de Wetering

Political correctness is a phrase that has been widely misrepresented. Not to be confused with censorship, contemporary political correctness evolved because the language of the advantaged was damaging the spirits of the deprived. Political correctness can help promote harmony in our multicultural society.

Speech Codes Are Sometimes Necessary on Campuses 115
by Richard Perry and Patricia Williams

Current multiculturalist speech and behavior codes are consistent with free speech rights as they have existed on college campuses in the past, despite claims to the contrary. The allowance of public utterances of racism, sexism, and homophobia with little or no restriction cannot go unchallenged.

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A university's mission is to promote unlimited inquiry, not unlimited speech. To maintain decorum and an atmosphere of free inquiry, it should be required that all speech be subordinated to fundamental rules of etiquette.

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The Time-Warner CD *Body Count*, containing the inflammatory song "Cop Killer," should not receive First Amendment protection because it extols violence and celebrates the murder of police officers. Profits, not commitment to the principle of free speech, are what motivated Time-Warner to defend the CD.

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As we move toward the twenty-first century, the need for government regulation of the press is becoming apparent. In fact, the real question is "not whether regulation of the press is permissible, but what kinds of regulation work most effectively to enhance the diversity and quality of public debate in our democracy."

Speech That Causes Clear Danger Should Be Limited <i>by James E. Leahy</i>	133
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A series of Supreme Court decisions point to areas of speech not protected by the First Amendment, namely, speech that causes or creates a clear and present danger and "fighting words" that might provoke an average person to violence.

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Aggressive begging is a type of harassment bordering on extortion. Anti-begging laws that seek to restrict this variety of street behavior do not, as some civil libertarians claim, violate the constitutional right to free speech.

Flag Burning Should Not Receive Free Speech Protection <i>by Robert H. Bork</i>	142
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Although the Supreme Court laid down two five-to-four decisions allowing the burning of the American flag as a right protected by the First Amendment, many eminent jurists have disagreed. The First Amendment has always permitted the government to ban offensive ways of expressing ideas—and burning the flag is an offensive act.

No: Free Speech Should Not Be Limited

Song Lyrics Should Not Be Subject to Free Speech Limitations <i>by The New Republic</i>	145
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Much has been made of “Cop Killer,” the controversial recording by the rock performer Ice-T. Unquestionably, the song does incite and glorify violence. However, it should not be withdrawn from stores and is entitled to free speech protection.

Regulation of the Press Would Be a Tragedy *by Alan Dershowitz* 148

The press in America has taken a right granted relatively recently, the “right to be wrong,” and expanded it almost into a license to lie. If the media do not establish an internal system of self-regulation, government will surely intrude, a step that will begin with regulation and ultimately lead to censorship.

Free Speech Is Essential for Democratic Self-Governance 151
by Rodney A. Smolla

Freedom of speech is perhaps the most essential component of self-governance. The Supreme Court itself has declared that the free speech and free press guarantees in the First Amendment apply to all facets of a democratic society including “political, economic, religious or cultural matters.”

Begging Should Receive Free Speech Protection 157
by Helen Hershkoff and Adam S. Cohen

Three interrelated values are considered by both the courts and commentators in their interpretation of the First Amendment: enlightenment, democratic governance, and self-realization. Begging satisfies each of these values and therefore deserves free speech protection under the First Amendment.

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by Michael Kinsley

Flag burning is the communication of an idea and therefore should be entitled to free speech protection. Opponents of flag burning are hung up on the idea of its being an odious mode of expression. However, it is clear that the message cannot be separated from the vehicle of expression and is, in fact, often accentuated by it.

Chapter 4: Should Pornography Be Censored?

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A bitter debate divides feminism and some of its liberal backers. The battle revolves around two seemingly irreconcilable issues—free speech versus the civil rights of abused women.

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Pornography Debases Women and Should Be Censored 168
by Andrea Dworkin

Pornography represents not only the debasement of women but also their enslavement. Women will never be fully free as long as pornography exists.

The First Amendment Does Not Protect Pornography 172
by Patty McEntee

“Since the obscenity law is grounded in contemporary community

standards, it is vital that communities loudly and clearly protest against the invasion of their homes and neighborhoods by illegal pornography.”

Pornography Contributes to Violence Against Women 175

by Ron Thorne-Finch

Numerous studies have shown that pornography contributes to men’s abusive and violent behavior toward women. Moreover, pornography reinforces or even enhances demeaning attitudes about women prevalent among both men and women.

No: Pornography Should Not Be Censored

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Antiporn activists rationalize as feminism the issue of pornography. What they are really doing is appealing to antisexual emotions grounded in conservative morality.

Censoring Pornography Endangers Feminism *by Wendy McElroy* 188

By allying themselves with the religious right in the war against free speech, feminists are betraying both their heritage and their future. It is next to impossible to objectively measure pornography’s impact upon people’s behavior; in fact, pornography might serve to diffuse sexual violence.

Censoring Pornography Is a Danger to Society *by F. M. Christensen* 199

The arguments supporting antipornographic legislation are without justification. The real perversion lies in attempts to censor pornography, not in pornography itself. “Sexual McCarthyism” will continue in the United States as long as antiporn forces are permitted to determine what is morally right for all.

Censoring Pornography Is a Danger to Freedom *by Fred Small* 207

Without question, pornography is sexist and odious. Revolting as it might be, however, to legally ban it would be unjustifiable censorship; the cure would be worse than the disease. Sexuality should be brought into the open, not repressed.

Pornography Should Receive Free Speech Protection 213

by Wendy Kaminer

Pornography is a free speech issue. Unfortunately, many feminists deny that pornography is speech and therefore conclude that prohibiting pornography is not censorship. The feminist antiporn movement has effectively united authoritarians on the political left and right, with the ultimate casualty the First Amendment right to free speech.

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