

1. Record Nr.	UNINA9910156220703321
Autore	Tushnet Mark V <1945->
Titolo	Free Speech Beyond Words : The Surprising Reach of the First Amendment // Mark V. Tushnet, Alan K. Chen, and Joseph Blocher
Pubbl/distr/stampa	New York, : New York University Press, 2017 Baltimore, Md. : , : Project MUSE, , 2021 ©2017
ISBN	1-4798-3069-0
Descrizione fisica	1 online resource (200 pages)
Disciplina	332.44/3
Soggetti	Freedom of speech Rechtsprechung Komik Abstrakte Kunst Musik Redefreiheit Verfassung Law - Intellectual Property - Copyright Law - Constitutional Freedom of speech - United States Freedom of speech - Cross-cultural studies Cross-cultural studies United States USA
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Going further: additional problems and concluding thoughts Nonsense and the freedom of speech: what meaning means for the First Amendment Art and the First Amendment Instrumental music and the First Amendment
Sommario/riassunto	"The Supreme Court has unanimously held that Jackson Pollock's

paintings, Arnold Schoenberg's music, and Lewis Carroll's poem "Jabberwocky" are "unquestionably shielded" by the First Amendment. Nonrepresentational art, instrumental music, and nonsense: all receive constitutional coverage under an amendment protecting "the freedom of speech," even though none involves what we typically think of as speech--the use of words to convey meaning. As a legal matter, the Court's conclusion is clearly correct, but its premises are murky, and they raise difficult questions about the possibilities and limitations of law and expression. Nonrepresentational art, instrumental music, and nonsense do not employ language in any traditional sense, and sometimes do not even involve the transmission of articulable ideas. How, then, can they be treated as "speech" for constitutional purposes? What does the difficulty of that question suggest for First Amendment law and theory? And can law resolve such inquiries without relying on aesthetics, ethics, and philosophy? Comprehensive and compelling, this book represents a sustained effort to account, constitutionally, for these modes of "speech." While it is firmly centered in debates about First Amendment issues, it addresses them in a novel way, using subject matter that is uniquely well suited to the task, and whose constitutional salience has been under-explored. Drawing on existing legal doctrine, aesthetics, and analytical philosophy, three celebrated law scholars show us how and why speech beyond words should be fundamental to our understanding of the First Amendment."--
Publisher's website.
