

1. Record Nr.	UNINA9910955459903321
Autore	Horwitz Paul
Titolo	First Amendment institutions / / Paul Horwitz
Pubbl/distr/stampa	Cambridge, Mass., : Harvard University Press, c2013
ISBN	9780674070929 0674070925 9780674067370 0674067371
Edizione	[1st ed.]
Descrizione fisica	1 online resource (xiii, 367 pages)
Disciplina	323.440973
Soggetti	Assembly, Right of - United States Freedom of religion - United States Freedom of speech - United States Freedom of the press - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references (p. [293]-359) and index.
Nota di contenuto	Front matter -- Contents -- Acknowledgments -- Introduction -- Part One: From Acontextuality to Institutionalism -- 1. The Conventional First Amendment -- 2. The Lures and Snares of Acontextuality -- 3. Taking the Institutional Turn -- 4. Institutions and Institutionalism -- Part Two: First Amendment Institutions in Practice -- 5. Where Ideas Begin: Universities and Schools -- 6. Where Information Is Gathered: The Press, Old and New -- 7. Where Souls Are Saved: Churches -- 8. Where Ideas Reside: Libraries -- 9. Where People and Ideas Meet: Associations -- 10. The Borderlands of Institutionalism -- Part Three: Problems and Prospects -- 11. Critiques of First Amendment Institutionalism -- 12. Institutionalism Beyond The First Amendment? -- Notes -- Index
Sommario/riassunto	Addressing a host of hot-button issues, from the barring of Christian student groups and military recruiters from law schools and universities to churches' immunity from civil rights legislation in hiring and firing ministers, Paul Horwitz proposes a radical reformation of First Amendment law. Arguing that rigidly doctrinal approaches can't account for messy, real-world situations, he suggests that the courts

loosen their reins and let those institutions with a stake in First Amendment freedoms do more of the work of enforcing them. Universities, the press, libraries, churches, and various other institutions and associations are a fundamental part of the infrastructure of public discourse. Rather than subject them to ill-fitting, top-down rules and legal categories, courts should make them partners in shaping public discourse and First Amendment law, giving these institutions substantial autonomy to regulate their own affairs. Self-regulation and public criticism should be the key restraints on these institutions, not judicial fiat. Horwitz suggests that this approach would help the law enhance the contribution of our "First Amendment institutions" to social and political life. It would also move us toward a conception of the state as a participating member of our social framework, rather than a reigning and often overbearing sovereign. *First Amendment Institutions* offers a new vantage point from which to evaluate ongoing debates over topics ranging from campaign finance reform to campus hate speech and affirmative action in higher education. This book promises to promote-and provoke-important new discussions about the shape and future of the First Amendment.
