

The Politics of Freedom of Expression: The Decisions of the Supreme Court of the United States (Palgrave Socio-Legal Studies)

Mark J Richards



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The principle of content-neutrality is the cornerstone of freedom of expression jurisprudence, protecting the core values of freedom of speech set out in the first amendment, whilst also enabling the government to place reasonable restrictions on protected speech.

The Politics of Freedom of Expression examines the US Supreme Court's decision-making in freedom of expression cases, from the Earl Warren Court in 1953 to the 2012 decisions of the John Roberts Court, assessing the extent to which the justices take into consideration their own political attitudes, jurisprudence and external factors such as federal government participation. In doing so, the book highlights the role of the civil rights movement in developing the content-neutrality jurisprudential regime.

Establishing 'jurisprudential regime theory' as a framework for incorporating the various factors that can affect decision-making, the author draws on quantitative, qualitative and interpretive methods in order to analyse the justices' changing treatment of content-based and content-neutral cases over time. This unique theoretical approach allows the text to push beyond the traditional 'law versus politics' debate in order to critically evaluate the importance of content-neutrality to the Supreme Court's decision-making, and to compare decision-making in the US with Canada, Germany, Japan and the UK.

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