

PROTECTING THE BEST MEN
AN INTERPRETIVE HISTORY OF THE LAW OF LIBEL

NORMAN L. ROSENBERG



Protecting The Best Men An Interpretive History Of The Law Of Libel

Jane Kamensky



Protecting The Best Men An Interpretive History Of The Law Of Libel:

Protecting the Best Men Norman L. Rosenberg, 1986 This book argues that there exists no natural evolutionary history of free speech It also challenges interpretations that rest upon discovering an original understanding about the First Amendment This interpretive history of the law of libel highlights the complexity and historically rooted nature of legal concepts and legal consciousness in the U S

Governing the Tongue Jane Kamensky, 1999-02-18 Governing the Tongue explains why the spoken word assumed such importance in the culture of early New England In a work that is at once historical socio cultural and linguistic Jane Kamensky explores the little known words of unsung individuals and reconsiders such famous Puritan events as the banishment of Anne Hutchinson and the Salem witch trials to expose the ever present fear of what the Puritans called sins of the tongue But even while dangerous or deviant speech was restricted as Kamensky illustrates here godly speech was continuously praised and promoted Congregations were told that one should lift one s voice like a trumpet to God and cry out and cease not By placing speech at the heart of New England s early history Kamensky develops new ideas about the complex relationship between speech and power in both Puritan New England and by extension our world today

Gender and Witchcraft Brian P. Levack, 2013-08-06 Witchcraft and magical beliefs have captivated historians and artists for millennia and stimulated an extraordinary amount of research among scholars in a wide range of disciplines This new collection from the editor of the highly acclaimed 1992 set *Articles on Witchcraft Magic and Demonology* extends the earlier volumes by bringing together the most important articles of the past twenty years and covering the profound changes in scholarly perspective over the past two decades Featuring thematically organized papers from a broad spectrum of publications the volumes in this set encompass the key issues and approaches to witchcraft research in fields such as gender studies anthropology sociology literature history psychology and law This new collection provides students and researchers with an invaluable resource comprising the most important and influential discussions on this topic A useful introductory essay written by the editor precedes each volume

Spellbound Elizabeth Reis, 1998 *Spellbound Women and Witchcraft in America* is a collection of twelve articles that revisit crucial events in the history of witchcraft and spiritual feminism in this country Beginning with the witches of colonial America *Spellbound* extends its focus through the nineteenth century to explore women s involvement with alternative spiritualities and culminates with examinations of the contemporary feminist neopagan and Goddess movements A valuable source for those interested in women s history women s studies and religious history *Spellbound* is also a crucial addition to the bookshelf of anyone tracing the evolution of spiritualism in America

Imagining the Public in Modern South Asia Brannon Ingram, J. Barton Scott, SherAli K Tareen, 2018-02-02 In South Asia as elsewhere the category of the public has come under increased scholarly and popular scrutiny in recent years To better understand this current conjuncture we need a fuller understanding of the specifically South Asian history of the term To that end this book surveys the modern Indian public across multiple historical

contexts and sites with contributions from leading scholars of South Asia in anthropology history literary studies and religious studies As a whole this volume highlights the complex genealogies of the public in the Indian subcontinent during the colonial and postcolonial eras showing in particular how British notions of the public intersected with South Asian forms of publicity Two principal methods or approaches the genealogical and the typological have characterised this scholarship This book suggests more in the mode of genealogy that the category of the public has been closely linked to the sub continental history of political liberalism Also discussed is how the studies collected in this volume challenge some of liberalism s key presuppositions about the public and its relationship to law and religion

Slandering the Sacred J. Barton Scott,2023-04-05 Although blasphemy is as old as religion itself its history has begun a new chapter in recent years Slanders of the sacred are everywhere as in the highly visible Charlie Hebdo case with religion sometimes appearing as little more than a membrane for giving and receiving offense Where some explain the contemporary preoccupation with blasphemy by pointing to the interconnectedness of twenty first century media J Barton Scott argues that we need to look deeper into the past at the colonial era infrastructures that continue to shape our globalized world Slandering the Sacred examines one such powerful and widely influential legal infrastructure Section 295A of the Indian Penal Code What would it look like to take Section 295A as a text in of and for religion a connective tissue interlinking multiple religious worlds To answer this question Scott explores the cultural intellectual and legal pre history of this law moving between colonial India and imperial Britain as well as between secular law and modern religion Section 295A reveals a set of problems with no easy solution It places a chill on free speech extends the power of the state over civil society and exacerbates the culture of religious controversy that it was designed to fix The legislators who enacted the law foresaw the damage it could do and they enacted it anyway as a half despairing measure to curb injurious speech Their problems are still our problems The twenty first century has compounded modernity s free speech headache Section 295A opens a useful window onto these problems precisely because it is a problem too Its history is a tale about the afterlives of the holy dead the legal definition of the anglophone category religion and the transmissibility of outrage as bureaucratized affect

Press and Speech Under Assault Wendell Bird,2016-01-07 The early Supreme Court justices wrestled with how much press and speech is protected by freedoms of press and speech before and under the First Amendment and with whether the Sedition Act of 1798 violated those freedoms This book discusses the twelve Supreme Court justices before John Marshall their views of liberties of press and speech and the Sedition Act prosecutions over which some of them presided The book begins with the views of the pre Marshall justices about freedoms of press and speech before the struggle over the Sedition Act It finds that their understanding was strikingly more expansive than the narrow definition of Sir William Blackstone which is usually assumed to have dominated the period Not one justice of the Supreme Court adopted that narrow definition before 1798 and all expressed strong commitments to those freedoms The book then discusses the views of the early Supreme Court justices

about freedoms of press and speech during the national controversy over the Sedition Act of 1798 and its constitutionality It finds that though several of the justices presided over Sedition Act trials the early justices divided almost evenly over that issue with an unrecognized half opposing its constitutionality rather than unanimously supporting the Act as is generally assumed The book similarly reassesses the Federalist party itself and finds that an unrecognized minority also challenged the constitutionality of the Sedition Act and the narrow Blackstone approach during 1798 1801 and that an unrecognized minority of the other states did as well in considering the Virginia and Kentucky Resolutions The book summarizes the recognized fourteen prosecutions of newspaper editors and other opposition members under the Sedition Act of 1798 It sheds new light on the recognized cases by identifying and confirming twenty two additional Sedition Act prosecutions At each of these steps this book challenges conventional views in existing histories of the early republic and of the early Supreme Court justices

Laws of Image Samantha Barbas, 2015-09-30 Americans have long been obsessed with their images their looks public personas and the impressions they make This preoccupation has left its mark on the law The twentieth century saw the creation of laws that protect your right to control your public image to defend your image and to feel good about your image and public presentation of self These include the legal actions against invasion of privacy libel and intentional infliction of emotional distress With these laws came the phenomenon of personal image litigation individuals suing to vindicate their image rights Laws of Image tells the story of how Americans came to use the law to protect and manage their images feelings and reputations In this social cultural and legal history Samantha Barbas ties the development of personal image law to the self consciousness and image consciousness that has become endemic in our media saturated culture of celebrity and consumerism where people see their identities as intertwined with their public images The laws of image are the expression of a people who have become so publicity conscious and self focused that they believe they have a right to control their images to manage and spin them like actors politicians and rock stars

Freedom of Speech and Society, **The Oxford Companion to the Supreme Court of the United States**, **Bodies of Reform** James B. Salazar, 2010-09-15 Part of the American Literatures Initiative Series From the patricians of the early republic to post Reconstruction racial scientists from fin de siècle progressivist social reformers to post war sociologists character that curiously formable yet equally formidable stuff has had a long and checkered history giving shape to the American national identity Bodies of Reform reconceives this pivotal category of nineteenth century literature and culture by charting the development of the concept of character in the fictional genres social reform movements and political cultures of the United States from the mid nineteenth to the early twentieth century By reading novelists such as Herman Melville Mark Twain Pauline Hopkins and Charlotte Perkins Gilman alongside a diverse collection of texts concerned with the mission of building character including child rearing guides muscle building magazines libel and naturalization law Scout handbooks and success manuals James B Salazar uncovers how the cultural practices of representing character operated in tandem with the

character building strategies of social reformers His innovative reading of this archive offers a radical revision of this defining category in U S literature and culture arguing that character was the keystone of a cultural politics of embodiment a politics that played a critical role in determining and contesting the social mobility political authority and cultural meaning of the raced and gendered body

Injury and Injustice Anne Bloom, David M. Engel, Michael McCann, 2018-03-15 This book addresses some of the most difficult and important debates over injury and law now taking place in societies around the world The essays tackle the inescapable experience of injury and its implications for social inequality in different cultural settings Topics include the tension between physical and reputational injuries the construction of human injuries versus injuries to non human life virtual injuries the normalization and infliction of injuries on vulnerable victims the question of reparations for slavery and the paradoxical degradation of victims through legal actions meant to compensate them for their disabilities Authors include social theorists social scientists and legal scholars and the subject matter extends to the Middle East and Asia as well as North America

American Journalism W. David Sloan, Lisa Mullikin Parcell, 2014-01-10 News consumers made cynical by sensationalist banners AMERICA STRIKES BACK THE TERROR OF ANTHRAX and lurid leads might be surprised to learn that in 1690 the newspaper Publick Occurrences gossiped about the sexual indiscretions of French royalty or seasoned the story of missing children by adding that barbarous Indians were lurking about before the disappearance Surprising too might be the media's steady adherence to if continual tugging at its philosophical and ethical moorings These 39 essays written and edited by the nation's leading professors of journalism cover the theory and practice of print radio and TV news reporting Politics and partisanship press and the government gender and the press corps presidential coverage war reportage technology and news gathering sensationalism each subject is treated individually Appropriate for interested lay persons students professors and reporters Instructors considering this book for use in a course may request an examination copy here

Prince of Darkness Shane White, 2015-10-13 A well told stereotype busting tale about a nineteenth century black financier who dared to be larger than life and got away with it Elizabeth Dowling Taylor New York Times bestselling author In the middle decades of the nineteenth century Jeremiah G Hamilton was a well known figure on Wall Street Cornelius Vanderbilt America's first tycoon came to respect grudgingly his one time opponent Their rivalry even made it into Vanderbilt's obituary What Vanderbilt's obituary failed to mention perhaps as contemporaries already knew it well was that Hamilton was African American Hamilton although his origins were lowly possibly slave was reportedly the richest black man in the United States possessing a fortune of 2 million or in excess of two hundred and 50 million in today's currency In Prince of Darkness a groundbreaking and vivid account eminent historian Shane White reveals the larger than life story of a man who defied every convention of his time He wheeled and dealt in the lily white business world he married a white woman he bought a mansion in rural New Jersey he owned railroad stock on trains he was not legally allowed to ride and generally set his white contemporaries teeth on edge when he wasn't just plain outsmarting them

An important contribution to American history Hamilton's life offers a way into considering from the unusual perspective of a black man subjects that are usually seen as being quintessentially white totally segregated from the African American past If this Hamilton were around today he might have his own reality TV show or be a candidate for president An interesting look at old New York race relations and high finance New York Post **New York Times v. Sullivan** Kermit L. Hall, Melvin I. Urofsky, 2011-09-06 Illuminating a classic case from the turbulent civil rights era of the 1960s two of America's foremost legal historians Kermit Hall and Melvin Urofsky provide a compact and highly readable updating of one of the most memorable decisions in the Supreme Court's canon When the New York Times published an advertisement that accused Alabama officials of willfully abusing civil rights activists Montgomery police commissioner Lester Sullivan filed suit for defamation Alabama courts citing factual errors in the ad ordered the Times to pay half a million dollars in damages The Times appealed to the Supreme Court which had previously deferred to the states on libel issues The justices recognizing that Alabama's application of libel law threatened both the nation's free press and equal rights for African Americans unanimously sided with the Times As memorably recounted twenty years ago in Anthony Lewis's *Make No Law* the 1964 decision profoundly altered defamation law which the Court declared must not hinder debate on public issues even if it includes vehement caustic and sometimes unpleasantly sharp attacks on government and public officials The decision also introduced a new First Amendment test a public official cannot recover damages for libel unless he proves that the statement was made with the knowledge that it was false or with reckless disregard of whether it was false Hall and Urofsky however place a new emphasis on this iconic case Whereas Lewis's book championed freedom of the press the authors here provide a stronger focus on civil rights and southern legal culture They convey to readers the urgency of the civil rights movement and the vitriolic anger it inspired in the Deep South Their insights place this landmark case within a new and enlightening frame

Game Faces Sarah K. Fields, 2016-05-30 Sports figures cope with a level of celebrity once reserved for the stars of stage and screen In *Game Faces* Sarah K Fields looks at the legal ramifications of the cases brought by six of them golfer Tiger Woods quarterback Joe Montana college football coach Wally Butts baseball pitchers Warren Spahn and Don Newcombe and hockey enforcer Tony Twist when faced with what they considered attacks on their privacy and image Placing each case in its historical and legal context Fields examines how sports figures in the U S have used the law to regain control of their image As she shows decisions in the cases significantly affected the evolution of laws related to privacy defamation and publicity areas pertinent to the lives of the famous sports figure and the non famous consumer alike She also tells the stories of why the plaintiffs sought relief in the courts uncovering motives that delved into the heart of issues separating individual rights from the public's perceived right to know A fascinating exploration of a still evolving phenomenon *Game Faces* is an essential look at the legal playing fields that influence our enjoyment of sports **Just Words** Alan Ackerman, Associate Professor of English University of Toronto Alan Ackerman, 2011-06-28 In an appearance on *The Dick Cavett Show* in 1980 the critic Mary

McCarthy glibly remarked that every word author Lillian Hellman wrote was a lie including and and the Hellman immediately filed a libel suit charging that McCarthy s comment was not a legitimate conversation on public issues but an attack on her reputation This intriguing book offers a many faceted examination of Hellman s infamous suit and explores what it tells us about tensions between privacy and self expression freedom and restraint in public language and what can and cannot be said in public in America *Law's Imagined Republic* Steven Wilf,2010-04-19 *Law s Imagined Republic* shows how the American Revolution was marked by the rapid proliferation of law talk across the colonies This legal language was both elite and popular spanned different forms of expression from words to rituals and included simultaneously real and imagined law Since it was employed to mobilize resistance against England the proliferation of revolutionary legal language became intimately intertwined with politics Drawing on a wealth of material from criminal cases Steven Wilf reconstructs the intertextual ways Americans from the 1760s through the 1790s read law reading one case against another and often self consciously comparing transatlantic legal systems as they thought about how they might construct their own legal system in a new republic What transformed extraordinary tales of crime into a political forum How did different ways of reading or speaking about law shape our legal origins And ultimately how might excavating innovative approaches to law in this formative period which were constructed in the street as well as in the courtroom alter our usual understanding of contemporary American legal institutions *Law s Imagined Republic* tells the story of the untidy beginnings of American law

The Transcendentalists and Their World Robert A. Gross,2021-11-09 One of The Wall Street Journal s 10 best books of 2021 One of Air Mail s 10 best books of 2021 Winner of the Peter J Gomes Memorial Book Prize In the year of the nation s bicentennial Robert A Gross published *The Minutemen and Their World* a paradigm shaping study of Concord Massachusetts during the American Revolution It won the prestigious Bancroft Prize and became a perennial bestseller Forty years later in this highly anticipated work Gross returns to Concord and explores the meaning of an equally crucial moment in the American story the rise of Transcendentalism *The Transcendentalists and Their World* offers a fresh view of the thinkers whose outsize impact on philosophy and literature would spread from tiny Concord to all corners of the earth Ralph Waldo Emerson Henry David Thoreau Nathaniel Hawthorne and the Alcotts called this New England town home and Thoreau drew on its life extensively in his classic *Walden* But Concord from the 1820s through the 1840s was no pastoral place fit for poets and philosophers The Transcendentalists and their neighbors lived through a transformative epoch of American life A place of two thousand plus souls in the antebellum era Concord was a community in ferment whose small ordered society founded by Puritans and defended by Minutemen was dramatically unsettled through the expansive forces of capitalism and democracy and tightly integrated into the wider world These changes challenged a world of inherited institutions and involuntary associations with a new premium on autonomy and choice They exposed people to cosmopolitan currents of thought and endowed them with unparalleled opportunities They fostered uncertainties raised new hopes stirred dreams of

perfection and created an audience for new ideas of individual freedom and democratic equality deeply resonant today The Transcendentalists and Their World is both an intimate journey into the life of a community and a searching cultural study of major American writers as they plumbed the depths of the universe for spiritual truths and surveyed the rapidly changing contours of their own neighborhoods It shows us familiar figures in American literature alongside their neighbors at every level of the social order and it reveals how this common life in Concord entered powerfully into their works No American community of the nineteenth century has been recovered so richly and with so acute an awareness of its place in the larger American story

Henry Ford's War on Jews and the Legal Battle Against Hate Speech Victoria Saker

Woeste,2012-06-27 Henry Ford is remembered in American lore as the ultimate entrepreneur the man who invented assembly line manufacturing and made automobiles affordable Largely forgotten is his side career as a publisher of antisemitic propaganda This is the story of Ford s ownership of the Dearborn Independent his involvement in the defamatory articles it ran and the two Jewish lawyers Aaron Sapiro and Louis Marshall who each tried to stop Ford s war In 1927 the case of Sapiro v Ford transfixed the nation In order to end the embarrassing litigation Ford apologized for the one thing he would never have lost on in court the offense of hate speech Using never before discovered evidence from archives and private family collections this study reveals the depth of Ford s involvement in every aspect of this case and explains why Jewish civil rights lawyers and religious leaders were deeply divided over how to handle Ford

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