

Questions on Alexander, ‘General Justifying Theories of Freedom of Expression’

1. ‘All regulations, and all failures to regulate, produce different environments, and each environment reveals some truths and obscures others.’ What truths does Alexander think are obscured in a ‘free speech absolutist’ regulatory environment? (If you can’t tell, what would you guess he thinks?)

2. Public Discourse Theory argues: ‘The democratic will is legitimate only if it reflects public opinion. And the latter is a legitimate basis for the democratic will only if it is formed under conditions of freedom.’ Alexander objects to the ‘arbitrariness in specifying what lies within and without public discourse.’ Do you agree? Can you think of a non-arbitrary place to draw the line?

3. The final theory discussed ‘derives the right of freedom of expression from the premise that government cannot be trusted to regulate expression.’ Alexander asserts that the government is no more untrustworthy when regulating speech than when regulating anything else. Do you agree? Why or why not?

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