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Lecture on Global Censorship

From Albania to Zaire, "The World is a Censor" (**30 countries**): Albania, Bangladesh, Britain, Canada, China, Cuba, Egypt, France, Egypt, Haiti, Hungary, Indonesia, Ireland, Israel, Japan, Kenya, Kosovo, Malaysia, Mexico, Nigeria, Pakistan, Palestine, Philippines, Russia, Saudi Arabia, Serbia, South Africa, United States, Turkey and Zaire.

A Comparative Analysis of the Constitutions of 10 Countries with the U.S. Constitution's First, Fourth, Fifth, Sixth, Seventh, and Eighth Amendments.

In addition to citing specific examples of censorship in the 30 countries, the constitutions of 10 countries -- **China, Egypt, Eritrea, Haiti, India, Iran, Russia, South Africa, Taiwan** and **United Kingdom** -- will be compared to the U.S. Constitution's Bill of Rights, specifically the First Amendment (protects six freedoms); Fourth Amendment (protection from unreasonable search and seizure); Fifth Amendment (protecting right of person not to be a witness against him/herself); Sixth Amendment (right to a speedy trial by an impartial jury) Seventh Amendment (right to trial by jury); Eighth Amendment (protection against excessive bail and cruel and unusual punishnent); and Fourteenth Amendment (right to due process).

Although some countries are listed in a library collection of "Constitutions of the World," the United Kingdom's rule of law has a foundation more on common law and various acts passed by the British Parliament (the Licensing Act which Milton eloquently criticized in his famed defense of freedom of expression, Aeropagitica), the Blashemy Act, the Stamp Act, the Stage Licensing act, the Obscene Publications Act, etc.)

Israel also does not have a formal, written constitution, but its current Prime Minister Ehud Barak has initiated an effort to get the Knesset to draft and pass a constitution that would expand secularism in Israel and limit some of the power of religious Jews. The media have dubbed Barak's initiative as the "Secular Revolution."

Several foreign countries have specific languange similar to that of the U.S.'s Bill of Rights. But in the past year, Chinese, Egyptian Malaysian and Russian leaders have violated specific provisions of their constitutions that protect freedom of speech, freedom of religion and freedom of assembly.

Constitutions are not politically invulnerable, but are subject to ideologically-based judicial interpretations and political vicissitudes.

Precedents in constitutional case law such as "separate but equal" for African Americans, women's freedom of expression, students' right to freedom of speech, advocates of dangerous or subversive ideas and plaintiff's requirment to prove libel have been reversed by subsequent decisions.

State statutes barring obscenity influenced the establishment of a federal position. In the first U.S. landmark case on obscenity (Roth v. U.S., 1957), Justice Brennan wrote: "...the universal judgment that obscenity should be restrained [is] reflected ...in the obscenity laws of all 48 states" and although "some American courts" had adopted the the British Regina v. Hicklin standard (1868), "later decisions... rejected it and substituted" the five-part test which Brennan ennunicated and became known as the "Roth standard.".

The Supreme Court also may take into consideration existing federal law (U.S. Civil Code), statutory law (the states), congressional legislation, executive decisions, and the common law.

Democracies do not interpret "low value speech" (pornography, obscenity, indecency, libel; hate speech, and "fighting words") in the same way.

In the U.S., a plaintiff suing for libel against a public figure must prove "actual malice" or a "reckless disregard for the truth."

But in Britain, the libel is presumed to be false and the burden is on the defendant to prove that it is based on truth.

Five interpretations of the extent of a nation's constitution's controlling influence can sometimes place it on a collision course with different judicial decisions and cultural mores, or these decisions and mores may modify the constitution's controls without amending it.

It is possible to hypothesize that culture is the ultimate controlling influence because it is ingrained in the warp and woof of a people's gestalt whereas a constitution is a document subject to the intellectual whims of ideologically divergent justices.

Stone's definition of culture: "Culture is a complex pattern of living or a gestalt comprising mores, customs, laws, values, technology, language, religion, geographical adaptationsions and other factors that humans develop and pass from onme generation to the next as parents, teachers, educators, writers, journalists, scientists, merchants, movie directors and griots."

Americans always cite the Constitution's historical ineffability and that we are a nation of law, not men, but as Chief Justice Charles Evans Hughes once declared in, 1907: "We are under a Constitution, but the Constitution is what the judges say it is." (my emphasis)

Finley Peter Dunne's fictional Irish wit, **Mr. Dooley:** "No matter whether th' constitution follows th' or not, but th' supreme coort follows the iliction returns."

Prof. Catherine A. MacKinnon, "From whose standpoint and in whose interest is a law that allows one person's conditioned consciousness to contradict aanothger's exerienced violation?

Sir William Blackstone, English jurist, 1765: "That the king can do no wrong is a necessary and fundamental principle of the English constitution."

Hans Frank, 1936, "Our Constitution is the will of the Fuehrer."

Pope Leo XIII: "All Catholics should do all in their power to cause the constitutions of all states to be modeled on the principles of the true Church."

Lenin, " 'The revolution's decisive vitory over trsarism" means the establishment of the revolutionary-demcratic dictatorship of the proletariat and the peasantry."