



The First Amendment in Cross-Cultural Perspective: A Comparative Legal Analysis of the Freedom of Speech (Critical America)

Ronald J. Krotoszynski Jr.

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The First Amendment and its guarantee of free speech for all Americans has been at the center of scholarly and public debate since the birth of the Constitution, and the fervor in which intellectuals, politicians, and ordinary citizens approach the topic shows no sign of abating as the legal boundaries and definitions of free speech are continually evolving and facing new challenges. Such discussions have generally remained within the boundaries of the U.S. Constitution and its American context, but consideration of free speech in other industrial democracies can offer valuable insights into the relationship between free speech and democracy on a larger and more global scale, thereby shedding new light on some unexamined (and untested) assumptions that underlie U.S. free speech doctrine. Ronald J. Krotoszynski, Jr, compares the First Amendment with free speech law in Japan, Canada, Germany, and the United Kingdom countries that are all considered modern democracies but have radically different understandings of what constitutes free speech. Challenging the popular and largely American assertion that free speech is inherently necessary for democracy to thrive, Krotoszynski contends that it is very difficult to speak of free speech in universalist terms when the concept is examined from a framework of comparative law that takes cultural difference into full account.

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