

Profanity case study essay sample

[Law](#), [Constitution](#)



The original meaning of “ profanity” was restricted to blasphemy. “ Blasphemy” was an offensive attack on religion and religious figures, which included swearing in the name of God. As centuries passed, profanity became more distinct from blasphemy. Although blasphemy still refers to language that defames God, a religion or a religious figure, profanity has evolved to include expressions with vulgar, racist and sexual themes. Used in a court case:

Respondent public high school student (hereafter respondent) delivered a speech nominating a fellow student for a student elective office at a voluntary assembly that was held during school hours as part of a school-sponsored educational program in self-government, and that was attended by approximately 600 students, many of whom were 14-year-olds. During the entire speech, respondent referred to his candidate in terms of an elaborate, graphic, and explicit sexual metaphor. Some of the students at the assembly hooted and yelled during the speech, some mimicked the sexual activities alluded to in the speech, and others appeared to be bewildered and embarrassed. Prior to delivering the speech, respondent discussed it with several teachers, two of whom advised him that it was inappropriate and should not be given. The morning after the assembly, the Assistant Principal called respondent into her office and notified him that the school considered his speech to have been a violation of the school’s “ disruptive-conduct rule,” which prohibited conduct that substantially interfered with the educational process, including the use of obscene, profane language or gestures. he was informed that he would be suspended

for three days, and that his name would be removed from the list of candidates for graduation speaker at the school's commencement exercises.

Review of the disciplinary action through petitioner School District's grievance procedures resulted in affirmance of the discipline, but respondent was allowed to return to school after serving only two days of his suspension. Respondent, by his father (also a respondent) as guardian ad litem, then filed suit in Federal District Court, alleging a violation of his First Amendment right to freedom of speech and seeking injunctive relief and damages under 42 U. S. C. 1983. The court held that the school's sanctions violated the First Amendment, that the school's disruptive-conduct rule was unconstitutionally vague and overbroad, and that the removal of respondent's name from the graduation speaker's list violated the Due Process Clause of the Fourteenth Amendment. The court awarded respondent monetary relief and enjoined [478 U. S. 675, 676] the School District from preventing him from speaking at the commencement ceremonies. The Court of Appeals affirmed. The First Amendment did not prevent the School District from disciplining respondent for giving the offensively lewd and indecent speech at the assembly.

Tinker v. Des Moines Independent Community School Dist., 393 U. S. 503 , distinguished. Under the First Amendment, the use of an offensive form of expression may not be prohibited to adults making what the speaker considers a political point, but it does not follow that the same latitude must be permitted to children in a public school. It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse. Nothing in the Constitution prohibits the states from

insisting that certain modes of expression are inappropriate and subject to sanctions. There is no merit to respondent's contention that the circumstances of his suspension violated due process because he had no way of knowing that the delivery of the speech would subject him to disciplinary sanctions. Given the school's need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process, the school disciplinary rules need not be as detailed as a criminal code which imposes criminal sanctions. The school disciplinary rule proscribing "obscene" language and the prespeech admonitions of teachers gave adequate warning to respondent that his lewd speech could subject him to sanctions. Difficulties and controversies:

There was a lot of debate that circulated throughout this case. The first involves whether or not the child in question was allowed to say what he said about his classmate through school-approved conduct. The case does in fact persuade the reader that the child in question was not allowed to say these things because they are deemed inappropriate for school purposes. The first amendment to the US constitution protects a limited type of speech. The court agreed with the school board in saying that the child's words were in fact worthy of the disciplinary action that the school has imposed. However, because of the first amendment, the court ruled against the disciplinary action and overturned the school board's decision.

The three day suspension that the student had to complete was reduced to the two he had served and enjoined the decision that he was not allowed to speak during his class graduation. This case is problematic because there is

a clear conflict of interest in this situation, the student is in fact at fault for his actions and under the jurisdiction of the school board's decisions, however, because the first amendment protects his right of free speech, the student was able to get away with his actions. Its true that the law must preside over the school board decision however it is also impractical that the student's actions go unanswered, the school board should be able to enact certain regulations that control what a student can and cannot do. For instance, the use of the student's profanity is clearly inappropriate and he admitted guilt to the subject, the student should face disciplinary action.