

# Freedom of expression

Law



In the Bill of Rights, the First Amendment protects Freedom of Speech, has been expanded through numerous court decisions to mean freedom of expression, even non-verbal expression like artistic creations, dance movements or wearing anything symbolic on one's clothing.

As with various popular terms over the history of English language, the term “freedom of expression” has come to mean a wide variety of things and is definitely open to interpretation. It could mean freedom to act in any matter at any place whatsoever without regard to any standards. But it has been defined within certain limitations and exceptions, the most relevant to the case under consideration being defamation and obscenity.

The woman with the t-shirt that caused her eviction from the plane, was expressing a political opinion, and as such cannot be held responsible for defamation. For defamation to be established, it should also be shown to be causing tangible harm by the publication of an alleged fact, which is false. None of the images printed caused any actual damage to their subjects, because the t-shirt made no false claims based on facts about the subjects depicted on it. An opinionated statement is not defamation, and a citizen reserves the right to express an opinion.

Where the conflict comes in however, is the display of profanity. The print draws a parallel with a popular movie title “Meet the Fockers”, which was not banned for obscenity as in the title it was a clever pun and not much else. The t-shirt replaces the “o” with a “u”, which makes it an explicit term, unsuitable for a captive audience aboard a plane, which might include minors. Possibly exposing minors to strong language is not an exercise in freedom of expression, but rather its curtailment for others involved.

The venue of the incident was not public space, but private property owned  
<https://assignbuster.com/freedom-of-expression-essay-samples/>

by the South West Airlines, and as such they retained the right to object to words unacceptable to them or other passengers. The woman was not forced to stop wearing the aforesaid t-shirt, but was asked to not travel in a private enterprise owned plane while wearing it. It did not violate her fundamental right to express her opinion, but involved a defense of the airline's right to stick to its principles on its private property. South West airline's contract according to FAA regulations expressly states that any passenger found to be exercising or expressing lewdness or obscenity might be asked to disembark at the discretion of the airline.

It is, of course, debatable if the airline should have allowed her to board on the first leg of her journey, and then changed its mind at the time of the second leg, after passenger complaints. Or, for that matter, if they should have reimbursed her for the flight she was not allowed to board, because she was given no previous warning.

If taken to court, this case is likely to be decided in favor of the airline, as it did not technically violate the lady's right to freedom of expression, but exercised its own to maintain decency and proper conduct on their plane. Reimbursements may however be awarded to the lady on the grounds that she was not given any information about the impropriety of the t-shirt on board the airline before boarding it at the first instance. Freedom of expression is the subject of well-publicized debates in today's politically charged scenario. The term is likely to undergo various changes in meaning and possibly go the way that other terms like "politically correct" have done over the years, from a courageous statement to overdone zeal.