

Right to free speech  
has limits sociology



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Freedom of address is a cherished characteristic of American democracy. The right to freely talk without censoring and restriction is a closely protected human right particularly in the United States. Specifying the extent to which free address is protected under the Constitution is the primary inquiry raised in one of the most controversial constitutional rights instances handled by current Supreme Court in *Snyder v. Phelps*. Like all other basic freedoms, this research undertaking illustrated that America believes freedom of address has its boundaries.

On one side of the contention is Albert Snyder, a bereft male parent whose boy Lance Corporal Matthew Snyder, was killed in Iraq on March. On the other side is fundamentalist curate Fred Phelps, caput of the Westboro Baptist Church, a little spiritual group noted to picket military funerals while publishing scathing comments against homosexuality and against America for digesting homosexuality. After saying publically of purposes to picket the Snyder funeral, Phelps and a figure of his protagonists demonstrated against homosexuality near to the Snyder funeral service. With Phelps holding jurisprudence enforcement protection and his presence doing a believable menace of force, the full ambiance of the spiritual services was changed. Phelps ' activities non merely impacted the Snyder household but besides caused an simple school across the street from the church to be placed in lock down. All of the instructors were required to draw down the blinds so that the kids could non see the dissenters streamers such as " Fag Troops. "

Snyder sued Phelps for going against his privateness and doing emotional hurt to an already bereaved household by interrupting the holiness of the funeral services. In the initial opinion of the instance, the jury found in favour of Snyder and he was awarded \$ 2.9 million in compensatory amendss and \$ 8 million in punitory amendss. However, the Fourth Circuit Court of Appeals overturned the determination. This instance is expected to be resolved within the summer of 2011 by the Supreme Court. How Americans weigh in on the free address argument originating from Snyder v. Phelps, which party has a stronger claim, is the purpose of this peculiar research. The resulting treatment reveals the group ' s premises, the instance study parametric quantities, the consequences gathered from the studies, and the group ' s analysis.

### **Hypothesis – Snyder has a Stronger Claim**

Prior to opening the existent study to the respondents, the group discussed personal positions and surmised on how America would comprehend free address and its application to Snyder v. Phelps. The group came up with the following five hypotheses based on issues sing freedom of address and right to privateness and holiness of the funeral service.

The group ' s first premise was that 70 per centum of the study responses would state that Phelps ' chief end was non to ache the Snyder household but instead to achieve media attending. We felt that Phelps ' major motive for showing during the funeral service was non meant to trouble the Snyder household per Se, but to do a strong statement against homosexuality. We besides reached this premise because Phelps had issued an earlier imperativeness release saying his purposes to picket at the funeral.

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Furthermore, at a ulterior interview, Phelps admitted that they used military funerals because they are more efficient agencies of acquiring their message across to more media.

Our 2nd premise was that 100 per centum of the study respondents will uncover that “ targeted picketing ” is decidedly a signifier of torment. The ground behind the premise is that most of us still believe that Americans consider the funeral as a private event which needs to be conducted with self-respect and holiness. Hence, while Phelps may claim that their act of “ picketing ” was aimed to acquiring through to the U. S. authorities, straight impacted by their protest action was the Snyder household.

The group ‘ s 3rd premise was that 100 per centum of the study respondents will hold that people who are go toing the funeral of their beloved 1s have the right to be protected against unwanted communicating. We believed that this will emerge as a strong position among the respondents every bit good because funerals are designed to be private events, attended by the immediate household and friends already saddened by the decease of a relation or an esteemed loved one. Bing a private event held with extreme regard, self-respect, and holiness, any perturbation or break from persons who were non invited to the funeral constitutes indefensible communicating.

The group ‘ s 4th premise was that about 100 per centum of the study respondents would hold that Phelps foresaw the hurt and injury he was traveling to do to the Snyder household as a consequence of his programs and actions. The group believed reached this premise because any person of sound head has a sense of how funerals are and how disrupting funeral

services would do hurt to the household in mourning. Despite informing the Snyder household publically of his purposes to picket at the funeral, Phelps still had no right to demo up at the funeral uninvited by the household and cast defamatory comments near to where the funeral was held. We believed that anyone could hold calculated the unwanted effects of Phelps ' purposes and programs.

The group ' s last premise was that the respondent pool would be divided in their sentiments over which has the stronger claim – Snyder or Phelps. We surmised that 80 per centum of the study participants would side with Snyder and 20 per centum would side with Phelps. We reached this because we believe that most people consider a funeral to be a sacred private event and it should non be used as a platform for person else to voice their personal or political positions. There are other locales which views intolerant of homosexuality can be made. We besides hypothesized that study takers will hold that private persons should hold a right to mourn a loved one ' s decease without being harassed. Finally, the group felt that the study takers will side with Snyder because Phelps publically targeted and defamed Snyder ' s boy and was doing false accusals about a private person.

## **Research Parameters – Foundations for a Successful Undertaking**

A study dwelling 15 ( 15 ) inquiries was created utilizing an online services of SurveyMonkey. com. There were three demographic inquiries, seven psychographic inquiries, and five instance related inquiries. The group posted the study on societal networking sites Facebook and LinkedIn to make the maximal possible figure of participants. The members of the group

besides forwarded a nexus of the study to household members and friends. The study was intended to take merely ten to fifteen proceedings. A entire figure of 102 completed studies were gathered from the respondents.

## **Research Results – The Participants Side with Snyder**

After uncovering the research parametric quantities, the group now presents the demographic and psychographic consequences, the existent consequences from the online studies, and an analysis of the findings in relation to the five hypotheses presented earlier in the study.

### Figure One

( Survey Participants ' age groups ) Highlights of the demographics of our surveyed population are as follows: 45 per centum of our study takers are between the ages of 15-25, around 28 per centum are between 26-35, about 16 per centum are aged 36-45 old ages old, and 5 per centum are between the ages 45-60. The predomination of immature participants as illustrated in Figure 1 led us to believe that the positions will be given to be more sympathetic towards households in mourning and to hold more broad positions about gender. We surmise that this age set will prefer the Snyder household. Since the schools in the twenty-first century and the media in the United States emphasize that this state needs to be more tolerant towards others sexual orientations, most immature persons will differ with Phelps ' fundamentalist position on homosexuality. In contrast, the older coevals of study takers in the United States will hold a more intolerant position on homosexuality.

### Figure Two

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( Survey Respondents ' Religion ) In add-on to demographics, psychographics besides enable us to determine the spiritual and political propensities of study respondents. For case, we acknowledge that faith will play an of import facet in this study. As can be seen in Figure 2, approximately 50 % of the study respondents are from Christian or Catholic background. Both Christian and Catholic faiths condemn homosexuality. However, the immature persons today are non active in practising their faiths. Since bulk if the study participants are immature, they are more broad despite coming from households with conservative spiritual background. Therefore, it can be assumed that if the respondents are immature, they will most probably be non- active Christians or Catholics and are more like to side with Snyder household.

### Figure Three

( Survey respondents ' support for homosexual rights ) Last, as shown in Figure 3, approximately 45 % of the study takers reported their support for homosexual rights. Based on this statistics, the group believes that the respondents have a greater likeliness of puting their understandings with Snyder in this instance and will see Pastor Phelps ' beliefs on homosexuality negatively.

Demographics and psychographics allow us to run into and understand our respondents. Knowing more about our respondents enable us to deduce better premises. The first portion of the study let us to see how participants may respond and experience toward free address and privateness rights but the existent study will uncover to us precisely how respondents think about

issues referring the specific instance. Below are the comparing of the group 's hypotheses and the existent consequences of the instance specific inquiries. The analyses of the five case-specific inquiries below reveal the true sentiment of the study respondents and the ground behind the respondent ' s sentiment.

### **Phelps ' chief end was to acquire media attending**

How many of our study respondents would hold that Phelps purposefully wanted to ache the Snyder household? Earlier, we assumed that 70 per centum of the respondents would hold that that Phelps ' chief intent was to derive media attending during his protest. As shown in Figure 4, the existent consequences revealed that bulk of the respondents believed the chief intent of Phelps ' actions was to do a political statement: 41 per centum of the respondents said that Phelps chief end was to ache the household and 63 per centum said that it was for media attending. Interestingly, we noticed some vacillation on the portion of some respondents. It seems that some respondents changed their head at the last minute and answered otherwise. This could explicate why the sums reached 104 per centum alternatively of 100 per centum.

#### Figure Four

( Phelps ' end was to ache Snyder Family ) We believe that some of the respondents felt strongly that Phelps merely wanted to ache the household because first, he specifically targeted the Snyder household, and 2nd, it was the first funeral protested by Phelps and his fold. The position of bulk of the respondents was consistent with our hypothesis that the chief end of Phelps



was to acquire media attention. This may be because of the fact that Phelps had issued a press release of his purposes and he flew out to where the Snyder household was holding the funeral service. This proves that Phelps' purposes were chiefly aimed at deriving outstanding media attention to acquire his political statement on homosexuality heard by the authorities and the populace.

### **“ Targeted Picketing ” is a signifier of torment**

The group had hypothesized that 100 per centum of the study respondents would hold that “ targeted picketing ” in the instance of Snyder v. Phelps constitutes torment. As illustrated in Figure 5, the consequences of the study somewhat differed – 94 per centum agreed that “ targeted picketing ” is a signifier of torment and the staying 6 per centum believe that it should not be considered torment.

#### Figure Five

( Is mark picketing a signifier of torment? ) The consequences do not differ significantly from the group' s hypothesis because of the mode in which the “ picketing ” was performed. It is possibly hard for many to not see the actions of Phelps and his protagonists as torment when the presentation was aimed straight at the Snyder household. Harassment is any physical or verbal maltreatment against any individual or group because of their race, faith, age, gender, disability or gender. Phelps was obviously disturbed by the idea of homosexuality and he has the right to hold such positions. However, a funeral is not the best topographic point for another party to show their political beliefs while others are mourning. Obviously, bulk of the

study respondents agree on this. The group believes that the staying 6 per centum do non believe it is a signifier of torment because they are most likely house trusters of freedom of address with no restrictions. In the sentiment of the 6 per centum that selected “ no ” for this inquiry, curtailing a “ lookout ” from happening at a funeral may be considered a misdemeanor of our freedom of address.

### **Person go toing a funeral should be protected against unwanted communicating**

We wanted to cognize how many would hold to the demand for those go toing a funeral to hold protection from unwanted communicating. The group predicted that 100 per centum of the respondents would hold. As seen in Figure 6, 91 per centum agreed that person go toing a funeral should be entitled to particular protection against unwanted communicating while 9 per centum responded that there should non be any particular protection.

#### Figure Six

( Should person go toing a funeral have particular protection? ) Surprisingly, about a ten percent of the study respondents do non believe in any particular intervention for grievers. The group had assumed that all would reply “ yes ” to particular protection since the bulk of people might sympathize with those who are sorrowing over person they had lost. Possibly the 9 per centum that answered “ no ” hold ne'er felt this and hence, do non experience sympathetic towards person go toing a funeral or they may experience that grievers deserve regard, but particular protection may be an inordinate policy. The bulk of the participants who agree with particular

protection for grievors may hold strong feelings sing the holiness and privateness of funerals and are peculiarly empathic towards those in a province of mourning. After all, the last thing anyone wants during a funeral would be more grounds to be upset.

### **Phelps knew the hurt he would do the Snyder household because of his actions**

Another interesting issue in the instance is whether or non Phelps had purposefully hurt the Snyder household because he knew to the full good that his actions would do emotional injury to the household. We had assumed that all of the respondents would hold that Phelps knew and foresaw the effects of his actions. As shown in Figure 7, 96 % of the letter writers believed that Phelps knew what sort of emotional hurt he would do to the Snyder household by winging across the state to picket with marks that said " Thank God for dead soldiers. " Westboro Baptist Church wrote hurtful things on their lookout mark that where directed to the Snyder household like " You ' re traveling to hell " and " God hates You. "

Figure Seven

( Did Phelps anticipate the sort of injury he was traveling to bring down on Snyder ' s household? )

What the respondents reported may reflect a position that anyone who protests with such hurtful marks certainly intends to bring down hurt upon the targeted individual. The study takers likely view these marks are a cogent evidence that non merely did he anticipate the injury but he intended it. Phelps knew that his message was opprobrious and inflammatory and he

besides knew what sort of consequence it would hold on people, peculiarly for people who have lost a household member in the war. As a consequence of Phelps ' actions, the memory that the Snyder household will transport of their boy ' s funeral is non a twenty-four hours that he was honored but as a twenty-four hours of great psychological hurt.

### **Participants sympathize with Snyder**

The group hypothesized that 80 % would side with Snyder and merely 20 % would side with Phelps. Our logical thinking was that people view a funeral to be a sacred and private rite and should non be used as a platform for person else to voice their personal and political positions.

#### Figure Eight

( Is Phelps right or is Snyder right? ) As shown in Figure 8, 92. 7 % of study takers agreed that private persons should hold a right to mourn a loved one ' s decease without being harassed. Survey takers may hold sided with Snyder because Phelps publically targeted and defamed Snyder ' s boy and was doing false accusals about a private person. Survey takers found Phelps ' s actions insensitive and incorrect because non merely did he hassle Snyder but he posed a menace of force. Consequences favored Snyder because study takers felt that Phelps intended maliciousness as he clearly violated the maliciousness criterion. If Phelps foresaw the peculiar sort of injury he might do and yet has gone on to take this action, he is in misdemeanor of this criterion. Survey takers felt that Phelps foresaw what sort of emotional hurt he could bring down on the Snyders but decided to picket the funeral nonetheless. A important ground for the understanding for Snyder may be

due to intolerant, even gregious words hurled and written on posters such as " Thank God for Dead Soldiers " , " Fag military personnels " , " God hates fairies " , and " Semper Fi Fags. "

## **Conclusion – America believes free address has bounds**

The Snyder v. Phelps instance has caught great attending across the state.

The inquiry in everyone ' s head is which constitutional right will predominate: the right to freedom of address and look which will protect Phelps or right to peaceful assembly and fold which will progress Snyder ' s instance. The delicate nature of this instance inspired the group to take involvement and research on the instance. Changing sentiments on the instance have been reported depending on the participant ' s demographic features, spiritual strong beliefs, and political propensities. The group ' s premises and the position of study participants were consistent with the position that although a precious right, the freedom of address has its restrictions. Free address can non be protected when it violates the rights of others to peaceably assemble such as in mourning for the decease of a loved one. Disturbing the holiness of a funeral in the name of freedom of look is malicious and intended to ache others. There are proper locales to air positions on issues such as homosexuality – off from private and already straitening events such as funerals. While the parties wait for the Supreme Court ' s determination, the group believes, based on the findings of this research that Americans believe in bounds to liberate address and will be sympathetic with the Snyder household. Lone clip will state that who will Supreme Court regulation in favour of.