

MARCH 2023

CENTER NEWS

Liberty & Law Center's Newsletter



FROM OUR LEADERSHIP

Dear Friends,

With 2023 underway, we want to share some of the Center's major milestones as well as give updates on our projects and announce a brand new initiative.

We are excited to announce our next venture: Voices for Liberty: Free Speech, Civil Rights & Social Progress. The Voices for Liberty Initiative will examine the role free speech has played and continues to play in advancing civil rights in America, particularly for historically disadvantaged and/or socially marginalized groups. It will include original scholarship, public events, and a nationwide college speaker's bureau. To find out more, visit the Initiative's website (voicesforliberty.law.gmu.edu) or reach out to one of us.

In this newsletter you will find information about our accomplishments this past fall and our exciting plans for 2023. We can't do anything, though, without the generosity of our partners and supporters, which is essential to the Center's success.

Warmly,
David Bernstein, Executive Director
JoAnn Koob, Director & Lola C. Reinsch Public Interest Fellow

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PUBLIC POLICY CONFERENCE

The Future of Rights: Frameworks, Trends, and Alternative Visions

On November 18th, 2022, the Liberty & Law Center and the Sunwater Institute co-hosted a webinar on "The Future of Rights: Frameworks, Trends, and Alternative Visions." The webinar examined how the American political experiment began in defense of "rights." However, what rights were they fighting for? What rights did they establish? How do we define rights? One of the major legal questions the era is to try to determine what rights the Constitution grants (if a right can even be granted). The conference explored the origin of rights, the trends and the current status of fundamental rights, and the future of rights.

Professor Mark Somos, Heisenberg Professor at the Max Planck Institute for Comparative Public Law and International Law, and Professor Iouna Tourkochoriti attempted to explain where the rights in the U.S. Constitution stem from, and where the framers got the concept of rights. Professor Somos argued that the framers were inspired by "state of nature" rights, rights that exist without a sovereign, and distinguished them from relative rights that the state grants its citizens in negotiation. The state must protect those "state of nature" rights for it to be a valid sovereign. Professor Tourkochoriti distinguished the framers, and the American Revolution's pursuit of rights from those advocated for by the French Revolution, and tied how those distinct views of rights developed. In this discussion, Professor David Bernstein expertly guided the speakers to explain how such a view of rights might have developed.

The second session reviewed the current status of rights around the world. Professor Prithviraj Datta and Professor Ilya Somin described the importance and

status of two rights most view as fundamental, speech and property. Professor Datta described how no restriction on speech can ever be justified, as it will always be used to hamper heterodox thinking. Datta noted that obscenity laws tend to be lax towards orthodox preferences, but strict towards non-normative practices and sexual interests. Professor Somin, meanwhile, provided an optimistic look at the state of property rights in the United States, describing the bipartisan support for limiting the reach of eminent domain actions.

During the final session, scholars Joseph Kochanek and Ani Harutyunyan provided the long-term perspective on rights. The scholars described how innovation might curtail the existence of rights themselves, that rights and liberties may be superseded by innovation. An interesting discussion followed about how scientific innovation led to the decreased power and importance of religion. At first, knowing how and why rain occurs did not impact prayer for rain, but eventually the development of irrigation systems made the importance of prayer less relevant. Analogously, with the rise in data surveillance, the concepts of the right to privacy, free will, etc., might be curtailed should the state fail to limit their control.

By investigating the past, finding where rights come from and what obligations a sovereign has to protect them, and by considering the current status of our sovereign protecting our rights, the conference created a framework to analyze future threats to our rights, and the important role the state has in protecting them.

FREE SPEECH CLINIC

For the academic year 2022-23 the Free Speech Clinic has seven students participating in a program that spans the entire academic year. These students, along with the Clinic, fight to defend free speech against encroachment by the government. In particular, the Clinic is defending the rights of high school and college students to engage in free expression, even when that expression is controversial. Graduates of the Clinic have gone on to work for organizations such as the Institute for Justice, Pacific Legal Foundation, the Foundation for Individual Rights and Expression, and News Media Alliance.

PROGRAM SNAPSHOT: Public Discourse Project

Discussion Over Division

In the ever changing political climate it is more important than ever to have open and civil discourse about politics and public policy. This past fall, the Liberty & Law Center did just that. Our Public Discourse Project held multiple Discussion over Division events that brought students with different political views together to talk about the most pressing policy issues of the day.



Discussion Over Division Event held on 10.25.22

Led by the Center's Director, Professor Koob, students were given a conversation guide made up of topics ranging from social media and freedom of speech, immigration, and Russia's war on Ukraine, to encourage honest and open discussions about world events. Students were told to use the guide as a starting point but to see where the conversation took them, as long as they were respectful of each other's beliefs. During the hourlong event, students were pre-matched in groups of two to four individuals based on answers to a pre-event questionnaire to determine their political viewpoints and affiliations. This enabled us to match students with different and opposing viewpoints, to facilitate cross-partisan discussions.

At the end of the event, Center Director Koob provided a post-event survey to determine the impact this event had on the student participants. Numerous positive responses were recorded, with many students planning to attend other events in the future. An anonymous student wrote: "There was a decent amount of common ground on a few topics." This response is exactly what the Center is hoping to hear.

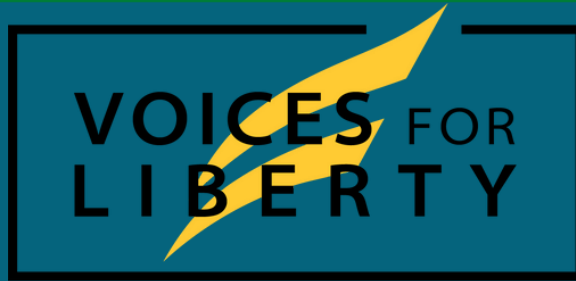
We are continuing these events this spring, so that the students frequently have access to an environment for open and positive civil discourse. In addition, we are hosting Public Discourse Project events at the University of Wisconsin's Law School, Georgetown University Law Center, and the Indian School of Public Policy.

PUBLIC INTEREST LITIGATION TRAINING PROGRAM



Public Interest Litigation Training Event

This past fall eleven students participated in the Public Interest Litigation Training Program. Created by the Liberty & Law Center, this program features courses specially designed to train the next generation of litigators to defend constitutional rights against government overreach. Given the current political climate, this mission is more important than ever.



UPCOMING EVENTS

SPRING 2023:

Research Roundtable

In June 2023, the Center will host a research roundtable as part of its Voices for Liberty Initiative. At the roundtable, original scholarship about the relationship between free speech and civil rights will be presented, discussed, and critiqued by a group of about twenty scholars and policy experts. For more information about this event, please contact VFLI@gmu.edu.

FALL 2023:

Civil Rights-Free Speech Symposium

On Friday, September 22, 2023, the Liberty & Law Center will host a public symposium on the relationship between civil rights and freedom of speech, as part of its Voices for Liberty Initiative. At the symposium, original scholarship will be presented and discussed in panel discussions. To receive a notification when registration opens, please email liberty@gmu.edu.

LEADERSHIP

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