

Amendment to only one among a constellation of possible values and would therefore limit the coverage or the degree of protection of the speech and press clauses.

For example, one school of thought believes that, because of the constitutional commitment to free self-government, only political speech is within the core protected area,⁴⁰⁷ although some commentators tend to define more broadly the concept of “political” than one might suppose from the word alone. Others recur to the writings of Milton and Mill and argue that protecting speech, even speech in error, is necessary for the eventual ascertainment of the truth through the conflict of ideas in the marketplace—a view skeptical of our ability ever to know the truth.⁴⁰⁸ A broader-grounded view is expounded by scholars who argue that freedom of expression is necessary to promote individual self-fulfillment—that, when speech is freely chosen by the speaker to persuade others, it defines and expresses the speaker’s “self” and promotes his liberty⁴⁰⁹ and “self-realization” by enabling him to develop his powers and abilities and to make and influence decisions regarding his destiny.⁴¹⁰ The literature is enormous and no doubt the Justices as well as the larger society are influenced by it, and yet the decisions, probably in large part because they are the collective determination of nine individuals, seldom clearly reflect a principled and consistent acceptance of any philosophy.

Freedom of Expression: Is There a Difference Between Speech and Press?

Use of the single word “expression” to reach speech, press, petition, association, and the like, raises the question of whether the free speech clause and the free press clause are coextensive, or whether

⁴⁰⁷ *E.g.*, A. MEIKLEJOHN, *POLITICAL FREEDOM* (1960); Bork, *Neutral Principles and Some First Amendment Problems*, 47 IND. L.J. 1 (1971); BeVier, *The First Amendment and Political Speech: An Inquiry Into the Substance and Limits of Principle*, 30 STAN. L. REV. 299 (1978). This contention does not reflect the Supreme Court’s view. “It is no doubt true that a central purpose of the First Amendment ‘was to protect the free discussion of governmental affairs.’ . . . But our cases have never suggested that expression about philosophical, social, artistic, economic, literary, or ethical matters—to take a nonexclusive list of labels—is not entitled to full First Amendment protection.” *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209, 231 (1977).

⁴⁰⁸ The “marketplace of ideas” metaphor is attributable to Justice Holmes’ opinion in *Abrams v. United States*, 250 U.S. 616, 630 (1919). See Scanlon, *Freedom of Expression and Categories of Expression*, 40 U. PITT. L. REV. 519 (1979). The theory has been the dominant one in scholarly and judicial writings. Baker, *Scope of the First Amendment Freedom of Speech*, 25 UCLA L. REV. 964, 967–74 (1978).

⁴⁰⁹ *E.g.*, C. Edwin Baker, *The Process of Change and the Liberty Theory of the First Amendment*, 55 S. CAL. L. REV. 293 (1982); C. Edwin Baker, *Realizing Self-Realization: Corporate Political Expenditures and Redish’s The Value of Free Speech*, 130 U. PA. L. REV. 646 (1982).

⁴¹⁰ Redish, *The Value of Free Speech*, 130 U. PA. L. REV. 591 (1982).