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## PREFACE

This work is derived from Stone, Seidman, Sunstein, Tushnet, and Karlan, *Constitutional Law* (9th ed. 2023). It incorporates the material in Chapters VII and VIII of that book and its most recent Supplement, with only modest revisions. It presents the most recent developments in the area.

The First Amendment is a suitable subject for treatment apart from the rest of constitutional law. First Amendment cases and issues raise questions both about constitutional law generally and about the specific domains of free expression and religious liberty. Although this book generally assumes that students have had an introduction in which they have already considered the justifications offered for judicial review, the cases and materials allow students to explore questions about the appropriate roles of courts and legislatures in developing fundamental law. The free expression materials show how such important considerations as democratic theory and the claim that individuals are self-directing, autonomous beings might influence the development of constitutional doctrine. The materials on the First Amendment's religion clauses pose questions, among others, about the ability of constitutional law to foster or support religious liberty in a society characterized by religious pluralism. These characteristics of the First Amendment materials intersect with characteristics of constitutional law and theory in other substantive areas of constitutional law, and students might be encouraged to think about the connections.

The goals we pursue are to introduce students to the main lines of First Amendment doctrine, to place that doctrine in its historical setting (particularly emphasized in Chapter II of Part I) and its social setting (an important theme in Part II), and to ensure that students connect particular doctrines and lines of doctrinal development with more general approaches to constitutional interpretation such as originalism, natural law/natural rights thinking, and the like. Although the materials assume a general familiarity with controversies over the justifications for judicial review, the book can be used in a freestanding course on the First Amendment. At some points the materials present information about constitutional practices in other democratic societies, in an effort to combat the parochialism of United States constitutional thinking. As noted in *Constitutional Law*, “we offer no systematic survey; but we do hope to shed light on our own problems by exploring how other nations operate.”

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