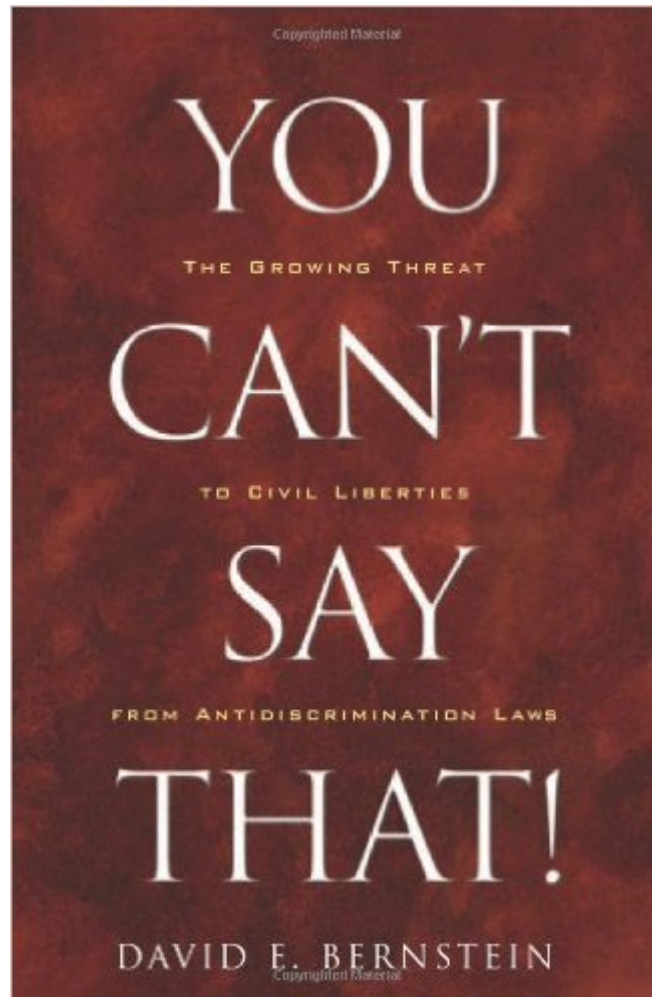


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# You Can't Say That!: The Growing Threat To Civil Liberties From Antidiscrimination Laws



## Synopsis

Activists and courts are using antidiscrimination laws to erode civil liberties such as free speech, the free exercise of religion, and freedom of association. The book examines how these laws are being applied on college campuses and in the workplace in ways that threaten our fundamental freedoms.

## Book Information

Paperback: 200 pages

Publisher: Cato Institute (September 20, 2004)

Language: English

ISBN-10: 1930865600

ISBN-13: 978-1930865600

Product Dimensions: 7 x 0.6 x 9 inches

Shipping Weight: 9.6 ounces

Average Customer Review: 4.8 out of 5 stars [See all reviews](#) (15 customer reviews)

Best Sellers Rank: #1,648,203 in Books (See Top 100 in Books) #211 in [Books > Law >](#)

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## Customer Reviews

Early in life my parents taught me the childhood ditty "Sticks and stones will break my bones, but names will never hurt me" in order to inculcate into me the realization that my belief in myself was more important than what anyone else thought about me. After all, America was a "free country", and an essential element of that freedom was encompassed by the freedom of speech protected by the First Amendment to our Constitution, the document which together with the Declaration of Independence outlined the political philosophy of the founders of our country. However, as David Bernstein shows in this marvelous new book, increasingly over the past few decades intolerant activist zealots have managed to "impose their moralistic views on all Americans". And one fascinating aspect of this trend which he discusses is the "psychological endowment effect", that by promoting monetary remedies and subsidizing feelings of outrage over alleged injustices, we have reinforced the probability that the trend will continue. The primary focus of this book by Professor (at George Mason University School of Law) Bernstein is the tendency of the judiciary to abandon our Constitutional protection against government's ability to regulate speech when such speech (and very worrisomely even acts such as laughter or simply staring) conflicts with antidiscrimination laws

and the regulations of the agencies charged with their enforcement.

Free speech really isn't as free as some people make it out to be. In fact, important and interesting ideas are stifled and suppressed too much of the time these days. In *You Can't Say That! The Growing Threat to Civil Liberties from Antidiscrimination Laws*, David E. Bernstein focuses upon the myriad of ways in which antidiscrimination laws that were once enacted for the benevolent purpose of remedying past injustices of racial discrimination have since come to be used by government agencies, campus PC crowds, and radical egalitarian interest groups to suppress the fundamental, constitutional rights of people to speak, assemble, associate and partake of their livelihoods. Bernstein, a respected law professor at George Mason University School of Law and member of the popular Volokh Conspiracy blog, draws together cases ranging from claims of "hostile environment" in the workplace to those involving campus speech codes, providing a powerful expose of the threats to free speech that are posed by many antidiscrimination laws today. An amorphous and often overly expansive notion of "discrimination" is often the basis of far-fetched antidiscrimination claims. As Bernstein writes, "The concept of antidiscrimination is almost infinitely malleable. Almost any economic behavior, and much other behavior, can be defined as discrimination." Indeed, during the Clinton Administration the Department of Housing and Urban Development—cited by Bernstein as one of the leading violators of free speech rights—went so far as to try to regulate real estate advertising to prevent what it saw as "discriminatory advertising."

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