

Legacy of the First Amendment from an International Perspective

Purpose:

The lasting impact of the First Amendment's freedoms can be seen in contemporary constitutions in many nations around the world. This lesson provides students with the opportunity to compare the guarantees of a free press, free speech, and religious liberties in selected constitutions from a variety of nations in order to determine the common principles found in societies. In addition, students will be encouraged to extend the lesson by weighing such constitutional guarantees to the actual reality of their implementation by world governments.

Procedure:

1. Divide students into eight groups. Give copies of the First Amendment to each group (or display on an overhead transparency.) Assign each group the task of comparing the five freedoms found in the First Amendment to excerpts taken from selected nations' constitutions. Give each group a set of the handouts of world constitutions from the nine nations of Afghanistan, Bosnia, Chile, France, Mexico, Nigeria, South Africa, and South Korea. Using the "Comparison Chart" handout, ask students to note similarities in the appropriate columns.
2. Request student groups to verbally share their findings with the class. The instructor should note each group's findings on a master chart (overhead transparency or poster paper).
3. Conduct a classroom discussion of the similarities of these constitutions. Ask each student to consider the question at the bottom of the comparison chart and compose a one paragraph response. Volunteers can share their written responses, if desired.
4. Provide students with the handout "Freedom in the World- 2007 Scores." Explain that this table offers a "rating" of nations, according to various types of First Amendment freedoms permitted in each country. Briefly review the criteria for these ratings. Which continent has the largest number of countries in which the media is not free? Which continent has the highest number of "free" countries? Is the trend toward greater or lesser freedom of the press? Do these ratings correlate to the written guarantees found in the nine constitutions just examined by student groups?
5. Evaluate student understanding of the similarities and differences in liberties around the world by assigning the following one-page essay: Under what conditions, if any, should the government have the right to limit the power of free speech?
6. Encourage students to track free speech and free press issues in contemporary events. Have students investigate recent events of censorship and repression by the government of Myanmar (Burma). Design a bulletin board for students to post news articles of their research.

United States Constitution: Bill of Rights



Amendment I

Congress shall make no law
respecting an establishment of religion,
or prohibiting the free exercise thereof;
or abridging the freedom of speech,
or of the press;
or the right of the people peaceably to assemble,
and to petition the government for a redress of grievances.

WORLD CONSTITUTIONS and FIRST AMENDMENT LIBERTIES

Nation:	Freedom of Speech	Freedom of Assembly	Right to Petition	Freedom of the Press	Freedom of Religious Expression	Separation of Church and State
Afghanistan						
Bosnia						
Chile						
France						
Mexico						
Nigeria						
South Africa						
South Korea						

Which of the above nations offers the most liberties similar to those freedoms guaranteed in our Constitution's First Amendment? (*Explain your answer.*)

The Constitution of Afghanistan

January 3, 2004

PREAMBLE

We the people of Afghanistan:

- Believing firmly in Almighty God, relying on His divine will and adhering to the Holy religion of Islam;

Form a civil society void of oppression, atrocity, discrimination as well as violence, based on rule of law, social justice, protecting integrity and human rights, and attaining peoples' freedoms and fundamental rights;

Article 2

The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals.

Article 17

The state shall adopt necessary measures to foster education at all levels, develop religious teachings, regulate and improve the conditions of mosques, religious schools as well as religious centers.

Article 34

Freedom of expression shall be inviolable.

Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution.

Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities.



CONSTITUTION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

1994

(1) All persons within the territory of the Federation shall enjoy the rights:

(a) To life;

(b) To liberty, with arrest and detention authorized only by law;

(d) To freedom from discrimination based on race, color, sex, language, religion or creed, political or other opinions, and national or social origin;

(l) To fundamental freedoms: free speech and press; freedom of thought, conscience, and belief; freedom of religion, including private and public worship; freedom of assembly; freedom of association, including to form and belong to and labor unions and the freedom not to associate; and freedom to work;

(j) To form and belong to political parties;



Constitution of the Republic of Chile

Santiago, October 21st., 1980.- The following has been decreed today:

6.- Freedom of conscience, manifestation of all creeds and the free exercise of all cults which are not opposed to morals, good customs or public order;

Religious communities may erect and maintain churches and their facilities in accordance with the conditions of safety and hygiene as established by the laws and ordinances.

With respect to assets, the churches and religious communities and institutions representing any cult shall enjoy the rights granted and acknowledged by the laws currently in force. Churches and their facilities assigned exclusively for religious activities shall be exempt from all taxes;

12.- Freedom to express opinions and to disseminate information without prior censorship in any form and by any means, without prejudice to assuming the responsibility for any crimes or abuses committed in the exercise of such freedoms, in conformity with the law which is to be passed by a qualified quorum.

In no case may the law establish a state monopoly over the mass media.

13.- The right to assemble peacefully without prior permission and carrying no weapons.

Meetings at squares, streets and other public places shall be ruled by general police regulations;

14.- The right to submit petitions to the authorities with reference to any matter of public or private interest, with no limitation other than the requirement to submit such petitions in a respectful and appropriate manner;



Declaration of the Rights of Man and the Citizen France

1789

Article first.

- Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

Article 2.

- The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are Liberty, Property, Safety and Resistance to Oppression.

Article 6.

- The Law is the expression of the general will. All citizens have the right to take part, personally or through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents.

Article 10.

- No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.

Article 11.

- The free communication of ideas and of opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law.



Constitution of Mexico

1917

Article 3.1

Freedom of religious beliefs being guaranteed, the standard which shall guide such education shall be maintained entirely apart from any religious doctrine and, based on the results of scientific progress, shall strive against ignorance and its effects, servitudes, fanaticism, and prejudices.

Article 7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority may establish censorship, require bonds from authors or printers, or restrict the freedom of printing, which shall be limited only by the respect due to private life, morals, and public peace.

Article 8. Public officials and employees shall respect the exercise of the right of petition, provided it is made in writing and in a peaceful and respectful manner; but this right may only be exercised in political matters by citizens of the Republic.

Article 9. The right to assemble or associate peaceably for any lawful purpose cannot be restricted; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed deliberative meeting is authorized.

Article 24. Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law.

Every religious act of public worship must be performed strictly inside places of public worship, which shall at all times be under governmental supervision.

Article 25. Sealed correspondence sent through the mail shall be exempt from search and its violation shall be punishable by law.



Constitution of the Federal Republic of Nigeria

1999

38. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

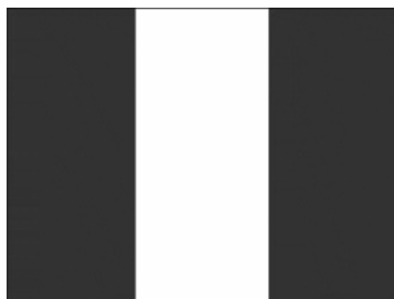
39. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:

Provided that no person, other than the Government of the Federation or of a State or any other person or body authorized by the President on the fulfillment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.

(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society -

40. Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests:



The Constitution of the Russian Federation

December 12, 1993

Article 19.

1. All people shall be equal before the law and in the court of law.
2. The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden.

Article 28.

Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.

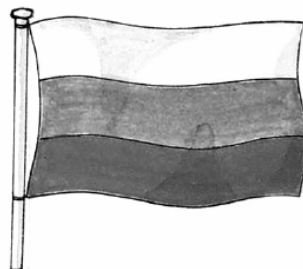
Article 29.

1. Everyone shall have the right to freedom of thought and speech.
2. Propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. The propaganda of social, racial, national, religious or language superiority is forbidden.
3. No one may be coerced into expressing one's views and convictions or into renouncing them.
4. Everyone shall have the right to seek, get, transfer, produce and disseminate information by any lawful means.
5. The freedom of the mass media shall be guaranteed. Censorship shall be prohibited.

Article 30.

Everyone shall have the right to association.

1. Everyone shall be guaranteed freedom of literary, artistic, scientific, intellectual and other types of creative activity and tuition. Intellectual property shall be protected by the law.



Constitution of the Republic of South Africa

1996

15. Freedom of religion, belief and opinion

1. Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
2. Religious observances may be conducted at state or state-aided institutions, provided that
 - a. those observances follow rules made by the appropriate public authorities;
 - b. they are conducted on an equitable basis; and
 - c. attendance at them is free and voluntary.

16. Freedom of expression

1. Everyone has the right to freedom of expression, which includes
 - a. freedom of the press and other media;
 - b. freedom to receive or impart information or ideas;
 - c. freedom of artistic creativity; and
 - d. academic freedom and freedom of scientific research.
2. The right in subsection (1) does not extend to
 - a. propaganda for war;
 - b. incitement of imminent violence; or
 - c. advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

17. Assembly, demonstration, picket and petition

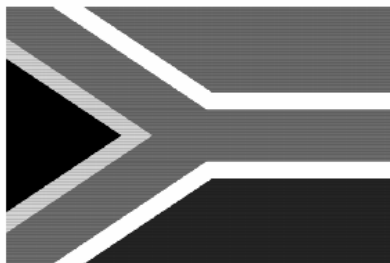
Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

18. Freedom of association

Everyone has the right to freedom of association.

32. Access to information

1. Everyone has the right of access to
 - a. any information held by the state; and
 - b. any information that is held by another person and that is required for the exercise or protection of any rights.
2. National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.



South Korea - Constitution

1948

Article 1 [Democracy]

- (1) The Republic of Korea is a democratic republic.
- (2) The sovereignty of the Republic of Korea resides in the people, and all state authority emanates from the people.

Article 19 [Conscience]

All citizens enjoy the freedom of conscience.

Article 20 [Religion, Church]

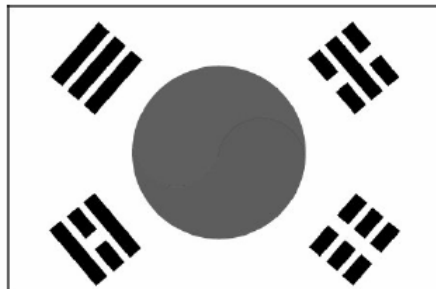
- (1) All citizens enjoy the freedom of religion.
- (2) No state religion may be recognized, and church and state are to be separated.

Article 21 [Speech, Press, Assembly, Association, Honor, Public Morals]

- (1) All citizens enjoy the freedom of speech and the press, and of assembly and association.
- (2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.
- (3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.
- (4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting therefrom.

Article 26 [Petition]

- (1) All citizens have the right to petition in writing to any governmental agency under the conditions prescribed by law.
- (2) The State is obligated to examine all such petitions.



Freedom in the World 2007 Scores

KEY

PR: Political Rights

CL: Civil Liberties

Status: F-Free; PF-Partly Free; NF-Not Free

Sub-Categories: Political Rights

A: Electoral Process

B: Political Pluralism and Participation

C: Functioning of Government

Sub-Category: Civil Liberties

D: Freedom of Expression and Belief

Country	PR	CL	Status	A	B	C	D
Afghanistan	5	5	PF	6	7	4	5
Algeria	6	5	NF	4	4	3	7
Angola	6	5	NF	2	5	1	8
Argentina	2	2	F	11	15	7	14
Australia	1	1	F	12	15	12	16
Bangladesh	4	4	PF	8	10	4	8
Bhutan	6	5	NF	3	1	5	7
Bolivia	3	3	PF	11	13	4	15
Bosnia-Herzegovina	3	3	PF	8	11	6	11
Botswana	2	2	F	11	11	9	14
Brazil	2	2	F	11	14	6	15
Burma	7	7	NF	0	1	0	2
Cambodia	6	5	NF	3	5	3	9
Canada	1	1	F	12	16	12	16
Chad	6	5	NF	3	1	2	7
Chile	1	1	F	12	15	12	16
China	7	6	NF	0	1	1	4
Costa Rica	1	1	F	12	15	11	16
Cote de Ivoire	6	6	NF	1	2	2	5
Croatia	2	2	F	12	14	9	14
Cuba	7	7	NF	0	0	1	2
Ecuador	3	3	PF	9	15	4	15
Egypt	7	6	NF	1	4	2	6
Ethiopia	5	5	PF	5	5	4	7
Finland	1	1	F	12	16	12	16
France	1	1	F	12	15	11	15
Germany	1	1	F	12	15	12	15
Ghana	1	2	F	12	15	10	14
Greece	1	2	F	12	15	10	15
Haiti	4	5	PF	7	10	3	10

Honduras	3	3	PF	9	10	6	13
India	2	3	F	11	14	9	13
Indonesia	2	3	F	11	13	6	10
Iran	6	6	NF	3	4	3	4
Iraq	5	6	NF	7	6	1	4
Israel	1	2	F	12	15	10	14
Italy	1	1	F	12	15	11	15
Japan	1	2	F	12	15	10	13
Jordan	5	4	PF	3	6	5	9
Laos	7	6	NF	0	1	0	4
Libya	7	7	NF	0	1	0	1
Malaysia	4	4	PF	6	7	6	8
Mexico	2	2	F	10	14	9	14
Namibia	2	2	F	10	12	9	15
Nicaragua	3	3	PF	11	12	5	14
Niger	3	3	PF	11	10	8	11
Nigeria	4	4	PF	6	9	6	11
North Korea	7	7	NF	0	0	0	0
Norway	1	1	F	12	16	12	16
Pakistan	6	5	NF	2	6	3	8
Panama	1	2	F	12	15	9	15
Philippines	3	3	PF	7	13	8	14
Poland	1	1	F	12	16	10	15
Russia	6	5	NF	3	5	3	8
Rwanda	6	5	NF	3	3	4	7
Saudi Arabia	7	6	NF	0	0	1	4
South Africa	2	2	F	12	14	9	15
South Korea	1	2	F	11	15	10	14
Spain	1	1	F	12	15	12	16
Sudan	7	6	NF	0	4	3	4
Sweden	1	1	F	12	16	12	16
Syria	7	7	NF	0	0	1	2
Taiwan	2	1	F	10	15	9	16
Turkey	3	3	PF	9	12	7	12
Uganda	5	4	PF	4	7	4	11
United Kingdom	1	1	F	12	16	12	16
United States of America	1	1	F	11	16	11	16
Venezuela	4	4	PF	8	8	4	11
Vietnam	7	5	NF	0	1	1	5

*Data gathered and reported by Freedom House, a nonprofit, nonpartisan organization founded in 1941 by Eleanor Roosevelt, Wendell Willkie and other Americans concerned with threats to peace and democracy.
www.freedomhouse.org*