

Limitation of Religion Information Spread under Media Law

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Abstract: This article's research aims to let people better understand that freedom of speech needs to be controlled and has boundaries and limitations. Although the First Amendment of the Constitution seems to provide a very broad scope of free speech, a series of other bills have been established to restrict related harmful speech for the sake of public health and social morality. It is very necessary to understand this boundary, which can protect people from serious consequences of their speech due to an unclear understanding of the law. This article will focus on the legal definition of "freedom of speech" within the framework of media law and the First Amendment. Discuss the relationship between the Constitution, the First Amendment, and civil rights while elucidating the circumstances and restrictions on free speech and religious belief by government and religious institutions under media law and the First Amendment. Combining First Amendment-related sentencing bills and media law-related events, this research summarizes the restrictions on religious freedom of expression. Although the First Amendment protects people's right to free speech, it cannot violate any laws, such as the Privacy Act and the Personal Reputation Act. Free speech itself cannot violate these other laws.

Keywords: Media Law, Civil Rights, Civil Liberty, US Constitution, Media Law

1. Introduction

Publicity is an important part of opening up market share in every industry. Since the birth and spread of the Internet, online publicity has become the most important part of this industry. In contemporary society, media law, as an important legal mechanism for regulating the circulation and dissemination of information, has become increasingly prominent in its role and influence. Especially in the field of dissemination of religious information, the application of media law is not only related to the freedom and restrictions of information dissemination, but also involves the maintenance of social diversity and harmony. The establishment of media law involves the underlying logic of the First Amendment's definition and restrictions on freedom of speech, which is also the focus of this article.

2. Religion & Media

Historically, there have been many ways of religious communication, such as preaching, teaching and a series of other representative methods, but the earliest religious media communication started with religious broadcast news. The longest-lived of these, for example, is the CBS Radio Network's World of Religion, which is still produced at KMOX in St. Louis and is still broadcast several times a week on CBS-owned and operated radio stations [1]. The UPI Broadcasting Network has employed

a religion editor for ten years and provides a religion news source for stations looking to purchase this specialized service, according to public reports. Other radio line services also offer specialized religious packages [2]. Some local radio stations in major markets also focused on religion. For example, WINS in New York has included regular religious commentary in the weekend news cycle for many years [1]. There are other similar examples, which, while not exactly the same as religious coverage, still represent persistence in this direction.

The development of the media is closely related to the development of science and technology. Unlike the change of religious content, which is a reform of new ideas and interpretations, the communication and work of the media are subject to the development of science and technology and have also led to some technological progress. The development history of media can be classified according to the development time nodes of science and technology. The first is the ancient media period. At this stage, all news and information updates were accomplished through writing, text, and pasted notices. Then the invention of printing brought the first technological revolution to the media field, completing a qualitative leap in the amount of media news printed. After that, the further development of technology brought society into the stage of electronic media. This technological development has completely changed a series of communication methods such as media communication channels, and created a series of new words and methods including but not limited to broadcast, media, online news, etc. With the rapid development of the media industry, a large number of cases of misunderstandings and even serious consequences caused by false information have begun to emerge one after another. In recent years, major platforms and software have also begun to develop stricter information review processes to prevent the transmission of false information.

3. Civil Right & Media Law

The first thing to make clear is that civil liberties are not the same as civil rights. The U.S. Constitution states that the basic rights of the people are supreme, but this does not mean that civil rights and civil liberties are the same words. Civil rights clearly refer to the rights that people have in legal texts. For example, the right to vote is a civil right. Civil freedom refers to rights that cannot be deprived by the government and refers to passive rights. For example, the core First Amendment in this article specifically states that the government cannot deprive people of their rights to free belief and free speech [3].

The First Amendment is an article of the Constitution that protects the basic rights of the people. In the American legal system, the status of the Constitution is supreme, so any other law that violates the Constitution at the beginning of its establishment will cause the law itself to be unconstitutional. According to the principle of judicial review established in the case of *Marbury v. Madison*, the court has the right to declare the law itself unconstitutional, and because the law itself is unconstitutional, this leads to the invalidity of the law [4]. Since the First Amendment of the Constitution has clearly stated that the people's freedom of belief and free speech are supreme, media laws cannot violate the freedom rights of the First Amendment when designated. Therefore, when studying restrictions on speech under the framework of media law, the law restricting speech is not media law but the First Amendment, the legislative basis of media law.

4. Legislature Study

This study focuses on three parts: the first part is the limitation of "free speech" definition under 1st amendment, the second point is the special handling of religious-related content under the First Amendment. The second point is the definition of the term "public morality" or "convincing" under the legal definition, which involves the industry code of the media industry itself.

The first point of to clarify the limitation of “free speech”. Although the First Amendment protects people's right to free speech, if the speech itself is characterized as rumors, threats, or foreseeably inflammatory speech, it will not be protected by the First Amendment. *Cohen v. California* is a landmark case regarding the First Amendment, which specified some specific examples and interpretations of freedom of speech and labeling [5]. *Cohen v. California* explained that if a person's behavior or curse is provocative, but it is not directed at anyone, but is directed at an event (such as the Vietnam War in this case), and there is no evidence that many people will be affected by it. If a person makes a physical action in response to a behavior or slogan, then the speech and behavior are protected by the First Amendment. Another case is the *Counterman* case, in which it was made clear that threatening speech is not protected by the First Amendment [6]. The judge in the *Counterman* case said that while the First Amendment protects free speech, it allows restrictions on so-called "real threats." In this case, Billy Raymond Counterman's actions and speech were a very direct "true threat" and therefore would not be protected by the First Amendment.

The second point is about the study and research of the First Amendment. The First Amendment clearly stipulates the right to protect individual religious freedom [7]. But regarding this item, the First Amendment also puts forward government restrictions on religious content, namely the separation of church and state clause and the free exercise clause.

The Establishment clause prohibits the government from "establishing" a religion [8]. Although the precise definition of "establishment" is unclear" [8]. However, the previous cases *School District of Abington Township, Pennsylvania v. Schempp* and "*Engel v. Vitale*" have given a certain degree of explanation [9]. The main argument in the *School District of Abington Township, Pennsylvania v. Schempp* case is against Pennsylvania law [10]. Whether requiring public school students to compulsorily participate in religious activities is unconstitutional, that is, the First Amendment. The verdict is that according to the Separation of Church and State Clause, the government cannot promulgate any laws or regulations to compel citizens to perform religious content. This Pennsylvania law is unconstitutional. And *Engel v. Vitale* also It confirms that the government shall not fund religious activities or compulsorily require the performance of religious activities. It is confirmed from the side that the separation of church and state clause limits the boundaries between the government and religious institutions and the boundaries between law and religious behavior, that is, the law shall not forcefully support religious activities.

The second point is that although the legal system does not clearly stipulate restrictions and bans on the dissemination of religious-related content, there will be certain restrictions because the media companies themselves need to abide by their industry standards, that is, publish articles that are fair, strict and not inflammatory. Media organizations also need to comply with other laws such as defamation and privacy laws. These laws may limit the ability of the media to publish certain types of content, particularly if the content may damage an individual's reputation or violate privacy rights.

5. Other Law Affected

Under the framework of the media law, the definition of words such as defamation is stipulated, that is, defamation refers to spreading false statements and damaging the reputation of others. Defamation has always been a restriction on freedom of expression and freedom of the press. There are no wrong opinions or ideas--however, there may be wrong facts, and these are not protected by the First Amendment. As this clarification notes, “Media law itself exists as a balancing act between conflicting principles” [11]. Defamation-related content is also the most controversial legal liability under the framework of media law. If it is easily defined as libel, the journalism industry will face an unprecedented crisis. However, if the definition of libel is too relaxed, it will be a huge threat to people's personal reputations and even threaten social stability. But it is undeniable that if defamation

occurs, the relevant speeches and reports are not protected by the First Amendment and will be subject to a series of countermeasures like forced blocking.

It should be clear that because of the First Amendment's own broad definition of free speech, the media is generally protected by the First Amendment when it publishes inflammatory articles, unless those articles encourage and are likely to lead to immediate unlawful conduct. However, media organizations may self-censor out of ethical and social responsibility concerns to avoid publishing content that may cause public unrest or violence. This is why the media industry itself has become more stringent in censoring information year by year, because due to legal factors, it is difficult to legally restrict or control the information itself, which brings a certain degree of risk to the media industry itself. Many times, they can only formulate remedial measures, that is, how to remedy the situation when an article is published and is deemed to have a huge negative impact.

6. Social Risks Brought about by Freedom of Speech: the Palestinian-Israeli War

The biggest incident regarding the presence of religious content in the media in recent years is the Palestinian-Israeli war that broke out this year. Since the two warring groups themselves are religious countries, that is, there is a state religion in their own country, this war conflict will also escalate into a religious conflict. The Palestinian-Israeli war, or the Palestinian-Israeli conflict, has existed for a long time. Ever since the United Nations intervened and the Palestinian-Israeli territory was re-divided, conflicts have continued, including many complex factors. Incidents associated with this war have also included incidents in which extremists spread religious rumors about the other side's hidden religious agenda in the media and social media, exacerbating these tensions. For example, there are rumors of a "Jewish plan" to destroy the Al-Aqsa Mosque and build the Jewish Third Temple on its remains, while on the other hand, there are rumors that Muslims regard the annihilation of Jews as central to their faith. Prove from facts the importance of restrictions on media speech and the harm caused by freedom of speech in religious conflicts.

This problem will also be reflected in the American media, that is, how the American media reports on the Palestinian-Israeli war. Due to the complex personnel composition and free religious beliefs in the United States, Muslims and Jewish believers believe that the conflict that broke out in this war will continue this conflict in the United States. Both sides will condemn each other in the media and try to convict each other. In this case, the freedom of speech protected by the media law itself will be challenged. Based on past cases with similar judgments on the possible negative impact of relevant information conflicts, it is believed that the American media industry itself will control and adjust similar highly inflammatory information. At the same time, similar highly conflicting subjective ideological articles will also be published due to the It was forcibly removed from the shelves on the grounds that it caused potential risks to social stability and social security.

7. Conclusions

Although the media law has strictly censored information content from a framework perspective, it is still impossible to restrict articles or information in advance based on the restrictions on free speech under the First Amendment. Fortunately, there are certain penalties for the spread of false information through defamation laws and a series of personal rights bills. Although the media law itself has no restrictions on pure religious content, it will still strictly review highly inflammatory articles in situations of religious conflict and ensure that the content of the articles will not cause great hidden dangers to social stability and social security. Freedom of speech does not include defamation, incitement, and a series of illegal activities.

After research, it was found that in fact there are not many pure media propagandas about religion, which results in too few related media cases to be studied. However, there are many cases related to

the First Amendment and religion, including restrictions on the separation of church and state in government and religious content. There are clear boundary restrictions between the government and religious institutions. At the same time, the U.S. government also clearly stipulates that the government shall not establish, fund, or in any way help religions carry out religious activities.

The First Amendment and media laws are very inclusive of religious propaganda itself, which benefits from the unique multicultural social structure of the United States and the constitutional provisions of religious freedom. Therefore, media law itself cannot impose restrictions on purely religious content. All restrictions and past cases in the media law are based on the hidden dangers and conflicts caused by freedom of speech. Religious news itself will also be judged through these regulations to determine whether the news itself contains defamation, incitement or rumors, and whether it will pose a huge threat to social stability. Otherwise, the media law will not restrict the dissemination of religious content.

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