

REPLIES

PARTICIPATORY DEMOCRACY AS A THEORY OF FREE SPEECH: A REPLY

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IN scholarship, one writes with the overt aspiration to persuade but much more primitively with the urgent desire to be seriously engaged in ongoing scholarly conversation. To be carefully read and answered by seven commentators of this power and brilliance is a treasure beyond all reasonable expectation. Of course, no one exactly enjoys going under the surgeon's knife, but I am nevertheless deeply grateful for these illuminating and helpful comments, as well as for Professor James Weinstein's masterly efforts to organize them. I cannot sufficiently express the loss we have all experienced by Professor C. Edwin Baker's untimely death as this symposium was in the process of creation.

I should say at the outset that Professor Vincent Blasi most generously catches the fundamental aspiration of my own work, which is to provide an account of First Amendment doctrine that gives "considerable weight to ease of explanation and comprehension, feasibility of implementation in an imperfect institutional environment."¹ Legal principles should "be made objective enough and authoritative enough to control adaptive rule making."² The inevitable consequence is a certain degree of pragmatic simplification, which is exemplified by my effort to develop a lexically fundamental purpose for First Amendment doctrine.

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¹ Vincent Blasi, *Democratic Participation and the Freedom of Speech: A Response to Post and Weinstein*, 97 *Va. L. Rev.* 531, 531 (2011).

² Philippe Nonet & Philip Selznick, *Law and Society in Transition: Toward Responsive Law* 77 (1978).