

## **FREEDOM OF EXPRESSION AND ITS THEORETICAL ASPECTS IN CASE LAW**

(of the Supreme Court of the United States, the European Court of Human Rights, the Constitutional Court and the Supreme Administrative Court)

### **ABSTRACT:**

The diploma thesis titled „Freedom of expression and its theoretical aspects in case law“ is focused on the analysis of the editorial cartoon on the comparative field of court decisions. The thesis is composed of chapters, each of them dealing with different aspects of freedom of expression. The general part (chapters II-IV) of the thesis deals with the theoretical view on the concept of freedom of expression, its historical and philosophical sources, as well as legal and judicial limits. Last but not least, it also explores the concept and functions of editorial cartoon as a satirical genre. If we take closer look, Chapter II looks at the freedom of expression from theoretical point of view providing historical and philosophical context, whereas Chapter III focuses on free speech limits in legal framework and case law. Chapter IV invites to basic journalistic background of editorial cartoon describing history, importance and principles of drawing satirical pictures.

The special part of the thesis (chapters V-VIII) examines Czech, European and American judgments. A key objective is to analyze court decisions on the editorial cartoon as specific part of freedom of speech and its possible collisions with personal rights of individuals or common social values. Among the most important cases stands out global war on Mohammed cartoons and its legal consequences in Denmark and France. Chapter V concentrates on problems resulting from war on terrorism effects and critically reviews important decision issued by the European Court of Human Rights, Leroy versus France. Chapter VI examines the tension between religion and editorial cartoon and provides also comparative and philosophical approach to the global Mohammed controversy. Chapter VII investigates judgments in which editorial cartoons collide with personality rights of individuals and searches for guiding principles in balancing freedom of expression and personality rights. Chapter VIII retrospectively draws conclusions of the thesis and suggests an analytical framework for future judgments proportionally balancing editorial cartoon and other conflicting values and individual rights in postmodern society.