

Convocation seminars give students food for thought

Constitution excluded women, says University law expert

By Kathy Proffit
Emerald Contributor

From the beginning of constitutional planning, women were excluded from participating in the process, and they were considered irrelevant and extraneous by the founding fathers and the intellectuals whose conceived notions formed the core of this document, said a University law professor Monday afternoon.

Susan J. Swift, an associate professor of law, spoke at the "Women and the Constitution" seminar Monday afternoon during the University's 1987 convocation seminar.

Because of this exclusion, coupled with the denial of the right to vote, women were not considered citizens in their true political content, according to Swift.

'If you insist that woman be the same as men in terms of the moral judgement standard, then they will obviously be considered inferior to men.'

— Susan J. Swift

Swift's topic, "Original Intent and the Language of the Founding Fathers," was one of three parts of the seminar.

Swift asked if women shouldn't be concerned that the Constitution of today, written in 1787, reflects solely the thoughts and notions of men as women were not allowed to actively participate.

Both women and men have the capacity to understand morality, yet the male standard is considered to be the norm, she said. In order for changes to be made, that measurement has to be changed.

"If you insist that women be the same as men in terms of the moral judgement standard, then they will obviously be considered inferior to men," she said.

Because women are a victimized group, they need articulation to offset the male hierarchical society underlying the Constitution. According to Swift, this should come through a reconstruction of the document where the voice of women is heard.

Human and institutional contexts along with abstract rules are needed in the Constitution to encompass life and morality in the female population, Swift said.

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Photos by Ted Shepler

Susan Swift (above) spoke on "Women and the Constitution" Monday afternoon in one of two convocation seminars. Swift is an University associate professor of law.

Leslie Harris, also an associate professor of law, spoke later in the same seminar on whether equality could be gender neutral.



Seminar on First Amendment and advertising invokes debate

By Mike Fisher
Emerald Contributor

The founding fathers could not have foreseen the growth of the advertising industry or imagined the need to address it in the Bill of Rights, agreed University professors Daniel Pope and Tim Gleason during a convocation seminar Monday.

The seminar, entitled "Advertising and the First Amendment: Madison and the Marlboro Man," dealt with the appropriateness of protecting commercial speech under the First Amendment.

Gleason, an assistant professor of journalism, began by outlining the history of Supreme Court attention to commercial speech from its stance in 1942 that such speech should not receive constitutional protection to its recent rulings expanding the limits of commercial speech.

'If free speech is grounded in personal liberty, it should be an individual and not an institutional right.'

— Daniel Pope

"The distinction between commercial and political speech is inadequate," said Gleason.

"The underlying argument for protection of commercial speech is not for the right of advertisers to advertise their products, but for the right of consumers to receive information about these products," he said.

"Both the regulation of advertising and the protection of commercial speech are based on the notion of promoting the public good," he added.

Pope, an associate professor in history, linked the growth of the advertising industry in the mid-19th century to the Industrial Revolution of the same period and pointed out that "the advertising of this age was stigmatized by the grossly false nature of many of the ads."

This led to self-regulation in the ad industry and acceptance of government control, characterized by the creation of the Federal Trade Commission in 1914, Pope said.

He noted that such regulation has decreased the amount of deceptive advertising but has led to an "unsettling" number of ads that "make no useful claim about their products."

"Our concern for advertising and free speech and

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