



Steven Shiffrin

May 3, 1941 – May 29, 2023

Steven Shiffrin, Cornell Law School’s Charles Frank Reavis Sr. Emeritus Professor of Law, was a towering figure in First Amendment scholarship, whose many articles and books were widely cited and admired. He was also a beloved teacher, colleague, husband, father, and grandfather, whose good-natured sense of mischief and disdain for pretension softened the hard edges of his keen intellect.

Steve’s wide-ranging work on speech and religion showed him to be a values pluralist and a rules skeptic. He did not think that the First Amendment could be reduced to a single value or encapsulated in formal rules. Nonetheless, his signature scholarly achievement—the bumper sticker or elevator pitch version of his oeuvre—can be summed up in a single word: dissent. In articles presaging and postdating his book *The First Amendment, Democracy, and Romance* (Harvard University Press, 1990), Steve made a powerful argument that the most important (though not the only) purpose of free speech and freedom of the press in a democratic society is to shield dissenters. Like Louis Brandeis said (in his separate opinion in the 1927 case of *Whitney v. California*) about the Constitution’s framers’ supposed view of liberty, he “valued [dissent] both as an end and as a means.”

The son of a Hollywood talent agent and a former model, Steve grew up in Los Angeles, where, after a high school education focused as much on baseball as academics, he first attended Gonzaga University and then completed his undergraduate studies at Loyola University. He was a talented debater and would become a legendary debate coach at Memphis State University and San Fernando Valley State College (now Cal State Northridge) while pursuing a doctorate in communication at UCLA. Steve left that program eventually to enroll as a night student at Loyola Law School, from which he graduated first in his class after serving as editor in chief of the law review. He obtained a prestigious clerkship with federal judge Warren Ferguson and then worked at the law firm of Irell and Manella, where he developed an expertise in the First Amendment representing media clients. Steve was hired by and received tenure at UCLA Law

School, moving to Cornell Law School in 1987. He was also a visiting professor at Boston University Law School, Harvard Law School, and Michigan Law School.

Steve was a leader in the Ithaca community. He served as the President of the Board of the Ithaca City School District and also of Loaves and Fishes, which provides free meals to all those in need. For many years, Steve organized his law school faculty colleagues to provide *pro bono* legal advice at Loaves and Fishes.

After Steve took emeritus status—and even as he continued to write influential books and articles—he undertook a course of study to train himself to represent indigent clients accused of crimes in the local courts. He also continued to work on free speech issues. He wrote briefs arguing that speech and religious freedom claims should not override equality for LGBTQ persons. He successfully challenged an overly broad court order barring an anti-war activist from peacefully protesting near an Air Force base.

Although Steve thought it important to protect free speech and free exercise of religion for people of all faiths, including traditionalists, his own religious views were decidedly progressive. In his book *The Religious Left and Church-State Relations* (Princeton University Press, 2012), Steve wrote insightfully about the vital role that the religious left could play in bridging divides and in promoting compassionate policies. He expanded on that perspective in numerous essays for the blog ReligiousLeftLaw.

Steve did not just value dissent. He dissented frequently, including from the Supreme Court's view that certain categorical exceptions to free speech were rooted in history—which he derided as “frozen categories” in his book *What's Wrong with the First Amendment?* (Cambridge University Press, 2016). His own normative views were closer to those practiced by nearly every other constitutional democracy—allowing for greater regulation of hate-speech, for example. Steve was especially critical of what he regarded as excessive protections for commercial speech. And while he thought that the landmark 1964 Supreme Court ruling in *New York Times v. Sullivan* was clearly correct, he disapproved of the extension of the shield against defamation liability for reporting on so-called “public figures.” Steve thought that the press needs breathing room to cover government officials but that the public's interest in the lives of celebrities was tawdry gossip that did not merit special protection.

That was somewhat ironic because Steve loved gossip. He would routinely wander the halls of the law school, poke his head inside a colleague's office, and ask “what should I know?” These visits could lead to deep discussions of some new court case or work of scholarship but as frequently what Steve really wanted to know about were the goings-on in the community. And he usually gave as good as he got.

Steve was interested in almost everything, from European political theory to professional sports. With other Ithacans, he gathered regularly for lunch at the counter at Moosewood, comprising a group whimsically known as the “counter culture.” Steve pored over statistics to perfect his fantasy baseball team. He was an excellent and enthusiastic bridge player.

Steve was utterly devoted to his family. He didn't just love, but was extraordinarily fond of his children, Seana, Benjamin, and Jacob, each of whom carried on the family traditions. Seana, who is professor of philosophy and Pete Kameron Professor of Law and Social Justice at UCLA, has devoted a considerable portion of her scholarship to free speech issues. Ben became a Hollywood screenwriter. Jacob is a professor at Relay Graduate School of Education. Meanwhile, Steve's wife Neesa Levine returned Steve's affection with extraordinary affection and devotion of her own, sometimes feigning exasperation with his various foibles and absentminded professor routine.

Steve is survived by Neesa, his children, and his grandchildren Madeline, Noah, Sareena, Shane, and Yohan.

Written by Michael C. Dorf