

THE FIRST AMENDMENT AND HANDSHAKES?

By: Jack Greiner on March 10, 2020 on graydon.law

I saw [this piece](#) by Professor Eugene Volokh the other day about the First Amendment implications of a handshake ban. To be clear, no one that I know of is proposing legislation to ban handshakes. Besides seeming like substantial overkill, I can't even imagine how it would be enforced. Would we rely on [citizen's arrests](#)? And if I inadvertently stick out my hand, could I be charged with attempted handshaking?

But putting aside the practical problems, Professor Volokh lays out an interesting case for why such a ban would implicate First Amendment concerns, but probably survive a challenge.

Just an intriguing thought experiment that is worth the read.