

  
*Free  
speech:*

*a philosophical  
enquiry*



FREDERICK  
SCHAUER

# Free Speech A Philosophical Enquiry

**James Devenney, Mel Kenny**



## **Free Speech A Philosophical Enquiry:**

*Free Speech* Frederick F. Schauer, 1982      **Freedom of Speech and Its Limits** Wojciech Sadurski, 2014-08-15 In authoritarian states the discourse on freedom of speech conducted by those opposed to non democratic governments focuses on the core aspects of this freedom on a right to criticize the government a right to advocate theories and ideologies contrary to government imposed orthodoxy a right to demand institutional reforms changes in politics resignation of the incompetent and the corrupt from positions of authority The claims for freedom of speech focus on those exercises of freedom that are most fundamental and most beneficial to citizens and which are denied to them by the government But in a by and large democratic polity where these fundamental benefits of freedom of speech are generally enjoyed by the citizens the public and scholarly discourse on freedom of speech hovers about the peripheries of that freedom the focus is on its outer boundaries rather than at the central territory of freedom of speech Those borderline cases in which people who are otherwise genuinely committed to the core aspects of freedom of speech may sincerely disagree include pornography racist hate speech and religious bigoted expressions defamation of politicians and of private persons contempt of court incitement to violence disclosure of military or commercial secrets advertising of merchandise such as alcohol or cigarettes or of services and entertainment such as gambling and prostitution      **Free Speech** Alan Haworth, 2012-09-10 Free Speech is a philosophical treatment of a topic which is of immense importance to all of us Writing with great clarity wit and genuine concern Alan Haworth situates the main arguments for free speech by tracing their relationship to contemporary debates in politics and political philosophy and their historical roots to earlier controversies over religious toleration Free Speech will appeal to anyone with an interest in philosophy politics and current affairs      **Free Speech** Matteo Bonotti, Jonathan Seglow, 2021-05-24 Freedom of speech is never very far away from political controversy In recent years the rise of populism the cancel culture phenomenon and online hate attacks are among the developments that have kept it at the forefront of both public and academic discussion In this new introduction to the subject Matteo Bonotti and Jonathan Seglow offer an accessible analysis of debates around freedom of speech They introduce and critically examine three major philosophical arguments for freedom of speech that are based on the values of truth autonomy and democracy They apply these arguments to issues including hate speech offensive speech and pornography and also tackle pressing current issues such as fake news and public shaming This book will be essential for anyone wishing to understand the contemporary significance and philosophical roots of free speech and how it relates to debates about democracy feminism and multiculturalism      *Free Speech Theory* Paul Wragg, 2025-05-29 Do free speech rights apply against private actors Free Speech Theory challenges contemporary thought on this issue It champions free speech not for its contribution to epistemic advance or informed democratic participation but as a product of individuality located in a system of freedom from state control This has wide ranging implications for rights claims directed against private actors concerning online workplace and public interest based

forms of speech This innovative rigorously researched and comprehensive restatement of free speech principle is both topical and important It has significance for policy makers practitioners and commentators around the world     **A Republican**

**Theory of Free Speech** Suzanne Whitten,2021-10-22 This book offers the first comprehensive philosophical examination of the free speech battles of the last decade arguing for a critical republican conception of civility as an explanatory and prescriptive solution Issues such as no platforming and safe spaces the increasing influence of Far Right rhetoric on internet forums the role of Twitter as a site of activist struggles and the moral panics that surround ill judged comments made by public figures all provide a new set of challenges for society which demand a careful critical analysis The author proposes a republican theory of free speech demonstrating how a conception of critical civility one which combines the importance of expressive respect with the responsibilities of contestation and vigilance is required if we are to combat some of the most contentious speech related conflicts facing contemporary society today     *The Oxford Handbook of Freedom of Speech*

Adrienne Stone,Frederick F. Schauer,2021 Explores the key rationales and principles that underpin our understanding of free speech Provides a comprehensive overview of freedom of speech as a legal principle in national and supranational settings This volume is divided into three parts with part one outlining the history of the idea of the freedom of speech Part two discusses freedom of speech as a legal principle and part three surveys the key controversies in its application Book jacket     Freedom of Speech Larry. J Alexander,2018-05-08 This title was first published in 2000 This text presents a two

volume collection of theoretical articles on the topic of freedom of speech The articles have all been written since the early 1970s The first volume begins with an encyclopaedia entry functioning as an overview of the topic and further articles deal with justificatory theories of freedom of speech the scope of the First Amendment the value of free speech communication control in law and society and what kinds of acts raise freedom of speech concerns The second volume turns to doctrinal theories examining insults incitements and governmental subsidies Areas addressed include distinctions between content regulations Robert Post s concepts of the public forum and public discourse and their bearing on free speech doctrine and the significant arena for free speech controversies in the future     **The Dynamic Free Speech Clause** Timothy

Zick,2018-08-15 The right to free speech intersects with many other constitutional rights Those intersections have significantly influenced the recognition scope and meaning of rights ranging from freedom of the press to the Second Amendment right to bear arms They have also influenced interpretation of the Free Speech Clause itself This book examines the relations between the U S Constitution s Free Speech Clause and other constitutional rights Free speech principles and doctrines have brought about constitutional rights including equal protection the right to abortion and the free exercise of religion They have also provided mediating principles for constructive debates about constitutional rights At the same time in its interactions with other constitutional rights the Free Speech Clause has also been a complicating force It has often dominated rights discourse and has subordinated or supplanted free press assembly petition and free exercise rights

Currently courts and commentators are fashioning the Second Amendment right to keep and bear arms in the image of the Free Speech Clause Borrowing the Free Speech Clause for this purpose may turn out to be detrimental for both rights While examining the dynamics that have brought free speech and other rights together the book assesses the products and consequences of these intersections and draws important lessons from them about constitutional rights and constitutional liberty Ultimately the book defends a pluralistic conception of constitutional rights that seeks to leverage the power of the Free Speech Clause but also tame its propensity to subordinate supplant and eclipse other constitutional rights **More Speech, Not Less** Mark Sableman,1997 History can teach us many lessons and one is that freedom is not easily preserved If there are not voices like Mark Sableman and others to remind us of our heritage there will be a gradual erosion of our basic freedoms Paul Simon from the Foreword *Blasphemy and Freedom of Expression* Jeroen Temperman,András Koltay,2017-11-16 This book details the legal ramifications of existing anti blasphemy laws and debates the legitimacy of such laws in Western liberal democracies **European Consumer Protection** James Devenney,Mel Kenny,2012-04-05 This volume analyses the theory and practice of European consumer protection in the context of consolidation initiatives seen inter alia in the revision of the Consumer Acquis the Draft Common Frame of Reference and the proposal for an EU Consumer Rights Directive The issues addressed are all the more significant given the revisions to the proposed Directive the appointment of an Expert Group on a Common Frame of Reference and the Commission s 2010 Green Paper on progress towards a European Contract Law The contributions to this volume point to the arrival of a contested moment in EU consumer protection questioning the arrival of the empowered consumer and uncovering the fault lines between consumer protection and other goals What emerges is a model of poly contextual EU consumer protection law a model that challenges the assumptions in both the 2010 Green Paper and the revised proposed Consumer Rights Directive Freedom of Speech Uladzislau Belavusau,2013-10-08 This book considers the issue of free speech in transitional democracies focusing on the socio legal developments in the Czech Republic Hungary and Poland In showing how these Central and Eastern European countries have engaged with free speech models imported from the Council of Europe EU and the USA the book offers valuable insights into the ways States have responded to challenges associated with transformation from communism to Western democracy The book first explores freedom of expression in European and American law looking particularly at hate speech historical revisionism and pornography It subsequently enquires into the role and perspectives of those European mandatory and US American persuasive models for the constitutional debate in Central and Eastern Europe The study offers an original interpretation of the European model of freedom of expression beyond the mechanisms of the Council of Europe It encompasses the relevant aspects of EU law judgments of the Court of Justice and the harmonised EU instruments as mandatory standards for courts and legislators including those in transitional countries of Central and Eastern Europe The book argues for de criminalisation of historical revisionism and pornography and illuminates topics such as genocide denial

the rise of Prague and Budapest as Europe's porno capitals anti-Semitism and anti-Gypsyism religious obscurantism and homophobia virulent Islamophobia and the glorification of terrorism The research methodology in this study combines a descriptive case law assessment comparative constitutional public international and EU law with a normative critique stemming from post-structuralist scrutiny rhetoric postmodern legal movements legal history history of ideas and art criticism This book will be of interest to students and scholars of comparative constitutional law law and society human rights and European law as well as political philosophers

### **The Collapse of Freedom of Expression** Jordi

Pujol, 2023-02-15 This book offers a holistic account of the problems posed by freedom of expression in our current times and offers corrective measures to allow for a more genuine exchange of ideas within the global society The topic of free speech is rarely addressed from a historical philosophical or theological perspective In *The Collapse of Freedom of Expression* Jordi Pujol explores both the modern concept of the freedom of expression based on the European Enlightenment and the deficiencies inherent in this framework Modernity has disregarded the traditional roots of the freedom of expression drawn from Christianity Greek philosophy and Roman law which has left the door open to the various forms of abuse censorship and restrictions seen in contemporary public discourse Pujol proposes that we rebuild the foundations of the freedom of expression by returning to older traditions and incorporating both the field of pragmatics of language and theological and ethical concepts on human intentionality as new complementary disciplines Pujol examines emblematic cases such as Charlie Hebdo free speech on campus and online content moderation to elaborate on the tensions that arise within the modern concept of freedom of expression The book explores the main criticisms of the contemporary liberal tradition by communitarians libertarians feminists and critical race theorists and analyzes the gaps and contradictions within these traditions Pujol ultimately offers a reconstruction project that involves bridging the chasm between the secular and the sacred and recognizing that religion is a font of meaning for millions of people and as such has an inescapable place in the construction of a pluralist public sphere

Freedom of Speech Eric Barendt, 2005-08-11 Fully revised and updated this title

examines topical issues such as free speech and freedom of the press as well as considering other important developments and legislation

### **The Content and Context of Hate Speech** Michael Herz, Peter Molnar, 2012-04-09

The contributors to this volume consider whether it is possible to establish carefully tailored hate speech policies that are cognizant of the varying traditions histories and values of different countries Throughout there is a strong comparative emphasis with examples and authors drawn from around the world All the authors explore whether or when different cultural and historical settings justify different substantive rules given that such cultural relativism can be used to justify content-based restrictions and so endanger freedom of expression Essays address the following questions among others: is hate speech in fact so dangerous or harmful to vulnerable minorities or communities as to justify a lower standard of constitutional protection? What harms and benefits accrue from laws that criminalize hate speech in particular contexts? Are there circumstances in which

everyone would agree that hate speech should be criminally punished What lessons can be learned from international case law *Freedom of Speech and Incitement against Democracy* David Kretzmer, Francine Kershman Hazan, 2021-08-04 Whilst the protection of political speech is essential to the preservation of a democratic legal order events of political violence and assassinations highlight the need to rethink questions relating to the boundaries of free speech in a democratic society To what extent should democratic countries committed to freedom of speech limit those forms of extreme speech that may be considered as incitements to violence This is a question that has long divided academics and activists alike It has become even more relevant today with the recent rise of extreme right wing parties in various European democracies In this book leading scholars of constitutional law human rights and criminal law from various countries with divergent philosophies on freedom of speech address the question of whether we can and should regulate speech in order to protect democracy and if so how **Freedom of Expression and the Media** Merris Amos, Jackie Harrison, Lorna Woods, 2012-07-26 Freedom of

expression particularly freedom of speech is in most Western liberal democracies a well accepted and long established though contested constitutional right or principle Whilst based in ethical rights based and political theories such as those of justice the good life personal autonomy self determination and welfare as well as arrangements over legitimate government pluralism and its limits democracy and the extent and role of the state there is always a lack of agreement over what precisely freedom of expression entails and how it should be applied For the purposes of this book we are concerned with freedom of expression and the media with regard to the current application of legal standards and self regulation to journalistic practice Justifications for freedom of expression do in the end inevitably involve the conduct of the media and it is this that concerns our authors This book is concerned with these issues as they affect the contemporary media the practice of journalism and why imposed constraints and the extent of the freedoms attached to freedom of expression are managed and why they may or may not be ultimately regarded as legitimate or not legitimate It is the practical matter of contemporary journalism and freedom of expression that concerns us Consequently this is not a philosophical work so much as a work concerned with the way that freedom of expression is evoked and applied and those arguments that support or refute such evocation and application focussing on areas of tension between freedom of expression and other considerations In short this is a book concerned with what the various authors regard as good practice as well as what they regard as problematic and why Most of the chapters in this book assume a UK regulatory framework which influenced by the EU requirements imposes a differentiated burden on the broadcast media by comparison with the press and to some degree content on the Internet

*Political Expression in Sport* Cem Abanazir, 2022-11-14 This powerful new book looks at how private institutions governing and organising sport restrict political expression Uniquely it makes a case for the freedom of expression for athletes spectators and audiences built upon philosophical foundations In the era of Colin Kaepernick and taking a knee politics and protest in sport have never been more visible and immediate Drawing on a wide range of international cases

including protest actions from athletes such as Tommie Smith and John Carlos Naomi Osaka and Feyisa Lilesa as well as the reactions from sport organisations including the IOC FIFA UEFA and the NFL the book argues that the organisation of sport at the hands of associations and leagues and their transnational power to regulate adjudicate and enforce matters according to their interests lead to the restriction of freedom of expression Focusing on the individual the book presents a framework for the defence of freedom of expression in sport on moral grounds and also explores the limits to freedom of expression especially those arising from hate speech that might better serve both the individual and sport as an institution This book is fascinating reading for anybody with an interest in the ethics philosophy or politics of sport sport governance the relationship between sport and wider society or moral or political philosophy

**Free Speech Beyond Words** Mark V. Tushnet, Alan K. Chen, Joseph Blocher, 2020-02-15 A look at First Amendment coverage of music non representational art and nonsense The Supreme Court has unanimously held that Jackson Pollock s paintings Arnold Sch enberg s music and Lewis Carroll s poem Jabberwocky are unquestionably shielded by the First Amendment Nonrepresentational art instrumental music and nonsense all receive constitutional coverage under an amendment protecting the freedom of speech even though none involves what we typically think of as speech the use of words to convey meaning As a legal matter the Court s conclusion is clearly correct but its premises are murky and they raise difficult questions about the possibilities and limitations of law and expression Nonrepresentational art instrumental music and nonsense do not employ language in any traditional sense and sometimes do not even involve the transmission of articulable ideas How then can they be treated as speech for constitutional purposes What does the difficulty of that question suggest for First Amendment law and theory And can law resolve such inquiries without relying on aesthetics ethics and philosophy Comprehensive and compelling this book represents a sustained effort to account constitutionally for these modes of speech While it is firmly centered in debates about First Amendment issues it addresses them in a novel way using subject matter that is uniquely well suited to the task and whose constitutional salience has been under explored Drawing on existing legal doctrine aesthetics and analytical philosophy three celebrated law scholars show us how and why speech beyond words should be fundamental to our understanding of the First Amendment



## Unveiling the Power of Verbal Artistry: An Emotional Sojourn through **Free Speech A Philosophical Enquiry**

In a world inundated with displays and the cacophony of instantaneous connection, the profound power and psychological resonance of verbal artistry usually diminish in to obscurity, eclipsed by the constant assault of noise and distractions. Yet, set within the musical pages of **Free Speech A Philosophical Enquiry**, a fascinating function of fictional beauty that impulses with raw feelings, lies an remarkable journey waiting to be embarked upon. Composed by a virtuoso wordsmith, this mesmerizing opus manuals viewers on an emotional odyssey, lightly revealing the latent possible and profound affect embedded within the intricate internet of language. Within the heart-wrenching expanse with this evocative analysis, we shall embark upon an introspective exploration of the book is main subjects, dissect its interesting writing style, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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