

*Free
speech:*

*a philosophical
enquiry*

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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, 2001-11-30 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* 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 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

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 **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 *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 **Positive Free Speech**

Andrew T Kenyon, Andrew Scott, 2020-05-28 Freedom of expression is generally analysed as a bare liberty against restraint by state action Underpinning rationales for freedom of speech very often imply however that the concept also has important positive aspects and that to be truly democratic the modern polity requires more than negative freedom In contemporary conditions this understanding of free speech raises matters such as media diversity or pluralism the concept of voice and access to the public sphere access to information and the need to rethink the audience in relation to public speech Whether securing positive free speech is a matter of politics or of law a task for legislatures or for courts is an open question On one

level any programme of inculcating positive dimensions of free speech might be understood as inherently polycentric and hence political in character Yet a number of jurisdictions evince enhanced legal recognition for the principle The aim of this collection of papers is to interrogate the rationales of positive free speech to consider the political and juridical methods by which it has or may be more fully reflected in the modern state and to consider the range of practical contexts in which its valorisation has or would have significant implications The contributors are drawn from an array of European and international jurisdictions They include academic lawyers and communications researchers

Beyond the First Amendment Samuel P. Nelson, 2005-07 Americans often believe that the First Amendment and free speech are synonymous and that all restrictions on speech can be addressed by the legal framework of the First Amendment Political theorist Samuel P Nelson argues that the current legal framework for free speech actually undermines attempts to resolve many of these issues and that the law of the First Amendment has supplanted the vital politics of free speech To cut through the confusion Nelson takes a step back from the First Amendment framework to understand the social nature of speech moving toward a more pluralistic and value based understanding He examines three philosophies commonly used to justify speech protection libertarianism expressivism and egalitarianism and finds none of them sufficiently responsive in today's contemporary political landscape Advocating an approach grounded in value pluralism which describes a wider variety of free speech claims than the First Amendment allows Nelson pushes the debate beyond constitutional and legal questions

Free Speech in the Digital Age Susan J. Brison, Katharine Gelber, 2019-02-27 This collection of thirteen new essays is the first to examine from a range of disciplinary perspectives how the new technologies and global reach of the Internet are changing the theory and practice of free speech The rapid expansion of online communication as well as the changing roles of government and private organizations in monitoring and regulating the digital world give rise to new questions including How do philosophical defenses of the right to freedom of expression developed in the age of the town square and the printing press apply in the digital age Should search engines be covered by free speech principles How should international conflicts over online speech regulations be resolved Is there a right to be forgotten that is at odds with the right to free speech How has the Internet facilitated new speech based harms such as cyber stalking twitter trolling and revenge porn and how should these harms be addressed The contributors to this groundbreaking volume include philosophers legal theorists political scientists communications scholars public policy makers and activists

Journalism and Free Speech John Steel, 2013-06-17 Journalism and Free Speech brings together for the first time an historical and theoretical exploration of journalism and its relationship with the idea of free speech Though freedom of the press is widely regarded as an essential ingredient to democratic societies the relationship between the idea of freedom of speech and the practice of press freedom is one that is generally taken for granted Censorship in general terms is an anathema This book explores the philosophical and historical development of free speech and critically examines the ways in which it relates to freedom of the press in practice The main

contention of the book is that the actualisation of press freedom should be seen as encompassing modes of censorship which place pressure upon the principled connection between journalism and freedom of speech Topics covered include The Philosophy of Free Speech Journalism and Free Speech Press Freedom and the Democratic Imperative New Media and the Global Public Sphere Regulating Journalism Privacy and Defamation National Security and Insecurity Ownership News Language Culture and Censorship This book introduces students to a wide range of issues centred around freedom of speech press freedom and censorship providing an accessible text for courses on journalism and mass media 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 ^ADynamic Free Speech Clause** Timothy Zick, 2018-08-15 The Dynamic Free Speech Clause examines the interaction of free speech with other constitutional rights and looks in depth at government efforts to regulate the content and manner of speech about constitutional rights The book also addresses the intersection between free speech and freedom of the press the free exercise of religion equal protection the right to abortion and Second Amendment rights **Freedom of Speech and Employment** Lucy Vickers, 2002 Government and The NHS **Critiquing Free Speech** Matthew D. Bunker, 2001-04-01 In this exceptional volume Matthew D Bunker explores the work of contemporary free speech critics and argues that while at times these critics provide important lessons many of their conclusions must be rejected Moreover Bunker suggests that we be wary of interdisciplinary approaches to free speech theory that by their very assumptions and techniques are a poor fit with existing free speech theory and doctrine In his investigation of diverse critiques of free speech theory and his sophisticated rebuttal he provides an innovative and important examination of First Amendment theory In doing so he establishes a new agenda for First Amendment theory scholarship that incorporates some of the critics insights without abandoning the best aspects of the free speech tradition COPY FOR MAILER Distinctive features in this volume include an overview of the traditional approaches to First Amendment theory an examination of work from key First Amendment scholars and theorists at both the individual and group level an emphasis on interdisciplinarity ranging from feminist and critical legal scholars to economists and literary theorists and a new agenda for First Amendment theory scholarship which incorporates critical comment while preserving the best aspects of the free speech tradition 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

Blasphemy and Freedom of Expression Jeroen Temperman, András Koltay, 2017-11-16 The tension between blasphemy laws and the freedom of expression in modern times is a key area of debate within legal academia and beyond. With contributions by leading scholars, this volume compares blasphemy laws within a number of Western liberal democracies and debates the legitimacy of these laws in the twenty-first century. Including comprehensive and up-to-date comparative country studies, this book considers the formulation of blasphemy bans, relevant jurisprudential interpretations, the effect on society, and the ensuing convictions and penalties where applicable. It provides a useful historical analysis by discussing the legal and political rationales behind the recent abolition of blasphemy laws in some Western states. Contributors also consider the challenges to the tenability of blasphemy laws in a selection of well-balanced theoretical chapters. This book is essential reading for scholars working within the fields of human rights law, philosophy, and sociology of religion, and comparative politics.

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.

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.

Defamation, Libel Tourism and the SPEECH Act of 2010 ,

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