

*Free  
speech:*

*a philosophical  
enquiry*



FREDERICK  
SCHAUER

# Speech A Philosophical Enquiry

**John Skorupski**



## **Speech A Philosophical Enquiry:**

*Free Speech* Frederick Schauer, 1982-10-29      **Incitement in International Law** Wibke K. Timmermann, 2014-08-13

This book offers a comprehensive study of incitement in its various forms in international law. It discusses the status of incitement to hatred in human rights law and examines its harms and dangers as well as the impact of a prohibition on freedom of speech. The book additionally presents a detailed definition of punishable incitement. In this context, Wibke K. Timmermann argues that incitement should be recognized as the crime of persecution where it is utilized within a system of persecutory measures by the State or a similarly powerful organization. The book draws on the *Nahimana* case before the International Criminal Tribunal for Rwanda as well as jurisprudence from German and other courts following World War II to provide support for this proposal. The work moreover provides a comprehensive analysis of public incitement to crimes solicitation or instigation and the related modes of liability aiding and abetting and commission through another person. Dedicated exclusively and comprehensively to incitement in its various forms, this book will be of essential use and great interest to students and researchers of international criminal law and human rights law in addition to practitioners within these areas.

**The Life and Death of Freedom of Expression** Richard Moon, 2024-07-05. In *The Life and Death of Freedom of Expression*, Richard Moon argues that freedom of expression is valuable because human agency and identity emerge in discourse in the joint activity of creating meaning. Moon recognizes that the social character of individual agency and identity is crucial to understanding not only the value of expression but also its potential for harm. The book considers a range of issues including the regulation of advertising, hate speech, pornography, blasphemy, and public protest. The book also considers the shift to social media as the principal platform for public engagement, which has added to the ways in which speech can be harmful while undermining the effectiveness of traditional legal responses to harmful speech. *The Life and Death of Freedom of Expression* makes the case that the principal threat to public discourse may no longer be censorship but it is rather the spread of disinformation which undermines public trust in traditional sources of information and makes engagement between different positions and groups increasingly difficult.

*Religious Freedom in the Liberal State* Rex Ahdar, Ian Leigh, 2013-03-21. Examining the law and public policy relating to religious liberty in Western liberal democracies, this book contains a detailed analysis of the history, rationale, scope, and limits of religious freedom from but not restricted to an evangelical Christian perspective. Focussing on the United Kingdom, the United States, Canada, New Zealand, Australia, and the EU, it studies the interaction between law and religion at several different levels, looking at the key debates that have arisen. Divided into three parts, the book begins by contrasting the liberal and Christian rationales for and understandings of religious freedom. It then explores central thematic issues: the types of constitutional frameworks within which any right to religious exercise must operate; the varieties of paradigmatic relationships between organized religion and the state; the meaning of religion; the limitations upon individual and institutional religious behaviour; and the domestic and international

legal mechanisms that have evolved to address religious conduct The final part explores key subject areas where current religious freedom controversies have arisen employment education parental rights and childrearing controls on pro religious and anti religious expression medical treatment and religious group church autonomy This new edition is fully updated with the growing case law in the area and features increased coverage of Islam and the flashpoint debates surrounding the accommodation of Muslim beliefs and practices in Anglophone nations

**The Net and the Nation State** Uta

Kohl, 2017-05-25 This collection investigates the sharpening conflict between the nation state and the internet through a multidisciplinary lens It challenges the idea of an inherently global internet by examining its increasing territorial fragmentation and conversely the notion that for states online law and order is business as usual Cyberborders based on national law are not just erected around China's online community Cultural political and economic forces as reflected in national or regional norms have also incentivised virtual borders in the West The nation state is asserting itself Yet there are also signs of the receding role of the state in favour of corporations wielding influence through de facto control over content and technology This volume contributes to the online governance debate by joining ideas from law politics and human geography to explore internet jurisdiction and its overlap with topics such as freedom of expression free trade democracy identity and cartographic maps

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      *How to Do Things with Pornography* Nancy Bauer, 2015-04-06 In Nancy Bauer's view most feminist philosophers are content to work within theoretical frameworks that are false to human beings everyday experiences Here she models a new way to write about pornography women's self objectification hook up culture and other contemporary phenomena and in doing so she raises basic questions about philosophy      **The Bill of Rights in Modern America** David J. Bodenhamer, James W. Ely, 2022-04-05 As the 2020s began protestors filled the streets politicians clashed over how to respond to a global pandemic and new scrutiny was placed on what rights US citizens should be afforded Newly revised and expanded to address immigration gay rights privacy rights affirmative action and more The Bill of Rights in Modern America provides clear insights into the issues currently shaping the United States Essays explore the law and history behind contentious debates over such topics as gun rights limits on the powers of law enforcement the death penalty abortion and states rights Accessible and easy to read the discerning research offered in The Bill of Rights in Modern America will help inform critical discussions for years to come      *Moral Puzzles and Legal Perplexities* Heidi M. Hurd, 2019 Engages with the life and work of Larry Alexander to explore puzzles and paradoxes in legal and moral theory      **The Far-Right in International and European Law** Natalie Alkiviadou, 2019-04-18 Since the Second World War the international community has sought to prevent the repetition of destructive far right forces by establishing institutions such as the United Nations and by adopting documents such as the Universal Declaration of Human Rights Jurisprudence and conventions directly prohibit far right speech and expression Nevertheless recently violent far right entities such as Golden Dawn of Greece have received unprecedented electoral support xenophobic parties have done spectacularly well in elections and countries such as Hungary and Poland are being led by right wing populists who are bringing constitutional upheaval and violating basic elements of doctrines such as the rule of law In light of this current reality this book critically assesses the international and European tools available for States to regulate the far right It conducts the analysis through a militant democracy lens This doctrine has been considered in several arenas as a concept more generally in the sphere of the European Convention on Human Rights in relation to particular freedoms such as that of association and as a tool for challenging the far right movement through the spectrum of political science However this doctrine has not yet been applied within a legal assessment of challenging the far right as a single entity After analysing the aims objectives scope and possibility of shortcomings in international and European law the book looks at what state obligations arise from these laws It then assesses how freedom of opinion and expression freedom of association and freedom of assembly are provided for in international and European law and explores what limitation grounds exist which are directly relevant to the regulation of the far right The issue of the far right is a pressing one on the agenda of politicians academics civil society and other groups in Europe and beyond As such this book will appeal to those with an interest in International European or Human rights Law and political science      Liberty, Equality, and Plurality Larry May, Christine T. Sistare, Jonathan Schonsheck, 1997 Voters as

well as ethicists and legal experts are currently debating many of the issues inherent in balancing individual with majority and minority group rights though often there seems to be an inverse correlation between the two May Washington U chairs lively multidisciplinary discussions on the in compatibility of liberty and equality with responsibility being the wild card law morality and limits on liberty in regard to freedom of speech poverty taxation and assisted suicide and equality and the clash of cultures in cases of hate speech and religious freedom vs refusal of medical treatment Annotation copyrighted by Book News Inc Portland OR

**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 *The*

*Criminalization of Incitement to Terrorism from an International Perspective* Ye Tao, 2023-07-25 This book critically analyzes the criminalization of incitement to terrorism under the fundamental principles of legality necessity and proportionality with the aim of striking a fair balance between security and liberty on this complicated issue The criminalization of incitement to terrorism has gained momentum but no exact or generally accepted definition of this offense exists at the international level What s more given that the criminalization of incitement to terrorism results in restrictions on the exercise of citizens freedom of expression there should be certain limitations on those criminal measures to avoid unnecessary or disproportionate infringement of this fundamental human right Nevertheless there has not been a precise standard by which to determine how to draw the line between anti terrorism and the protection of freedom of expression Hence it could be concluded that the criminalization of incitement to terrorism concerns how to balance security and liberty and the safeguarding principles of legality necessity and proportionality should be fully observed in considering this issue This book

studies definitions of incitement terrorism and incitement to terrorism under the relevant international and national legislation and points out the existing absence ambiguousness or substantive divergence in defining actus reus and mens rea regarding incitement to terrorism It carefully considers the current need for and essential limitations on criminal measures against incitement to terrorism in accordance with the principles of necessity and proportionality and particularly focuses on how to balance the protection of freedom of expression with the criminalization of incitement to terrorism In considering how to draw a line between the two the book formulates precise requirements for objective and subjective elements of this offense in accordance with the principle of legality Given its scope it will be of interest not only to academics human rights lawyers and practitioners but also to policymakers as it offers an extensive evaluation of the effects and counter effects of existing criminal measures

Law, Economics, and Morality Eyal Zamir, Barak Medina, 2010 This work examines the possibility of combining economic methodology and deontological morality through explicit and direct incorporation of moral constraints into economic models

**Cato Supreme Court Review, 2001-2002** James L. Swanson, 2002-10-25 Published every September in celebration of Constitution Day the Cato Supreme Court Review brings together leading legal scholars to analyze the most important cases of the Court's most recent term It is the first scholarly review to appear after the term's end and the only one to critique the court from a Madisonian perspective

**The Oxford Handbook of Practical Ethics** Hugh LaFollette, 2005-09-15 This is a guide to contemporary thought on ethical issues in all areas of human activity personal medical sexual social political judicial and international from the natural world to the world of business

*Controversies in Contemporary Religion* Paul Hedges, 2014-09-09 Religious or spiritual beliefs underpin many controversies and conflicts in the contemporary world Written by a range of scholarly contributors this three volume set provides contextual background information and detailed explanations of religious controversies across the globe

*Controversies in Contemporary Religion* Education Law Politics Society and Spirituality is a three volume set that addresses a wide variety of current religious issues analyzing religion's role in the rise of fundamentalism censorship human rights environmentalism and sustainability sexuality bioethics and other questions of widespread interest Providing in depth context and analysis far beyond what's available in the news or online this work will enable readers to understand the nature of and reasons for controversies in current headlines The first volume covers theoretical and academic debates the second looks at debates in the public square and ethical issues while the third examines specific issues and case studies These volumes bring detailed and careful debate of a range of controversies together in one place including topics not often covered for example how religions promote or hinder social cohesion and peace the relationship of religions to human rights and the intersection of Buddhism and violence Written by a range of experts that includes both established and emerging scholars the text explains key debates in ways that are accessible and easy to understand for lay readers as well as undergraduate students researching particular issues or global religious trends

**The Oxford Companion to the Supreme Court of the United States**, **Labor and the**

**Constitution** David L. Gregory, 2014-03-14 First published in 1999 This ongoing series Controversies in Constitutional Law provides teachers scholars and students convenient access to the debates and scholarly literature surrounding major questions of constitutional law In the structure of government in the United States the Constitution the Bill of Rights and other Amendments especially the Fourteenth Amendment are the primary referential points to locate protect and enhance our fundamental political freedoms The intersections between Labor Law and Constitutional Law occasionally synergize but perhaps more often obviate the tensions among several fundamental freedoms This first volume will situate and examine the intersections among labor religion and speech the two latter among our most fundamental First Amendment rights

**Governance amid Bigger, Better Markets** Joseph S. Nye, 2004-06-23 A Brookings Institution Press and Visions of Governance for the 21st Century publication Changing markets are challenging governance The growing scale reach complexity and popular legitimacy of market institutions and market players are re opening old questions about the role of the public sector and redefining what it means to govern well This volume the latest publication from the Visions of Governance in the 21st Century program at the Kennedy School of Government explores the way evolving markets alter the pursuit of cherished public goals John D Donahue and Joseph S Nye Jr frame the inquiry with an essay on governing well in an age of ascendant markets Other contributors all from Harvard s Kennedy School unless otherwise indicated address specific areas of market governance in individual chapters Joseph P Newhouse on the medical marketplace Jose Gomez Ibaez and John R Meyer on transportation William Hogan on electric power Paul E Peterson on K 12 education L Jean Camp on information networks Akash Deep and Guido Schaefer Vienna University of Economics Business Administration on federal deposit insurance Frederick Schauer on the marketplace of ideas Anna Greenberg on the marketization of politics David M Hart on the politics of high tech industry Viktor Mayer Sch nberger on information law John D Donahue and Richard J Zeckhauser on the challenges posed by fast changing markets and Mark Moore on the spread of market ideology

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