

*Free  
speech:*

*a philosophical  
enquiry*



FREDERICK  
SCHAUER

# Speech A Philosophical Enquiry

**Lingjun Ying**



## Speech A Philosophical Enquiry:

**Free Speech** Frederick Schauer, 1982-10-29 *Handbuch Angewandte Ethik* Ralf Stoecker, Christian Neuhäuser, Marie-Luise Raters, 2011-12-13 Ethische Fragen betreffen alle Gesellschaftsbereiche Sie stellen sich bei Themen wie sozialer Gerechtigkeit sowie in politischen oder kologischen Debatten Das Handbuch erfasst die Angewandte Ethik systematisch und historisch beschreibt ihre rechtliche und institutionelle Situation sowie die relevanten Teilbereiche wie z B Forschungs Wirtschafts und Bioethik Im Zentrum stehen konkrete Fragen aus dem Privat und Sozialleben des Menschen der medizinischen Ethik sowie der Umwelt und Tierethik Communautarisme contre libéralisme Kurt Seelmann, 2000 Aus dem Inhalt Emil Angehrn Öffentlichkeit und Partizipation Agostino Carrino Differenza eguaglianza complessa e idea di tolleranza nella filosofia politica di Michael Walzer Jean Claude Wolf Wie kommunitaristisch darf der Liberalismus sein Ueli Mader Kommunitare Individualität und neue Identität Thomas F Mastronardi Mediation ein kommunitaristisches Modell Erich Zalten Die Problemverschlingung von Liberalismus und Kommunitarismus Bemerkungen zur politischen Theorie und Ethik Paul Trappe Gemeinschaft und Gemeinschaftshandeln Variationen zu einem traditionsreichen Thema Michael Walter Hebeisen Liberalismus und Kommunitarismus betreffend das Verhältnis des Rechten zum Guten Prinzipielle Opposition oder pragmatische Annäherung Vorrang oder Unabhängigkeit Ein Bericht zur Tagung der Schweizerischen Vereinigung für Rechts und Sozialphilosophie vom 23 24 Oktober 1998 in Basel zum Thema Kommunitarismus versus Liberalismus mit einer Auswahlbibliographie *Philosophische Digitalisierungsforschung* Rainer Adolphi, Suzana Alpsancar, Susanne Hahn, Matthias Kettner, 2024-09-03 Digitalisierung ist nicht nur ein technisches Geschehen sondern erfasst als machtvoller kultureller Prozess alle Lebensbereiche Die Einsicht dass soziotechnische Vorgänge gestaltbar sind erlaubt eine grundsätzliche Reflexion über die neuen Handlungsmöglichkeiten und Zumutungen sowohl in individueller wie auch in kollektiver Perspektive Welche Herausforderungen stellen sich für unsere bewährten Überzeugungen und sozialen Praktiken in den Prozessen von Verantwortung Verständigung Vernunft und Macht Die Beiträge analysieren aktuelle Entwicklungen der Digitalisierung und tragen im Lichte provisorischer Maßstäbe praktischer Vernunft zu einer aufgeklärten öffentlichen Diskussion über nicht wünschenswerte technokulturelle Zukünfte bei *Archiv für Begriffsgeschichte. Band 44* Ulrich Dierse, Gunter Scholtz, 2019-02-07 Abhandlungen Michael Theunissen Griechische Zeitbegriffe vor Platon Werner Theobald Spuren des Mythos in der Aristotelischen Theorie der Erkenntnis Josef G Thomas Skepsis und Pistis Einige Überlegungen zur akademischen und pyrrhonischen Skepsis Paul Hensels Einige Bemerkungen zu Origenes Auffassungen über die Erkennbarkeit Gottes in De oratione und Contra Celsum Reinhold H Isewiesche Redefreiheit Sven K Knebel Distinctio rationis ratiocinantis Die scholastische Unterscheidungslehre vor dem Satz A A Christian Bermes Lebenswelt Die Kommunikationsfreiheit der Gesellschaft Wolfgang Langenbucher, 2013-04-17 VertreterInnen aus Wissenschaft und Praxis setzen sich mit der gesellschaftlichen Notwendigkeit der Kommunikationsfreiheit auseinander Ziel dieser Publikation ist die

sozial und kommunikationswissenschaftliche Analyse dieses demokratischen Grundrechtes und Wertes unter den geänderten gesellschaftlichen und technologischen Bedingungen **Kommunikationsdeliktsrecht** Jan Oster, 2019-09-24 Jan Oster prägt den Begriff des Kommunikationsdeliktsrechts als Teilgebiet des Informations und Kommunikationsrechts Ausgehend von den drei Rechtsordnungen Deutschland England und Wales sowie dem Bundesrecht der USA entwickelt er Theorie und Dogmatik eines transnationalen Kommunikationsdeliktsrechts Am Beispiel des privatrechtlichen Ehrschutzes arbeitet er Möglichkeiten und Grenzen internationaler Vereinheitlichungstendenzen heraus Wo es an Rechtsvereinheitlichung fehlt kommt dem Internationalen Privatrecht entscheidende Bedeutung zu der internationalen Zuständigkeit und dem anwendbaren Recht ist daher ein eigenes Kapitel gewidmet Schliesslich untersucht der Autor die Haftung von Kommunikationsintermediären sowie den Datenschutz als neues Instrument des Kommunikationsdeliktsrechts

*Philosophical Enquiries* Margaret Chatterjee, 1988-01-01 This is an introduction to philosophy but with a difference Through out the book metaphysical issues are shown to be rooted in the history of philosophy At the same time the author's treatment of each issue leads right into the contemporary situation Philosophy can scarcely be defined the author says but philosophizing can be shown The various sections of the book show in a fresh way what such philosophizing can be like

*Intensivere Drittwirkung* Amélie Heldt, 2023-04-04 3 Meinungsfreiheit als Teilnahme am kommunikativen Geschehen Erkenntnisgewinn durch Interdisziplinarität A Einleitung Das Leitbild des öffentlichen Forums B Öffentlichkeitstheorien C Öffentlichkeit und Kommunikation im Internet D Zwischenergebnis aus theoretischer Perspektive Teil 2 Anwendungsbezogener Teil Kap 4 Soziale Netzwerke und die Kontrolle der digitalen Kommunikation A Untersuchungsobjekt soziale Netzwerke B Teilöffentlichkeiten innerhalb sozialer Netzwerke C Soziale Netzwerke im Grundrechtsgefüge D Fazit Kap **Media Freedom as a Fundamental Right** Jan Oster, 2015-05-28 Domestic constitutions and courts applying international human rights conventions acknowledge the significance of the mass media for a democratic society not only by granting special privileges but also by imposing enhanced duties and responsibilities to journalists and media companies However the challenges of media convergence media ownership concentration and the internet have led to legal uncertainty Should media privileges be maintained and if so how is the media to be defined To what extent does media freedom as a legal concept also encompass bloggers who have not undertaken journalistic education And how can a legal distinction be drawn between investigative journalism on the one hand and reporting on purely private matters on the other To answer these questions Jan Oster combines doctrinal and conceptual comparative analysis with descriptive and normative theory and argues in favour of a media freedom principle based on the significance of the media for public discourse Interpreting the Constitution Kent Greenawalt, 2015-10-07 This third volume about legal interpretation focuses on the interpretation of a constitution most specifically that of the United States of America In what may be unique it combines a generalized account of various claims and possibilities with an examination of major domains of American constitutional law This demonstrates convincingly that

the book's major themes not only can be supported by individual examples but are undeniably in accord with the continuing practice of the United States Supreme Court over time and cannot be dismissed as misguided. The book's central thesis is that strategies of constitutional interpretation cannot be simple; that judges must take account of multiple factors not systematically reducible to any clear ordering. For any constitution that lasts over centuries and is hard to amend, original understanding cannot be completely determinative. To discern what that is, both how informed readers grasped a provision and what were the enactors' aims, matter. Indeed, distinguishing these is usually extremely difficult and often neither is really discernible. As time passes, what modern citizens understand becomes important, diminishing the significance of original understanding. Simple versions of textualist originalism neither reflect what has taken place nor is really supportable. The focus on specific provisions shows, among other things, the obstacles to discerning original understanding and why the original sense of proper interpretation should itself carry importance. For applying the Bill of Rights to states, conceptions conceived when the Fourteenth Amendment was adopted should take priority over those in 1791. But practically, for courts to interpret provisions differently for the federal and state governments would be highly unwise. The scope of various provisions, such as those regarding free speech and cruel and unusual punishment, have expanded hugely since both 1791 and 1865. And questions such as how much deference judges should accord the political branches depend greatly on what provisions and issues are involved. Even with respect to single provisions such as the Free Speech Clause, interpretive approaches have sensibly varied greatly depending on the more particular subjects involved. How much deference judges should accord political actors also depends critically on the kind of issue involved.

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 Ibañez 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 and 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-Schönberger 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.

*Intellectual Property Law and Policy* Volume 10 Hugh Hansen, 2008-03-26. Hart

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**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 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

**Academic Freedom** Jennifer Lackey, 2018-11-10 Academic freedom allows members of institutions of higher learning to engage in intellectual pursuits without fear of censorship or retaliation and lies at the heart of the mission of the university Recent years have seen growing concerns about threats to academic freedom many brought about from the changing norms of and demands on the university A wide range of new issues including content warnings safe spaces social media controversies microaggressions and no platforming have given rise to loud cries in both scholarly and popular contexts that academic freedom is under serious attack This volume fills both of these gaps in the current literature by bringing together leading philosophers from a wide range of areas of expertise to weigh in on both traditional issues and timely challenges that involve academic freedom Divided into four main sections it covers the rationale of academic freedom its parameters the new challenges to academic freedom ranging from content warnings to political correctness and the conflicts between academic freedom and the enforcement of laws and regulations governing the university

Privacy, Security and Accountability Adam D.

Moore,2015-12-02 What is the appropriate balance between privacy security and accountability What do we owe each other in terms of information sharing and access Why is privacy valuable and is it more or less important than other values like security or free speech Is Edward Snowden a hero or villain Within democratic societies privacy security and accountability are seen as important values that must be balanced appropriately If there is too much privacy then there may be too little accountability and more alarmingly too little security On the other hand where there is too little privacy individuals may not have the space to grow experiment and engage in practices not generally accepted by the majority Moreover allowing overly limited control over access to and uses of private places and information may itself be a threat to security By clarifying the moral legal and social foundations of privacy security and accountability this book helps determine the appropriate balance between these contested values Twelve specially commissioned essays provide the ideal resource for students and academics in information and applied ethics *Directions in Sexual Harassment Law* Catharine A. MacKinnon,Reva B.

Siegel,2008-10-01 div When it was published twenty five years ago Catharine MacKinnon s pathbreaking work *Sexual Harassment of Working Women* had a major impact on the development of sexual harassment law The U S Supreme Court accepted her theory of sexual harassment in 1986 Here MacKinnon collaborates with eminent authorities to appraise what has been accomplished in the field and what still needs to be done An introductory essay by Reva Siegel considers how sexual harassment came to be regulated as sex discrimination Contributors discuss how law can best address sexual harassment the importance and definition of consent and unwelcomeness issues of same sex harassment questions of institutional responsibility for sexual harassment in both employment and education settings considerations of freedom of speech effects of sexual harassment doctrine on gender and racial justice and transnational approaches to the problem An afterword by MacKinnon assesses the changes wrought by sexual harassment law in the past quarter century DIV African Human Rights Yearbook Volume 4 2020 ,2020-01-01

The three institutions making up the African regional human rights system the African Court on Human and Peoples Rights the African Commission on Human and Peoples Rights and the African Committee of Experts on the Rights and Welfare of the Child decided to jointly publish the African Human Rights Yearbook to spearhead studies on the promotion and protection of human rights and to provide a forum for constructive engagement about the African human rights system with academics and other human rights commentators on the continent Volume 4 of the Yearbook published in 2020 contains 24 contributions by scholars from Africa and beyond Les trois institutions qui composent le syst me r gional africain des droits de l homme la Cour africaine des droits de l homme et des peuples la Commission africaine des droits de l homme et des peuples et le Comit africain d experts sur les droits et le bien tre de l enfant ont d cid de publier conjointement l Annuaire africain des droits de l homme pour encourager les tudes sur la promotion et la protection des droits de l homme et offrir un forum d interaction constructive sur le syst me avec les universitaires et observateurs du continent Le Volume 4 de l Annuaire publi en 2020 contient 24 contributions de chercheurs

du continent et d ailleurs      The Future of the Public Domain Lucie M. C. R. Guibault, 2006-01-01 The presence of a robust public domain is an essential precondition for cultural social and economic development and for a healthy democratic process But the public domain is under pressure as a result of the ongoing march towards an information economy Items of information which in the old economy had little or no economic value such as factual data personal data genetic information and pure ideas have acquired independent economic value in the current information age and consequently become the object of property rights making the information a tradable commodity How and to what extent does the commodification of information affect the free flow of information and the integrity of the public domain Does the freedom of expression and information guaranteed inter alia in the European Convention on Human Rights call for active state intervention to save the public domain What means both legal and practical are available or might be conceived to guarantee and foster a robust public domain These were the main questions that were addressed in a major collaborative research project led by the Institute for Information Law of the University of Amsterdam IViR in co operation with the Tilburg Institute for Law Technology and Society TILT of Tilburg University and funded by ITeR the Dutch National Program for Information Technology and Law Thirteen contributions from academia worldwide make up the present book addressing the future of the public domain from a different angle In addition all authors were invited to reflect upon the notion and role of the public domain in the context of information law and policy Should this concept be limited to that of a negative image of intellectual property protection i e all publicly available information not subject to a property right and therefore freely i e gratis available or should a broader approach be taken e g all information available from public sources at affordable cost Should information policies be aimed at maximizing the public domain or optimizing information flows To what extent are these aims congruent This book takes a broader information law oriented approach towards the question of preserving the public domain in which a wide range of interrelated legal questions converge Issues treated in this book include Economic analysis of the public domain Fundamental rights analysis of the public domain Impact of the application of technological protection measures and contractual restrictions on the public domain The impact of the expansion of copyright database right and patent rights on the public domain The impact of the commodification of private data government information indigenous knowledge on the public domain The capacity of the Open Source and Creative Commons Movements to preserve the integrity of the public domain The Future of the Public Domain is an important work for all those interested or involved in the regulation of the knowledge economy Legal scholars academic and research institutions corporate counsel lawyers government policymakers and regulators all these and more will benefit enormously from the thoughtful and incisive discussions presented here      The Routledge Companion to Philosophy of Law Andrei Marmor, 2012 The Routledge Companion to the Philosophy of Law provides a comprehensive non technical philosophical treatment of the fundamental questions about the nature of law Its coverage includes law s relation to morality and the moral obligations to obey the law



the main philosophical debates about particular legal areas such as criminal responsibility property contracts family law law and justice in the international domain legal paternalism and the rule of law The entirely new content has been written specifically for newcomers to the field making the volume particularly useful for undergraduate and graduate courses in philosophy of law and related areas All 39 chapters written by the world s leading researchers and edited by an internationally distinguished scholar bring a focused philosophical perspective to their subjects The Routledge Companion to the Philosophy of Law promises to be a valuable and much consulted student resource for many years

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