

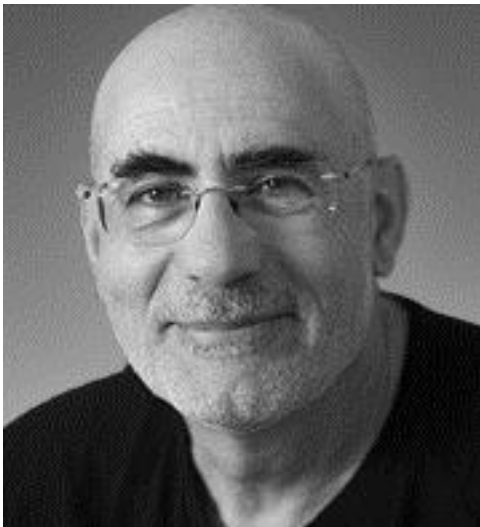
A special seminar by  
**Andrei Marmor**

(Jacob Gould Schurman Professor of Philosophy & Law, Cornell University)

## Two Rights of Free Speech

on Thursday, May 12, 2016 at 5.00 PM  
at CEU, Nador 9, MB 202

My main argument in this paper is that the right to freedom of expression is not a single right, complex as it may be, but spans two separate rights that I label the *right to speak* and the *right to hear*. Roughly, the right to speak stands for the right of a person to express freely whatever they wish to communicate to some other persons or to the public at large. The right to hear stands for the right to have free and unfettered access to any kind of content that has been communicated by others. The right to speak and the right to hear are two separate rights, grounded in different kinds of interests. Choice and control are central aspects of the right to speak and much less central to the right to hear. I try to show that this division of rights and their respective rationales can be utilized to explain how we think about some of the limits of the right to freedom of expression, particularly in the context of conflicts between the right to speak and the right to hear, conflicts that are rather pervasive. I also argue, though perhaps less conclusively, that in thinking about the limits of freedom of expression, an exclusive focus on the harm principle would be misguided. There is no reason to deny that speech is often harmful, sometimes very much so, but the prevention of harm is not sufficient to justify legal prohibition, at least not in this case.



*Andrei Marmor is the Jacob Gould Schurman Professor of Philosophy and Law. Prior to joining Cornell in 2015, he was Professor of Philosophy and Maurice Jones Jr Professor of Law at the University of Southern California. Having obtained his first law and philosophy degrees at the Tel Aviv University in Israel, and a D.Phil at Oxford University, UK, he returned to Tel Aviv University, where he taught as professor of law for ten years, before moving to the US. His research interests span philosophy of law, moral, social and political philosophy, and philosophy of language.*

*Marmor published dozens of articles, six book monographs and a number of edited volumes. His most recent books include *Social Conventions: from language to law* (Princeton, 2009), *Philosophy of Law* (Princeton, 2011) and *The Language of Law* (Oxford, 2014). Marmor is the founding editor of the [Journal of Ethics and Social Philosophy](#), and the editor of several important volumes in legal philosophy, including, most recently, *The Philosophical Foundations of Language in the Law* (with Scott Soames, Oxford 2011), and *The Routledge Companion to Philosophy of**

*Law. His books and articles also appeared in numerous translations, including in Chinese, Spanish, Portuguese, Hebrew, and Italian.*