

Does Speech Act Theory Contribute to Explaining the Coverage of Freedom of Speech? A Reflection on the Schauer-Greenawalt Approach

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Abstract

Inspired by speech act theory, K. Greenawalt and F. Schauer advocate for a common methodological basis that recognizes certain uses of language, although communicative, are not covered by freedom of speech because they are “performatives” or “situation-altering utterances.” This research labels this viewpoint as the Schauer-Greenawalt approach and elucidates its impact and challenges from both theoretical and practical perspectives. It then analyzes what causes these issues through the development of the approach. This research argues that if freedom of speech is understood as right against rules, rather than right protecting actions—a viewpoint also inspired by speech act theory—the problems addressed and created by the Schauer-Greenawalt approach can be effectively resolved.

Key Words: situation-altering utterance, performative, Schauer, Greenawalt, right against rules