

Fighting for free speech in an unjust world

A society in which free speech marginalises, rather than empowers, vulnerable citizens is a society in which our moral vision of universal free speech has not actually been achieved, writes Jeff Howard.



Sebastian Huempfer exhorts us to rethink the moral wisdom of advocating for free speech in an unjust world. His call-to-pause is an important one, capturing a range of uncomfortable truths about the deep inequalities of power that persist across the globe and the ways in which the project of promoting free speech could perpetuate, rather than alleviate, those inequalities.

How could the battle for free speech backfire? Sebastian's answer is simple and arresting. In a world where the voices of some are louder and more secure than the voices of others, advocating for free speech will only serve to amplify the former. By celebrating how great free speech is without addressing disparities of power, what we are doing is naively giving two thumbs up to those who are already holding the microphone. The principles of free speech of the kind advocated on our website, Sebastian contends, "are most attractive to the powerful, to majorities and to those in positions of privilege". And the *reason* they are attractive to them is precisely because they help them solidify and further entrench their power.

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However, I believe that if the privileged and the powerful are attracted to free speech simply because it secures their unjust advantage over others, it merely reveals that they do not really value free speech at all. This is the key to distinguishing the *right* implications of Sebastian's reflection from the *wrong* implications. A society in which free speech appears to marginalise, rather than empower, vulnerable citizens is a society in which our moral vision of universal free speech has not actually been achieved. Once we understand why that is so, it will be clear that the path to justice is one demanding *more* free expression, not less.

Free speech for all

For *whom* do the advocates of free speech advocate? There are two possible answers: we advocate for the free speech of some people, or we advocate for the free speech of everybody. The modern liberal project clearly endorses the second answer. It is a great mistake to think that advocacy of free speech is something different from the advocacy of *equal* free speech. Kings and emperors enjoyed unfettered freedom of expression to speak their minds for millennia. That fact clarifies that the central contribution of Enlightenment liberalism is not the idea of freedom, but the notion of *universal* freedom – freedom that is properly enjoyed by everybody. Early liberals, for sure, got their own theory incomplete on this count – not only by excluding women and minorities, but by failing to realise that civil liberties matter little to someone who is scrambling to find food or shelter. For this reason, contemporary liberals advocate not merely formal legal protections for familiar liberal rights, but the *substantive opportunities* for everyone to exercise those rights securely. These twin aims are captured in the crucial formulation of [our first principle](#), which emphasises that we must not only be *free* to express ourselves, but also *able*.

With this in mind, we can fruitfully interpret Sebastian's argument to consist partly in the (correct) thesis that Free Speech Debate is vulnerable to what might be called an *incompleteness objection* – a charge that we, like the early defenders of liberalism, have failed to reckon properly with what is required for our principles to be realised fully. I believe this is correct. It is not enough to advocate for global consensus on free speech norms. Rather, we must advocate *substantive strategies of empowerment*, according to which we also advocate for the improved recognition of minorities' equal standing in both the global and their respective domestic communities, demand better education and access to information to historically marginalised and vulnerable groups, seek redresses to historic discrimination – and on and on. At the heart of this process would be an effort to persuade those in power to take the moral claims of the vulnerable more seriously – to, as Sebastian rightly says, “accept their responsibility to be respectful, and to go around and listen, genuinely and with an open mind, to all sides of the debate”.

Notice that this ambitious strategy of empowerment sounds a lot like the achievement of full-blown justice. But that should not strike us as a surprise. That is because free speech is but one crucial component of a just society, one that hangs together with a range of other components and that secures its maximal value from its role within a web of other freedoms and opportunities. *One cannot sensibly advocate for a comprehensive ideal of universal free speech without also*

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advocating for the broader liberal political philosophy in which such an ideal is grounded. That insight is already reflected in Free Speech Debate to some degree; Timothy Garton Ash [argues](#), for example, that, "Privacy is a condition of free speech." There is nevertheless a tendency to cheerlead free speech in a vacuum, a tendency that we must do a better job resisting. Arguing for free speech without an accompanying vision of substantive empowerment for all is like arguing for religious freedom without arguing for police to keep vulnerable minorities safe on their dangerous walk to church.

Free speech advocacy is necessarily connected to a broader strategy of fighting for a just world – a world in which all individuals are treated with full moral respect as equally valuable beings who ought to have the freedom and opportunities to live lives of their own choosing. Show me a society in which free speech serves only the interests of the powerful, and I'll show you a society in which the ideal of free speech, and the normative vision of which it is a part, has not been realised. Pace Sebastian, it is implausible to think that free speech advocacy, *when done properly*, could amount to advocating for an unjust status quo.

Restricting free speech to protect the vulnerable?

Nevertheless there is an impulse running through Sebastian's ruminations that suggests the following reply: even if we situate our defence of free speech norms within a broader body of liberal-egalitarian principles, the powerful may still prefer to cherry-pick only those principles that suit their interests. Given that fact, advocating for free speech could lead to further oppression. Thus, in the face of injustice, free speech must – for the sake of justice – be restricted. As Sebastian pronounces: "If we did not know how loud our voices were going to be, we would not opt for unlimited free speech for all."

I believe that this position, however, should be rejected, and that the quoted thesis is manifestly false.

There are (at least) two ways to interpret the implications of Sebastian's position for people's actions, and each is morally defective. According to the first interpretation, it would be better for governments in unjust societies *not* to guarantee full free speech protections, but rather to restrict free speech in the interest of preventing the powerful from co-opting free speech rules to serve their advantage. But especially since governments in unjust societies are typically either powerless or themselves the sources of the relevant injustices, this is a highly mysterious suggestion. Indeed, supposing that governments were both morally motivated and effective at facilitating moral progress, the obvious solution would be for it to seek substantive empowerment such that all could exercise their free speech rights effectively.

The second interpretation suggests that we – the contributors to Free Speech Debate and the human rights activists and citizens who seek to promote free expression – should stop advocating for free speech entirely, or even advocate for restrictions on free speech in unjust societies. But to

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respond to injustice in this way would be to abdicate our moral responsibilities to our fellow human beings. Unjust governments would like nothing more than to gain intellectual ammunition for the suppression of speech. The more plausible solution is to argue for free speech, but to do in a way that clarifies its role within a broader political philosophy that aims to emancipate and empower all.

Rejecting this second interpretation is more complicated than rejecting the first. That is because what is justified in an ideal context is indeed sometimes *not* justified in a non-ideal context. The argument for a legal right to stay out late at night without curfew is weaker in a context where people persistently commit terrorist bombings in the early hours of the morning. Something analogous, we might think, could apply in the case of free speech. But this claim should be rejected, and not merely because we have greater reason to be suspicious of morally fallible state officials who want to suppress speech (albeit for some putatively noble aim) than of state officials who want to prevent mass murder. More fundamentally, we need to see that *free speech is special*. It is a precondition of justice's achievement. This is not only because of its involvement in the pursuit of a good life that is every person's basic right, but moreover because open communication and public deliberation are necessary to identify what justice even *is* and to convince others to believe in it – not through manipulation, but through open dialogue: what Jürgen Habermas [has called](#) “the unforced force of the better argument”.

It is true that one's rights to free speech are most effective and valuable in a just context. But that does not mean that they lack value in unjust contexts. Free speech can play an indispensable role in transitioning from injustice to justice. Sometimes the free speech that does this must be more raucous than it would be were we simply hashing out a minor disagreement on pensions policy; Sebastian is right to argue for a capacious norm of civility that facilitates, rather than shuts down, passionate and heated discussion. None of this suggests that free speech will do everything. In the face of evil, violence is sometimes justified. But free speech is both the beginning and the end: the first step in the long quest to justice, and a defining feature of the just world that we reach – if we ever do – at the end.

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