

The importance of free speech



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So, the reason that free speech is so important, as far as I'm concerned, because. Why I don't really think about it as "free speech", I think about it as respect for the manifestation of the logos. It's something like that. That's the proper way of conceptualizing it, is that it keeps the balance between those two tendencies.

Right? *Because you need the questioning, and you need the order.*

And so, you think, "how much of each?". And the answer is, "the recipe changes day-to-day".

And so you think, "well, if it changes day to day, how are we going to keep up?". The answer is, by keeping up!



Right? Here we are. We're alive. We can keep up, but we do that by thinking, and we think by talking, and we think and talk by disagreeing. *And we better disagree conceptually*, because then we don't have to act out stupid ideas that would kill us.

Right, because so really. **The abstract territory of conceptual dispute is a substitute for war and death.** It can be a brutal substitute because conceptual disagreement can be very intense.

But compared to war and death, it's hardly intense at all.

And so you keep the landscape open for serious dispute, including dispute that's offensive, obviously; because if you're ever going to talk about anything that's difficult, and why talk otherwise.



Then you're going to talk about things that are offensive to people, and you're going to do it badly, you're going to stumble around when you're formulating your thoughts, and that's horrible. It makes people anxious; it alienates them, *but it's better than pain and death, and that's the alternative.*

I'm not an admirer of hate speech laws. But that doesn't mean that I'm naive enough to think that there's no such thing as hate speech. Obviously, if you've ever been involved in an extremely serious argument, you know perfectly well that there's such a thing as hate speech because you've probably uttered some.



So, you know, and *there's also no doubt that there are forms of speech that are utterly reprehensible*, and some of those are actually already punished by law.

You can't incite to violence; you can't libel someone. So we have some restrictions already on what's acceptable discourse.

Whether it's the case, typically speaking, that some people have more privileged access to free speech than others, well, that's obviously the case. That's part of power, and power is one of the means by which people climb hierarchies. Although, the more you can climb a hierarchy by exercising power, the more that's an indication of the fact that that hierarchy has become corrupt.



So there's no doubt that these structural impediments to the free exchange of discourse exist.

There's also no doubt, as you already laid out, that that's not in everyone's best interest, because what you want if you have any sense in your society, and this is also why I think that we put proper emphasis on the sovereignty of the individual, is that you want everyone's logos to have the opportunity to clarify the unknown and reconstitute the world.

And if you shut that down, then you risk getting access to the unique insights that that individual might bring.



And as I said already, I'm not an admirer, for example, of hate speech laws, even though there's plenty of hateful speech. *Because I think the best thing to do is to leave free speech alone as much as you possibly can.*

Not because that will result in the perfect conditions for free speech, *but because anything else that you're likely to do is going to make it worse, rather than better. And so that's how it looks to me.*

You know if you look across the world, most societies don't do a good job of either promoting or allowing free speech. I don't know how we ever managed it.



It's so unlikely because it's so hard on people, and hard on those who occupy positions of power in tyrannical hierarchies that I can't believe that any societies ever managed to figure it out at all. **So those dangers are always there.**

And I also think the highest likelihood, often, is that societies that do put a high value on free speech will lose that because it's so difficult to maintain.

But with regards to hate speech, for example, let's say that things would be much better if there was less hateful speech.

It seems highly probable to me, especially if you look at the more egregious forms of hateful speech. How best to regulate it?



Well, my sense is you let those who wish to utter hateful things do so *and let everyone hear them because that's the best way to ensure that what they're saying will be understood and rejected.*

Now in order to posit that, you have to assume that the population, composed of sovereign individuals, is wiser than it is foolish.

And you know that's a type. That's a hope. You might think about it as an *axiom of faith* but I do believe it to be the case.

I think that if you put the evidence in front of people, by and large, they will do the right thing.



I think that if you...the problem with regulating hate speech is very simple.

Who defines "hate?". An answer to that is, "**over any reasonable period of time, exactly the people you would least want to have to define hate**".

And so the consequences of the regulation become incalculably worse, as a problem, than the problem that they were designed to deal with.

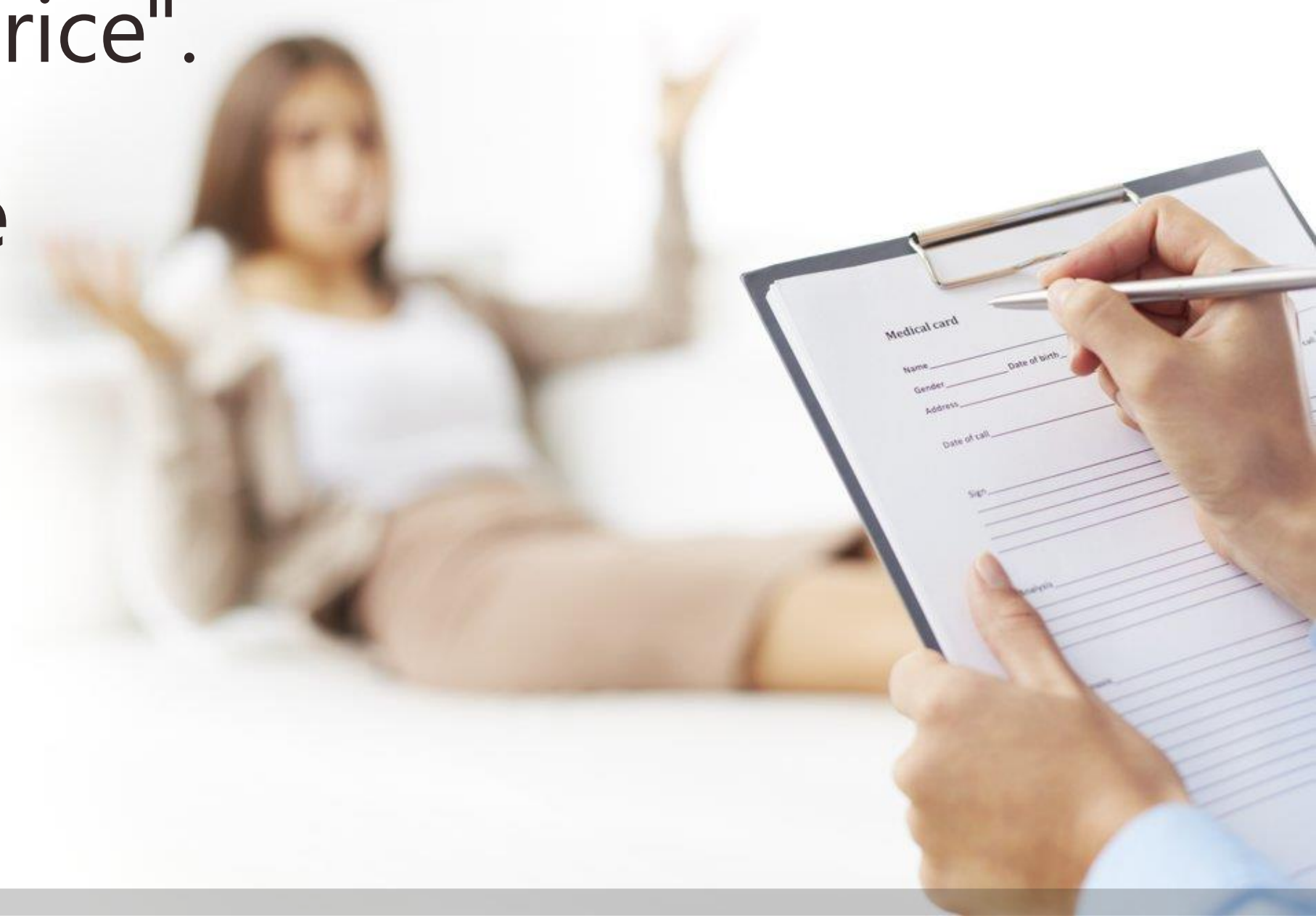
To think otherwise is to think in a sort of utopian manner. It's like, "well, we have a problem: hate speech. Well, we can come up with a solution, and there will be no problems with that solution". It's like, "no, no, no. That isn't how the world works".



You know when I'm negotiating with my clinical clients, one of the things I always tell them is...

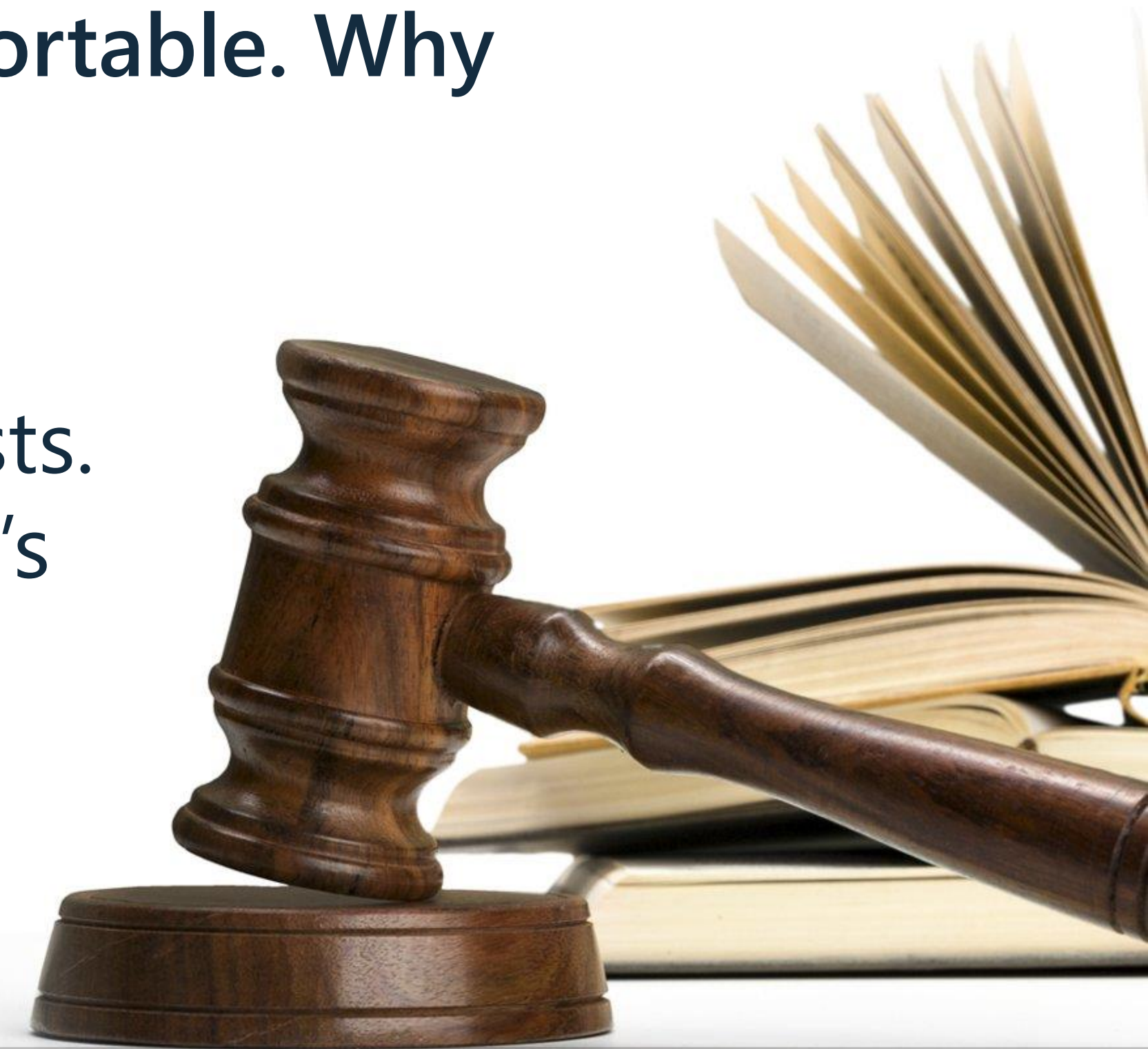
Often, because they're in difficult circumstances; often not for psychological reasons, it's like, *"no you don't understand, you're screwed both ways."* You don't have an option, here, where you're not going to suffer. That's what it means to be in a bad situation. You're going to pay a price both ways. You can pick your price".

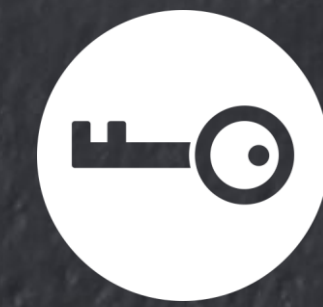
Okay so we're going to have hate speech, or we're going to have the consequences of the arbitrary regulation of hate speech.



Well, I know what the consequences are of the arbitrary regulation of hate speech is that things get a lot worse, *because "hate" is very difficult to define.* And that's actually a real problem when you're trying to regulate it because you have to be able to define it. And we're already at a point where — well, **you made someone uncomfortable. Why isn't that hate speech?**

I mean, I was basically asked that by one of your most outstanding journalists, or your most popular journalists. "Why should you have the right to say something that's offensive?"





We can think that through. Let's think that through for a minute. So I mean, my response to her, essentially, although this wasn't directly, it was...

"That's not a very smart question for a journalist to be asking," right?

Because of all people who should never ask that question, well, it would be standup comics, and journalists, because that's all they ever do. That's what it means to be a journalist, is to ask a question that's going to be offensive to someone. Who the hell wants to hear about what you've discovered unless it's about something contentious and important?



So, it was a jaw-dropping question, as far as I was concerned. And the fact that it was a jaw-dropping question was part of the reason why that video went viral.

Okay, so now let's think about offensiveness as part of hate.

The first thing we might say is that you really need to think when you have a difficult problem.

A difficult problem is one where there's something at stake. It might be your life; it might be your wellbeing.

And then we might say, "well, there's going to be a diversity of opinions about that particular conundrum, if it actually happens to be difficult".



And so, even to discuss it because if you discuss it, you're going to discuss option A, it's going to annoy all the people who want option B. Or are you going to discuss option B, and that's going to annoy all the people who want option A, and maybe there are ten options.

So, if you're going to discuss anything of any real significance whatsoever, you're going to make people hot under the collar, and you're going to risk offending them. "Okay, so what? You're just going to stop talking about difficult things?". **The answer to that is "yes," and that's what's happening.**

But then there's another problem, which is, *there isn't anything I could conceivably say about anything that isn't going to offend someone if the crowd is large enough.*



So you might say, "well, if you're talking to two people, you can't offend one of them". So you don't get to offend fifty percent of the population. It's like, "OK, let's say I'm talking to one thousand people, and one person finds what I'm saying offensive. They say, 'well, that's hateful.'"

Well, that's one in a thousand. So should I stop? What if it's one in ten thousand or one in a million?

Where's the cutoff? And you might think, "well, we'll work that out".

It's like, "no, no, no. You don't get it. The devil's in the details. *You work it out now when you formulate your restrictions on free speech. You don't shunt that off into the future so that it's a problem that will be solved*". Who defines hate?



Insoluble problem. *Don't regulate it, because you can't define it.*

That's how it looks, to me. *So you have the free marketplace of ideas, so to speak, where the collective can render a judgment on the acceptability of an idea, on an ongoing basis.*

And, isn't that a great solution? Because we don't have great solutions. We have partial, fragmentary solutions that make us somewhat less abjectly miserable than we might be. *That's what we have.*

If we try to eradicate that kind of risk completely, all we do is magnify a different kind of risk.



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