

## SPEECH IS NOT FREE

By Gabriel Moran

One misleading assumption connected to freedom of speech is its equation with the phrase “free speech.” Except for referring to money, the use of “free” as an adjective is usually misleading. For example, the phrase “free market” is a favorite of people who oppose any sensible regulations of economic activity. But a market consists of a complex set of conditions and innumerable forces. The question is not whether there should be controls of the market but who sets the controls and who benefits from particular controls.

Similarly, the phrase “free will” is the source of endless confusion and unhelpful debate. It suggests that a person can choose anything he or she wishes. Each human being has a will by which he or she accepts one possibility from the narrow range of what is possible at any moment. To decide means to cut. The will is like a movie director who views several takes on a scene and at some point says “cut.” The human will is always subject to numerous external and internal controls. People who argue against the existence of “free will” have an easy target though they still have to account for the fact that human beings think that they have some control over the direction of their lives.

The common reference to “free speech” hides all the problems that arise when human beings exercise one of their most cherished faculties. In any gathering of more than eight or ten people there arise questions of who speaks, when they speak, how long they speak, what they speak about, and other questions of procedure. A debate between those who defend “free speech” and those who favor limits on speech is a false choice. Also, the claim that the only way to counter hate speech is with more speech neglects other needed controls. The supposition that the choice is between violent resistance and being passive, except for speech, is to conflate violence and “force.” A reaction of violence to hate speech is never justified. But all kinds of force can and should be brought to bear, including municipal regulation of rallies and marches, and the presence of a police force to avoid situations that will likely lead to violence.

“Freedom of speech” is a description of a person’s exercise of his or her basic right as a human being. The only thing “free speech” can mean is that you don’t have to pay for it. There is a certain irony in this economic meaning of “free speech.” What badly distorts the freedom of speech is big money. These days if speech is to be heard it can require lots of money for buying a television network or backing a political candidate. One of the worst decisions that the U.S. Supreme Court has ever made was its ruling in *Citizens United v. Federal Elections Commission* (2010) that money is simply a form of speech so that rich people and big corporations can make unlimited contributions to political campaigns. There is a legitimate argument to be made that a citizen who makes a donation to a candidate is expressing his or her freedom of speech. But Supreme Court justices have to be living in another universe to not see that tens of millions of dollars inserted into a political campaign has the effect of overwhelming the voices of ordinary citizens.

The use of the misleading phrase “free speech” is the reason for a puzzling change that occurred about twenty-five years ago. In the 1960s, “free speech” was the rallying cry of left-wing groups. The fight was against repression by big institutions, including the government, big business, the

news media, the university, and anyone representing authority. The surprising thing today is that the political right complains that the left represses speech and demands conformity to a language code. The far left and the far right are joined in their opposition to limits upon “free speech.” The ACLU sometimes awkwardly finds itself in the company of right-wing hate groups. Its apotheosis of free speech seems at times to take precedence over defense of the legitimate role of public and private institutions to protect the rights of all citizens, especially those who are very young, very old, sick, or disabled.

Today’s defense of “free speech” on the political right is under the banner of opposition to something called “political correctness.” This phrase needs some explanation and then burial. The first thing to note is that the phrase was invented in the 1930s as a cartoon joke by communist sympathizers. The fact that the phrase has no meaning was the point of the joke. The phrase gained currency in the 1980s, when the Soviet Union was collapsing and there was confusion about conformity to communist orthodoxy. Since no one was sure from one day to the next what the proper ideology was, there was a joke about one’s “political correct” orthodoxy. The phrase was picked up in a few universities as a convenient way to attack the views of an opponent. It was an effective weapon because there was no logical defense. If someone is attacked as “politically correct,” should he or she claim to be “politically incorrect”? The two English words “political” and “correct” have clear meanings; the phrase “political correctness” has no historical or logical meaning; it is merely a weapon against which there is no ready reply.

The phrase “political correctness” was employed in universities against removing linguistic barriers to groups that have been discriminated against in U.S. history. It became used as an indictment of any criticism of language. Sometimes college students take up causes which do not deserve the passion that they direct at the proposed changes. But when a change is based on a knowledge of history and contemporary practical effects, changes of language are indispensable to seeking justice for all citizens.

The migration of the phrase into politics was especially helped by Ben Carson who championed the phrase in defending himself. During the 2016 presidential campaign Carson often claimed that “political correctness” was the biggest problem in the country. At the start of the campaign the other Republican candidates seldom used the phrase but by campaign’s end all of them (including the nominee) had discovered the usefulness of responding to any criticism of false or outrageous statements by dismissing the criticism as “political correctness.”

Carson had made his debut in the political arena by insulting President Obama. Carson said that the Affordable Care Act was the worst thing to happen in the country since slavery. His comment drew predictable praise from opponents of Obama but widespread ridicule from other groups. Carson wrote a book, *One Nation*, recounting the attacks on his comparing the health care act and slavery. In his narration, he was the victim in the story, a man unfairly maligned, perhaps because of racism. He was not allowed to voice the truth because of “political correctness.” He did not consider the possibility that he was being ridiculed because what he had said was stupid and indefensible. He never did have much to say that politically made sense although he got a job as head of housing and urban development for which he has no qualifications.

Freedom of speech does not exempt anyone from criticism of their speech. Neither does it guarantee employment for those who are convinced that they have something important to say. Universities have become embroiled over questions of who is invited to speak and especially who is disinvented to speak after protests from within the university. A university has the mission of searching for truth and that entails a commitment to a wide range of viewpoints that are allowed. But that policy involves complications concerning the limits of each university. One limit which is by no means trivial is how a university uses its money for salaries of teachers and stipends to speakers. Some speakers are paid outrageous amounts of money more for their celebrity status than for any wisdom they can convey in a one hour speech. The same university may be outrageously underpaying part-time professors who do most of the teaching in some of its departments.

It is appropriate that a professor or a department or a group of students should be able to invite any speaker who can contribute to their work in the university. That is especially the case when little or no money is at issue. The case is different when an invitation to a speaker seems to have the stamp of the whole university or a large part of it. The university is announcing that it endorses the speaker's reputation and views though not every opinion he or she may express. The commencement address is the most obvious example of where there can be disputes over whether a speaker is representative of what the university stands for. A student protest against an invitation can be entirely appropriate although in the end the leaders of the university have to decide whether to revise their original decision or simply proceed. A university should be an institution where there can be civil disagreements; those who lose a particular argument should observe common courtesy toward those with whom they disagree.

One should note that there is some difference on this issue depending on whether the university is public or private. A public university is supported by the government and to that degree is an extension of government. Its commitment to a wide range of views has to be greater than is required of private universities. However, these days large private universities are heavily dependent on the government and their commitment to a diversity of views is unlikely to differ significantly from public universities. There are institutions that call themselves universities but hardly deserve the name given the narrow range of views that they represent in their faculty and outside speakers. Any serious university wishes to be part of the ongoing conversations in the society that it is part of. This means providing a place for views that many other parts of society dismiss or condemn.

Every university nonetheless has restrictions on the range of views it can encompass. A speaker who encourages an uncivil attitude might be seen to conflict with the very purpose of a university. Certainly, a speaker who spews hatred of particular religious or ethnic groups, using vicious speech that can incite violence, should hardly be surprised at being refused a platform at a university. Such people today are champions of "free speech" which does not refer to their willingness to wave their stipend but to their supposed right to say anything they wish. They piously assert that their main concern is that everyone be free to speak their minds and that any restrictions on their speech is unfair and a violation of their constitutional right. The phrase "political correctness" is perfectly suited to their ridiculing anyone who interferes with their bigoted speech.

Several speakers drew strong protests this year at Berkeley. Ann Coulter, who has managed to become rich by writing books that brim with anger at anyone she disagrees with, was chagrined at her loss of a handsome stipend when students strongly objected to her appearance. Even more attention was generated by Milo Yiannopoulos who was probably unknown to most people but had generated some reactions on the college circuit and now has a book titled *Dangerous*. The book was published in the middle of July and within ten days was the second best-selling book in the country.

The first chapter of *Dangerous* is predictably, “On Freedom of Speech and Political Correctness.” Nine of the book’s ten chapters that follow are descriptions of the groups that hate Milo; he seems to take all this hatred as proof that what he is saying is of great value. “My supporters,” he writes, “see me for what I am: a critical voice in the pushback against political correctness, and a free-speech fundamentalist defending the public’s right to express themselves however they please.” This free-speech fundamentalism might seem okay except that the public doesn’t express itself in one voice; it consists of innumerable voices of individuals who have to learn to respectfully disagree with one another. His claim that “the most important right you have in America is the right to think, do, say and be whatever the hell you want,” is a prescription for social chaos and a trampling upon anyone who is not able or ready to fight against everyone else.

Freedom of speech is not of much value if all it means is that everyone can say whatever they want. Speech has value as a means of communication with other human beings; it is the alternative to violence. When speech is employed for vicious attacks on others, the basis of human society is undermined. When Donald Trump has tweeted attacks on individuals, for example, attacking a newscaster who had criticized him, the explanation offered in his defense is that when someone punches him he punches back twice as hard (Melania said “ten times as hard”). That may seem logical to some people but it can only lead to the destruction of civil discourse. For a president of the United States such a policy is insane.

Freedom of speech cannot be guaranteed by the U.S. Constitution. It depends on the government providing safe spaces for unpopular speech, taking measures to prevent violence and swiftly punishing outbreaks of violence. It depends on U.S. citizens maintaining some sense of decorum and civility even when they strongly disagree. It depends on respecting institutions whose purpose is to be receptive to the voices of citizens. It depends on using the resources of the English language for expressing one’s convictions in a precise way that avoids unnecessary conflicts and insulting others.