

Are there limits on the right to free speech?

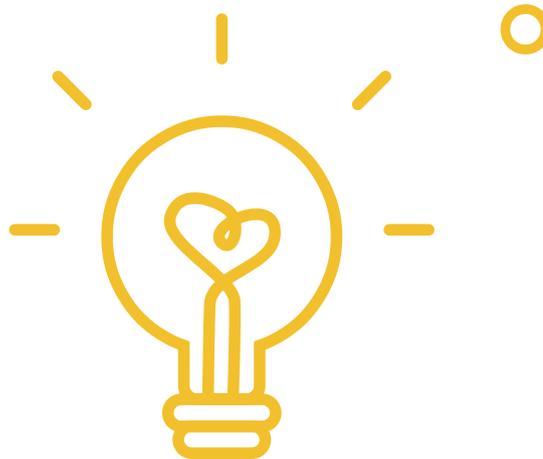


By Martin A. Coleman

Making the case to permit and defend free expression.



Should there be limits to free speech and free expression and how does that fit in with blasphemy, censorship and political correctness?



Does Australia Have Free Speech?

No Bill of Rights

Only an implied right to political speech

Nationwide News Pty Ltd v Wills (1992)

Australian Capital Television Pty Ltd v Commonwealth (ACTV) 177 CLR 1

Reminder: Australia Does Not Have Freedom Of Speech (Amanda Yeo, LifeHacker, 7/1/2021)

Do we have the right to freedom of speech in Australia? (FindLaw Australia)





Voltaire

Who was he?

Born Francois-Marie Arouet (17 November - 30 May 1778) was a French Enlightenment writer, historian and philosopher known for his wit, criticism of organised religion, advocate of freedom of speech, freedom of religion and separation of church and state.

Best Known Works

Candide, Letters from England, Zadig, History of Charles XII, The Age of Louis XIV, The Age of Louis XV, Micromegas.

Father of modern detective story and first to write about using forensic evidence.





01

Free Speech

He frequently clashed with the French royalty and aristocrats. He would criticise their tyrannical ways and when he knew he would get into trouble, made satirical fiction which a lot of people managed to clue in about who he was really talking about.

Think older Citizen Kane.

02

Free Thought

He also advocated free thought, drawing our own conclusions from our own investigations, without relying upon any supposed authority forcing ideas and giving ideas which couldn't be examined or criticised.

03

Socrates

Socrates was prosecuted because of his religious ideas and political associations indicates how easily an ideal held dear by his fellow Athenians—the ideal of open and frank speech among citizens—could be set aside when they felt insecure.

04

Euripides

"This is slavery, not to speak one's thought."



- Voltaire

Quotations and Thoughts

"It is clear that the individual who persecutes a man, his brother, because he is not of the same opinion, is a monster."

"The right to free speech is more important than the content of the speech."

"Judge a man by his questions rather than by his answers."

"I disagree with what you say, but will defend to the death for your right to say it"
Misattributed to Voltaire, actually from Evelyn Beatrice Hall, a biographer of Voltaire who was asked to summarise his overall approach and attitude to free speech.



Christopher Hitchens

Who Was He?

Christopher Eric Hitchens (13 April 1949 to 15 December 2011). British-American author, journalist and speaker.

A self-described anti-theist, he saw all religions as false, harmful and authoritarian. Argued for free expression and scientific discovery.

Best Known Works

God Is Not Great: How Religion Poisons Everything, The Missionary Position: Mother Teresa in Theory and Practice, Why Orwell Matters, Letters To A Young Contrarian.





01

Need to hear every idea

From Holocaust Deniers, Flat Earthers, Anti-Vaxxers to Religious Fundamentalists, we need to hear their ideas. Otherwise we fall into being an echo chamber.

02

Hate Speech

Hate speech is still important because we still need to know what other people are thinking, maybe even act upon them to divert something, or protect someone.

However, we can't allow simple criticism of ideas, philosophies or ideologies be considered as hate speech, as some movements are trying to do.

03

Death Threats

Death Threats are the sign of someone being insecure of their own ideas, opinions or justifications. If your confidence or self-assurance is so weak that you need to issue death threats to someone challenging your idea, you really need to look at yourself first.

04



- Christopher Hitchens

Passing Remarks

"There is a utilitarian case for free expression. It recognises that the freedom to speak must also be insisted on for the person who thinks differently, because it is pointless to support only free speech for people who agree with you. It is not only unprincipled to want that, but also self-defeating. For your own sake, you need to know how other people think."

Christopher Hitchens, *Forbidden Thoughts*, *American Enterprise* - January 1995.

Old Friends

"First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of the truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied." John Stuart Mill, *On Liberty*.

"I have always strenuously supported the right of every man to his own opinion, however different that opinion might be to mine. He who denies to another this right, makes a slave of himself to his present opinion, because he precludes himself the right of changing it." Thomas Paine, *The Age of Reason*.



- Oliver Wendell Holmes, Jr.



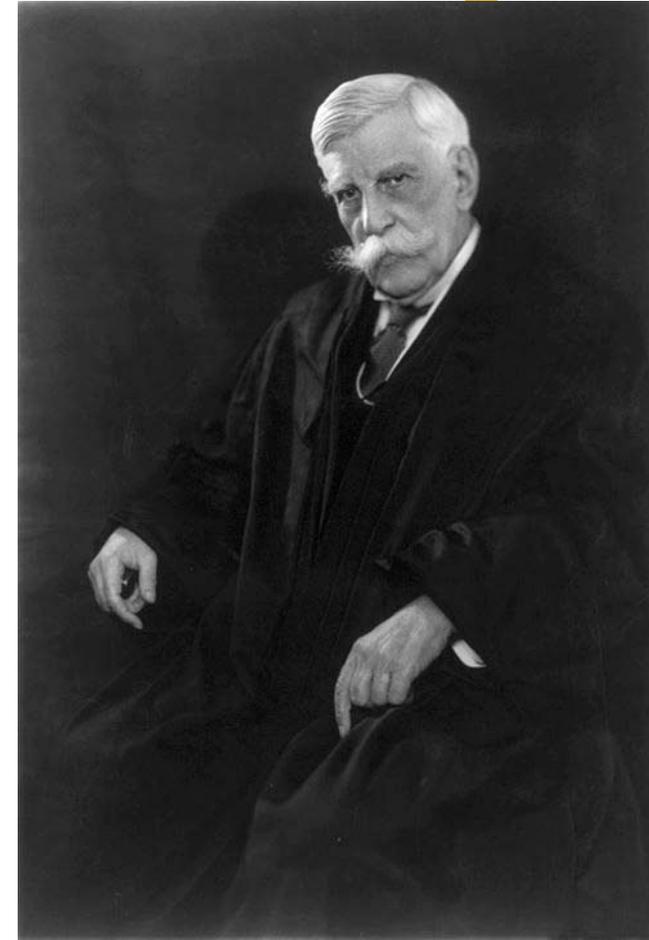
Shouting "Fire" in a crowded theatre



Schenck vs United States (1919)
"The most stringent protection of free speech would not protect a **man falsely shouting fire in a theatre and causing a panic...** The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."



Brandenburg vs Ohio (1969)
"the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action [e.g., a riot] and is likely to incite or produce such action."



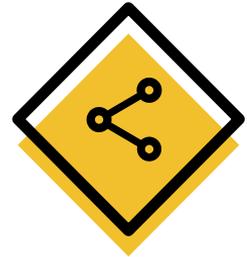


The Good \times With The Bad

- Real harm can come to people.
- People can and will say real nasty things.
- “Some people just want to see the world burn”
- Why punish the many because of a few?
- We already have laws to punish the bad.
- Message != Messenger



- Interesting thought process



Accept that people will have different ideas, and ways to express them.



Around the world there are people who will think differently than you, have different cultural, religious and philosophical differences.

There will always be a different percentage of the population who will be more receiving of ideas and those who will reject it.

Fix your own approach, if needed. Think about whether you like what is being said or whether you don't. Also, how should you react? Is the way you are reacting reasonable?



Find a way to peacefully collect, share, discuss, collaborate and shape what is being thought and what is being spoken.



Being Offended On Behalf Of Others





- That's offensive!

On Being Offended

No-one has the right to not be offended.

Some people are more easily offended than others.

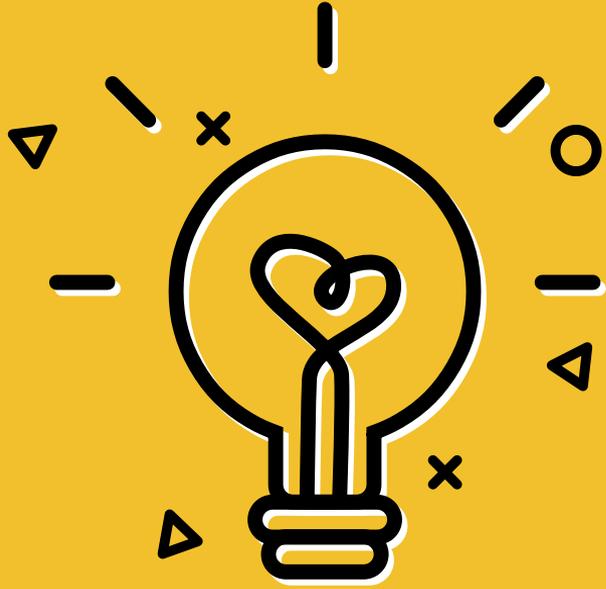
You can't live by treading on egg shells all the time.

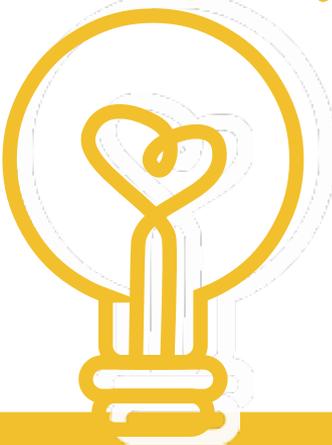
We should be able to criticise anyone, anything, any circumstances at any time, should we deem it justified.

Who would you choose to be the arbiter of what is considered offensive?

'If someone tells me that I've hurt their feelings, I say, "Well I'm still waiting to hear what your point is".' Christopher Hitchens

Seeking to be offended





01

Blasphemy

Blasphemy should not exist in a secular democracy. All ideas can be criticised, evaluated and even ridiculed. The more power and authority that an idea tries to assert, the more effort that should be made to justify it, and critique it.

02

Censorship

In an ideal world, where no Nanny State or Father State exists, censorship should not exist. Most censorship comes from religious and/or conservative sources. Words and ideas that are considered harmful or offensive enough to be censored need to be studied and re-assessed.

There needs to be a cultural appreciation and leave the rest to a discerning mind.

03

Political Correctness

Mind Virus. Changes how the host functions (thoughts), worsens the output (speech, expression) and means we get corrupted and incomplete input (PC'ed ideas from others).

An appreciation and study of language, history and changing culture would be better.

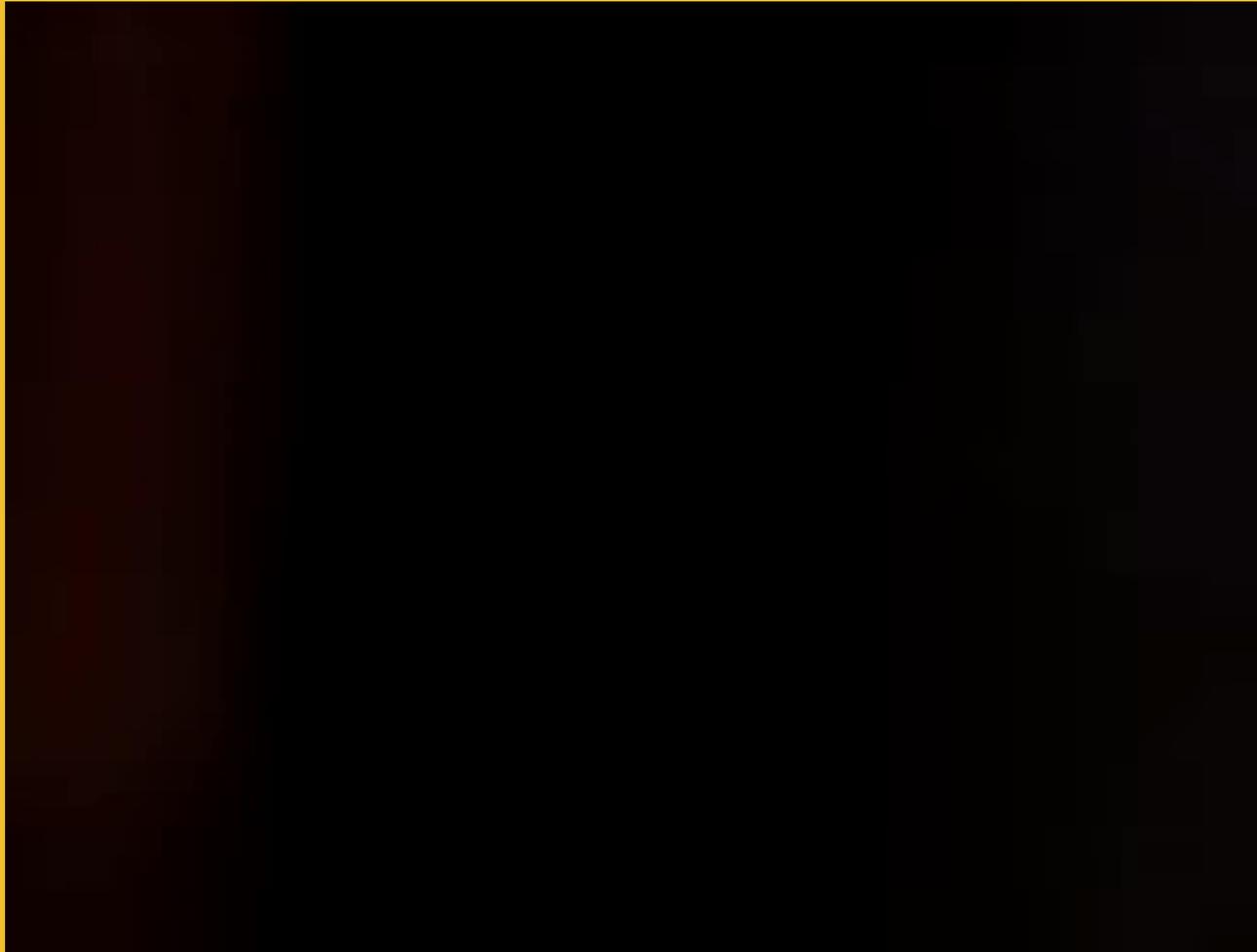
04

Double Standards

Offended by what I say? Offended by my ideas? Offended by my attempt to publicly criticise and debate what I think are dumb ideas? Then I am offended by your offence. I find your offended ideas offensive. If your ideas can't handle criticism, leave them out of the public sphere.



Common Understanding





- On your way out...

Of A Critical Nature

Salman Rushdie's "The Satanic Verses"

J D Salinger's "The Catcher in the Rye"

Allen Ginsberg's "Howl"

Dick Gregory's autobiography.

Enid Blyton's various works.

Mark Twain's various works.

Various video games.

George Carlin's 7 Dirty Words You Can't Say on TV.



- On your way out...

Concluding Comments

To be “offended” is a personal choice.

No one has the power to offend you without your permission and involvement.

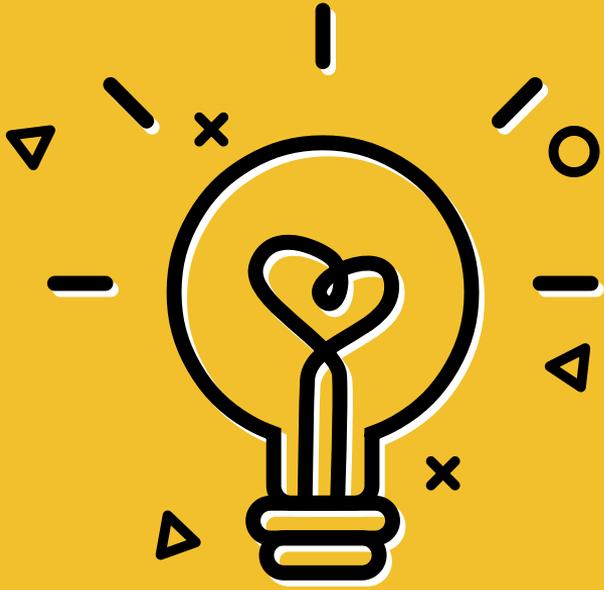
Be un-offendable.

“Most” people are decent and don’t mean any harm.

My take-away is the ill-conceived presumption that people are critical thinkers of a more discerning nature.

People should not be offended on behalf of anyone but themselves, remove group-think from the equation.

We should be able to say and express what we like, using circumstances and discretion to judge what is appropriate.



THANK YOU

Are There Limits to Free Speech?.
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