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Does Free Speech Matter?

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Susannah Black joins me for another discussion, this time on the subject of freedom of speech, the various senses in which it is spoken of, and whether, where, and how it is a good thing.

Transcript

Hello and welcome. Today I am joined again by Susannah Black to discuss things that arise out of our discussion and reading of *Ways of Judgment* by Oliver O'Donovan. But this time we're going to go a lot further afield in our discussion.

We're going to be talking about freedom of speech. So first of all, I thought we could begin with a quote from Oliver O'Donovan, which is found in the *Ways of Judgment*, page 137. So with that to begin with, what do you make of O'Donovan's position there? I think it's a solution to a very complicated set of, or I think it's one aspect of a solution to a very complicated set of questions.

And I think he is basically among the only people who I know of to have articulated something like a non-liberal or pre-liberal or post-liberal argument for what is generally considered to be a liberal good, free speech. And I think that for that reason, he is extremely important for us to look at on this topic right now. Beyond that, I would say that his position probably has something in common with his earlier statements about things such as the imperfectibility that characterizes politics.

Freedom of speech, among other things, holds things open. It recognizes that we are always in the process of deliberation, that conversations cannot be foreclosed in a way that we presume that we already know the conclusions of conversations before we have had them. And so the concern for free speech is maybe preserving something of the incompleteness of our understanding of what is right to do.

I think that's right. I also think that, so there are a couple of different ways to approach this. And one of them is to think very, as carefully as we can, and to talk as carefully as

we can about the arguments against free speech, which are very, very strong.

And then the other thing that I'd like to kind of get into is to talk about the, I mean, O'Donovan's vision is very much a public vision. It's a kind of almost a civic Republican vision. And I think that free speech in the public realm is a slightly different question from the importance of private realms of speech.

And both public and private realms of speech are sort of threatened now in various ways. And I think that talking about some, how some of those ways that the question of free speech has popped up in just the news cycle of the past couple of weeks, even, would be interesting, because some of those questions are not straightforwardly questions of free speech in the way that O'Donovan means it, but have more to do with cultivating private social spaces and interior, like the ability of smaller groups of friends, even to think even about dangerous ideas. And that's slightly different than O'Donovan's vision of a kind of, you know, citizen speaking with parrhesia, like forthrightly in the Agora or the Christian version of that.

So, yeah, there's just so there's a lot to get to. And I feel as though I'm not entirely sure where to begin, almost. It does seem as though when people talk about freedom of speech, implicit in their understanding is a particular location from which that speech is coming, a particular type of speech that they have in mind, for instance.

So for O'Donovan, when he's talking about free speech, it's public speech for the sake of public goods, whereas for many people, it's seen in terms of private speech that should not be curtailed by the government. Then there are other people who are thinking about private speech that should be de-platformed by non-governmental institutions. So there shouldn't be government sanctions against people who are expressing their free opinion, but we should make sure that universities remove such people from any platform that they might have.

And then there are other situations where we talk about the importance of free speech. It's very much speaking truth to power. It's implicit that the free speech that's being celebrated is sort of punching up.

As soon as that free speech changes direction, it can be quite strongly opposed or is perceived to change direction. So it can often be important, I think, to discern who are the agents that are presumed to be engaging in free speech, where is the realm it's occurring, to what end is it occurring, and who might and might not police it. So for instance, in a broader conception of free speech, it needs to be seen as a virtue of a society that needs to be sustained by everyone.

So it's the way we sustain free speech by not losing our temper with other people when they express something that's offensive to us, that we give them the space in which to express their viewpoint by just hearing them out. And that is part of what makes a

society a place of free speech, when people feel cowed by other people's judgment or condemnation, they do not express themselves with candor. They can shrink back from telling what they believe is the full truth.

Then there are other things, what sort of speech is in mind. Conscientious speech has often been implicit where people talk about free speech. It's the Norman Rockwell picture of the man standing up in the crowd and speaking his mind.

Whereas for others, it's free speech is the right to produce pornography, or something like that, and that there should be no censorship. And it's not speech according to conscience or speech according to a commitment to truth. It's speech is free expression of whatever you want to express, irrespective of truth or conscience.

And so teasing out some of those issues, I think is important. There's also, I mean, I was sort of trying to think back as far as I could through all the various permutations of this debate that have gone on for the last whatever 4000 years, and or I don't know, 2600 years. And so the other sort of big distinction that to make is O'Donovan's version of speech is very much, I would think rational speech about political topics.

That's very, in a way very direct. That's like, let us discuss the these possible policies that we may or may not want to support. And let's talk about why.

Let's talk about facts that are being suppressed. Let's talk about like, thinking about imagining a society where the leaders and the people have colluded in a conspiracy of dishonesty, and it had accepted a shrunken public realm is something like, I mean, I don't know, something like the Uyghurs in China, where it feels as though or something like the way that, you know, Germans sort of kept their mouths shut and kept a lid on their own curiosity about what was happening to Jews in the Third Reich, and so on. So those kind of public issues, facts that are being suppressed, arguments that are being curtailed, were, you know, shamed out of, out of public discourse.

That's kind of O'Donovan's major vision for what he's talking about. But of course, the other kind of way to think about it, and the other one, the first version of this conversation that I could think of, was Plato and the Republic talking about the danger of the poets to the state and the danger, and you can think about that in a couple of different ways. So that's not about rational speech.

That's about like the way that imaginative speech can shape us, can shape our appetites, can shape our passions. And that is a very different kind of a thing. That distinction between reason being suppressed, which is a bad, according to O'Donovan, and passions being shaped, or ideas about, you know, Plato would also say ideas about the gods being corrupted.

That's a different, although I guess ideas about the gods being corrupted would fall kind

of in between those two areas. But that's, those are two quite different, I think, areas of discussion when we're talking about free speech. I think in addition to that, we should probably think about the manner in which what people are concerned about in the case of free speech is often bound up with institutionalized discourses.

So we're talking about the academy, or we're talking about the law courts, or we're talking about the realm of politics. And in these cases, what we're dealing with is something more than just individuals being able to express whatever they want as individuals in private spaces. It's more a matter of having processes that are well ordered towards truth.

And those processes are not necessarily ones without boundaries. So within the law court, for instance, it's a discourse ordered towards the discernment of truth and the deliberation towards justice. And it's a social discourse that is participated in by great, many different people playing different roles in concert with each other.

And sometimes those roles have an antagonistic aspect to them. There are people arguing against each other and in conflict with each other. But the process itself is one that transcends individual participants and is ordered towards a greater end.

And when there's been threats upon free speech, often the concern has been chiefly with the breakdown of institutions of discourse. So the academy, the inability of academics and others to say what they believe is true in a discourse that's not merely about their personal expression, but is society's discourse, primary discourse concerning knowledge and wisdom. And so thinking about that, I think, is important because what's going on there is not necessarily individuals in private spaces, but the inability of our public and institutional structures to sustain candid speech and to enable us to have speech that's genuinely ordered towards what is good, true and just.

And the struggle to achieve that in a society where people are nervous about certain viewpoints, for instance, or have a sense of fundamental antagonism that exceeds any procedural goods. Yeah. And I think that actually the institution, the kind of more macro institution that I think is interesting to think about from this perspective is something like the public sphere as an institution in itself, which would largely, although not entirely, be a question of both journalism and social media.

And that actually, that sort of vision of there is a public sphere which journalists and kind of private citizens speaking up in ways where if you think of Twitter as the digital or the electronic public sphere or whatever you want to think about it, however you want to talk about it, that framework and the idea that speech needs to be protected in that framework, I think actually matches pretty closely with some of the more classical liberal visions of what we're doing when we do speak freely. So I'm thinking about Milton's *Ere Pagitica* or John Stuart Mill in *On Liberty*. And Milton is actually quite a bit more, I kind of looked at it again, he's quite a bit more O'Donovanian than Mill is, unsurprisingly.

Mill would talk about, he's the marketplace of ideas guy. So it's almost as though we're all private citizens shopping around or shopping for ideas. And we need to allow that commerce to go on.

And it's very much an economic model in a way. And the argument against that, and I keep like throughout thinking through all of these things, it's very easy to come up with arguments against them. And the argument against that is obviously that we buy really junky stuff in marketplaces and we buy things that harm others and things that harm ourselves.

And we don't necessarily, we don't buy a lot of kale in the marketplace of ideas. We tend to buy a lot of shamrock shakes. Or we tend to buy a lot of, I don't know, clothing made in sweatshops in China.

So things that are convenient for us, ideas that are convenient for us, but hurt other people. So for example, the idea that it's okay to have an abortion is something that is very convenient for some people and hurts other people. And so that kind of marketplace of ideas vision I think is quite a bit, like, I think that's a pretty bad idea.

And I think that that economic understanding of what we're doing when we talk, I'm not crazy about it. I don't think it's very helpful or accurate. Milton's version of this, I think does kind of get more at what I would at least want to have a public realm be getting at, which is more of this kind of like, it's our duty to try and govern ourselves rationally.

And we know that we're not necessarily that great at being rational on an individual basis. And so we need to develop the internal discipline to keep our tempers, to learn how to make rational arguments, to have the courage to speak up, to listen to other people carefully, to sort of, to do the discipline of actually having a conversation as opposed to just screaming at each other. And that as a kind of social norm and as a communal project that we're all trying to do, and that takes personal virtue, that does not happen just by the releasing of personal appetite for ideas or expression, but that takes personal virtue.

But then we do together as a kind of communal project that I do think is extremely worthwhile and necessary and is one of the things that I think is being threatened by whatever you want to call the meltdown at the New York Times or the narrowing of public discourse or the idea that words can cause me harm, cause me emotional harm in a way that puts the responsibility on you to not use them. All of those things which are kind of I think going on right now in our public sphere undermine our ability to push back against our own irrationality and our own limited perspectives by having this kind of disciplined public conversation which ought to take place in the pages of newspapers and in the academy and sometimes even on Twitter, I think. It does seem though that you talk about the importance of individual virtue, but that can be very strongly bound up with institutional and social structures and customs of speech, and those structures

do a lot of the policing and I think one of the struggles that we have today is the collapse of structures of speech and the differentiation between realms of speech, for instance, when you engage in the academy or you engage in the law court, whatever it is, the form of discourse keeps certain people in their place, it keeps certain types of speech in their place, it differentiates between things and it does not believe that in the mere exercise of free expression we will arrive at truth, justice or goodness, rather these things require a disciplined form and set of procedures in order to move towards them.

You need, for instance, processes of stress testing, you need to avoid constantly having antagonistic structures, you need to recognize spaces where you just explore ideas and allow things to come out through exploratory processes, and that sense of a choreographed and variegated realm of discourse is one that I think we lose in the internet age where things tend to collapse into each other, contexts lose their boundaries and different types of people and their aptitudes in conversation and their ability to participate in and contribute to a larger social discourse ordered towards truth, when they're collapsed into each other they tend to work across purposes and I think we've all seen the way that language in a realm that lacks boundaries can actually be very volatile, it can be a dangerous thing and it can lead to a lot of hurt, which is one of the reasons why I think people are really pushing back against freedom of speech because they're seeing some of the damage that it's causing. I think that's true but I also think that well okay so one example of this I think is the this thing that happened right back at the beginning of the pandemic when a lot of universities were going on Zoom and professors were getting you know for the first time getting their classes taped essentially recorded and potentially broadcast and there is a difference between like there or there ought to be, this is this is part of the problem, like there ought to be a kind of let's talk about potentially really bad ideas in a university classroom, ideas that we need to be able to like you know Peter Singer like what if what if it is what if what we should do is minimize the total amount of pain undergone by conscious agents in the world and that is our one measure of good action. I think that is a terrible idea, I think that it there needs to be a space to talk about it publicly but it's not always appropriate for that space to be super public like there has to be a kind of intermediate space of just like people who know what they're getting into almost like and that might be a university classroom that might be someone even like the differences in in discourse level of like reading a debate like a debate between Peter Singer and Charlie Kamasi or something in you know carried out across the pages of like the New Atlantis and the Guardian and whatever like that's a different kind of emotional register than people feeling freaked out by those ideas quite rightly because they're horrible ideas on you know on Twitter and part of the the problem here is that even at our best like even at like at our best we ought to have a kind of Leon Kass style repugnance towards awful ideas and at our best we ought to be able to in a way decouple you use the language of decoupling decouple that repugnance from thinking through the ideas rationally and both of those are like humans at their best and if we're trying to like we can't cultivate both of those at the

same time and in the same place kind of there I think it's important again to reflect upon our modern forms of speech technology when we talk about free speech much of what we're talking about is free writing and there's something about the different forms of speech different contexts and different modes that we need to consider here because particularly in the internet age a lot of our speech has become considerably less inert when you're writing something in a book and it's going to take a number of years to go through the entire process from your pen until it's actually published and read by readers and they're going to be quite some distance away from you physically and in other ways in context when they read your words are fairly inert and often that book has traveled through decades even centuries to reach that person's hand if I'm reading Plato his ideas can be quite challenging at times and they may be quite objectionable at points but those ideas are not threatening to me in the same way as someone who has a really really bad opinion on Twitter because I get triggered by Plato all the time I don't know about you but there's something about the inertness of words in writing that's in a book that it's not the same on Twitter as well it depends on what you mean I mean so I think one of the reasons that I am kind of a not a free speech absolutist by any means but a someone who thinks that it's really important to be able to ask terrible terrible questions and like gaze into the abyss is that my own kind of coming to faith came in part through like you know terrible questions like what if all we are is matter in motion that's not gonna like make me angry in the same way that someone's terrible opinion on Twitter will but it certainly has the capacity to be incredibly non-inert so like I guess like a 17th century materialist like I'm trying to think of who it would be or who is the original atomic theorist the pre-socratic why can't I think of his name anyway like the idea of all of reality being material is profoundly destructive and upsetting and ultimately can like lead people to insanity or hell it also probably and if you are a certain kind of person it can like trigger you in a way in the sense that it will cause you intense emotional distress so I don't know that I believe that there is that like I'm not sure that I totally buy that distinction between the inert and the active word I mean I'm not going to get the distinction is it's one of degree but there is a distinction of kind as well when you're dealing with the written word it is distinct from the person it is something that has been come detached from its author to a degree that it's not on Twitter or when someone speaks something to you directly in conversation so if someone instead of speaking to you in conversation writes you a letter it has a different effect you the letter is an object in itself that you have to deal with and the views and ideas and the expressions found within that letter can be deeply personally affecting or they can be profoundly upsetting or offensive but you're dealing with the text itself in a way that's more detached from the the writer okay that makes sense I mean an illustration of this would be for instance Jeremiah speaks to King Jehoiakim and other people of Judah he expresses highly objectionable viewpoints about the future of the nation its current state under judgment and he can be he can be persecuted he can be put in a pit whatever he can be attacked as the messenger because his actions are seen or his words are seen as a form of action but when he writes a book the book has a very different sort of presence

another example would be in *Pride and Prejudice* the way in which when Darcy expresses himself to Lizzie Bennet she can dismiss him with her wit and play off against him as the speaker but when he writes a letter to her she can't do that in the same way the letter has it's less of an active thing it's more of a stubborn presence that has to be wrestled with on its own terms and you can't just treat this as an action and attack the actor and consider what the actor is trying to do with it rather you need to treat it more in its own terms and I think that there's a difference between speech conceived of primarily as an expression of truth as something in itself that's trying to reach to something good or true or just and speech considered as very much an action what is the person trying to do with this yeah this is one of the ways typically what is the person this person trying to do to me and like how am I perceiving this as a literal attack on me in this moment I think this is one of the reasons why the sort of hermeneutics of suspicion have become so powerful and one of the things that have pushed against freedom of speech because people see speech not so much in terms of expression of viewpoints and ideas but in terms of veiled intentions and actions that are ordered towards some purpose which is typically some expression of power or privilege or some way of bolstering their own position which is not just a matter of appealing to truth rather it's seen very much as action and when that changes I think speech becomes violence it starts to be seen very much in action categories and people are not happy to just allow conversation about very offensive or challenging issues even if the person might be entirely right even if they're speaking in goodwill it can't be believed because the speech is an action and it's felt as an action upon them yeah okay so here's a really this is an interesting okay so look this is taking it very far outside of examples that we might see today but so uh Laplace the physicist and his kind of snarky quip to um Napoleon where Napoleon asked him where in his system of the universe you could find God and he said I have no need for that hypothesis um the ideas of a sort of 18th century materialist are ideas that need to be dealt with as ideas I can imagine in a kind of like 18th century culture war context seeing him as being sort of esoterically anti-catholic or anti-clerical and if you sort of look at Laplace and say oh he's just an anti-catholic or he's just he's just one of those French anti-cleric like 18th century French French anti-clericalists trying you know um sort of flexing the muscle of the incipient liberal state again well I guess that wouldn't work because he was talking to Napoleon but like they're looking at the ideas and then looking at someone in their amount in their position in society and imagining that you understand um what the power move that they are doing in the context of their their time um those are two quite different things that was that totally made sense in my head I think maybe another thing about our particular context of speech is that on the internet particularly our speech is self-representation and so what you speak about is the way in which you portray yourself as a person it's building your own brand it's expressing what sort of person you are what you value and so people pay a lot of attention to the speech not just in terms of its actual contents but in terms of what it's saying about you which is one of the reasons why things like anonymity or pseudonymity really have been adopted by many people

because it makes it a lot easier to say what they believe not just so that they won't suffer persecution but because so that they can say and discuss things that they believe without it being a sort of self-branding that they can take themselves out of the picture I mean when I read most books I don't have a clue much of an idea who the author is I have some vague idea I know what institution he or she works at and I have some idea of the broad camp that they belong to but much of the time I don't know them as a person I don't have much association with them the author is largely bracketed it's the same with many voices online that are anonymous precisely in order that they might take their self a bit more out of the circulation of the the meaning of what they're saying they're not trying to build a brand they're trying to say what they believe and they're not trying to act so much as individuals as to explore ideas and truth it's almost like the the discussion between a bunch of a non-twitter accounts becomes like the discussion inside your inside your own head because it's not really about I mean it can be about building relationships or it can be about you know even as an anonymous account you can still sort of build up a presence but the pleasure of that kind of conversation is more the pleasure of internal speculation almost or internal alert or conversation with deeply trusted friends where it's really about the ideas it's not about yourself at all um now the you know you're always more pessimistic than I am about um the modes of discourse that for example twitter or whatever anonymous chat boards um promote but it seems to me that as good like one of the one of the ways that might be bad is that or at least one of the things to think about is that that's not normal obviously close friendships where you can talk about where you can have wild speculation about ideas that you would not not necessarily talk about in public is normal and has it's a human thing that has always existed but completely unmoored anonymity where you are just like sort of set free to fright fly your freak flag as much as you want um is like the only thing that like it's like pamphleteering and the early modern pamphlet wars were kind of like this but like anonymous conversation with no social context and no responsibility is something that is pretty new and I feel like there's in other words having a society having a community around you that like says um I think you're going off the deep end is also important although it's less weird weird than a context where everything that anyone says is recorded yeah and be brought up years later can be abstracted from their context and shared by someone on the other side of the world in a completely different context yeah where everything is treated as if it were published and public that is far more weird that is extremely many ways than people speaking in very obscure contexts in there was this their identity is only known to those immediately around them yeah there was this piece in pointer um the journalist the sort of journalistic um trade publication I think a couple of days ago where someone was complaining that clubhouse the new the app that um I haven't managed to set up an account yet even though I have an invitation that the problem with it was that there there was no recording and so it would be impossible to fact check and I was like like that's true of like restaurants like is that is that like a design flaw in like restaurants or in like I don't know Central Park like it is it is very weird that we have gotten to a place and journalists I speak on behalf of my

tribe are by far like the ones who driven this where it seems like morally obligatory to be able to fact check everyone and record everyone's speech and make sure that everyone can be held accountable for every word that seems really strange and it doesn't seem healthy either I think it leads to a loss of an ecology of speech that is more conducive to candid and um socially healthful speech than one in which speech is flattened out and contexts are collapsed into each other so for instance within the context of a local there are many different agents of speech speaking in different ways and not everyone is permitted to enter into every conversation there's a sense of the importance of boundaries and I think in the same way traditional forms of speech had a lot of things that kept people in their place um so if you wanted to have express your opinion you generally had to earn the right to be heard um getting published was not easy you'd have to generally reach a position where your voice would be worthy of attention get some position in some institution some academic organization or some other political structure whatever it was and then you'd have to run the gauntlet of editors and publishers and all sorts of other things in order to get your voice heard whereas now the means of publication are very widely shared and it's not necessarily good for the social process of the public deliberation concerning truth partly because there are certain things that can't be discussed general company you need to be in context where people have developed the character are trained in mastering themselves they can deal with um quite volatile or emotive truths and actually think through them without losing their cool they know how to go through the procedures and that I think um it does require processes that exclude people and so freedom of speech is a sort of free for all of speech actually tends to undermine trust it tends to lead to an overheating um with people getting offended all the time and it pushed back in the other direction so people constantly talk about fake news that um those processes of faithful reporting are actually going awry people don't trust them they don't even trust the fact checkers and then the processes of speech on someone like twitter are constantly spreading viral falsehoods their um contexts of uh volatile and offensive speech that people feel threatened by and it is far from clear that free speech is a sort of libertarian free for all um or the marketplace of ideas actually leads to anything good um and so I wonder how we might re-establish some of those structures within which a more disciplined exercise of speech as a principled and concerted effort towards truth goodness and justice might be pursued it seems to me that it doesn't just happen and increasingly the internet is proof that it doesn't just happen yeah I think I mean so I first of all I had this idea I had this concept of the wet marketplace of ideas um as the thing that uh fake news comes out of and then like infects the whole rest of society which is a really I'm just going to pretend I didn't think about that um and now I'm trying to think of what the equivalent of eating a pangolin would be this is really bad okay um so the criticism of um the criticism of kind of all right I guess what I'm trying to say is that there's also a criticism of rational debate kind of from above and it's also a criticism of I mean there's always the possibility of ideas escaping from labs that aren't well protected that is the parallel but no so here's um I feel like in order to properly kind of defend um this kind of fairly bourgeois um in

certain ways you could call it liberal ideal of rational discussion the other thing that you have to face is the criticism of I guess you would you would call them like right post liberals for example Genoso Cortez um where he there's this quotation where he defines the bourgeoisie as the discussing class and the idea of this endless discussion and endless kind of um parliamentary debate which essentially doesn't go anywhere and doesn't lead to anyone putting anything on the line ever um even if it is rational even if it's non-hysterical even if it keeps out the masses in certain ways or keeps out um does proceed along um lines of uh custom and with and it proceeds within sort of institutions that are well structured there's still something that can be its own kind of decadence and I think that actually um one of the things that I love about O'Donovan's take um is that he actually addresses that as well um although I'm not sure he addresses it directly but he very much um you know his vision of what conversation is about um political conversation rational political conversation is that it is directed towards decision um and that and you know a whole chunk of the rest of the book is has to do with the importance of taking action and taking action as the end of a process of discussion um which does not go on forever and the whole sort of complex of things that that that happen in that process the discussion itself the giving and receiving of reasons and the making of decisions by by magistrates by um final like finally by um rulers those are all important they're all part of the the picture of a healthy society and one that shapes its its citizens towards um towards virtue.

And that seems to involve a lot more than just the act of speech I mean most basically it involves the task of listening well um it involves the process of sifting things out deliberating concerning ideas and proposals and meditating upon things that have put forward there's there's a discipline also of not making up your mind um until you're ready to do so and then you have that duty to make up your mind you can't just be in constant suspension not having determined anything and so that requires certain processes institutions procedures it also involves virtues in participants that don't just happen and they're not naturally occurring they require quite a bit of formation and it seems to me that we can often treat free speech in ways that exclude all of these sorts of things from the consideration and many of the other conditions that encourage or discourage freedom of speech one of the problems in the university at the moment is the precarious character of many people's employment which means that people are more and more encouraged to herd around particular ideas that ensure that they will be still in employment next semester and that is just part of the economic preconditions of a society of free speech where people are constantly worried that they're going to lose their jobs you will first of all you'll encourage certain people to speak rather than others and you'll also make it very difficult for people to express unpopular truths then there are other situations like um contexts where this the excessive speed of conversation makes it very difficult to engage in the processes of deliberation well and there's a running ahead of statements and expressions they run ahead of the processes of careful listening and weighing and so when we talk about freedom of speech I think we need to

be a lot more concerned with the broader ecology and processes that actually make that worthwhile if we don't have those processes and we just think about maximizing expression enabling as many people to do it as possible as fast as possible and with as few forms of friction as possible then we won't actually have the benefits of a society that actually pursues freedom of speech in a more thoughtful manner yeah that is the dollar store of ideas it's the sort of or I don't know walmart of ideas where you just let's let's express things as cheaply as possible the first things that appeal to us um let's just get the let's get the gdp up let's get the as many as many words as possible going as fast as possible that it seems to me to be this is why um I don't think that that is at all a helpful model and then I think when we're dealing with speech we also need to consider the way that different forms of speech actually support each other so one of the problems that we have in places like twitter or facebook is the collision of forms of speech that are deliberating about truth and ideas with forms of speech that are about more phatic speech or speech that's concerned more with connecting with other people and forming community because typically those things will be distinguished from each other you have the forms of speech that are about forming society and forging bonds between people and then you have those forms of speech that are more threatening and and agonistic you're tackling ideas and debating and um there's a conflictual element to it but those are usually bound within an arena that is contained by these other forms of speech and when those things are mixed together it actually ends up spreading the conflict on the one hand and also bringing the dynamics of more um relational speech to bear upon contexts where that will actually just confuse everything because people are more concerned with how this relates to social relations how it um how it frames people's identity whatever it is there's no sense of a boundary that needs to be placed between these different forms of speech but when they are distinguished well you find that the positive relations that are formed through charitable and healthy social discourse will enable us to engage in disputational public discourse in a way that's non-threatening. I feel as though I've had so many conversations where I realized halfway through that generally what happens is I am in the mode of um truth-seeking and idea testing and I realize that the person I'm talking to or the people that I'm talking to are in the mode of seeking affirmation and reminds me of the it's not about the nail sticks. Exactly but I mean I've also been on the other on the other side of that many times as well and it's incredibly frustrating.

I do think that um stepping back a little bit and thinking about like the ways that we can be shaped as human beings by speech. One thing that I've come to in thinking through all this is like what can we hope for from human beings in discussion or what can we hope for what what part of the formation of ourselves and other people as humans happens in the context of discussion like is discussion and I think it can really vary so discussion can be a kind of cowardly or um decadent uh delay of decision. It can be a kind of um freedom of speech can be an excuse for forms of discourse or forms of artistic creation that are like bad for us but it also seems to me that O'Donovan wants to say

that there's a thing that public discussion and public political debate can do towards forming the souls of you know of citizens and forming the the public um shape of a polity that nothing else can do.

It's not the only thing that is needed decision is also needed you know he would say coercion is also needed and coercion also shapes individuals and shapes society but there's something that free speech and candid speech and again like his reframing of this in terms of the duty of candid speech as opposed to a right to free speech has been so helpful helpful for me like there's something that public candid reasoned speech can do that nothing else can do. It's one of the ways I found Jordan Peterson actually quite perceptive on the subject when he talks about freedom of speech he talks about in relationship to being and it's very similar to O'Donovan but from very much within Peterson's framework that we learn how to think by listening to speech and internalizing those voices so that we can have those conversations in our own mind and speaking candidly and having context that allow for these truthful conversations is one of the ways in which we take responsibility for our lives and societies so for instance he sees the importance of freedom of speech as a means of protecting the transcendence of truth and our responsibility to it and this is one quote from him it is the greatest temptation of the rational faculty to glorify its own capacity and its own productions and to claim that in the face of its theories nothing transcendence transcendent or outside its domain need exist this means that all important facts have been discovered this means that nothing important remains unknown but more importantly it means denial of the necessity for courageous individual confrontation with being what is going to save you the totalitarian says in essence you must rely on faith in what you already know but that is not what saves what saves is the willingness to learn from what you don't know this is faith in the possibility of human transformation that is faith in the sacrifice of the current self for the self that could be the totalitarian denies the necessity for the individual to take ultimate responsibility for being which i find an interesting argument um peterson rose to the public consciousness more generally with his arguments against compelled speech and particularly in the context of um trans pronouns and other things like that and his argument is not what you would expect you would usually expect a sort of a liberal typical liberal argument for freedom of expression this is a traditional thing that we valued within the west and north america particularly but his argument i think has more of a sense of the psychological responsibility that we bear to speak truthfully and to internalize truth and that requires a process where there is an open-endedness to our processes of speech even though in the process we are seeking to arrive at something we're not just constantly experiencing constant complete deferral of truth but rather we're constantly moving towards and striving towards a deeper understanding of what is true and that requires a certain openness to those things that are challenging and unknown and unknown and even threatening in their strangeness i think that um i mean putting it that way does sort of point up the the fact that open conversation and open-ended conversation and free speech in that sense does have a quality of faith and hope

and it is faith in the kind of goodness of being and faith in like the goodness of reality so if we if we if we keep looking for reality with each other and trying to describe it in words we're not going to be disappointed and so we don't need to be ultimately scared and so we don't and also we don't need to lie we can be honest and then hope in in the sense that i mean human beings are can be profoundly irrational but i mean one thing that o'donovan talks about is you know this is our this is not you know as you the quote that you quoted at the beginning um mentions this is not something that freedom of speech is not something that can be given or or denied by you know one government or another it's our participation in the logos and so our hope as irrational as we can be and as loving of things that will not um ultimately lead to our our well-being we can be part of free speech is kind of a found a well-grounded hope in god to be present in our in our conversation and ultimately lead us towards him despite ourselves despite our you know flaws and um distortions and fear there i think it also shifts the sense of freedom um often we think about freedom in terms of the right to express myself and the freedom there is the libertarian freedom of the will that there's nothing external that's an obstacle to me expressing myself as i would like but the sense of freedom that i think we're getting at here is a freedom that must be pursued outside of us that we haven't arrived at yet this is a freedom that we need to grow into that needs to be realized through the formation of the self and this is a freedom that requires certain processes and disciplines and those need to be practiced well in community we're not sufficient for these things by ourselves we require many voices speaking to us and we need to learn to listen to those voices well in order to become free people and that speech is something that is always received from outside first and then as we receive it we can ultimately start to experience that freedom within that we can engage in processes of deliberation and understanding within ourselves that would have been impossible had we never listened to those voices that at first might have come to us as a threatening external limitation of perceived limitation on our freedom yeah i mean i'm thinking about the sort of i'm sort of i'm familiar with one particular anabaptist community the bruderhof which like traditionally anabaptist communities use shunning as a method of church discipline and from what i know or at least the people i know in this anabaptist community are would be pretty you know you might think of shutting as a kind of like peasants for cancel culture and the the anabaptist that i know in this community would be pretty um careful about anything about the use of shunning just because it can be a kind of violence of its own and the way that they speak to each other and the sort of space that they make for each other at least in my experience is a kind of like real persistent and hopeful attempt to find the good in what the other is saying and that that's sort of how they they tend to interact with even people that they only agree with on one issue you know if they're if they're working with another group um there it's it's a sort of perpetual commitment towards finding the good the shared good and a perpetual sort of faith in the idea that god is making us more and more capable of receiving that good and that we need each other um even if we disagree on a lot of things in order to be shaped like he uses us to shape each other towards that truth i think that also highlights just how much a freedom

of speech requires very much the virtues that we show each other the patience the forbearance the forgiveness the for instance it is very hard for people to speak truthfully where they are not given the space to climb down um if you don't extend people the grace to be able to change their mind without utterly losing face you will you won't have a society of free speech and many of the christian virtues that we might think of just in terms of personal relationships are also fundamental to having a society that pursues truth another thing i've found very helpful in thinking about these things is the way that o'donovan talks about the importance of conversation um so for instance he writes this is a long quote but disagreements are no more unnegotiable natural forces than deliveries of the mistaken conscience are they are openings for those who share a common faith to explore and resolve important tensions within the context of communion this kind of proposal is of course easy to mishear it can be taken to mean that parties to disagreements must be less than wholly convinced of their position ready to make room for possible accommodation when really when really serious issues are at stake and talk of something on which the church stands or falls begins to rumble like thunder urging the search for resolution can seem like an invitation to capitulate to concede essential points before beginning it can seem as though scripture is deemed to be inconclusive and ambiguous so that either side is free to concede the possible right of the other's interpretation it can seem as though what is needed is an indefinite irresolution about everything important in which there is no need for and no possibility of a decisive closure but that is all a trick of the light none of this is implied in the search for agreement the only thing i concede in committing myself to such a process is that if i could discuss the matter through with an opponent sincerely committed to the church's authorities scripture chief among them the holy spirit would open up perspectives that are not immediately apparent and the patient and scrupulous pursuit of these could lead at last to giving the problem a different shape a shape i presume will be compatible with though not precisely identical to the views i now hold but which may also be compatible with some of the views my opponent now holds even if i cannot yet see how i do not have to think i may be mistaken about the cardinal points of which i am convinced the only thing i have to think and this surely is not difficult on such a subject is that there are things still to be learned by one who is determined to be taught by scripture how to read the age in which we live and i think that that um sort of is the the point at which there's like a a point of contact between for example you know when we when we say the apostles creed um on sundays my priest or my pastor generally says we should think of this as essentially an oath of allegiance like we're committing our we're committing ourselves to allegiance to christ and there's cognitive content to that and i think that what he's describing there is the space where we are fully committing our minds and hearts and wills and allegiances to um to the triune god and to the things that he's revealed to us um but at the same time really understanding that we need part of that is trusting him to work through us through our conversations and through the church um in and the various offices in the church in the process by which the church discerns um these things like there's a commitment to god and a commitment to his ability to work

through us um that i think is the way that those two um the open-ended and the sort of closed doctrinal certainty can work together and that does i think maybe bring us to recognition of how communal the practice of freedom of speech is that it's something that requires a commitment on the part of communities it can't just be a matter of individuals having private rights for themselves we require people supporting these things we require structures we require the virtues to give space to our neighbor and we need processes by which we will take the time and the thought to weigh what others say to us to give them the space in which to express things that may be unsettling i think we see this in a great many different areas freedom speech can be seen in deliberation concerning facts of our world it can be seen in processes of justice it can be seen in processes in institutions for instance where there are no ready processes to challenge profound abuses that are occurring i think we've seen so many examples of that the failures of institutions to just give the oxygen within which someone could criticize the institution or some person within it and so thinking about these processes i think requires a lot more than the narrow consideration of my voice and how i get to express myself it's a commitment that lies upon us to express ourselves candidly on issues that are of concern for the good of our society but also to create the spaces within which those voices can be heard well and not just expressed however people want but expressed in a way that will be given the appropriate weight and weighing that they need to receive yeah i think the other sort of one perhaps last-ish aspect or at least one aspect of um adottoven's understanding of all this that i think i also found very useful was there's there's generally like a um conflict between the idea of political life that has to do with um recognizing a legitimate authority over you and obeying that authority and that being something that is genuinely virtuous that genuinely shapes you into a um a more whole person and um one you who's able to recognize the good on the one hand and on the other hand sort of thinking through the claims of authority um and sort of deciding for yourself whether like a lot like allowing there to be the possibility that what the authority commands you to do is unjust because and and recognizing that you have your own obligate like your own conscience your own obligation to think through whether what you're being commanded to do is just or not and o'donovan kind of marries those two in a really wonderful way when he talks about a primary political duty being the duty of intelligent obedience this is like in you can't get away from this this is like this is not something that you can either choose to that you can choose to just sort of forego so even obedience to a kind of illiberal but pious emperor is an act that shapes you towards virtue not only in the good of obeying that ruler because they have legitimate authority over you but also in the good of intelligent recognition of the good of the command and we just can't get away from however we're governed like in whatever manner of government like whatever constitution we live under we can't get away from that duty of intelligent obedience which is not that different um ultimately or it which is deeply related to the duty of candid speech that i think has always brought home to me the fact that speech has weight in a way that much discourse about freedom of speech treats speech as a light thing that can be thrown around as we will and has almost

premised its view of freedom of speech upon the idea that speech can't do any harm um that the these things are just words there's not really something weighty to them but the approach that i think we're moving towards here is one in which speech really has weight and we have a duty to use that weight well and take responsibility for the words that we are using to create contexts in which those words can have their weight and also that that weight won't do damage and that i think requires a lot more thought and structural considerations for instance and social habits and customs and all these sorts of things to sustain but at the end of it i think we have a far more fulfilling understanding of what it means to speak as members of our society i think that's right thank you very much for listening um lord willing we'll be back in our discussion of the ways of judgment before long and we look forward to joining with you in going through the rest of the book god bless and thank you for listening