

The Virtues of Free Speech

by Mark Turiano

Any persuasive argument for liberty must involve a connection between liberty and human excellence. The reason for this is clear. An argument for liberty is an argument for its goodness. The ultimate context for all human evaluation of good news is human life. To ask if liberty is good is to seek a connection between it and human goodness or excellence.

Does freedom of speech have any value if we take human excellence seriously? I think so. First of all, freedom of speech has a value in the realm of political economy. The ability to speak one's mind concerning matters of common interest is useful insofar as it helps preserve a more general freedom. A power that is not open to the scrutiny and conscientious objections of those over whom it is exercised is almost certain to be exercised irrationally. The price of liberty, to paraphrase John Philpot Curran, is eternal vigilance. Freedom of speech in this political sense preserves a sphere for the exercise of that vigilance. Freedom of speech is of instrumental value to a jealous love of liberty, without which, freedom of speech is completely impotent. Freedom of speech concerning political matters is worth preserving because it acts as a check against the arbitrary use of power.

Preserving Nonpolitical Speech

However, considered merely as a political tool, freedom of speech is quite limited. It

can only be understood to have a bearing on matters that are of common concern. This is quite compatible with a severe repression of speech about private matters. Freedom of speech in this sense could involve my freedom to exhort my neighbors into barring the opening of an X-rated theater in our neighborhood, or in the suppression of the use of foul language. The question then is can there be a justification for expanding freedom of speech to these other areas? Such a justification must show that the protection of certain types of speech in other, non-political, areas (e.g., the arts and sciences) has a connection to human excellence. And it seems that it does; scientific and artistic achievement seem to be fostered by freedom.

How far ought this freedom to extend? The description of sexual function by biologists can be clearly connected to the advancement of learning and maybe even to the curing of disease or preservation of life. The depiction of violence in some artworks might be justified for its cathartic effect. When, for example, Mel Gibson is being disemboweled in *Braveheart* and refuses to submit as an act of defiance to tyranny, this serves primarily as a representation of fortitude and strength of spirit, and only secondarily as a depiction of human cruelty. The cruelty is conquered by the virtue and is overshadowed by it.

What then of the obscene ranting of rap musicians glorifying disregard for law and common decency? Or books and films in which people are senselessly murdered by the sociopathic protagonists, or those which amount to character assassinations of well

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"If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."

—JOHN STUART MILL, *On Liberty*

known individuals based on outright lies and half-truths? Can there be any justification of these things?

Two arguments can be made. First, human excellence is most fully manifest in what we might call a morally mature person. This is a person who manifests all of the classical virtues, including courage, prudence, and justice. Now virtue, as such, cannot be compelled, though people can be compelled (that is, forced against their own judgment) to behave in the same way that a virtuous person would. Such behavior is not an expression of virtue. Virtue requires freedom to act in light of one's own judgment. Granted, certain types of self-expression are defective, but to prohibit them, and thus force people to behave as if they were virtuous, will not make them actually virtuous, since the element of judgment and choice is removed.

There are cases where we are justified in compelling people to behave as if they were virtuous. Parents do this to their children in the hope that the children will, by so acting, become virtuous. This is the moral equivalent of putting training wheels on a bicycle.

To treat an adult this way is to treat him as if he were not only without virtue but so defective in this regard that force rather than reason is required. Someone who is less than completely virtuous can be persuaded and shamed into behaving and may, given time, actually develop virtue. For example, someone who desires to produce a movie which plausibly presents his fantasies as if they were true, and in so doing dishonors the memory and reputation of a former president, might be dissuaded by means of reason or shame. Using such means is an acknowledgment of a capacity for virtue and is the best means of inculcating it. If because of

irrationality or shamelessness, he persists, stronger measures might be called for. Such measures would be in place particularly if significant and foreseeable harm was caused.

The bottom line is that since moral maturity requires the freedom to act according to one's judgment, such freedom should be granted except in extreme cases. The authority of virtue is quite different from the authority of strength. Forcing someone to do or refrain from doing something tends to obscure the beauty of the same action when it is done from virtue. Because freedom, including freedom of speech, favors the development of virtue, it is valuable and ought to be preserved.

There is another persuasive argument that can be made in favor of freedom of speech. Though this is more of a cultural than a political argument, it is based on the vast difference between being moral and being a moralist. The morally mature person—the virtuous individual—seeks always to do that which is noble and praiseworthy. In doing so, he becomes the standard of moral excellence. The moralist is the person who, in lieu of noble and praiseworthy actions, seeks merely to condemn the base and shameful. The moral man only condemns vice insofar as virtue requires it, the moralist only acts virtuously (or seems to) in order to retain the right to condemn vice.

Toleration is an attitude that acts as a check against moralism. It should be noted that toleration is not the morally skeptical refusal to make judgments and to condemn certain types of behavior or speech. Rather, it is the recognition that such judgments should be made only when and to the extent that some good may come of them. Whereas a moralist takes pleasure in the mere con-

demnation of shameful behavior, a tolerant person finds such condemnation distasteful and can only make it palatable to himself if he can combine it with some noble action. The moralist is mean-spirited, the man of virtue is magnanimous. A tolerant culture is one which encourages the virtue of magnanimity or greatness of mind.

To Tolerate or Not?

It is not possible from one's armchair to say exactly what types of speech would be tolerated in such a culture, and it is probably not even possible to arrive at universal criteria for which types of speech should be tolerated. The types of sexually explicit material, for example, that ought to be tolerated in New York City are probably not the same as those that should be tolerated in Opelika, Alabama. The point is that whatever they are, such forms of speech would be *tolerated*, i.e., they would be put up with although they are acknowledged to be base or defective in some way. This

toleration would not be based on the hidden, subjective value of what is tolerated, on some moral skepticism which relativizes all values, or on some right to express oneself. Instead, it would be based on the recognition that to use force to restrain such speech would be pointless or ineffective for inculcating virtue and would be out of proportion to the smallness of the act. It would be out of revulsion at the mean-spiritedness involved in such a use of force that it would be tolerated.

It seems then that freedom of speech is connected to human excellence in several ways. Politically, freedom of speech is useful for the protection of freedom to act in as much as it acts as a check against arbitrary power. As one type of freedom it can also aid in the development of virtue by opening up a sphere in which one can act according to one's judgment. Such freedom is necessary for virtue. It is culturally useful for the development of the arts and sciences, and, finally, because it requires toleration, it fosters greatness of soul. ☐

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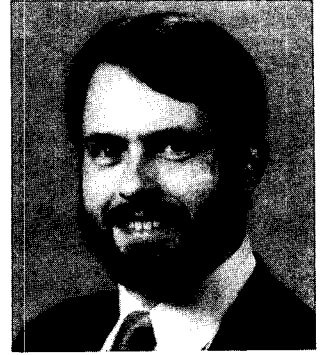
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In Service of a Boondoggle



Service has a long and venerable history in America. And so it continues today. Three-quarters of American households give to charity. An incredible 90 million adults volunteer, the value of their time approaches \$200 billion.

However, some people have long desired to involve government. Eight decades ago William James wrote of the need for a “moral equivalent of war,” in which all young men would be conscripted to work for the community. He argued that “the martial virtues, although originally gained by the race through war, are absolute and permanent human goods,” and that national service would provide a method for instilling those same values in peacetime. Anachronistic though his vision may seem today, his rhetoric has become the touchstone for national service advocates. In succeeding decades a host of philosophers, policy analysts, and politicians proffered their own proposals for either voluntary or mandatory national service.

Some of these initiatives have been turned into law, most recently the National and Community Service Trust Act, which established the Corporation for National and Community Service. So far it has survived the supposed wave of budget-cutting in Washington.

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Service is obviously a good thing, which is why so many people give time and money. The issue, however, is service to whom and organized by whom?

Americans have worked in their communities since the nation’s founding and opportunities for similar kinds of service today abound. Much more could be done, of course. But what makes service in America so vital is that it is decentralized, privately organized, centered around perceived needs, and an outgrowth of people’s sense of duty and compassion. Mandating service risks teaching that the duty of giving, and the job of organizing giving (deciding who is worthy to receive public grants and, indirectly, private groups’ services) belongs to government rather than to average people throughout society. This is, in fact, the explicit goal of advocates of mandatory service programs, who would create a duty to the State rather than the supposed beneficiaries.

Some participants in service organizations share this fear. David King of the Ohio-West Virginia YMCA has warned: “The national service movement and the National Corporation are not about encouraging volunteering or community service. The national service movement is about institutionalizing federal funding for national and community service. It is about changing the language and understanding of service to eliminate the words ‘volunteer’ and ‘community service’ and in their place implant the idea that service