

The strange origins of the free speech warriors

June 25 2018, by David Edward Tabachnick

Many free speech warriors today base their position on a proclamation articulated by Oliver Wendell Holmes, the early 20th century United States Supreme Court justice.

In his dissenting opinion in [United States vs. Schwimmer \(1929\)](#), Holmes wrote that "if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought —not free thought for those who agree with us, but freedom for the thought that we hate."

A similar idea was expressed decades earlier by author Evelyn Beatrice Hall who, interpreting enlightenment philosopher Voltaire's attitude to disagreeable ideas, [wrote](#): "I disapprove of what you say, but I will defend to the death your right to say it."

The modern origins of these views can be further traced back to John Stuart Mill and, specifically, his essay [On Liberty](#). With great conviction, Mill explained:

"If the arguments of the present chapter are of any validity, there ought to exist the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine, however immoral it may be considered... 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."

Seemingly in the same tradition, today's free [speech](#) warrior argues that all speech, no matter how offensive or immoral, should be protected from any kind of regulation or persecution. Individuals who make the most hateful statements must be allowed to speak or we endanger the right and capacity of everyone else to properly express their ideas, whether they are controversial or not.

Logic of free speech warriors

Canada's best-known free speech warriors are Concordia professor [Gad Saad](#), University of Toronto professor and self-help guru [Jordan Peterson](#) and his acolyte, Wilfrid Laurier teaching assistant [Lindsay Shepherd](#).

Along with their U.S. counterparts, such as podcasters [Ben Shapiro](#) and [Dave Rubin](#), they explain their advocacy as a way to counter the [well-publicized](#) and growing crisis of political correctness censorship, particularly on North American [university campuses](#).

Notably, while some of the above are cagey about their political leanings, almost all of their efforts are directed toward protecting what might often be considered conservative viewpoints and ideas.

Whether speaking out against [Bill C-16](#), which adds gender identity and gender expression to the list of prohibited grounds of discrimination in the Canadian Human Rights Act, feminism, the "breakdown" of the traditional family and unwavering support for the state of Israel, this group can be fairly placed on the right of the political spectrum.

Free speech has progressive origins

This is quite strange because the intellectual and cultural origins of the

free speech warriors would normally be described as quite liberal and progressive —as in the case of the Oliver Wendell Holmes' opinion.

The defendant in that case, Rosika Schwimmer, was a prominent feminist and pacifist who was denied citizenship to the United States because she refused to take the oath of allegiance because it conflicted with her beliefs.

Voltaire was a leading philosopher and advocate of progress and cosmopolitanism. John Stuart Mill was a leading liberal philosopher —an opponent of slavery and an early male advocate of women's rights. During his time as a Liberal MP in the British Parliament, he introduced the first women's suffrage petition in 1866.

Not really liberal

The free speech warriors sometimes argue that they reside within the liberal tradition because, for them, what we call liberalism is actually a warped version of the original. Often labelling themselves as "classical liberals," they describe a libertarian "limited government" revision of what it means to be a liberal.

In truth, thinkers such as Mill were far from being libertarians and, what's more, would never have embraced the borderline absolutist position of today's free speech warriors.

Based in what is called the "[harm principle](#)," Mill argued for a "big government" approach to situations in which the exercise of liberty might result in harm to others or even to the individual practising it.

In *On Liberty*, he argues that parents of poor moral fibre may have their children removed from the home, and calls for similar state intervention to stop the harms caused by gamblers, prostitutes and the drug addicts.

Even more broadly, he decides that:

"The uncultivated cannot be competent judges of cultivation. Those who most need to be made wiser and better, usually desire it least, and if they desire it, would be incapable of finding the way to it by their own lights."

In other words, the ignorant and immoral must not have unhindered freedom as they lack the judgement to exercise it responsibly.

Like all rights, free speech has limits

This is similar to the ideas that back Canada's Charter of Rights and Freedoms. [Section One](#) describes the protected rights and freedoms of citizens as subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

This "limitations clause" permits such things as [hate propaganda legislation](#) that makes certain kinds of speech illegal.

One of the favourite whipping boys of the [free speech](#) warrior crowd, German-American philosopher [Herbert Marcuse](#), would likely cast their advocacy as "[repressive tolerance](#)," a "sort of tolerance that strengthens the tyranny of the majority against which authentic liberals protested."

By this measure, their unflinching support for people to express sexist, racist, homophobic and anti-trans opinions is actually a guise to maintain or return to a more conservative society, where women are primarily mothers and wives, immigration is rolled back, same-sex marriage is prohibited and legislation like Bill C-16 is withdrawn.

Free speech warriors, then, do not really fit within the liberal tradition at all. They have instead co-opted the liberal origins of the freedom of speech while not being liberal themselves.

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