

# Researchers and philosophers views on freedom of expression and negative speech

Law



Speech can broadly be defined as the use of an expressive language to communicate an idea. According to Mitchell and West (p. 437) speech not only includes spoken or penned words but also paintings, photographs, and even performances and other expressions. Speech has been there from times immemorial and as it is today, it is used by everyone to today as a way of expressing ideas or putting an emphasis on certain points. As such, debates come up as a result of how or where speech is used and the necessary actions that ought to be taken in cases where speech is used negatively. This paper discusses how freedom of expression should be in reference to different researchers and philosophers.

According to the speech act theory, as discussed Hull (p. 522) speech can also be considered to be performance utterances, which are statements whereby words have an effect of making something to become alive. For instance, when a minister officiates a marriage of two by saying, ' I now pronounce you husband and wife', or a judge's ' Guilty' or ' Not guilty', in such scenarios, speech is apparently used positively and legally to bind or bring justice. In addition, according to Mitchell and West (p. 444) the government plays an active role since it encourages its citizens to speak their minds anywhere and anytime. Mitchell and West continue to add that the government also runs courses in the field of public speaking and hands out some vouchers to attend various speech outlets. Though in such cases, word or speech distribution is enabled positively or permitted to varying degrees.

Mitchell and West (p. 439) state that speech can be free as long as it is allowed positively or permitted privately in elite groups, large groups, or <https://assignbuster.com/researchers-and-philosophers-views-on-freedom-of-expression-and-negative-speech/>

small groups. However, there may be ways that get into the way of speaking freely. Speech can only be considered as genuine only when it can be understood. According to the classic marketplace of ideas justification as referenced by Michell and West (p. 441) freedom of speech is the free flow of information, which makes it possible to test ideas and get the truth out of it all.

Another angle of defining freedom of speech as presented by Mills (p. 27) is the ability to speak about anything without enforced censorship. However, free speech is not entirely absolute across the world because on any given topic, an individual's opinion is subject to particular limitations. Free speech is internationally recognized under the fundamental human rights under the international rights law. This is because freedom of speech enables political participation which is synonymous with liberty and equally innovation these allows discussion and debate that border on matters that affect the constituents and customer respectively. In essence, progression and development can only be achieved in a space where freedom of speech thrives. Speech is basically the articulation of one's thoughts and if people's ability to think is stopped or limited, then nothing progressive will ever be realised (Mills, p. 134).

John Stuart Mills argues that freedom of speech and expression needs not to exist with any limits whatsoever. According to Mills, freedom of speech and expression is essential to progress because it enables us to come closer to the truth and it increases our knowledge about various topics. Mills (p. 33) asserts that, ' 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.’ Basically, Mills is stating that free speech enables people to err, but it also contains bits of truth that remain beneficial.

Nonetheless, highly restrictive governments and corporations instill censorship laws as a method of curtailing dissent. However, the most common scapegoat is the excuse that speech is curtailed because of security interests of a country. According to Mitchell and West (p. 438) speech can never be absolute because the person making allegations should be able to stand by their thoughts and claim responsibility for the words that they uttered, or wrote. There are laws in every liberal democracy that guard against the use of an offensive language considered to be hate speech, with an exception of the United States of America. According to America’s constitutionalists, hate speech regulations destroys a free society as well as goes against the First Amendment. However, according Hentoff (p. 57) hate speech or the use of foul words should be looked at as part of an obligation to the dignity of humans and to the respect and presence for members of susceptible minorities. For instance, trying to cause an offense by portraying a religious leader as cartoon terrorist in a newspaper is not the same as going out to attack a particular group’s morals, which is outside the law’s reach . However, the defamation of a lesser group, through the use of a particular offensive language, undermines a public good that should and that can be protected for the basic assurance of all the members of a society.

This is what Hentoff (p. 55) cites as the mutual censorship of all groups within a community by their own accord.

Fish (p. 102) states that “ there is no such thing as free speech,” he continues to say that, “ free speech is what is left over when a community has determined in advance what it does not want to hear”. Basically similar to sexual harassment, the use of an offensive language is safe until it reaches to a threat level. A feature that is common to both foul language and harassment speeches conditions is when the victims feel threatened by the speech or the language of their victimisers.

According Hentoff, the American Judicial System, as indicated in the first amendment, has been lax when it comes to matters regarding speech. Hentoff continues to point out that though more information may be better, confusion normally occurs when it comes to matters related to the amendment as it states, ‘ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.’

This position taken by the US government borders on the argument presented by Carrie Hull in a paper titled Post-structuralism, behaviourism and the problem of hate speech. In this paper, Hull tries to rationalise hate speech and how relativism and behaviourism affect the determination of what would be considered as hate speech. Whereas some statements might be considered as hate speech, Hull (p. 523), argues that such statements

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should be interrogated based on the context of the utterances. In essence, what is considered to be epithets and hate speech in one cultural context might be considered to be a complement and socially acceptable speech in another community. This basic principle makes the determination of hate speech to be murky, and hence advocates not for the speech to be curtailed, but for ones actions after the speech to determine whether it was hate speech or not.

In conclusion, speech can be very effective if properly used and thus with a limit or permission there can be numerous beneficial effects of speech. On the other hand, based on archival demographic data, there is concrete evidence that suggests ethnic immigrant groups' suicide rates in the United States of America are in a significant way anticipated by the negativity degree of hate speech and insults directed towards them. This indicates that speech as an offensive language can be used as a negative instrument in political, social, and economic occurrences. Speech should, therefore, have particular laws to govern its use since it can be very effective if positively used or bring about chaos if negatively used.