

About Hang Together

Who We Are

HANG TOGETHER

*"We must indeed all hang together, or most assuredly we shall all
hang separately." – Benjamin Franklin*

STIGMAS AND FREE SPEECH

Posted on June 13, 2015 by Daniel Kelly.



Greg Forster* and I continue diverging on the subject of free speech and its practice. And that mystifies me. Not in the rhetorical sense in which what I really mean is “that conclusion cannot possibly follow from the premises.” No, I’m mystified in quite the literal sense. I don’t get it.

Charles Cooke, Fred Schwarz, Mark Steyn, and Greg Forster (worthy men all) have concluded that a true defense of free speech must necessarily foreclose any argument that it might be imprudent to use one’s right to speak freely in a particular way. Greg even goes so far as to say that any social stigma you might earn for what you say is an unacceptable attack on the right to speak freely.

I must certainly be missing something – and something important – if I can’t follow these worthies from point “A” to point “B.” That’s a distinct possibility; I’m always wary of the limits of my intellectual abilities, and this post might be a long way of confessing I’ve found another one.

So I’d like Greg to help me find the thing that will keep me from getting lost between “A” and “B.” Perhaps the best start is for me to illustrate why this is

such a mystery to me. I'll start with a few analogies, and then go from there.

We are agreed, I believe, that we enjoy the freedom of religion – that is, that the State has nothing to say about how I relate to my Creator. Or refuse to relate to my Creator. Or just ignore the subject entirely. Accompanying this freedom is a long tradition of proselytization. That is, the practice of an adherent of one religion wooing adherents of other faiths (or no faith) to join him in his religious convictions.

The proselytizer does this because he believes the others are exercising their religious freedom imprudently. To those who have no religious conviction, he says “Cease your unbelief!” To those who subscribe to a different religion, he says “Leave off your error and believe as I do.” To those who adhere to a different religious tradition, he says “Believe with me and grow nearer to God.” And none of this threatens the freedom of religion.

Let's put a finer point on it. The freedom of religion acknowledges the possibility of Christianity just as much as it does Satanism (within the boundaries of the Equality Imperative). And yet that has never instructed Christians that they ought to refrain from wooing Satanists away from their error. We say “Yes, you have the right to believe as you do, but for the good of your immortal soul we implore you to cease.”

But if I apply Greg's free-speech protection lesson here, I would have to conclude that proselytizing is an attack on the freedom of religion. His teaching would have me say, when encountering a Satanist, “I wholeheartedly support your exercise of the freedom of religion,” and nothing more. No proselytization, no wooing, no warning of his doom. Any critique of his Satanism, to the extent it stigmatized his religious exercises, would endanger

the very concept of religious liberty. This seems a valid analogy, and yet it suggests Greg would teach that exercising the freedom of religion (proselytizing) undermines the freedom of religion (because it stigmatizes Satanism).

Here's a more pedestrian example. We have the freedom to eat what we choose, and some choose to exercise that freedom by eating the fattiest things they can find. It does no violence to the right to choose what we eat for us to hector others into making healthier choices. In a word, to "stigmatize" the fatty foods.

I must also confess my surprise that Greg would flatly condemn the "heckler's stigma." The heckler's stigma (to adopt his phrasing) is one of the most valuable tools a civilized society has. In fact, I don't think it is too much to say that a free and civilized society depends on it for its continued healthy existence.

We conservatives are not totalitarians. That is to say, we appreciate the role of government in its proper sphere, but we understand that sphere to be limited (and, in the best tradition, limited to enforcing the Equality Imperative). Everything else in life takes place in the context of our voluntary, non-coercive, associations (fraternal, economic, religious, philanthropic, etc.).

It is in these non-governmental interactions that the heckler's stigma is the coin of the civilized realm. It is how we develop social boundaries, traditions, and expectations for the outcome of our actions. If we wish people to interact politely, how do we achieve that goal? Do we pass a law? Of course not. We stigmatize the impolite. If our goal is generosity to those in need, do we pass a law? Well, a liberal would. A conservative would speak of our shared

humanity, our equality in the eyes of God, and the graciousness of a society in which the least advantaged are loved. Stating the same thing in converse, we would stigmatize penuriousness.

And for all the undesirable behavior of individuals in society we do the same thing. We stigmatize it. We make it societally outré. This is how we civilize, how we interact without the State as an ever-present and utterly pervasive mediator. It is the source of order without coercion, responsibility with freedom. Without this social lubrication, a free society would seize up like an engine with no oil.

So I'm mystified. Why is it that we cannot question the content of speech without risking the freedom of speech, when we can undoubtedly question someone's religion or diet without risking the freedom of religion or the right to choose what you eat?

One other thing that bears comment. If we ever confuse the role of the State with the roles of all other parts of society, the conservative movement is finished. And if conservatism today cannot make the distinction, then its death is well-warranted and it's time to move on to something else.

Greg proudly declared "I am Ahmed Aboutaleb!" But he's not. Aboutaleb is a State actor charged with the responsibility of safeguarding the liberty of the citizens of Rotterdam. When he tells the jihadis to shove off, he is enforcing the rule of law and preserving the Equality Imperative. This says absolutely nothing about whether the citizens of Rotterdam ought to engage in jihadi-baiting. And it would be entirely inappropriate for Mayor Aboutaleb to tell Rotterdammers (yes?) to stop baiting jihadis. *That* would be a threat to free speech, because Aboutaleb is a State actor and it is beyond his authority to use

the instruments of State to tell people not to speak. That is what we mean by the freedom of speech.

Greg, on the other hand, is not a State actor. If he were to remonstrate against jihadi-baiting, the effect on the freedom of speech would be precisely zero. His concern that it might be something other than zero can arise only if he erases the line between the role of the State and the role of individuals. Only State action can endanger the freedom of speech. As a matter of definition, individual action *cannot* affect the freedom of speech, because an individual has no authority to prevent anyone from speaking. And if an individual convinces a person not to speak, there has been no reduction in the freedom of speech because the individual chose not to speak, he was not forced not to speak.

That line, the one that Greg seems to erase when he concludes that our personal disapproval of speech can endanger the freedom of speech, is the line that separates a free society from a totalitarian one.

If my stigmatization of Pam Geller's hi-jinks really can threaten the freedom of speech, then it would be not only right, but *essential*, that the State step in to prevent my condemnation. That would be its sworn duty. And then where is my freedom of speech? If an individual's proselytization really can threaten the freedom of religion, the State *must* stop it. And it must eliminate food hectoring, and stigmatization of rude people, and on and on as the State plows its way through all the rest of society rooting out all attempts to stigmatize your neighbor's uncivilized ways or persuade him to change the way he exercises his freedoms.

This is a strange place to find Charles Cooke, Fred Schwarz, Mark Steyn, and Greg Forster. Which tells me that I must certainly be missing something. I'll

look forward to the de-mystifying process.

*I originally misascribed the post to Peter Epps, and have now remedied my error. My apologies to both!

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← Too Many Benedicts Spoil the
Totalitarianism

There are Nerds, and then there are
Bigots →

6 Thoughts.



Greg Forster

June 13, 2015 at 1:37 pm

You have mistaken me for Peter. Which I will take as a compliment! No time for me to read this now but will try to do so soon and reply.

Reply



Daniel Kelly

June 13, 2015 at 2:51 pm

It is, truth be told, a compliment to you both, and one I should give intentionally, rather than via a bumble.

Reply



Shawn Kelly

June 13, 2015 at 2:26 pm

Spot on! There is a significant difference between the right to say something and the prudence of saying something. And there should be.

Reply



Shawn Kelly

June 13, 2015 at 8:35 pm

Also, I think that freedom to do something does not convey freedom from consequence. All actions have consequences. If you choose to step out of an airplane without a parachute, you should be able to (and, until someone changes the law, can) do that. You should not, however, be surprised that gravity causes you to fall toward the earth. Freedom of speech is no different. Just because we are free to say objectionable things, that should not be construed to mean that we should be surprised if society objects.

I am extremely grateful that I am legally able to either say objectionable things, or to step out of airplanes without a parachute. I just don't think it's reasonable to expect either of those actions to be free of consequence.

Reply



Daniel Kelly

June 13, 2015 at 11:30 pm

Well said, Shawn, and just so.

Reply

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