Colloquy with John Durham Peters at Yale University on freedom of speech

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ABSTRACT
Challenges to free speech theory are very much present in public conversation around the world, inviting vigorous scholarly debate and making big headlines in the newspapers of some countries, such as the United States. This conversation with John D. Peters, from Yale University, tackles the main questions around the philosophy of freedom of expression. Even though the legal perspective underlies the entire discussion, the angle offered is that of a Media Studies scholar, with an exceptional background in history and philosophy of communication. The interview is organized in three sections. The first one touches upon some principles of the liberal tradition regarding freedom of speech. In the second section, Professor Peters gives some insights into recent cases that have challenged free speech principles: Charlie Hebdo’s cartoons, the riots at Berkeley where the free speech movement started, the ‘Safe Spaces’ controversy on U.S. Campuses, and Silicon Valley’s content moderation. In the final section, he elaborates on the future of the free speech principle.

Introduction

This interview took place in two different locations. The first conversation was at the University of Iowa, in John Peters’ office at the Becker Communication Studies Building, where he taught from 1986 to 2016. The combination of the neoclassical style of the buildings and the location in the American Midwest, surrounded by many acres of cornfields, is the reason why some people call Iowa City ‘the Athens in the cornfields’. Professor Peters adds that other people have also called Iowa City ‘the left bank of the Mississippi’ in tribute to the ‘rive gauche’ in Paris. The second location for the interview was New Haven (Connecticut) at Yale University campus. Yale is one of the most renowned universities in the country. Peters holds a position teaching in the Department of English and the Program in Film, and Media Studies.
He is proud that his professorship is named after María Rosa Menocal, the scholar of religious pluralism in medieval Spain.

Professor Peters’s journey has been marked by other distinguished positions as a visiting professor in various universities around the world, and his work on media studies, philosophy and history of technology, available in multiple articles and books, is well known throughout the world. We focused our conversation on one area of expertise to which Professor Peters has dedicated several articles and the book Courting the Abyss: Free Speech and the Liberal Tradition (Peters 2005). He addresses the ethical dilemmas posed by freedom of expression in the 21st Century, with a substantive criticism of the free speech theory from a liberal perspective.1

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**The principles of free speech theory**

PUJOL: When we talk about free speech we frame this principle in the liberal tradition, and I would like to start this conversation going through several notions that seem to be the pillars of this theory: the marketplace of ideas, the need for transgression and tolerance, and neutrality and openness of the public sphere.

Some years ago you explained that the principle of the marketplace of ideas (Peters 2004) was not literally present in the thought of the framers of the free speech tradition.

PETERS: In the history of ideas there’s sometimes a debate between the history of concepts versus history of terms. Philologically speaking I’ve not found the term ‘marketplace of ideas’ in any database before the 1930s.

It is a concept that takes off after World War II and The New York Times seems to be the chief propagator, and it’s clearly a Cold War concept, contrasting the free market with the socialist planned economy of the Soviet Union.

The connection between free trade and free speech you can sort of find in Smith and Locke, but literally speaking this idea of a marketplace of ideas is a postwar invention.

PUJOL: But the jurisprudence and many scholars use this notion of the marketplace of ideas as if it belonged to the tradition of free speech.

PETERS: The historical jurisprudence of free speech in the 20th Century often consists of sound bites, that is, small and very compelling phrases (like the marketplace of ideas). The judges often recirculate the idea by saying: Justice Holmes,2 or the Founders, or even worse, John Milton said this. Milton mentions the market, but never thinks about it in terms of free speech. He thinks of speech as a temple, and – using the analogy from the Gospel – he wants to throw out the money changers!

The true history of this term is not widely shared among scholars because only a few of them do rigorous philological research into the history of terms.

PUJOL: So we have a problem …

PETERS: It’s funny because new terms are able to rewrite history. Bruno Latour (Latour 1999, 145–173) has this funny little story where he says, if you ask me if such things as microbes existed before Louis Pasteur discovered them, anyone with common sense
would have to say: of course not! Of course there were no microbes before Pasteur discovered them in 1864! Which is a very counter-intuitive idea. His point is that once we have the concept we rewrite the history of biology. And it’s difficult to follow his point because most biologists will say: of course there were microbes! but we just hadn’t discovered them yet.

With free speech something similar happens: of course there was pluralism before, I prefer the notion of ‘pluralism’, by the way, to ‘marketplace of ideas’, because it is an older notion, and I think you can find it in Holmes’s lifetime.

I wish we were more scrupulous about the history of jurisprudential language, because we will keep us from being so presentist. 

PUJOL: I guess that this is the reason why you like to study the history of terms and concepts.

PETERS: Gadamer thinks that we cannot ever be pure about our concepts and terms, because they are always historical. The only way we can interpret is within a tradition that predisposes us to have a prejudgment or preference (Gadamer 1960). At the same time, historical understanding allows us to see the difference between the past and present precisely in order to understand the commonality between past and present. We cannot understand someone like Milton or Madison if we don’t appreciate that he is very different from us. In order to understand what he says to us, we need to appreciate his difference and not to deny it. Terms like marketplace of ideas distort Madison. They take away his powdered wig and give him a 20th century suit.

PUJOL: In your book Courting the Abyss (2005), you talk much about liberal irony and its ethical program for public life based on absolute tolerance for transgression and noxious ideas, like Nazis, pederasts, pornography and so on. Is the Enlightened view of tolerance a relativistic one?

PETERS: In Locke’s Epistola de Tolerantia you find this dance between his Christian truth, and the recognition of the radical otherness of the neighbor. Locke’s tolerance is not relativistic, but politically strategic. As a Christian Locke believes he has the truth, but as a citizen he recognizes the need to let others believe as they wish. In order for the polity to survive you need to recognize the claims of multiple faiths.

I think with Habermas that modernity is perhaps the story of differentiation into different spheres: art, ethics, politics, science, religion. Everyone has his own beliefs, but as a citizen you recognize the other’s right to think differently. It’s complicated theologically, because, how can it be a universal truth if it’s not valid for everybody? You don’t want to risk turning religious truth into nothing more than privately held opinion. I think that Paul [the Apostle] is a good theorist of free speech because he recognizes the right of the other to think differently, even though he is very convinced that there’s one universal truth.

PUJOL: You suggest that liberal ‘ethical suspension’ requires some ‘moral gymnastics’, but at the end, Nazis are Nazis, and pederasts are pederasts, and in real life the transgressions are not symbolic but real.

PETERS: I think Paul considers transgression to be necessary even he doesn’t like it, but he thinks it’s fruitful in the end. Translating this view, you can see how the Nazis can be useful for the polity, because in the view of Lee Bollinger, noxious doctrine provides civic exercise (Bollinger 1986). The gymnastics to fight against the Nazis help us to become more vigorous and mentally stronger. The price you pay is very much the risk of self division, because you differentiate yourself and say: in my belief I’m a universalist, and in politics I’m a relativist. The loss of an integrated outlook on the
world becomes the price we must pay for free speech and for living in the modern world in general.

PUJOL: But, as Charles Taylor (Taylor, C. 1992, 62) denounced, liberalism wants to be the impartial mediator of public life, but at the same time tries to impose its liberal rules on everybody. 

Do you think it’s possible to rebuild a pluralistic public space?

PETERS: Neutrality neutralizes vitality. If everything goes, nothing matters. Habermas doesn’t have content limits, only procedural ones. He thinks that the only way to rebuild a pluralistic public sphere is procedurally. He holds, in a very Kantian way, that everybody should honor and share the norms of communication, by being truthful, polite, appropriate, and so on. He thinks that these ideals of fairness and of truth, authenticity and communality are built into all acts of communication.

PUJOL: How do neutrality and openness in the public space work?

PETERS: There’s nothing substantive or content-specific that can be regulated in the public sphere, because once you start regulating substance you start discriminating against a minority opinion or outlook. But at the same time, Habermas also recognizes that even procedures can have a kind of ‘built in bias’. He has written that if believers don’t accept rational-critical debate as a mode of self-expression, they can suffer a handicap if that’s the requirement to enter in public life. Kierkegaard famously said that purity of heart is to will one thing. To be a liberal you can’t will one thing, because you must be open to many things. So, the question could be: Can you speak with purity of heart in the public sphere, in a Kierkegaardian or Habermasian sense, by following Habermas’s procedure that you have to be honest and open, critical and fair?

For me personally, ultimately reason and Revelation go together. This principle is present in Catholic humanism, and within Mormonism, my own religious tradition, there’s the idea that inquiry is at the heart of the human soul. In the Church of Jesus Christ of Latter-day Saints, which is the proper name of the church, we have a saying in Scripture: ‘the glory of God is intelligence’ (Doctrine and Covenants 2013, 93: 36).

Revelation and inquiry, debate and discussion go together and are part of life. It is not a matter of either faith or reason. I’m sympathetic to Habermas’ idea that there’s a kind of educational responsibility for people to be reasonable before they participate in public, because reasonability is also an ethical position, because to be reasonable is to respect otherness. As Cicero said: *Audi alteram partem*, listen to the other side. Or as you find in the canonical process that they hear the *advocatus diaboli* (Devil’s advocate). Listening to the other side is a great tradition.

Openness is a radical concept. Habermas will admit that you will never get to complete openness, and there’s always a blind spot, but he thinks that liberalism is the method by which blind spots are continually critiqued. It’s kind of an on-going effort to purify or to purge our biases, to recognize the abuses to those who think differently. There’s a phrase in Latin that expresses these ideas of reason and faith in the search of truth … Do you remember?

PUJOL: I think it’s ‘Fides quærens intellectum’, from Anselm.

PETERS: Yes, faith seeking understanding.

PUJOL: But in the project of liberalism for the public sphere, it seems that there’s only space for secular reason. Is there a way to build a plural public world in which secular reason is not the exclusive common language?

PETERS: Belief is public and we enact our beliefs in all that we do. Reason operates in many tongues. Paul again, in 1 Cor, 12 and 14, says that the spirit speaks in many
voices, and reason has many languages in many tongues. I would say, secular reason is only one of these languages.

That’s why I like pragmatism so much, especially that of Peirce or James, because they try to reconcile the claims of science with those of religion or morality. If you want to create conditions for open inquiry and science you cannot exclude faith, we need to allow it for inquiry of any kind (Peters 2008).

I hate the idea of the two cultures—of Humanities and Science—because I think it reproduces the bigger fight about scientific inquiry and faith or sensibility, or poetry, or art. At the end, questioning is what makes us human. By nature, said Aristotle, all anthropoi desire to know. That’s why when you look at the philosophy of science in Peirce, for example, his conception of abduction is one of intelligent guesswork that also drives the evolutionary process. This inspired guesswork can be revelatory or simply a hunch, or even lucky. There are many ways that intelligence comes.

PUJOL: In this open and neutral arena where all speech is allowed, even the most hateful and offensive, harm is understood as a matter of subjectivity. Justice Harlan famously wrote: ‘One man’s vulgarity is another’s lyric’, pointing out that indignation is a question of taste. Frequently, liberals and libertarian scholars distinguish between offense and indignation or disgust. Do you think it is only a matter of taste or is there something objective in offense?

PETERS: As Martha Nussbaum (Nussbaum 2004) has written the question of disgust is never a public emotion, because it is so viscerally reactive. She says that disgust is not inclusive but discriminatory. I think I agree that disgust, though a compelling emotion, can never be a basis for relations between citizens. Indignation is trickier (Peters 2011a). I think that in some sense people like indignation; there’s some kind of pleasure in it because you prove that you’re righteous. Look at how people behave in social media, mercilessly and morally ganging up on what they are sure is wrong or stupid. There is also a pleasure in being a victim, because you show that you are innocent. Some people enjoy a feeling of righteous indignation. This is why I say that the danger in moral liberalism is the sin of pride (Peters 2008), acting as if we know better.

PUJOL: Liberals say, we know what is wrong and what is good…

PETERS: Yes, and that attitude goes against genuine liberalism (Peters 2008: 277). Liberalism should be a matter of: ‘we don’t know’.

PUJOL: This is when liberalism can become illiberal?

PETERS: Yes.

PUJOL: Some words have the power to act (i.e in certain circumstances words have the power to cause violence, for example). Free speech is not only a truth claim; it’s also a speech act. In this sense, could we talk of objective harm?

PETERS: We never know another’s motives and cannot judge. This question of harm is so interesting and difficult because sometimes people will claim to be harmed, and objectively there doesn’t seem to be any harm. But there are also cases where people don’t claim any harm, but there does seem to be harm, like pornography. A lot of people say: look this is just fun, it’s educational, it’s just a hobby, it doesn’t mean anything. When in fact, nobody knows exactly the consequences of speech. It cheapens the meaning of humankind’s greatest medium, the word, to act as if it has no consequences.

PUJOL: And do you think that ‘speech act theory’ is useful?

PETERS: Definitely. For ‘speech act theory’ words are deeds. To build a theory of harm you need not only an account of the intricacies of communication but also a robust
concept of human nature. A shared concept of what is good, but this is so difficult… Take the example of pornography. Tracing psychological effects is always a fraught matter, but there does seem to be evidence that changes in behavior follow viewing. It is easier to demonstrate abuse and unfair labor conditions in the porn industry. But it’s difficult to make the argument saying, ‘it’s wrong’ without an account of the soul.

Some cases that threaten the principle of free speech

PUJOL: Looking at some recent cases in Europe and the U.S., this principle seems to be under threat or in crisis. Particularly in Europe, for example every time Charlie Hebdo chooses a different target to offend human dignity –mocking the tragedy of refugees that die in the Mediterranean sea or scorning the victims of an earthquake in Italy–, there arises an ethical question about offensive speech: Can we insult all human values?

PETERS: Do you know signaling theory?

PUJOL: No.

PETERS: It comes from evolutionary biology and the argument is that the animals like to signal how powerful they are, by doing things that seem not to be biologically healthy or efficient. Amotz Zahavi, the biologist, calls this the handicap principle: the peacock’s feathers are not efficient, but they show: I’m so powerful that I can afford the risk extra burden of all these feathers.

Other scholars take this idea and adapt it to communication and behavior. Sometimes you find young people with tattoos, piercings and smoking tobacco as if to say: I’m so young, I’m so strong, I’m so immortal… I can afford the risk. I think that behind Charlie Hebdo there’s a kind of signaling theory, that free speech is so strong that we can afford to mock absolutely everything: children, the immigrants, the prophet Mohammed.

PUJOL: It’s interesting what you are saying, because in Europe there was no debate. Everybody felt called to be Charlie Hebdo (‘Je suis Charlie Hebdo’). The criticism that I read came from the U.S. I think that was David Brooks from The New York Times who said: to defend free speech you are not constrained to endorse the contents or the values of the expression. Do you think this happens frequently?

PETERS: Of course, there are all kind of examples of moral ‘blackmail’ in this world and many of them are found in free speech theory. It takes extra work to say that you believe in free speech but condemn Charlie Hebdo, because someone can easily call you a hypocrite. But critique is not censorship: I worry that the classic bogeyman of censorship makes us shy of critique, when the point of free speech is to enable criticism! In a similar way it is very difficult to love and support the rights of gay people, and still hold to a vision of marriage as exclusively male and female. That is very difficult position to articulate in this culture. Just like it’s a very difficult position to say: I don’t like Charlie Hebdo but I do like free speech.

In the middle of a battle often the nuance gets lost in a dangerous way. I think that’s the main point of Courting the Abyss, that free speech as a symbolic gesture has the power to bulldoze ethical and religious sensibilities. Recently in the US, discussion about religious freedom has become marked as a conservative thing, and some critics see it as nothing more than a form of covert gay-bashing. In a robust liberal public sphere, it would be possible to stage a healthy debate about what, for example, marriage means without some members of the debate being reduced to ‘phobes’ or ‘haters’. But that is not the climate. Our modes of debate prefer shorthand to extended, subtle argument, and that comes partly, but not only, from the design of the social media infrastructure.
Facebook’s business model seeks to maximize ‘engagement’, i.e. attention to the platform, and anger is one of the most ‘engaging’ things there is!

PUJOL: On American campuses there’s a paradox going on related to free speech (Pew Research Center 2015). The U.S. is the country that has the highest level of tolerance of all kinds of speech, even the most offensive. But at the same time, a new generation of Americans is claiming safe spaces on their Campuses (Pujol, J. 2016). Do you think there’s a cultural change going on, or is it a claim that comes from minorities and certain lobbies?

PETERS: I like to distinguish between minorities and lobbies, and this also something that I like in Paul. The idea that we have a Christian duty to respect minorities: we have the responsibility to welcome the brother or the sister who is weak. Not in a condescending way. So respect for the other should be profound. But yes, there is something changing generationally. Apparently this survey shows that first-year students in 2015 are more likely to protest than any other student generation in the past 50 years. There’s a lot more sensitivity.

Lobbies are what Madison was worried about: small groups with money, noise, and power, influencing the public good for their own benefit. He called them ‘factions’. The public should be about self-abstraction not about self-realization. This is what I think is great from the stoic and liberal tradition. The arts of self-abstraction are profoundly in disrepair in our public culture today.

We need a combination of Stoicism and Christianity. The stoics say: treat the self as an other, and the Christians: treat the other as a self.

PUJOL: Is it a question of recognition of identity?

PETERS: Recognition of identities belongs to friendship, to philia, not to the polis. The state doesn’t need to recognize the identities of citizens. Civic recognition means seeing the fellow as a human being, a person. I think that there’s a philosophical mistake in thinking that your identity is in your concreteness rather than in your abstractness. This is also a principle I find—and so does Alain Badiou, the French philosopher—among many other thinkers since.

I think that the worry about ‘safe spaces’ is in large part a moral panic stirred up by conservative critics of the university. The worry is overblown. In terms of everyday life on campus and my classes I don’t really see a lot of change. In my own experience of teaching, I think that the best safety lies in kindness, awareness and respect for others. That’s why I try to teach in a way that is caring and respectful. You don’t need a law about safe spaces; you need to respect and care for the other. I think that there’s a lot of political ammunition to be gained by complaining about campus political correctness.

PUJOL: But the performers of this conflict are completely divided.

PETERS: Here there’s another differentiation: that is, the corporation is often conservative and the campus is liberal. Richard Rorty had a funny line saying that education in the U.S. from kindergarten to high school is governed by the right wing, and the university is governed by the left wing, and he says that the difference is that the right wing thinks that the truth makes you free and the left wing thinks that the freedom leads you to truth… In this country some people make lists of dangerous professors, which is effective for making scare-crows to intimidate an uninformed public. I think that if we are worried with dangerous communication, we should focus on pornography and manipulation in advertising and politics, not on challenging ideas.

PUJOL: In February 2017 the provocative activist Milo Yannopoulos was meant to give a speech at the University California at Berkeley, but the event was canceled and
there were riots and acts of violence. Something similar happened at Middlebury where Charles Murray’s lecture was shut down. These cases show that intolerance and violence against speech do not come only from religious fundamentalism.

PETERS: These issues are so delicate and troubling. Part of the equation is the viral online afterlife of any campus incident. A lot of other stupid things have happened on campuses; they are full of passionate young people. Professorial misdemeanors have long been a target for right-wing activism, and now students can serve in a well-scripted social drama as ‘snowflakes’. This is not a term I endorse, since I agree with classical liberals on the exclusion of ad personam attacks and other insults from public life. Excluding any comments about the person is precisely an ethical resource within the stoic tradition. In the case of identity politics it is tricky because often participants will emphasize rather than suppress their own personal particularities. They might add that the very idea of feeling free to hide one’s particulars is a sign of privilege.

PUJOL: Facebook and Google are in the spotlight about their role in moderating the contents in the internet, and their opaque policy related to its algorithms and censoring activity. The need to set some limitations to speech is not new. Public order and public morality were the criteria: the first led to censorship by authoritarian governments, and the latter has been replaced by the liberal principle of ‘ethical suspension’ for the public sphere. In the past, the reasons for restricting freedoms came from political motivations, and now the Tech companies (Facebook, Google and Twitter) are the ones that are moderating the public conversation and determining what can be said and what not.

PETERS: We mentioned Madison before. I think one of his most brilliant insights was that democracy on a large scale requires filters and balances. Since the 1940s, as Fred Turner has brilliantly shown, the idea that has been dominant that mass communication is anti-democratic and that person-to-person is more authentic, more real, more organic. This narrative has been flipped on its head by Mr. Trump. He was able to use Twitter, a relatively unfiltered, raw, personal medium, precisely for anti-democratic, authoritarian purposes. In the same way Facebook sells itself as a platform for connecting people, when in fact what it did was ‘disintermediate’ the traditional authority of journalists, editors, newspapers, experts, and officials. Everyone knows now the ways that Facebook let all kinds of propaganda pass as news without any supervision. This flattening of hierarchies has been celebrated by the friends of Silicon Valley, but the old Madisonian lesson that democracy requires discipline, moderation, and self-control was never more relevant than today. He saw unchecked democracy as prone to the wildfires of passion and demagoguery. Dikes and dams prevent the flood—we need to relearn the value of these undervalued structures of civility. Editors and experts are not necessarily anti-democratic; they can provide a common, trusted basis of fact for discussion.

The future of freedom of speech

PUJOL: After the Danish cartoons controversy, in a moment of deep debate about the limits of free speech, you wrote in a scholarly article: ‘We need free speech not because we are so smart, but rather because we are so easily mistaken’ (Peters 2008, 277).

PETERS: Free speech is both a lesson in and one remedy for human fallibility. It should be a school of teaching us just how wrong we can be.

PUJOL: In your book Courting the Abyss we find a critique of the liberal tradition of free speech made by a liberal scholar. You argue that after the collapse of the big narratives of the twentieth century and its promises of peace, progress, and eradication of poverty and hunger, the credibility of this idea is very damaged. It seems clear that
the alternative to this impasse is not to return to censorship, but to rebuild some ethical
basis. Do you see any path to a paradigm of expression based on rights and obligations,
freedom and responsibility?

PETERS: As I noted above, content never works as a basis for restriction. Milton
established the concept of the ‘provoking object’ placed to tempt and seduce but also to
strengthen us by practicing against falling. But what is not a provoking object? Anything
can be a provocation. I can be offended by almost everything or by nothing. The
‘skandalon’, as Paul called it, is universal.

PUJOL: How can you call people to be responsible?

PETERS: We need strong families to ensure cross-generational transmission of values.
How do you make a better society when its members are always dying? Someone who is
developing ethically will eventually die, so maintaining a rich ethical culture is always a
moving target. The laws can do part of the job, but we need robust families, we need
strong civic and religious institutions, schools, etc., in order to provide this sense of
solidarity. Hegel’s notion of Sittlichkeit sees morality reaching its accomplishment in a
community, as Charles Taylor likes to say (Taylor 1979, 81–84).

PUJOL: Some time ago you pointed out how Socrates lamented that writing –stopping
the wings of the word– was changing the philosophical life in ancient Athens. In a
similar way, at the beginning of the third millennium we realize how image and sounds
have changed public life with their power to capture the actions of leaders. Are you
optimistic about how the new generations will use this power?

PETERS: What is new in media of communication is partly images and sounds, but it’s
also the ability to record the flotsam of everyday life and then replay it in radically new
contexts. The mobility of sound bites and the capacity of re-inscribing them without
context is a powerful tool. It’s interesting what happened with the audiotape about
Trump. It was from eleven years ago?

PUJOL: Yes.

PETERS: It is this kind of magical power to record someone at their worst moments.
We have the expression of gotcha!

PUJOL: Like a photo finish?

PETERS: Yes, a photo finish in flagrante delicto! It has happened also to Obama, though
it is hard to compare Trump’s vulgar comments about sexual assault with the ways that
Obama’s words have been spun and respun, often unfairly. One could ask how we can
think about free speech when images and sounds are displacing the written word? But
because of texting and the internet, it’s clear that the word is still everywhere. The
universe is set on fire by the power of the tongue. New media allow us to set new fires
with our tongues.

PUJOL: The liberal ‘free speech theory’ has been shaped within the context of
mainstream news media and a public sphere governed mostly by political and
economical elites. I wonder how the internet should change this discussion. In your
book The Marvelous Clouds you mentioned: ‘Social Media are an interesting mutation
in the history of communication that reveals older patterns’ (Peters 2015, 276). Is the
old rationale for free speech still valid for the internet?

PETERS: The internet is radically new in some ways—in its global span, its storage
capacity, its speed, and its mixing of so many traditional communication modalities into
one medium—but in other ways it reveals things we have known for a long time about
human behavior. Socrates was the first of many critics of the disruptive consequences of
the new medium of writing, and over a long period of adaptation and acculturation, we
learned—mostly—how to use writing without being burned. The internet has emerged so fast that we have hardly yet developed the buffers and codes of etiquette for managing it. In many ways, it seems to me to have let loose the dangerous powers of writing in a new way—its fixity, its cruelty, its refusal to change. These attributes are culturally potent, but morally, they can produce modes of debate that are cruel and utterly lacking in mercy. Online the whole course of nature can be set on fire. Only now it is not the tongue, but the thumbs (as in the case of Twitter).

PUJOL: Transparency is an emergent value for both citizens and institutions as a vehicle to incentivize honesty and trust. But at the same time, absolute transparency could be instrumental for governments to control and target rival speech. Do you see a threat there?

PETERS: Yes. It seems that the Chinese government, for instance, for a while has allowed a certain degree of uninhibited speech online precisely because it gives them a better handle on what the people are thinking and debating. Governmental manipulation can benefit from the knowledge that more expression provides. Transparency—freedom of information—can be a wonderful tool for exposing lies and cover-ups, but it is not a guarantee of justice. Shows of transparency can often be ways of hiding information in plain sight. There is no ultimate infallible recipe for justice among us fallen creatures!

PUJOL: Your philosophy of communication thinks of media in terms of being (Peters 2015, ch. 2). After writing Courting the Abyss you sketched some challenges for the future of freedom of speech and you advocated the resurgence of religion (Peters 2008, 285). What are the contributions from religion to the philosophy of free speech?

PETERS: ‘Religion’ is a big category, one with a troubled history and a clear Western bias. But generalizing from the great traditions, East and West, I can say that religion teaches us that humans are embedded in environments not of their own making and that they have a stewardship to care for each other’s fragility. It teaches that wisdom is not necessarily new—i.e. a respect for long-standing tradition. It offers a set of disciplines of selflessness, of transcending the ego and its illusions. It encourages sacrifice and postponement of gratification. It encourages solidarity with other people and even with other creatures, a deep universal compassion. It asks us to do hard things, such as keep unpopular or unpleasant commandments. It doesn’t always offer instant answers but rather provides means for dealing with the lack of answers. True religion encourages a kind of openness to the wonder of the cosmos, a kindness and humility, and an attitude of deep scrutiny and inquiry, that are—I believe—the deepest source of free speech.

PUJOL: Finally, some clichés have opposed liberal irony to Christian views, accusing this religion of rigidness and lack of sense of humor. What do you think?

PETERS: One of the greatest things in the Christian Tradition is the sense of humor. Jesus was very funny and was very sarcastic in some moments. He used comic images. Once he said: imagine that you have a log in your eye and you are tying to pull out a speck of dust from another one’s eye. It’s a ridiculous and comic image. (In this respect he was like the Hebrew prophets as well, who can be withering with their wit.)

I think the complete pinnacle of Christian humor is Erasmus’s In Praise of Folly, a really funny book. Kierkegaard (1989) is also a good example, he saw irony as the Christian method. For him, both Socrates and Jesus were ironists. To be an ironist is to admit that appearance and reality are not the same. The Christian view is that appearance is not the way that things are, that there are other dimensions in life, like the spiritual side of life. So if you consider this divine dimension, for Kierkegaard you have to be an ironist. McLuhan (Peters 2011b) and Chesterton can also be very ironic.
Of course, not all ironists are Christians—Richard Rorty was also a fan of irony. But to say that the Christians are too rigid or have no sense of humor is not to know the tradition.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributors

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Fr. Pujol’s research interests are concentrated in three areas: the ethical dilemmas related to free speech; digital privacy law and particularly the impact of the European General Data Protection Regulation (GDPR) in the Church; and transparency and confidentiality in the governance of the Church’s institutions.

Notes

1. “My aim was to purify the tradition of some of its excesses and pathologies such as its tendency to glory in its supposed ethical superiority, its lack of reflection on the pragmatic conditions and consequences of communication, and its contradictory dependence on and distaste for strong opinions.” John D. Peters, A szakadék szélén. A szófenszabadság és a liberális hagyomány (Hungarian translation of Peters’ Courting the Abyss: Free Speech and the Liberal Tradition), Wolters Kluwer Publishing House, Preface.
2. Oliver Wendell Holmes Jr. (1841–1935) served as a United States Supreme Court justice for for tan 30 years, marking a significant shift in American jurisprudence on the First Amendment.
3. Presentism: as literary and historical analysis, is the imposition of present-day ideas and approaches onto representations or views of the past.
4. “Liberalism can’t and shouldn’t claim complete cultural neutrality. Liberalism is also a fighting creed”. (Taylor 1992, 62)
5. Saint Anselm of Canterbury (1033–1109).
6. 1 Cor, 14: “I want you all to speak in tongues” (v. 5). “If even lifeless instruments, such as the flute or the harp, do not give distinct notes, how will any one know what is played? (v. 7). “There are doubtless many different languages in the world, and none is without meaning” (v. 10). “Do not be children in your thinking; be babes in evil, but in thinking be mature” (v. 20).
7. The challenge is to show how to reconcile ‘the scientific loyalty to facts’ with ‘the old confidence in human values and the resultant spontaneity, whether of the religious or of the romantic type.’ (…) Pragmatism is presented as the ‘mediating philosophy’ (…) that “offers a way of overcoming the dilemma, a way of seeing that, for example, science, morality and religion are not in competition.” See C. Hookway, "Pragmatism", The
8. Charles S. Peirce distinguishes a third way to know (beyond induction and deduction) that is the guesswork, by abduction. Abduction is the process of forming explanatory hypotheses, through inquiry. See. I. Douven, "Abduction", The Stanford Encyclopedia of Philosophy (Spring 2011 Edition), Edward N. Zalta (ed.), URL: http://plato.stanford.edu/archives/spr2011/entries/abduction/. Consulted 11.11.2016.

9. Richard Rorty (1931–2007) was an American philosopher who developed a distinctive and controversial brand of pragmatism.

10. Milo Yannopoulos is a British polemicist, political commentator, public speaker and writer. He has been controversial for his criticisms on left-wing identity politics (feminism, social justice, political correctness, atheism, etc.).

11. http://www.publicbooks.org/the-big-picture-trump-on-twitter/

12. On September 30, 2005 the Danish newspaper Jyllands-Posten published 12 cartoons under the title “Muhammed ansigt” (the face of Muhammad). In one of them Mohammad appeared with a turban in the shape of a bomb. The reaction to the drawings was unanimously interpreted as an insult. The Danish Muslim leaders tried to get the Danish government to intervene, but the Prime Minister Rasmussen replied that freedom of the press should be respected, offering Muslim diplomats the judicial route. At the same time, violent reactions in many countries started to happen. The European press sympathized with Jyllands-Posten. Before the judges acquitted the newspaper, the magnets obtained the public declaration of the editors (January 2006), in which they apologized and declared that it had not been their intention to insult the Islamic religion.

13. In October 2016, a few weeks before the presidential election, The Washington Post obtained a 2005 recording where Donald Trump talks about women in vulgar terms to Billy Bush, caught on a hot microphone. https://www.washingtonpost.com/politics/trump-recorded-having-extremely-lewd-conversation-about-women-in-2005/2016/10/07/3b9ce776-8cb4-11e6-bf8a-3d26847eeed4_story.html?utm_term=.0ad08d9df95d. Accessed 10/21/2017.

14. James 3: (6) And the tongue is a fire. (10) From the same mouth come blessing and cursing.

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