

Review: Jamie Whyte, *Why Free Speech Matters*, IEA, London, UK, 2021

Pages: 190

Important Principle Now More Than Ever

With the great technological advancement of society one would have reasonably expected an equal advance in liberty and freedom of speech. Sadly, the opposite has happened as the West adopts a tyrannical approach to quench dissent against unpopular globalist policies destroying the ‘old’ order in an attempt to usher in a ‘New World Order’. Such a goal is impossible in a freedom-loving society without harsh restrictions.

This little book demonstrates exactly *why* any limitations beyond John Stuart Mill’s ‘harm principle’ are destructive to a country’s wealth and prosperity and are to be resisted at all costs.

The exceptions of defamation and incitement to violence are dealt with, and while no precise calculus exists (notwithstanding the cost-benefit model), the scale should always tilt in favour of freedom of speech.

Summary (pp. vii-ix)

I) The Job at Hand (pp. 1-3)

Defamation is a ‘border line’ case.

II) What Is Free Speech? (pp. 4-11)

“Jack says something that Jill objects to – that women don’t have penises, let’s suppose Jack objects to Jill’s objection on the ground that he has a right to express his opinions. ‘You do...’ replies Jill, ‘but I also have a right to express my opinion that what you said was objectionable.’ [p4]

‘Free’ in free speech (FS) doesn’t mean ‘comes at no cost’.

FS is a protection against state coercion.

Speakers should face *social*, not *legal* constraints.

Online platform imposed content rules do not limit FS since they are offering a product so are not covered by the 1A (it prevents government forcing to pay for someone else's speech). The same is claimed true for employers firing employees for objectionable speech.

Everyone favours free speech 'within limits'.

III) Advancing Knowledge (pp. 12-19)

FS allows new ideas to be produced and tested as fast as possible, thereby promoting knowledge growth and human flourishing.

Market failure allows bad products to survive in markets. The same thing happens with cognitive errors and FS which voids any 'argument from truth' as to why we should have FS.

IV) Preventing Tyranny (pp. 20-27)

Good policies increase social welfare.

Paradox of voting: if each vote makes no difference, why bother?

Voter knowledge reveals stunning ignorance so that modern politics is exactly as one would expect when votes are cast by the rationally ignorant. Condorcet (1785) denied this was a problem since the ignorant would vote randomly and be 'steered' in the right direction by the smaller, rational voting bloc. However, the masses *aren't* random.

Democracy always leads to bad policy, however, it only ensures the worst possible government does not arise.

When government can control what the people hear, they have less reason to fear.

Small countries have an incentive to develop technologically, which is why they are often pro FS.

V) Proper Limits (pp. 28-34)

John Stuart Mill's 'harm principle' is the only working limitation on FS. It separates words of mere 'offence' to those causing real-life harm.

Richard Posner derived a cost-benefit model:

$$V + E < P \times L$$

(Value of suppressed FS + legal-error costs in litigations < probability of harm from FS x harm loss.)

The above is difficult to quantify.

Time, place, and manner are the triple elements of defining FS 'harm'

VI) Dangerous Ideas (pp. 35-48)

The 'truth' defence against defamation does not apply to so-called 'hate-speech' laws, since all 'hate speech' causes harm by definition.

No one knows the lost utility of quashed FS.

The onus must always be on those who wish to limit FS to prove its benefits are negative.

VII) Offensive Ideas (pp. 49-56)

A mere possibility of harm does not mean actual harm.

The ease of avoidance principle holds one can avoid offence simply by moving on, or ignoring speech. This means most offence taken from FS is *voluntary*.

VIII) Why Be Uncompromising? (pp. 57-62)

“Criminalisation of Holocaust denial is not as harmless as it may seem ... the law creates a slippery slope ... Although a Frenchman may not deny ... Nazis murdered millions of Jews [sic], he may ... deny any other historic atrocity ... preventing the expression of harmful ideas – provides no limitation ... only an arbitrary application ... unsurprisingly, the French government is lobbied to prohibit the denial of other historic events, such as the ... 1915 genocide of Armenians at the hand so of the Turks ... Similarly, the Online Safety Bill merely adds to the UK laws that ban the expression of ideas deemed harmful.” [p60]