

# The Question of Speech

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Since the dawn of the American Republic, freedom of speech and expression has been an integral tenet in the classically liberal ideology popularized by the works of the Enlightenment. 18th century philosophers such as Rousseau, Voltaire, and Locke have written about the importance of such freedoms, but the question that is being asked more often every day is how far does this freedom go? At what point is there something you cannot say, if there is one?

A large debate currently being held is based in these questions. When the freedom of speech is exercised in such a way that expresses unpopular opinion or is deemed offensive, one is quick to label such speech as “hate speech”. Hate speech is defined as “speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits.” and although such speech is protected by the First Amendment, many are opposed to its legality. In fact, what constitutes as “hate speech” is entirely subjective, and if a ban were to be put on “hate speech” that would mean that whoever controls the legislation controls what can and can’t be said. A governmental body that controls not only the media, but the words of common people is not only intrusive and despotic, it goes against the principles the country was founded upon.

As the American ideological landscape becomes increasingly polarized, the dialogue between the two parties has intensified enormously, and the term “hate speech” has become much more prevalent as an arguing point. Of course, fiery political discussion is not new to the historical tapestry of our nation, but it is the first time that it’s philosophical foundation’s questioning has become so mainstream.

Donald Trump, the 45th President of the United States, said “I am going to open up our libel laws so when they write purposely negative and horrible and false articles, we can sue them and win lots of money.” during his campaign. Libel is a published false statement that is damaging to a person’s reputation. Trump is referring to the news sources that have continuously published discredited rumors about him and his campaign as fact in an attempt to lower his approval ratings. Many times, this works, as more times than others people share articles and base opinions off of mere headlines, don’t look at the context of what was said and don’t bother validating sources. This can be detrimental to the lives of people targeted by journalists, news sources, and media outlets.

Some of the time libel is committed out of malice, some of the time by careless mistake. Either way, it is truly damaging, and goes fairly unpunished in most cases. Under current law,

largely determined at the state instead of federal level, public persons, such as politicians, can win a lawsuit against a media organization only if the person can prove that the publication published information with actual malice, knowing it to be wholly incorrect, as well as in cases of reckless disregard. As bad intention is nearly impossible to prove unquestionably, it is very hard for politicians to win lawsuits against their defamers. This is where change must occur.

Unlike hate speech, which is measured in terms of how offensive something is, libel can be measured in real, statistical evidence of damaged reputation in regards to approval ratings. If we were to revise the laws, as President Trump suggested, in such a way that ignorance and the uncertainty of malicious intent are not proofs for innocence, we would experience a myriad of benefits. The fear of persecution for publishing untruths as facts would lead to a much more careful media, a media not based on rumor and drama but on truth and empirical evidence. Not only political leaders, but all Americans would encounter a more knowledgeable and trustworthy media experience. This would not end the intense media bias, but it would put a stop to the spreading of lies about opposing parties and give a clearer view of the playing field to the average voter.

Now, somebody opposed to such a legal revision would state that it would put the media into a very tough spot, almost backing them too far into a corner. The media and journalists need something to write about, this would only slow the news-bringing process down as incessant fact-checking takes up valuable time that media corporations don't have to lose. Even if it isn't true it should be reported upon in order to generate discussion. To this I vehemently disagree. This statement is a sly attempt to justify carelessness and cover up slander in the name of saving time. The American people deserve slow truth rather than rapid misinformation. Although this would almost certainly damage the capital of media corporations, pushing investors to align themselves with more profitable markets that could grow American industry and create jobs, and it is true that it would slow down the news-bringing process, it is for the accurate portrayal of our world to the families of America.

In times like these, it is easy to forget how much we depend on little glowing screens for our information. Through our absorption of non facts we have grown to hate each other, our minds developing, distorting and viewing the world in a fantastical way, radically different from how others' minds piece together reality. But no matter the inescapable subjectivity of reality, through empathy and the will to understand others we can find truth. We can surpass the urge to silence others, and instead teach ourselves to listen. We can take the time to figure out what is right and what is wrong no matter our preconceptions, biases, or prejudices. We can strive towards an unapologetically honest but polite society, and unify the American Republic and it's people with truth, love, and understanding.

**Bibliography:**

Gold, Hadas, and Nick Gass. "Donald Trump: We're Going to 'open Up' Libel Laws." POLITICO. N.p., n.d. Web. 14 Mar. 2017.

"Hate Speech." Dictionary.com. Dictionary.com, n.d. Web. 14 Mar. 2017.