

Protecting Freedom of Speech

Student Name

PHI 208: Ethics and Moral Reasoning

Prof. Phil O'Sopher

March 15, 2018

## Protecting Freedom of Speech

### **Part 1: Ethical Question**

Do we have a moral obligation to protect free speech even in cases where that speech causes harm to others?

### **Part 2: Introduction**

In August of 2017, the city of Charlottesville, Virginia became the focal point of violent demonstrations that resulted in injury, death and psychological harm. The violence was the result of clashes between white supremacists who gathered in Charlottesville for a planned “Unite the Right” rally to protest the possible removal of the Confederate Statue of Robert E. Lee (Katz, n.d.). The violence included hate speech in the form of signs, chants and a Friday night “Hitler youth” torch rally. These events and the reactions to them launched the issue of free speech into the national spotlight.

Freedom of speech is one of the most fundamental rights cherished by Americans and granted to all through our Constitution, but ethical issues arise when the exercise of that right results in direct harm to others. The primary ethical issue that arises concerns the balance between protecting this fundamental right of speech and preventing the harm associated with hate speech. According to our textbook, ethics asks the question of how we should live and that with “each conscious, deliberate choice we make, we are living out an answer to this

question” (Thames, 2018. Sec. 1.1). This paper will consider whether we have a moral obligation to choose to protect free speech even in cases where it results in harm.

### **Part 3: Position Statement**

Even though it can cause harm to others, freedom of speech should be protected as an absolute right.

### **Part 4: Reasons in Support of Your Position**

Freedom of speech should be protected as an absolute right because it is one of the founding ideas on which our country is based. Any attempt to limit free speech can only be based on compelling reasons that justify taking away a fundamental right. While the prevention of harm is a compelling reason, it does not, by itself, provide sufficient justification for taking away a fundamental right. In addition, a close look at the historical origins of this right and its defense throughout our country’s history show that it was designed to protect all speech, including offensive or hate speech. As Benjamin Franklin said, “Freedom of speech is a principal pillar of a free government: When this support is taken away, the constitution of a free society is dissolved” (Post Editors, n.d., para. 1).

### **Part 5: Opposing Position Statement**

Because causing harm to others is unethical and sometimes illegal, we have a moral obligation to limit the exercise of free speech when it is intended to or likely to cause harm to others.

**Part 6: Reasons in Support of the Opposing Position**

Americans have many rights granted to them by the Constitution, but these rights are not absolute or limitless and they carry with them a responsibility to uphold laws (*Brandenburg v. Ohio* n.d.). It is perfectly legal to hate someone, but it is illegal to act on that hate if doing so causes harm. From an ethical standpoint, our responsibility to act in certain ways goes beyond merely conforming to society's laws. Harming another person is unethical. Hate speech is intended to cause harm and sometimes creates an incendiary environment, as it did in Charlottesville that results in injury or death. Therefore hate speech is unethical and we have a moral obligation to limit free speech when it is likely to cause harm to others.

### References

Brandenburg v. Ohio. (n.d.). *Oyez*. Retrieved from <https://www.oyez.org/cases/1968/492>

Katz, A. (n.d.). Unrest in Virginia. *Time*. Retrieved from <http://time.com/charlottesville-white-nationalist-rally-clashes/>

Post Editors (n.d.). Great American thinkers on free speech. Retrieved from <http://www.saturdayeveningpost.com/2015/01/16/history/great-american-thinkers-free-speech.htm>

Thames, B. (2018). *How should one live? An introduction to ethics and moral reasoning* (3rd ed.). [Electronic version]. Retrieved from <https://content.ashford.edu/>