What is Free Speech?

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Contents

In this lecture, associate professor Agnes Callard explores a Socratic answer to this question, which rejects many of the standard liberal models of free speech – free speech as open debate; free speech as the marketplace of ideas; free speech as openness to persuasion – on the grounds that they fail to guard against the politicisation of speech.

Callard explains what politicisation is; why it is coercive, i.e., unfree; and how Socrates' approach to conversation offers a way of avoiding it.

`https://www.youtube.com/watch?v=sdOKt1j3WpY`

Introduction

Radar Malik: I am Radar Malik.

I am a professor of philosophy and head of the philosophy subject at the Department of Philosophy, Classics, History of Arts and Ideas. And I am delighted to welcome you to the annual Examine Philosophicum Lecture of 2024.

The Exville Lecture was started in 2017 in order to honor our core curriculum course Examen Philosophicum, in which we're reading classical philosophical texts in order to broaden our mind and sharpen our analytical skills.

The Exfield lecture is not just a fleeting moment of a talk from last year.

The lecture is also published by the Philosophical Journey Inquiry, which was founded in 1958 by Arne Ness, who was a professor of philosophy here.

The lecture is supported by the Foundation for Philosophical Education and Research at the University of Oslo.

It's also supported by our department. And I want to acknowledge the help of Amanda Edenholm and Anne-Kristine Kuneliussen in organizing this event.

It's my great pleasure to welcome Agnes Kalard to give this year's talk.

Kalard is a professor at the University of Chicago.

She specializes in ancient philosophy and ethics, has worked on Socrates and Aristotle, these kinds of ethical theories. And she has written a very influential book called Aspiration, The Agency of Becoming, in which she is looking at how persons transform themselves and adopt new values through life.

That can be matters such as getting an education, becoming a parent, pursuing a career, or developing a passion for art or politics.

All these matters that involve adopting new values, changing oneself as a person, and is raising a host of interesting philosophical questions that she is pursuing, including how to adjudicate between the point of view of a person before the transformation and

after the transformation. And she is soon to publish a book on Socratic ethics called Open Socrates, on how to live a philosophical life.

It's coming in January.

Professor Kalar is also very influential public intellectual.

He's publishing in journals like the New Yorker and the New York Times, Point magazine. And she writes on a diverse set of topics.

I encourage you to read her texts, ranging from the value of the humanities to art to jealousy to parenting and anger management.

So a whole range of interesting ways of examining life.

We also have a distinguished panel, which I'll introduce later, Professor Franco Trevino and Anina Chiarov.

But before that, we're going to listen to the talk and just a word of procedure.

We'll have the talk, then we'll have the two comments, and then the floor will be open for questions.

So without further ado, As you see, Agnes Collard is going to speak about what is free speech.

Please welcome her.

Lecture Begins

Agnes: Thank you so much.

It's an honor to give this lecture.

Thank you for being here to listen to it.

So this is a talk about free speech, and I promise we are going to get to that topic in the end.

I'm going to answer this question, what is free speech, but that's not where I'm going to start.

So Here's our order of operation. And I'm going to start with part one, politicization.

I became a naturalized US citizen at the age of 10. And when I did, there was an error on my naturalization papers.

My gender was listed as male.

My father refused to have the error corrected because to do so, he would have had to mail back the papers. And he was worried about what would happen if the only legal document that established my identity got lost in transit.

I didn't object to this or see myself as being misgendered, at least not in any objectionable sense. And this, in spite of the fact that my father often used the male pronoun, he, to refer to me, which was very likely the cause of the mistake in the 1st place.

In my native language, Hungarian, pronouns are not gendered.

He and she are the same word.

I learned English at a young enough age that gendered pronouns don't give me any trouble, but the same is not true of my parents.

To this day, they regularly get he and she mixed up. And no one takes offense.

When my parents used the wrong pronoun, this was seen as an innocent mistake, even if they continued to make that mistake over and over again.

By contrast, today, Questions about pronouns, for example, the question of whether you go out of your way to announce your pronouns or go out of your way to avoid doing so, the question of whether you take care to use an individual's chosen pronoun or make a show of not doing so, the question of whether there are additional pronouns available to an individual besides he and she and so on, have become proxies for a deeper disagreement.

Answers to those questions signify moves in a dispute about the relationship between gender and biology, whose primary location is not language.

The dispute about gender is not conducted as a dispute about gender.

Instead, it's transposed onto a variety of battlefields, from pronouns to bathrooms to inclusion criteria for women's sports.

I call this phenomenon politicization.

Politicization is a commonly used word that is rarely defined, even though the concept it refers to is actually quite difficult to understand.

So I want to explain what I mean by politicization.

It is the displacement of a disagreement from the context of argumentation into a zero-sum context where if one party wins, the other loses.

It converts a question, which of two positions is correct, into a competition between the interests of two parties.

If someone claims that a given topic, be it the minimum wage, climate change, the COVID pandemic, college course syllabi has been politicized, they mean that action and speech on that topic have to be interpreted against the backdrop of some standing conflict.

So for example, The ostentatious inclusion or removal of a text from my syllabus can constitute a way of positioning myself in a culture war.

I might be providing assurance to my allies or I might be provoking my enemies.

When people criticize polarized politics, as they do a lot in the United States these days, I think they should instead be speaking of politicization.

Polarization is not, in and of itself, a bad thing.

A philosophy conference featuring views polarized into two camps won't necessarily be less interesting to attend than one where the views expressed in the talks are more evenly distributed over a wide range of positions.

Many of us are more interested in watching a movie that polarizes people in the sense that you either love it or hate it than a movie that everyone thinks is merely okay.

Furthermore, thought is by nature polarized in that every well-formed proposition is either true or false.

Extreme polarization without politicization is fine.

Politicization is the real problem.

Whenever some topic seems touchy or charged, that's a good sign of politicization.

Another is if the examples, sorry, if the answers tend to map perfectly onto existing battle lines.

So for example, in the United States, climate change and fertility decline have become politicized.

to the extent that there are arenas within which a battle between the political right and the political left is adjudicated.

In many right-wing circles, it's disloyal to raise concerns about rising sea levels. And the same holds for someone on the left who voices any kind of support for pronatalism.

It's worth emphasizing that politicization should not be understood as synonymous with politics, though people sometimes do use the word politics that way.

They might say, like they might speak of office politics, they mean office infighting.

Politicians even will say, let's keep politics out of this.

Using the word politics as a shorthand for what's politicized, they mean, let's temporarily suspend our usual practice of mapping every interaction onto a political battlefield.

Nonetheless, The actual practice of politics involves a lot more than fighting.

Politicization is a pathology of politics.

Moreover, politicization, the mapping of a disagreement onto a contest, is not restricted to the political sphere.

Far from it.

In every marriage, there are one or more topics that could be described as politicized.

In the early stages of my own, laundry was an example.

It was a place I could reliably find a fight if I wanted to pick one.

Ever since we resolved this within everyone in the family does their own laundry policy, I have had to look elsewhere for my fights.

Politicization is a phenomenon all of us encounter and many of us strongly dislike, but no one was ever so allergic to it as the ancient Greek philosopher Socrates.

The substantive disagreements that he's trying to have with people that he devoted his life to are always on the verge of being projected onto a battle of egos.

He has a standing fear that his interlocutor will misinterpret him as someone who wants to employ combative, coercive tactics to win some battle.

He expresses this concern to the esteemed orator, Gorgias.

I'm asking questions so that we can conduct an orderly discussion.

It's not you I'm after.

It's to prevent our getting in the habit of second-guessing and snatching each other's statements away ahead of time.

It's to allow you to work out your assumption in any way you want to.

Socrates draws a contrast between the kind of conversation he wants to have with Gorgias and how arguments usually go.

He says, if people are disputing some point and one maintains that the other isn't right or isn't clear, they get irritated, each thinking the other is speaking out of spite.

They become eager to win instead of investigating the subject under discussion.

In fact, in the end, some have a most shameful parting of ways, abuse heaped upon them, having given and gotten to hear such things that make even the bystanders upset with themselves for having thought it worthwhile to come listen to such people.

So Socrates saying, disagreement tends to fuel eagerness to win, which manifests itself in the practices that Socrates described himself as wanting to avoid, second-guessing and snatching each other's statements away ahead of time.

Each person misinterprets or twists the words of the other in such a way as to clear the path toward argumentative victory for himself.

Eventually this degenerates into shameful, abusive speech.

Socrates finds this sort of thing intolerable, and so he wants to make very clear the difference between what he aims to do to allow you to work out your assumption in any way you want to with a kind of coercive speech that typically characterizes verbal disputes and debates.

Then he explains why he's so worried that Gorgias is going to allow their conversation to devolve into a battle.

I think you're now saying things that aren't very consistent or compatible with what you were first saying about oratory, Socrates says to Gorgias.

So I'm afraid to pursue my examination of you for fear that you should take me to be speaking with eagerness to win against you rather than to have our subject become clear.

Socrates understands that people are inclined to interpret counter-arguments symbolically, as though the opponent were trying to defeat the idea by making its loser, sorry, its holder lose face, or in order to make its holder lose face.

When people feel that they are or are about to be attacked, they respond in kind.

That's what Socrates calls eagerness to win.

When each party escalates to ever more coercive language in a preemptive defense against being on the receiving end of the same, conversation becomes politicized.

Events in the conversation will start to be viewed symbolically as standing for wins or losses on either side.

Socrates wants to continue the conversation with Gorgias only if Gorgias can take him literally.

Now we might think, look, of course Gorgias is going to get a bit miffed or a bit defensive if Socrates starts trying to show him that he's wrong.

But Socrates thinks there's no of course about it.

He says, For my part, I'd be pleased to continue questioning you if you're the same kind of man I am.

Otherwise, I would drop it. And what kind of a man am I? One of those who'd be pleased to refute if I say anything untrue, pleased to be refuted if I say anything

untrue, and he'd be pleased to refute anyone who says anything untrue, and one who, however, wouldn't be any less pleased to be refuted than to refute.

For I count being refuted a greater good, insofar as it is a greater good for oneself to be delivered from the worst thing there is than to deliver someone else from it.

I don't suppose there's anything quite so bad for a person as having a false belief about the things we're discussing right now.

So if you say you're this kind of a man too, let's continue the discussion, but if you think we should drop it, let's be done with it and break off.

Unlike most people in this situation, Socrates does not suggest that he and Gorgias each agree to put up with criticism gracefully, to contain any resentment and guard against any, expressing any irritation they might feel.

Instead, he claims that he is not susceptible to the negative responses to refutation, because from his point of view, being refuted, which is to say, sitting on the being persuaded end of persuasion, is pleasant and calls for gratitude.

Indeed, later on in the Gorgias, He actually claims that refutation is the greatest favor that one human being can do another.

So there's another guy listening to this conversation the whole time that Socrates and Gorgias and another guy are talking, and that guy's name is Callicles, and he eventually breaks in and he asks, Socrates, are you for real? He can't believe what he's hearing.

Socrates' greatest intellectual achievement is his ability to see right through the symbolism that everyone else feels compelled to layer on top of argumentation.

He's pleased to refute and no less pleased to be refuted.

He doesn't care that the refuter is conventionally assigned the label of winner.

He feels free to count being refuted a greater good.

That's because he has not politicized the conversation.

He sees no conflict of interest between himself and his interlocutor. And that's why he suggested not that they agree to put up with criticism gracefully, but to insist that they're both benefiting.

He's trying to convey the thought that this is not a war or a competition or a contest or a duel or a race.

It is not the kind of event that has been symbolically organized into a zero-sum structure.

Only in a symbolically mediated conflict does the benefit to one party entail the loss to another.

Absent such a symbolic arrangement, my interests might fail to coincide with yours in the sense that maybe it's unlikely we'll both get what we want, but the event of my doing well nonetheless will be conceptually separable from the event of your doing badly.

A head-on conflict of interest, if my win is your loss, that means that the interaction between the parties has been mediated by symbolism.

So Socrates is trying to tell Gorgius, This is not a game or a contest or a competition or a fight.

I'm trying to interact with you directly.

He and his interlocutor are on the hunt for an answer to a question, and if they clear away the mistaken answer, they've made progress that harms no one and especially benefits the person from whom it was cleared away.

A disagreement is a head-on conflict.

If I'm right, then you're wrong.

But it's not a conflict of interest.

A disagreement can be symbolically organized into a zero-sum game where one person's win represents the other's loss, but it needn't be.

He thinks it shouldn't be, because what we want to work out is not who wins, but who's right.

A fight is a conflict of interest, and a disagreement that has been turned into a fight stands at a symbolic remove from the adjudication of that disagreement.

When we're working out who wins, we are at best pretending to be working out who's right.

Okay, so Socrates holds that when you fight with someone, you're pretending to argue with them.

A corollary of this claim is that you cannot fight injustice.

Let me explore that radical claim more carefully.

So in some dialogues, Alcibiades and the Euthyphro, Socrates describes hostility and fighting and war as arising from disagreements over justice and injustice, as we fight each other because we disagree over justice and injustice.

As evidence for this claim, consider the opening of Homer's Iliad.

So background here.

Agamemnon has taken Chryseis, the daughter of Chryses, as his prize, and her father asked for her back.

Having been turned down, Chryses prays to Apollo to punish the Greeks.

This is his prayer.

Lord of the silver bow, now hear my prayer, great guardian of Tenedos and Chryse and Sandy Kila.

Mouse, lord, if I ever built temples to your liking, ever burn fat thighs of oxen or of goats for you, fulfill this prayer for me and let the Greeks suffer your arrows to avenge my tears.

Okay, the result of this prayer is that Apollo and fix a plague on the Greeks, who eventually figure out why they're being plagued, and Agamemnon, their leader, ends up forcing Achilles to give Crises back his daughter, an action that sets in motion the hostility between Achilles and Agamemnon that drives the disastrous action of the rest of the epic poem.

You might wonder, looking at Crises' speech, if you're in a position to call in favors from a god, why not just ask him for your daughter back directly? The answer is that Chryses is angry.

He feels that he's been wronged and he wants vindication.

Earlier he wanted his daughter back.

Now he wants to teach the Greeks a lesson.

The saga of Chryses and his daughter is the whole Trojan War in miniature.

It wasn't the pragmatic need to retrieve Menelaus' wife that launched 1,000 ships so much as the wounded pride of the men sailing in them. And so Socrates was right to describe war as in large part an attempt to prove that one is right, which is to say to settle a disagreement.

Typically, if you didn't think that someone was wrong about something, there would be nothing to be fighting over.

If you strike or coerce someone in the absence of such a point of contention, you wouldn't see yourself as fighting them, but instead just as using force on them to achieve a goal.

When I fight you, I exercise force on you as though I were exercising force on some idea associated with you.

I'm not just using force on you, but I'm using it agonistically in the context of a contest that aims to support or stand up for some principle.

The disagreement has been displaced from its original home, which was a disagreement over that principle.

So instead of actually settling it by argument, we pretend to settle it by way of a zero-sum contest.

In a fight, there's always a conflict of interest.

A Socratic definition of fighting would be something like this.

Fighting is politicized arguing.

Whether we politicize the argument by using physical force or emotional force, whether we fight more indirectly by way of proxies, think of how in an especially acrimonious divorce, the ex-spouses might use their children to get at each other.

What unifies all the fighting we do is that the fight represents an argument that we are not having.

But aren't there cases which we fight with other people, but we're not fighting over any point of disagreement? For example, if there's only room for one of us on the lifeboat and I push you off, I might say, no offense, nothing personal, to signal there's no real disagreement between us.

I just wanted to be the one who survived.

Or consider a situation where a person uses physical force against a child for their own good.

If getting you off the lifeboat or getting the child to stop running into the intersection required a protracted struggle, I might describe myself as fighting you or the child, even though there's no disagreement I'm trying to resolve by way of that use of force.

Or consider two non-human animals wrangling over a piece of meat.

We might say they're fighting each other.

It's fair to raise these as counterexamples to the principle that those who fight see themselves as settling A dispute.

Nonetheless, as long as we admit that they are not the core cases of fighting and that they're classified as fighting with reference to those core cases, the principle stance, we call the uses of force in the lifeboat case or the child protection case or the animal wrangling case fighting to the extent that they bear an outward resemblance to and therefore remind us of the fights that are animated by righteous anger over disagreement.

If it's true that fighting imitates argument, then it makes sense that we're capacious in being willing to apply the term fight to what imitates that.

Being an image of is a transitive relation.

Even metaphorical uses of fighting support the analysis I've given here.

Consider, when we decide to describe ourselves as fighting cancer, Instead of simply undergoing treatment with the hope of survival, we employ the metaphor of fighting because it allows us to see ourselves as standing up for something.

The feeling that I'm upholding a principle gives me energy, motivation, and optimism.

I deserve to live.

I'm not going to let this cancer take my life away from me.

When you decide to stand up and fight against an attacker instead of running away from them, you're energized by the thought that they are in the wrong and you are in the right.

You are standing up for yourself.

as though you yourself were a principle or an idea or a concept that you could defend by means of fists and insults.

People sometimes describe their political enemies as questioning my right to exist, a framing that facilitates the interpretation that in defending myself against those enemies, I am defending a principle, my right to exist.

The problem in each of these cases is that the level of ideas and principles and the level of fists, swords, scalpels, and insults are detached from one another.

The glorification of violence is only possible if we imagine that some principle is at stake and that principle is being upheld by means of violence.

Because blood is being shed, the principle stands to win.

The glorification of violence essentially involves politicization.

The same is true of the glorification of non-violence.

If you think you're upholding some principle, for example, that violence is wrong, by allowing yourself to be assaulted and not fighting back, then you have politicized the philosophical question, is violence ever justified, by projecting it onto this scene.

If you can suffer patiently, your side wins.

As Socrates would say, the only way to actually determine whether violence is justified is to ask the question, is violence justified, and inquire freely into the truth of the matter.

A soldier eager to fight Nazis sees warfare as more than the most expeditious means to prevent future tyrannies.

He wouldn't, for instance, accept an alternative approach that involved rewarding Nazis.

not even if he were assured it wouldn't produce perverse incentives.

Rather, the soldier's goal was, by means of killing Nazis, to defend the principle fascism is wrong.

In order for an action to constitute a defense of this principle, the action must entail hurting Nazis, making them suffer, and above all, ensuring that they experience defeat.

When we speak of fighting for justice, we imagine ourselves not only as preventing future injustices, there are a lot of ways of doing that, to prevent all future injustices by killing everyone, for example, but specifically as defeating injustice using violence or patience, or in the case of some forms of protest, by calling attention to something.

The problem is, that's impossible.

You cannot defeat or disprove or defend an idea using any kind of force but the force of argument.

You might instrumentally be able to take steps towards a more just world by exerting physical or emotional force, and you might imagine as you're doing so that you're fighting injustice, but what you're really doing is pretending to argue.

Notice that even if you could kill enough people to bring it about that nobody held a certain idea, you haven't thereby defeated the idea any more than you defeat the theory that the earth is around by killing everyone who believes it's true.

But what do we say to the person who says, I'm battling injustice, but I'm not trying to fight the ideas.

I'm only trying to stop the spread of the ideas.

So most such people think of themselves as fighting the spread of the noxious idea, which is why they would feel there's a very big difference between the tactics they employ, exposing misinformation, making powerful speeches, shaming those who hold the idea, et cetera. And a hypothetical alternative like releasing a gas that had no other effect than to cause everyone to forget the idea in question.

Using the gas wouldn't carry with it the same passion and glory as their preferred tactics, precisely because the passion and glory come from the conceit that the things they're doing, the powerful speeches, the shaming, and so on, represent an attack on the idea itself.

So the person who sees himself as fighting injustice is engaged in a symbolic contest, even if he doesn't want to admit it.

The reason he may not want to admit it is that the symbolism is not literally true.

Exsanguinating the bodies of people who hold an idea isn't a way of getting at the idea itself, and preventing them from being exsanguinated doesn't preserve the idea.

Killing and saving don't touch ideas.

Only argument does.

An argument is a battle to the death, not between 2 individuals, but between the idea in one and the denial of that idea in the other.

It's like the showdown in a Western.

This town is not big enough for the both of us.

Except in the case of the Western, the claim in question is not ever literally true.

Two people could fit into just about any room, let alone a whole town, but a logical space, big as it is, not big enough for both an idea and its negation.

The demand that only one of the two survive makes sense when located in its natural habitat.

Argument.

Likewise, consider that those who fight, even what they're fighting is a genuinely outrageous injustice, often adopt tactics as brutal as their opponents.

What will win the fight and what is just are not in any way guaranteed to be the same.

But if we transpose the fight to its original home, argument, the corresponding guarantee does in fact obtain.

Although you can win a fight by behaving even more unjustly than your opponents, you can't refute someone by saying things that are even more false than what they say.

Okay, everyone understands that you can't fight, literally fight cancer any more than you can fight a mountain or the color blue.

Yet many are drawn to speaking as though they really could fight racism or anti-Semitism or fascism or inegalitarianism or any other form of injustice.

But notice that although it's imaginable to speak of defeating these evil ideas, it isn't imaginable that they might win.

They can't prove themselves true no matter how many battles anyone wins.

But if that's the case, the same holds for liberalism and justice and so on.

You can't prove them true by fighting.

Nor can you fight for your right to exist because no amount of fighting can bring it about that you have that right. And as Socrates says to Crito just before drinking the hemlock, to express oneself badly is not only faulty as far as the language goes, but does some harm to the soul.

What you're really doing when you say you're fighting injustice is inflicting harms on people and imagining that those harms somehow transfer to the ideas that are your real enemies.

When you think you're fighting injustice, there's something else that you're really trying to do.

That other thing is speak freely.

Okay, now, oh, I forgot to do that slide.

Okay, last part of the talk.

What kind of speech needs to be free? The great American public philosopher John Dewey thought that the answer was everyday speech.

I'm quoting, merely legal guarantees of the civil liberties of free belief, free expression, free assembly are of little avail if in daily life, freedom of communication, the give and take of ideas, facts, experiences is choked by mutual suspicion, by abuse, by fear and hatred.

These things destroy the essential condition of the democratic way of living even more effectually than open coercion.

When governments interfere with the free press and the public dissemination of ideas, they place restrictions on what we as individuals can talk to each other about. And on what kinds of information can flow into our conversations.

It's those conversations that are, first and foremost, the locus of freedom, according to Dewey.

His view is that freedom from government interference is important exactly insofar as it facilitates the free communication between citizens.

I am inclined to believe that the heart and final guarantee of democracy is in free gatherings of neighbors on the street corner to discuss back and forth what is read in uncensored news of the day, and in gatherings of friends in the living rooms of houses and apartments to converse freely with one another.

Intolerance, abuse, calling of names because of differences of opinion about religion or politics or business, as well as because of differences of race, color, wealth, or degree of culture, are treason to the democratic way of life.

It's when the topics, values, and commitments that are central to a person's life become open for discussion and adjudication with others that she can be said to live together with those others in a substantive sense.

I call this way of living with other people free.

Dewey calls it democratic.

Regardless, we agree that barriers to communication stand in the way of politics, which is to say, of living together under a shared idea.

Freedom of speech in this broader democratic sense includes the freedom to communicate with whoever one chooses and the freedom to enact the results of one's communications in self-determination, the right to vote. And yet, for all the emphasis that Dewey places on the key role of being able to converse freely, the role that it plays in democratic living, he doesn't actually explain what it means.

He himself only tells us what free speech isn't, insulting, abusive, or intolerant, and not what it is.

Suppose an idea is going to travel from my mind to yours, and it has to make that journey freely.

What path should it take? The standard answer is persuasion.

Our conversations are free when we're open to persuasion, and our changes of mind are the products of persuasion.

In a free society, people engage in persuasion.

Just a note that this is a chapter drawn from a larger book, and in the chapter I do consider some other contenders besides persuasion.

I talk about the marketplace of ideas and the idea that free speech is a matter of the absence of government interference. And then I'm just going to skip past that for time reasons, because I land on the idea that persuasion is a better contender than either of those, but now I'm going to explain why it still falls short.

Okay, so what is persuasion? Persuasion is a form of unilateral cognitive determination.

When I make you think what I think, I've persuaded you.

If I'm trying to persuade you, then I succeed if you end up thinking what I think. And in all the other scenarios, you leave unpersuaded, you persuade me, I fail.

But persuasion is not the only kind of unilateral cognitive determination.

When someone uses hypnosis or brain surgery or mind-altering pills to manipulate the thoughts of others, that's also unilateral cognitive determination, but it's not persuasion.

We should also distinguish someone who operates by persuasion from an expert.

When we've collectively recognized a set of people as authoritative, and anything they say as knowledge or as close to knowledge as we can hope for, they don't need to persuade us.

They can just tell us because we believe what they say on the strength of their say-so.

We describe ourselves as consulting experts, which is to say we trust their testimony. And when experts communicate among themselves, they don't use persuasion either.

They transfer their knowledge by some accepted process of demonstration or proof.

Experts interact with one another not by persuasion, but by teaching.

Socrates points out that those engaged in politics speak on too many topics to count as experts in any of them.

He also notes that heated political disagreement is a sign that no one is in a position to do any teaching, that there's no standard proof procedure.

So if persuasion is not hypnotic mind control and it's not how experts engage with other experts, which is by teaching, or how experts engage with non-experts, which is by telling, then what is persuasion? So I'm going to read you a speech from the same dialogue that I've been reading you in which Gorgias, the one Socrates was talking to earlier, describes how his persuasive powers give him an advantage in medicine over his brother, the doctor.

> Many a time I've gone with my brother or with other doctors to call on some sick person who refuses to take his medicine or allow the doctor to perform surgery or cauterization on him. And when the doctor failed to persuade him, I succeeded by means of no other craft than oratory. And I maintain, too, that if an orator and a doctor came to any city, anywhere you like, and had to compete in speaking in the assembly or some other gathering over which of them should be appointed doctor, the doctor wouldn't make any showing at all, but the one who had the ability to

speak would be appointed if he so wished. And if he were to compete with any other craftsman, whatever, the orator, more than anyone else, would persuade them that they should appoint him, for there isn't anything that the orator couldn't speak more persuasively about to a gathering than could any other craftsman whatsoever.

That's how great an accomplishment this craft is and the sort of accomplishment it is.

So Gorgias prides himself on being able to move your mind wherever he wants it to go without using any mind control devices and without possessing the relevant expertise.

He does this by means of no other craft than oratory, which is to say the art of persuasion.

But how do you persuade someone of what neither of you knows? You give them the experience of knowing without the reality.

You do this by choosing your message and your audience carefully.

As an orator, you have an eye for those claims that people were antecedently inclined to tell themselves they know and a knack for inducing in others the illusion of knowledge.

A persuader leverages the general human inclination to tell ourselves that we know things that we don't know.

Socrates calls this flattery.

He says the orator is skilled at flattery and therefore unfree.

Someone constrained to flatter his audience is not at liberty to speak the truth.

Someone bent on persuasion has to tell people what in some sense they want to hear.

Okay, so if persuasion is not the answer to what makes speech free, could it be debate? Debate might at first appear to be an improvement over persuasion.

It offers up a platform to both sides instead of only to one, acknowledging the reality of the disagreement.

But Socrates does not believe in debate, and he refuses to participate in it.

In the Gorgias, he explains why.

Debate politicizes argument.

At one point, Socrates' interlocutor, at this point it's a guy named Polus, insists that Socrates has already been proven wrong, been refuted, which is to say lost to the debate between them, because he adopted an unpopular position.

Don't you think this is Polus? Don't you think you've been refuted already, Socrates, when you're saying things the likes of which no human being would maintain? Just ask any one of these people.

They're in a larger group.

Socrates' objects that Polis is treating their conversation as though it were a debate in which one side thinks it's refuting the other when it produces many reputable witnesses on behalf of the arguments it presents, while the person who asserts the opposite produces only one witness or none at all.

This refutation is worthless as far as the truth is concerned, for it might happen sometimes that an individual is brought down by the false testimony of many reputable people.

So Socrates is not willing to give in to polis on the basis of how many votes polis can ring from the audience.

Debate always works that way.

It's always a matter of convincing a third party.

The third party might be the judge of the debate tournament, the jury in a court case, the members of the Athenian assembly, the voters in a presidential debate, or the general public.

Debate maps the project of determining which idea is true onto a contest between the debaters.

More specifically, it becomes a contest between the persuasive powers of the debaters.

Adding another persuader doesn't change the fact that each remains tasked with fostering an illusion of knowledge.

The debate format simply adds the twist of allowing the persuaders to compete over who's better at that sort of flattery.

If the audience of ordinary persuasion asks themselves, is this person making me feel like I know something? The audience of a debate asks themselves, which of these people is better at making me feel like I know something? Polus thinks he's refuted Socrates, even though Socrates is unpersuaded.

Socrates, by contrast, insists the truth is never refuted.

In the real kind of arguing Socrates is interested in, the truth can never lose.

It's only in the gamified version of refutation in which Polus wants to engage, the version where you win by persuading people, that someone who is saying true things can nonetheless lose.

Socrates refuses to play this game, Contrasting himself with Gorgias and Polus, he denies that he's in the persuasion business. And he also denies that he possesses the art of speaking well, and he insists that he's never been anyone's teacher.

So what is Socrates doing? Well, in the Gorgias, Socrates suggests that he and Polus ignore the audience and turn towards each other.

Though I'm only one person, I don't agree with you.

don't compel me.

Instead, you produce many false witnesses against me and try to banish me from my property, the truth.

For my part, if I don't produce you as a single witness to agree with what I'm saying, then I suppose I've achieved nothing worth mentioning concerning the things that we've been discussing. And I suppose you haven't either, unless you disregard all these people and bring me, though I'm only one person, to testify on your side. Okay.

How is what Socrates wants to do with Polus, bringing him around to testify on Socrates' side, different from persuasion? So I said above that if I'm trying to persuade

you, then I succeed if you end up thinking what I think, and in all the other scenarios, you leave unpersuaded, you persuade me, then I fail.

So to repeat, I view the prospect of your persuading me as a failure, and I try to avoid it.

But if you think about our encounter from a God's eye view, that goal doesn't make any sense.

Either way, exactly one person is changing their mind. And since I can't know which of us is right, if I had knowledge, I'd be teaching instead of persuading, then I can't know which of the two of us that should be.

So Socrates held that instead of aiming to persuade, you should aim to persuade or be persuaded.

That's why he says he wouldn't be any less pleased to be refuted than to refute.

Notice, if I'm no less pleased to be refuted, I won't use any rhetorical tricks on you.

I'll only ever give you the arguments that would seem good to me as well.

I don't want you to be convinced on any other grounds than the grounds that convince me, and indeed I want to make it as easy as possible for you to unconvince me.

When I treat you like this, then I treat you as though the truth were your property.

Persuade or be persuaded means that you regard your interlocutor's claim on the truth as being sufficient to structure your interaction with them, even when you think that what they're saying is false.

To say that the truth is their property is not, of course, to say they believe the truth, because given that you're arguing with them, you think they don't, but that they deserve it.

The truth is their birthright in the same sense in which the status of full citizenship is the birthright of every baby born in a country.

You see them as a truth seeker, even though you disagree with them, and you see them only in that way.

So when viewed from the outside, a conversation is a world within the larger world we all inhabit.

The conversation is embedded both in the longer narrative of the participants' lives and in the wider social environment that contains many other people besides the ones currently talking.

There are a variety of ways in which that outer world can become salient during the conversation.

You could think about how people might make fun of you if they heard what you said inside this conversation, or how they might misinterpret you or experience what you're saying as hurtful and go on to decide that they no longer want to associate with you.

When Callicles says in the Gorgias that Polus and Gorgias, Socrates' other interlocutors, were restrained by shame from telling Socrates what they really thought,

he's describing them as speaking with one eye on the audience of the world outside the world of the conversation.

Another way to bring the outer world to bear on the conversation is that you could care about the causal upshot of creating conviction in your interlocutor and all the harms that could be prevented if they were brought around to the truth.

When we speak of certain kinds of ideas as dangerous or scary, we're referring to the impact of those ideas on the world outside the world.

Inside the world of a conversation, the only danger any idea can present is falsity.

When Socrates insists that neither he nor Polus counts as achieving anything worth mentioning concerning the ideas you're discussing, unless, except with reference to each other, he's proposing that the two of them are in a closed system.

When you say to someone, let's allow our interaction to be structured only by our respective claims on the truth, You're proposing a rule for the world within the world.

In the outer world, there are many possible things your words could do or bring about.

Every attempt to persuade, again, by contrast with the Socratic rule, persuade or be persuaded, every attempt to persuade refers to something in that outer world.

When you want to persuade someone, it's because unilaterally determining their belief stands to secure safety or honor or wealth.

In the inner world of persuader be persuaded, there is only one thing you aim for.

You are calling for a vote from one person alone.

This is the kind of conversation by which questions of justice and injustice can be not thought over, but adjudicated.

Such a conversation is free precisely because it is detached from outer consequences, free to be guided by its own internal principle, namely the truth.

Recall Socrates telling Gorgias, I want to allow you to work out your assumption any way you want to.

Socrates wants Gorgias to be able to speak freely.

He's saying, I view the truth as your property.

Someone with knowledge, someone who has knowledge, okay, an expert, can claim the truth as their property irrespectively of how anyone else behaved towards them.

But the same does not hold for someone without knowledge, which is us.

If the ignorant person speaks, what she says may not be true, even though she believes that it is.

An ignorant person has at most an aspirational claim on the truth.

She can speak with a view to the truth, so long as someone is bent on refuting her and on constraining what she says in no other way.

It's by way of this kind of recognition that she acquires the power to speak freely.

So freedom of speech is simply the freedom to speak truly.

Socrates' great insight was to notice that this freedom is not under ordinary circumstances available to us.

More specifically, it is not available to me whenever I determine in advance that I must be the one who does the persuading.

It's when each of us regards the other's claim on the truth as sufficient to structure our interaction that we have the freedom to speak.

Okay, conclusion.

So Socrates is located the original home of the conflicts that divide us from one another. And his sort of discovery is that we can address those conflicts directly, non-symbolically.

Because suppose I attack you on the basis of an idea that you have, setting up some kind of duel or contest between us in which one of us will be the winner.

If I win, nonetheless, the idea in you may remain intact.

Even if I kill you, others may take up the idea on your behalf.

This is exactly what Socrates thinks is going to happen to philosophy after Athens puts him to death.

He warns the jurors that you cannot kill philosophy by killing Socrates.

You are wrong if you believe that by killing people, you will prevent anyone from reproaching you for not living in the right way, he says.

If we compare the Socratic approach with current conventional wisdom, we find that he inverts the relative importance of cancel culture and politicization.

In the Gorgias and elsewhere, Socrates got warned that if he keeps doing what he's doing, he's going to end up pretty decisively canceled by the city of Athens.

Socrates was unmoved.

Threats of cancellation did not have a chilling effect on his speech.

They did not induce self-censorship or ideological conformity in him.

Why not? if the unexamined life is not worth living for a human being, then the examined life that risks death, poverty, or ostracism is to be preferred over an unexamined life of comfort and security.

That's why Socrates was not very sensitive to the prospect of cancellation.

But as we've seen throughout this dialogue and his interactions with his interlocutor, he was very sensitive to even the slightest whiff of politicization.

He was quick to withdraw from any conversation that threatened to devolve into a symbolic battle.

I think nowadays the concern with politicization tends to be derivative.

It's seen as bad insofar as it conduces to a cancel culture in which people end up punished or threatened with punishments for saying the wrong things.

Those punishments or threats are figured as the danger needing to be addressed.

We think it's bad if people are punished for their ideas.

That's why we think cancel culture is bad.

Sorry, these slides were in the wrong order.

But Socrates, about the other thing.

He saw politicization itself as the far greater danger because it directly restrained his freedom to speak.

That's the end.

Thank you.

Franco's Reply

Radar Malik: Okay, thank you.

The first commentator is Franco Cerino.

Franco is a professor of philosophy at the University of Oslo, specializing in ancient philosophy, especially Plato and Neo-Aristotelian virtue ethics.

He has a book coming out very soon on Plato, on tragedy and comedy.

Please.

Franco: Am I on? All right. Okay.

I would like to begin by thanking Professor Collard for her paper and for giving me the opportunity to think about these interesting and important issues with her.

I found much to agree with in her remarks, but there are a number of things I found myself resisting.

In the time allotted to me, I will be focusing on the places where I think her analysis may be off the mark.

I do this not out of any desire to win or to fight or to engage in a battle, but because I think that Formulating criticisms and objections is the best way to come to a clearer and better understanding.

This is in the spirit of the model or ideal of discussion that she herself sketches, and I'm open to the possibility that my criticisms are misguided or based on a faulty understanding of her view, though I'm still not sure that I would characterize my attitude to our interaction here as persuade or be persuaded, and more on that in a bit.

Professor Callard reaches back to ancient philosophy, in particular to Plato's portrayal of Socrates' conversations, in order to diagnose and to propose an alternative or solution to some very modern problems we have with political disagreements and freedom of speech.

When we think of social media mobs, cancel culture, virtue signaling, polarization, conspiracy theories, we immediately recognize phenomena that hook up with deeply held political views and stand in the way of constructive, truth-oriented debate, not to mention that foster mutual distrust and aggression.

Inspired by Socrates, Killard diagnoses the problem as being one of politicization, which he defines as the displacement of a disagreement from the context of argumentation into a zero-sum context where if one party wins, the other loses.

The zero-sum contest is a stand-in, something that is only symbolically related to something that is more fundamental, this disagreement about what is true.

That disagreement can only be decided in the tribunal of rational arguments.

To avoid politicizing, which can never settle anything, she counsels that we follow Socrates' attitude in being pleased to be refuted no less than to refute by entering into such disagreements with the aim of persuading or being persuaded.

Disputants with this attitude are benefited both by winning the argument, in the sense of persuading, and by losing the argument, in the sense of being persuaded.

There are no winners and losers because everybody wins when we come to the truth.

If I understand Khaled correctly, it is only in this way, with these attitudes, that our conversations can be truly free. Okay.

I want to begin by examining her understanding of politicizing.

A key worry that I have concerns whether the analysis of politicizing puts too much weight on the theoretical dimension of truth-seeking and disagreements, rendering practical, deliberative concerns only symbolically related to this more basic intellectual dimension.

My suspicion is that things are more often the other way around.

We are first and foremost motivated by practical concerns about how to be happy and how to live together. And the academic debates about, for example, the relationship between biology and gender, while relevant, are not the primary fundamental or basic concern.

In drawing this distinction between what we might call practical rationality and theoretical rationality, I'm drawing here on Aristotle.

where practical rationality generates an action, tells us what to do, and theoretical rationality tells us what's true or what to believe.

I would like to illustrate this, my point here, by comparing two ways of thinking about the debate concerning the use of bathrooms.

On her view, it seems like what we start with, or what's basic or fundamental, are these theoretical views about the relationship between biology and gender, from which, for example, opposition to unisex bathrooms is downstream, and to which it is symbolically related.

So the symbol is bathrooms, and the thing that it's a symbol for is the relationship between biology and gender.

On her account, we politicize the real dispute, what is gender, by connecting it to a zero-sum dispute about who is going to be using which bathrooms.

Here's an alternative way of thinking about this.

Opposition to unisex bathrooms is much more likely to be grounded in fear or disgust or bewilderment or prejudice about the prospect of meeting someone 1 judges to be of the opposite gender in the bathroom.

This primarily practical concern is, of course, bound up with questions of who really counts as being of what gender.

But I doubt that people, generally speaking, have reflective theoretical views on these matters that they care deeply about.

I suspect that people have conventional, non-theoretical views and search for theoretical views that support what they already believe or feel.

Now, this is by no means to demean or undermine the importance of philosophical accounts of gender or the relationship between gender and biology.

They are important, but I don't think that they're what most people engage in the bathroom debate really care about, of which the bathroom's issue is only a politicized symbol.

So I think it gets the analysis wrong.

One might be able to see this point from another direction.

Let's imagine, entirely for the sake of argument, that the theoretical debate about biology and gender has been decisively settled.

We have experts who have settled this debate, and they say that the so-called conservative position on gender is vindicated.

Let's just imagine this for the sake of argument.

This would entail nothing about the use of pronouns or bathrooms.

In fact, one can still argue that it's best overall to call people whatever they want and only have unisex bathrooms.

This could be justified using principles of respect or justice or inclusion or tolerance or by merely pragmatic concerns that don't really have any relationship to larger theoretical concerns.

The point is that the issue is not necessarily determined by the theoretical question.

Even having settled that question, we still have to decide what to do and how to live.

One of the most thought-provoking and interesting claims in Calert's paper is the claim that it is impossible to fight injustice.

On her view, all such fights are only symbolically related to the more fundamental dispute about the ideas and their truth.

In her words, the fight represents an argument that we are not having.

I think there's something off about this way of thinking about both fights and injustice, and as above, I think she gives too much weight to the theoretical and too little to the practical.

Of course, it sometimes happens that threats or physical fights devolve from primarily intellectual disagreements.

The famous story of Wittgenstein threatening Karl Popper with a hot poker comes to mind.

But these are hardly the main kinds of cases. And these are not the way, doesn't strike me to be the right way to think about injustice.

Injustice identifies, I would say, an action or a situation or a relation in which someone suffers a certain kind of harm.

I think we're perfectly capable of identifying these unjust acts and situations and perfectly capable of attempting to resist and fight them in a quite straightforward, non-symbolic way, even as is sometimes necessary with our fists.

If we think of injustice and justice as merely ideas, as Callard suggests, then I agree that it makes no sense to use fists or protests or whatever. And it's also true that once

you attempt to explain why a certain act or situation or whatever is unjust, this will require you saying something about what justice is or what injustice is.

That is to say, you will need to foray into the realm of ideas.

But this is a far cry from saying that the real world disputes about injustice really are about these ideas or definitions.

To take a straightforward case of injustice, Someone attacks me in a robbery attempt, can I fight back? Yes, I can.

I don't need to sort of have a think about first whether violence is justified.

I don't need, I think, to ask the question, is violence justified and inquire freely into the truth of the matter.

In fighting the assailant, I think, I'm in a straightforward way, fighting injustice.

Further, if, again, this is an absurd idea, but if I were to engage my assailant in a discussion ahead of time, if I could stop my robber and say, hang on a second, let's have a discussion about whether robbery is unjust, I think that the assailant might in the end agree with me.

Yes, it's unjust, he might say.

Now hand over your wallet.

Of course, many cases of injustice or alleged injustice are much less straightforward than this, and these are the interesting cases.

So let's take the case of racism as a form of injustice.

According to Kellard's analysis, those who think of themselves as fighting racist injustice are making a mistake because their actions can never defeat or disprove the idea, that's a quote, and can be described as a way of pretending to argue.

My problem with this way of characterizing racism is that I don't quite agree with the location of the racism.

Where is the racism? On the account where given it seems to be that it's in people's heads, in the ideas.

I want to say that it's out there in the real world.

Racism is in the social structures and cultural practices by which people are discriminated against, held down, and denied what they have a right to.

This is a kind of injustice that we can fight against, resist, and even hopefully overcome.

Some of these social structures are animated by racist ideology, explicitly racist ideology.

But a lot of recent work has been done on what is called structural racism by, for example, Iris Young and Sally Haslinger.

According to these theories, they're unjust racist cultural practices and power structures that need not have any direct connection to openly racist ideas.

According to such accounts, racism is rather embedded in institutions and systematically upheld by, quote, well-meaning people in ordinary interactions.

So sometimes unjust structures can be remnants of ideas that people don't have anymore.

Go ahead and refute the idea.

It won't make a difference.

So I want to end by briefly reflecting on Callard's proposed solution to our modern situation, namely to adopt or adapt Socrates' attitude and enter into discussions with the aim of persuading or being persuaded.

I don't have time to go into any detail here, so I'll just raise 2 worries that I have.

First of all, there are a number of interlocutors that I would find it both impossible and even undesirable to converse with, even with partly the aim of being persuaded.

So flat-earthers, evolution deniers on the one hand, racists and sexists on the other.

I'm simply not open to being persuaded that the Earth is flat, or that aliens created humans, or that white people are superior to non-white people, or that men are superior to women.

Yet, this seems to violate the principle.

I might be open to talking to such people, but I'm not open to being persuaded.

I'm wondering why that's a mistake.

Second, the frame of persuade or be persuaded seems to make even the intellectual dispute about whether some individual claim P is true or false, with no middle ground. And this, I think, seems to miss out on the way that discussions actually make progress.

To illustrate, let's go to Plato's Protagoras.

So Socrates has been trying to convince Callicles, he's the guy who breaks in at some point and says, Socrates, are you for real? He's been trying to convince Callicles that rhetoric is a form of flattery that aims to gratify its audience to gain favor with them. And Callicles says at some point, this issue you're asking about isn't just a simple one, for there are those who say what they do because they do care for the citizens, and there are also those like the ones you're talking about.

In response, Socrates concedes that rhetoric has two parts, one that exercises care, and the other that is a form of flattery.

This looks like the kind of progress and compromise one wants in a dispute.

But what's happened here doesn't look to me at any rate like Socrates has been persuaded of some claim.

What has happened is that he's accommodated Callicles' point so that they can make progress in coming closer to finding common ground and then maybe eventually the truth.

The point is that we cannot make progress if we are stuck with only the proposals that are already on the table, with P and not P. And I think this way of thinking about disagreement is more about context, nuance, compromise, and qualification. And it is this that I find that's missing when everyone is either an ally or an enemy, either with us or against us.

Thank you.

Scharulf's Reply

Radar Malik: Our second commentator is Anine Scharulf.

She's an associate professor at the Department of Public Law, the University of Oslo.

She's an expert on free speech, constitutional law, and human rights. And she recently headed a Norwegian public survey into the freedom of speech in an academic context.

Scharulf: Save that for later.

You never know what comes out of this.

Thank you, and thank you, Agnes Kellard, for a wonderful lecture, and to you, Franco Dravigno, for a good comment as well.

This lecture really casts some light on contemporary debates, I think, on free speech about cancellation culture, obviously.

You concluded with the claim that the reason we think cancel culture is bad is that it leads to people being punished for their ideas.

Then you also explained that cancellation culture is but a derivative sort of a root cause that derails free speech.

which at least as Socrates sees it, namely politicization.

Is that a fair understanding? Okay, good. And you define politicization as the displacement of a disagreement from the context of argumentation into a zero-sum context, where if one party wins, the other loses.

It converts a question, which of two positions is correct, into a competition between two parties. And I like that definition very much.

I think it's very describing of a lot that's going on.

Now, certainly, this is a displacement if seen from a philosophical, and as it should be at least, all academic perspectives.

But I was wondering if seeing disagreement over questions precisely as a competition about who wins isn't really a very widespread understanding of what the debate is.

It brought me to think about there's a debate leader in Norwegian broadcast called who just came out with a book, and it's called Win the Discussion.

It's all about how to walk out victoriously out of everyday discussions.

So that's really sort of a widespread conception, I think.

I'll come back to this and to the politicization.

But first, just briefly on this comment, how it's structured, I'll start about saying something about the ideas underlying legal free speech protection and on what we protect speech from, which is government interference, obviously, but also something else.

I'll get back to that relation between politicization and cancel culture. And then I'm just going to try and reflect openly on why we're doing this politicization and gamification or whatever else we call it.

So I'm a lawyer.

I'm usually at the university.

This year I'm a judge, so I have, at least up until today, had some sort of hope that it is indeed possible to some extent to fight injustice.

But I'm ready, open for new perspectives here.

I'll stick to the free speech part of your lecture.

I usually start my own lectures on the legal basis and limits of free speech by explaining that legal limitations on free speech hardly affects any of us.

Most of us are not defaming other people.

We're not threatening them.

We're not divulging private information into the public.

So these kinds of legal limits are way out there, and we have this huge room for free expressions within that room.

So 95% of what limits our free speech in practice are other kinds of norms, I think.

Social, societal, fear of looking stupid, being ostracized, concern.

A lot of concern for ourselves, but also a lot of concern for others.

We try to be sort of decent human beings towards others.

That may drive us to self-censor and even to lie to people.

Even to those nearest to us, if your girlfriend asks you if she looks fat in that new dress, you may say no, even though you think she does.

So there are all sorts of things sort of guiding our speech in practice.

Now, the relation of law to philosophy, I was trying to find the connection there, and it's sometimes hard because law is very under-theorized as compared to philosophy.

But absent the grasp of sort of the ideas underlying legal rules, it's really hard to practice them. And that's particularly true in the field of free speech. And you engaged in at least with two of the sort of legal reasons for protecting free speech in your lecture, namely the search for truth, and also the argument from democracy. And this is not going to be a legal lecture, but I thought I'd just refer briefly to the Norwegian constitution.

So we had free speech in the Norwegian constitution since 1814.

But it was sort of refurbished in 2000, 2004, it became enacted, a new free speech protection. And in that article, it sets out the justifications for free speech in the actual article. And so it's now, the construction is now that if you are to restrict free speech, You cannot do so absent a fundamental law, obviously, just sort of a legal requirement there.

But also that law cannot restrict free speech to the undue detriment of those three reasons that it lists.

So that's sort of, as a lawyer, you need to be aware of what those reasons are and understand them to be able to practice the law there. And the first one is the search for truth.

So that sort of roughly 1,000,000 idea of people being fallible, and therefore you have to sort of open up the public sphere for a free exchange of ideas, because that's the best way of getting rid of the bad ones and lifting up the better ones. And the

second one, democracy, it's impossible to imagine free will of the people communicated without significant insights in what's going on in society, and also the possibility to speak and criticize everything that's going on around you. And the third reason, I believe, is much more important philosophically than legally.

It's really giving an attraction in legal arguments.

It's the argument from personal autonomy.

So freedom of speech, not as an instrument for gaining some other good, but as a good in itself, or some inherently human trait or even condition. And I suppose that's part of what Socrates means when he holds that the unexamined life is not worth living.

This you would know.

I'm less.

I was talking about what we protect free speech against legally, and traditionally, obviously, that's against government interference.

So that's the classic way, but as your quote from Dewey, enlightens very well, I think, is that doesn't really help much because what distracts us is everything else. And that's an observation I think that Tocqueville makes in describing democracy in America as well, is that they have all this fine legal protection for free speech.

It doesn't help at all.

You're not able to say anything that goes out of sort of that spectrum of allowed ideas in the public. And I think sort of the realization, the knowledge that people do this to each other all the time is one of the reasons why it's important that free speech is protected so strongly, legally.

Because we know that people socially are going to sanction each other in all sorts of ways.

So you need to have the state to have your back, at least protect you against threats or threats of violence or riots or heckler's veto or whatever else going on that sort of stops you from talking. And there's another point from sort of the legal perspective that I've been interested in.

We don't protect freedom of speech because we think that as soon as we have free speech, we will achieve democracy, truth, and personal autonomy.

We protect free speech because it's very hard to think how we can achieve any of those things at all without that free speech.

We know that there are tons of destructive, stupid, venomous whatever speech that's going on out there.

But we're willing to take the risk that that's going on, because thinking free speech away makes it very hard to see how we could otherwise reach democracy, truth, and personal autonomy.

Now, I was wondering, when you talk about cancellation culture as sort of a derivative of politicization, I was wondering if it is a difference in degree or if it's a difference in kind.

I see the sort of the gamification that you explain as at least recognizing that there's a game with some form of norms. And one of those norms is that you need to at least to be seen as arguing to win.

right? So there's sort of an acceptance that the really only acceptable means is argumentation, and obviously you can corrupt that argumentation in all sorts of ways, which you explain very well.

But at least then you think that having ideas out there is fine, because you will be able to persuade or manipulate or whatever else the other citizens into believing what you think is right.

Whereas with cancellation, I think you sort of trip over the game board just before you start it even, because then you will say that some voices or some arguments are too dangerous for your fellow citizens to encounter.

You don't trust that they have the ability to evaluate them in a way that don't just have them believe totally false things or whatever you think is false.

So it's a way of taking some voices out of the debate. And I think that's kind of a fundamentally different thing than trying to manipulate it, as you said first.

I totally lost track of time.

Where am I in time? One minute, 2 minutes? Three, 4 minutes. Okay.

So I was wondering, why we get into all this gamification? Why do we derail from sort of the good free speech all the time? And I'm wondering, I tried to be catchy there, the frame here is, it's the humanity, stupid.

So the crooked timber of which makes it hard to get anything straight.

In general, we mess up all sorts of things all the time.

I mean, we try to do the best sometimes, but we do mess up and do all sorts of other things, which is not rational, which is not ideal, which is everything else than that.

So I don't subscribe to some sort of Hobbesian state of nature where everyone is evil or egoistic or just interested in themselves.

But I think there are just so many irrational driving forces in us that makes it hard to pursue those kinds of ideals, even though we try. And all these sort of biases and things that drive us in all sorts of other directions.

Like we think we are very fair ourselves, but that everyone else is very unfair in their arguing, and we sort of, it's hard to see how we contribute to this ourselves. And I agree that Socrates offers a way of avoiding those kinds of pathologies, if you will.

The only thing is you need to have people read and understand the Paul of Socrates, which you do a great deal for having them do that. And how do you do that otherwise? Well, you root people through Examen Philosophicum, obviously, and offer them great lectures like this.

But even university graduates tend to regress or lapse into more gamified or politicized or whatever modes of debate in which the point is to win the debate much more than to further scientific exploration and understanding all the time. And Indeed, academia sometimes is one of the least proud examples, I think, precisely because we

are so well-trained and so well-positioned to avoid that and still do it, which is kind of sad.

From a legal perspective, just a minute there at the end, I've also thought of a development that's not really legal, but all sorts of, well, it's legal as well, but it's sort of the decoupling of freedom from responsibility from a legal perspective. And So we have a huge room for speech legally, free from state interference, but precisely that leaves us to manage it responsibly for ourselves. And we need to sort of reconnect with the duties corresponding to that freedom. And I looked up the European Convention on Human Rights, Freedom of Speech Protection, and it actually has in its second paragraph, the formulation, the exercise of these freedoms, since it carries with it duties for responsibilities, may be subject to such blah, blah, blah.

So it's a reconnect to that, the responsible side of using those freedoms. And I think that's gotten entirely out of fashion for some reason. And I think that's just on the legal level, but that feeds into the societal level of thinking about how we use those rights as well. And the only way I've found to make people reflect upon that is to have them reflect upon it when what they think of as free speech comes to bite them in the back.

When it is their arguments being ridiculed or when the debates existential to them are gamified or politicized, then first does it become clear that free speech as claimed is not very free and certainly not conducive to any actual free exchanges of ideas.

no matter what the aim of that exchange is.

Thank you.

Agnes's Reply to the Replies

Radar Malik: Well, thank you so much to our speaker and commentators who I now call upon to take a seat here.

We've now come to the discussion.

There will be an opportunity first for Agnes to answer to her commentators, and then there will be questions and answers from the audience.

So please. Okay.

Agnes: Thank you so much.

Those were fantastic comments, and I wish I could talk for an hour now, but I can't.

So I'm going to pick up a few things from each person, and that's you.

I invite you also to follow up on some of these strands that I leave behind. Okay.

Bathrooms.

Is it really being driven by fear and disgust? Certainly there's fear and disgust.

We could think of another case.

We could think of, you know, norms around homosexuality, where a lot of the kind of practices, let's say in my youth, we would say we're driven by fear and disgust.

But what happened to all that fear and disgust? I think what happened is that there was a societal-level conversation in which a certain question, namely, what are the forms of human sexuality, got, at least in many contexts, resolved in a certain way? I'm sure there's people who still feel some fear and disgust, but that fear and disgust isn't sanctioned, as it doesn't have the kind of backdrop or the force of political position, and it's because it's not perceived as somehow indicating some right or correct view.

I'll give you another totally tangential example.

I have a fear of revolving doors.

it really scares me to go on a revolving door.

If there's ever an alternative door besides a revolving door, I always take the alternative instead, right? But I don't start a political movement like there must always be the alternative door.

Maybe I could if there were a bunch of people, and if we were somehow to say that we were being disrespected because maybe we have a disability or whatever, and that being forced to use the revolving door as a form of respect towards us, that's when it would start to have that kind of force or that kind of push.

But just the fear alone over the revolving door is not enough.

So I don't think it's merely fear and disgust.

It's the fact that this fear and disgust is embedded in a dispute. And I think the dispute is about the nature of gender.

I think we're confused about it.

We don't know what to think about it, just as we were a bit confused and didn't know what to think about the nature of sexuality not so long ago.

We're still confused in many ways.

So I don't think that these disputes are merely theoretical.

There are disputes about how to live.

That is, we genuinely don't know how to live.

So they're practical.

But they are questions that we have to resolve for ourselves if we're going to live rightly. And the way that you figure out the answer to a question is by asking it.

Okay, let me take up two more points from Franco.

So one of them is about, you know, he says, can I fight back if I'm being robbed? So I'm not denying that you can hold on to your property or maybe inflict some harm on the robber to get your property back.

You certainly can do that.

The question is, what are you doing when you find a way to hold on to your property? And I think there are two ways we might frame that, right? One is like, I make sure I keep my money.

The other is, I'm somehow standing up for myself and proving a point. And I think if you were standing up for an idea, proving your point, showing something, then it would have to be like someone you were showing it to.

Who? This person who doesn't think you've shown it to them? Or certainly doesn't think you've shown it by means of holding on to this stuff.

So what I think you have there with the I'm standing up for myself or I'm proving a point is a glorification of something.

That is, you're treating the fact that you hold on to your stuff as being more noble, as saying something better about you than it in fact does.

You manage to hold on to your stuff when someone else wants to take it away from you, great.

There's another question, who is right or wrong in this dispute? And I think, you know, if we frame it as, look, they're robbing me, then we've pre-decided it.

But contra-Franco, I think actually often we really don't know who is doing injustice.

It's often really quite hard to figure out which party is, I mean, when it's me, I'm always just, is how I tend to feel, right? So it's not always obvious who is doing injustice. And that person might think, no, they ought to have the stuff that is your stuff.

You call them a robber, they say, no, that's mine. And the question is, how do we adjudicate it? And holding on to the stuff doesn't adjudicate anything in relation to the dispute.

Whose stuff is this? I'm going to maybe, I'm going to say one last thing about systemic racism.

So let's just imagine that there was systemic sexism in this room, which is that long, ago, let's imagine that this room was built long, ago when there's lots of sexism, and let's say they deliberately made the doors too heavy for women to open, okay? So they're heavier doors and the women struggle to open them because they wanted to keep the women out. And let's say nowadays, not everyone's egalitarian, there's no sexism, we're assuming everyone's heads are all clear and straight, but it's still hard for the women to get in. And nobody's noticed this, so maybe fewer women come into this room.

That's like an example of systemic sexism in that there are no false attitudes, there's nothing wrong in anyone's head, there's just a door that's too heavy because somebody made a mistake a long time ago. And there may be structural things like that in our society, like the appendix, vestigial, things that are reflections of old mistakes.

I definitely think that we can and should change those things.

But that's not fighting injustice or fighting racism or fighting sexism.

Because we've already done it.

The attitudes are all kosher.

We can just improve the condition for the women who can't get into the room.

What we're doing there is not any different than if the door had simply accidentally been too heavy, right, and we fixed it.

So again, it's like the robbery case.

I think you can hold on to your stuff, you can make the door lighter, but you're not doing anything about racism or sexism in that case, or proving who has the property.

Okay, now let me say something about, I thought that this question about is politicization or cancel culture more dangerous? Because in politicization, there still is the illusion or appearance of an argument.

I think that's right.

It's a really good insight.

Politicization in some way, it relies on the being a kind of mirror image or, let's say, image, bad image, distorted image of the good thing. And so it has to retain some properties of it.

has to look a little bit like you're arguing and you're pursuing the truth.

And, you know, isn't that better than if we try to shut certain voices out of the debate? So I guess I think that the truth is that many, many ideas are shut out of every conversation, because we don't think about them, for example.

Like there's many great ideas we don't think of.

They're canceled, right? And so I think the question like, how bad is cancellation? It's almost like, well, how good are the ideas that are being canceled? But most ideas, most of the time, are canceled anyways. And so I think, at least the Socratic point of view, is let's focus on the ones that we have, and let's try to use those to pursue the truth, If we can sort of truthfully work with whatever ideas we have, then we can get somewhere and we can come upon the ones that were shut out for whatever reason.

The thing that's sort of funny about that case is like, well, whatever it was that pushed us to cancel is going to cause politicization, right? It's not going to let us straightforwardly arrive at the canceled idea. And so the thing that's keeping the canceled idea canceled, the thing that's holding it in place, That's really going to be explained by the politicization.

It's going to, and so you're going to come back against it.

So I still think it's the politicization that is the sort of the fundamental mechanism there.

Otherwise, it would just be one among many views that are not on the table.

Okay, one last thing, which is sort of why do we do this? Why do we politicize? Why do we gamify? The Socratic answer is just that we're ignorant. And the reason we're ignorant We do it when we're ignorant of stuff. And the reason we're ignorant is that those are just really hard problems that we haven't figured out yet. And so we're just really, really, really far from having knowledge, but we can't take the fact that we don't know such important things that we need to know in order to live our lives well, because that means we're living our lives badly, which we are, because we don't have the relevant knowledge. And so it's really a, and I think you're right, that academics do it just as much as everybody else.

That is, we It's really hard to accept that you could not know very fundamental, very important things to your life. And if you want to know, okay, but how are we ever going to solve this? I think, well, at the very least, getting a really clear picture of what the bad thing is and why it's bad and why it is to be avoided, that's the start,

right? Because I mean, I guess as a philosopher, my most basic premise is if we knew what we were trying to do, we would do it better.

If we saw the target, we could have more chance of hitting it, right? So I think that even just having a clear label for what is the thing that we're doing wrong helps us to recognize it when we're doing it, helps us to recognize when other people are doing it.

But I think it's really right that The temptation to do this is a really powerful one because we really want to think that we actually know stuff on these questions.

Oh, I'm going to say one, I want to say one thing about the people that you're not open to being persuaded by, the flat earthers and the racists.

So, because I think that sort of relates here.

So, you know, this talk was not saying that you should try to speak freely with everyone.

It's just saying what free speech is, right? And maybe the end of the day is you can't speak freely with everyone.

In fact, Socrates is very open to the thought he can't speak freely with Gorgias.

If Gorgias is going to turn this into a battle, then Socrates can't speak freely with him. And that might happen with the free speechers, sorry, with the flat earthers and the racists, right? They might politicize the conversation.

Suppose they were not going to politicize the conversation.

Suppose they were really open to hearing your argument.

Well, then you're in one of two situations.

One is you have knowledge.

That is, you actually know You actually know that the earth is round, and you have a justification for thinking that.

Or that racism is false, and you have a reasoned justification for thinking that.

In which case, you can just teach it to them.

You can just explain, right? You don't actually need to be persuaded at all if you have knowledge.

You just teach it.

But what if you don't have knowledge, and you kind of know you don't, but you really think that this is something you're supposed to know, what kind of a person are you if you don't have knowledge that the earth is round or that racism is wrong? If that's not something you can claim to know, how ashamed should you be of yourself if you don't even know those two things, right? So I think that's a big part of I'm not going to talk to those people because I have to insist that I have this knowledge, but I'm also kind of aware that I don't have it and I couldn't teach it to these people. And that right there is almost like the mechanism of politicization, right? It's this move to be like, look, I know this.

I mean, I don't actually, can't actually teach it.

I don't actually have reasons, but I know it, right? It's kind of foot-stopping, I know. And it's sort of closing myself off from the encounter in which I might learn, for

instance, that I don't have a great argument for it, that I don't know it as well as I thought I did.

Okay, let me stop there and you guys turn to ask questions.

Agnes Callard
What is Free Speech?
14 Jan 2025

Faculty of Humanities, University of Oslo (Det humanistiske fakultet UiO).
<www.youtube.com/watch?v=sdOKt1j3WpY>