

THE
MILTON
FRIEDMAN
PRIZE FOR
ADVANCING LIBERTY



Fleming Rose

What an honor to receive an award that is named after Milton Friedman. Friedman's classic books *Capitalism and Freedom* and *Free to Choose* helped me understand the connection between free markets and free societies, an insight that was crucial in grasping the nature of Communist dictatorships that I covered for many years as a journalist.

I want to thank the award committee, friends, colleagues, and allies around the world who have supported me in defending freedom of expression. Some of them are here tonight. Some of them couldn't be here. One of them is my friend and free speech ally, Christopher Hitchens, who didn't live to be able to share this happy moment with me.

Most of all though I want to thank my family. Without the moral and intellectual support and love from the individuals who mean the most to me, the debates and controversies of the past 10 years would have been far more difficult to endure.

To receive the Milton Friedman Prize is also a great honor because it is associated with the names of its former recipi-

ents—all great champions of liberty.

I want to ponder a question: What is the best possible and most sustainable defense of free speech across cultures and history? More specifically in this context, I want to challenge what is probably the most popular metaphor used to defend free speech in the United States: the marketplace of ideas.

It was introduced by the legendary Supreme Court Justice Oliver Wendell Holmes in the fall of 1919 in a historic dissent, in which Holmes broke with his previous decisions defending severe limitations on opinions and speech, even with the help of the clear-and-present-danger test that later paved the way for the best protection of speech anywhere in the world based on the Supreme Court's interpretations of the First Amendment throughout the 20th century, though it shouldn't blind us to the fact that cultural and social pressure has become a threat to free speech in America.

Holmes said, "The ultimate good desired is better reached by free trade in ideas—the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."

The same argument for free speech was used by Milton Friedman.

The marketplace metaphor understands free speech as a mechanism to achieve a goal. It renders our defense of free speech problematic when the goal—in Holmes' case truth-seeking—itself is challenged.

The comparison between an ideas marketplace and a real marketplace suggests that the markets for ideas should be highly restricted, as Chris Berg has pointed out in his excellent book about free speech. After all, actually existing markets are rife with government interventions, restraints, regulations and taxes.

The marketplace metaphor implies far more exclusions from the domain of legitimate speech than perhaps even Holmes intended.

And what about the argument from truth? Personally, I find truth-seeking an admirable and important goal, but many would beg to disagree. A government might decide that it is less important than equality, or multiculturalism, which European hate speech law asserts. People can be convicted of hate speech, even if they can prove that they are speaking the truth. If the only justification for free speech is that it helps society obtain the truth, then society may decide that it does not want to prioritize discovery of the truth.

Most people are not truth seekers. They are affected by biases. And they do not necessarily want to find truth—participation in public debate is rarely about open-minded pursuit of truth. Most people consume information according to their pre-existing preferences, rather than information that challenges them.

I think that we need to defend and value free speech, not so much because of what it achieves, but rather for what it is.

Free speech is a right, it's a matter of individual agency, an element of individual autonomy that precedes government and the political and social order of society. It's about who we are as human beings. Speech is not just one among many human attributes. It is a defining attribute of the human. With the freedom to speak, an individual is free. Without that freedom, an individual is not free.

Of course, the freedom to say something doesn't imply that it is always wise or prudent to do so. The problem is who is to decide what speech is responsible and what speech is irresponsible? Things that sound irresponsible today may become responsible tomorrow and vice versa. The people who accuse other people of irresponsible or reckless speech quite often use this as a

weapon to silence people and speech that they disagree with.

Prudence would have counseled Lincoln to be polite about slaveholders, but instead he suggested they were racists and rapists. Lincoln stood for the proposition that the free are not free to choose unfreedom. He rooted this in an argument about what the Founders really meant about equality.

We easily get into trouble if our defense of free speech is premised on whether it contributes to truth-seeking or not, or whether it serves democracy or not, whether it is blasphemous or not, whether it offends or not, whether it undermines the war effort or not or, whether it is a threat to the common good or not—all these arguments are used every day to silence people all around the world.

They are all instrumental or utilitarian arguments. They

claim that we need free speech to achieve something else that is more important than free speech. If our speech contradicts these goals of higher values—democracy, theocracy, communism, dignity understood as the right not to be offended, the historical truth, religious sensibilities, the need to eradicate hate and so on and so forth—then it is perfectly all right to criminalize that kind of speech.

This is the fundamental nature of the “I am in favor of free speech, but . . .” position.

Thus we need a non-instrumental or non-utilitarian argument for free speech. Freedom of speech is a good in and of itself. It has intrinsic value.

Viewing free speech as an individual right rather than a mechanism to achieve a goal will lead to the conclusion that there are too many restraints on this liberty, while the “I am in favor of free speech, but . . .” point of view always will be able to justify further limitations on speech.

The argument from autonomy means that human beings are morally self-governing individuals who are able to make up their mind about the speech of other people and decide how to respond. No politician or public opinion should have the power through criminalization and bans to hide opinions and speech from us, implying that we are not able to handle it in a reasonable and responsible way. It takes away our dignity because it is based on the assumption that we cannot be trusted to listen to certain kinds of speech. As Lincoln assumed in another context, free men should not be free to choose unfreedom for others. This is where the arguments from autonomy and dignity are grounded and where they come together in a sustainable and enduring defense of free speech. ■

“Freedom of speech is a good in and of itself.”