

Exploring the Complexities of Freedom of Speech

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Abstract:

Freedom of speech is the ability to express your thoughts and opinions without facing consequences such as retaliation or censorship. The core questions are: (1) what the balance between the person's rights is, and the level of interference from the state, and (2) protect the community from organized attacks. This paper will describe and break down some of the complexities surrounding freedom of speech, its limitations and the balance between freedom and hate speech. This paper believes that free speech should not be censored because it is a fundamental right that improves the development of societies. It allows for the open exchange of ideas, creativity and innovation, and will enable people to share their thoughts and opinions without fear of censorship or retaliation. Free speech is essential for holding governments accountable and ensuring different perspectives are heard. Without it, many innovations and significant discoveries may have not been possible. However, one of the most challenging aspects of free speech is determining the limits for negativity and harm. The ability to create harm with words should be unacceptable. This was shown in the case of *R v Keegstra* in 1990, which dealt with hate speech in Canada. The case involved promoting hatred towards different ethnic groups, especially against Jews. Thus, showing the need for boundaries. But there are also cases where free speech faced consequences, as it was improperly dealt with, such as the case of Aditya Verma, a British-Indian student who made a threatening joke to his friends. This paper will analyze this case to show the complexities of free speech.

Keywords: Censorship; Free Speech; Hate Speech.

1. Introduction

Freedom of speech is a crucial right allowing individuals to express their thoughts and opinions

without fear of retaliation or censorship. This paper explores the complexities of this right, focusing on two core questions: balancing individual rights with state interference and protecting communities from

organized attacks.

Free speech is vital for societal development, enabling open exchange of ideas, creativity, and innovation. It holds governments accountable and ensures diverse perspectives are heard. However, defining the limits of free speech, particularly regarding negativity and harm, is challenging [1]. "... correctly deciding many cases involving government restriction of speech would still be unavoidably difficult." But, that isn't the only problem people face when determining the limits of free speech: "Another problem comes from determining who is in the pool of those affected [2]." The case of *R v Keegstra* in 1990 highlights the need for boundaries to prevent hate speech. Conversely, the case of Aditya Verma, a British-Indian student whose joke led to severe consequences, underscores the complexities of regulating speech.

This paper will analyze these cases and the role of social media in amplifying both free speech and negative behaviour. This paper argues for a balanced approach to free speech, ensuring it contributes to societal respect and safety without unnecessary censorship.

2. Case Study

2.1 Aditya Verma

In 2022, a teen had sent messages through the social media app Snapchat, claiming he was part of a terrorist organization, the Taliban. The complexities lie in the fact that he sent an encrypted private message to his friends as a joke, yet his privacy and rights were waived. Should he be able to maintain his rights, and they were infringed upon, or should the state be able to protect the community and intercept malicious actions before they happen? This paper will break down the analysis below:

2.1.2 Pragmatic Analysis and Context

"Whilst waiting for his flight to take off at Gatwick airport in July 2022, Aditya Verma sent a Snapchat message to his friends saying: On my way to blow up the plane (I'm a member of the Taliban) [3]." He sent a private message to his friends claiming that he was a member of a terrorist organization (Taliban) and had made a joke about blowing up the plane. The context lies in that Aditya had only been joking with friends rather than truly wanting to blow up a plane. The message was intercepted by the state: UK Security Services, which led to them sending out 2 F-18s to escort the plane. The state had intercepted the message without context, thinking that there was a planned terrorist attack by the Taliban. After the landing, Aditya was arrested and held for 2 days. While he was held, the court went through the context and forgave his actions, releasing him

on bail [4]. "Now, a judge in Madrid cleared him of all charges, saying that since no explosive was found, authorities had no reason to believe the Snapchat message was a real threat."

2.1.3 Content without Context

Although the UK Security Systems had positive intentions, Verma's right to free speech was overridden. One's actions should not be punished unless there is solid evidence that it does harm another person, which was not shown in this case as no explosives or weapons were being used or carried by Verma.

2.1.3 .1 Semantic Analysis

Aditya Verma's literal statement was that he was part of the Taliban, and he was going to blow up the plane. Therefore, the literal meaning of his statement was that he was involved with terrorism and intended to commit an act of terrorism. This statement put the rest of the plane in danger.

On the other hand, the intended meaning was completely different. He told a joke that was directed to his friends with a sense of humour that contrasts the idea that the security team had, which saw it as a credible threat.

2.1.4 Social Media and Free Speech

The digital age has complicated free speech by amplifying hate speech, trolling, and disinformation [5]. According to Pew Research: "The digital age has made free speech even more complex. It has amplified hate speech, trolling, and disinformation." Social media platforms have become havens for negative speech, with anonymity often benefiting such activities. Anonymity, while protecting free speech, also helped protect harmful activities.

Experts predict that future online environments will need better regulation systems to manage negative behaviour without overly restricting free speech. However, there are concerns that these systems could enable greater surveillance and control by governments and corporations.

2.1.4 .1 Semantic Analysis

The digital age has also introduced plenty of new challenges to free speech, particularly through social media platforms such as X, Facebook, and Reddit, where platforms have amplified issues like hate speech, trolling, and misinformation. While anonymity and encryption can protect individuals' rights to free expression, it also enables harmful activities that can prosper when unchecked. This dual nature of anonymity and encryption complicates the regulation of online behaviour, as any measures to curb negative speech risk infringing on fundamental freedoms. This may suggest that future regulation will be necessary to manage these issues, but there is a concern that in-

creased surveillance and control by governments and corporations, threaten the very freedoms they seek to protect.

3. Impact of Free Speech

3.1 Free Speech on Innovation

Free speech has played a pivotal role in the improvement of the world. From round earth theory to the Enlightenment, to the scientific revolution, free speech allows controversial ideas to take their place [6]. “The panellists agreed that technology allows for better tracking of abuses around the world, while also enabling better communication with political dissenters—and that technology companies themselves have an important role to play, Bill Snyder writes in an article on the Berkeley-Haas website.” When individuals are given the ability to express their ideas without the fear of consequence, they are more likely to challenge existing ideas and propose new ones. These new ideas can lead to rapid advancements in technology.

3.2 Government Intervention in Free Speech

Government regulation of free speech is a complex and nuanced issue, balancing the protection of individual rights with the need to maintain public order and social harmony. John Stuart Mill argues that: “... the government suppresses communications; it may suppress ideas that are true or partly true. Moreover, even if an idea is wholly false, its challenge to received understanding promotes a reexamination that vitalizes truth [7].” This perspective shows the importance of allowing multiple viewpoints to be shown, as they contribute to the process of truth-seeking and progress in society. However, the regulation of speech is not solely about protecting the sharing of ideas, it also involves protecting individuals and communities from harm.

Historically, “the first modern hate speech codes were promulgated in France during the 1820s and 1830s, to oppose emerging socialist and workers movement [8]. After the 1848–1849 uprisings in Germany, Prussia enacted a hate speech law in 1851, which later served as the basis for German penal code of 1871 (Goldberg, 2015, p. 482). It criminalized endangering the peace through the ‘incitement to violence of different classes of population’.” Today, in most open, modern democracies, such as in the United States of America, free speech is a legally and constitutionally protected right: “free speech has developed into a legal, constitutional, and internationally recognized protected right of the individual to be protected against the government [for speaking out] [9].” This evolution re-

flects the ongoing struggle to balance free expression with the need to protect society from harmful speech.

3.3 Social Impact of Free Speech

Free speech is a centrepiece for social progress. It allows individuals and groups to express their ideas, experiences and more. This open exchange of ideas is vital for creating social change and promoting inclusivity. For instance, the civil rights movement in the United States relied heavily on free speech to challenge systemic racism and advocate for equal rights. Leaders like Martin Luther King Jr. used powerful speeches and writings to generate support and bring attention to how unfairly African Americans were being treated. Similarly, the LGBTQ+ rights movement of the 2020s has utilized free speech to raise awareness about issues such as marriage equality and anti-discrimination laws, leading to significant legal and social advancements. Free speech also plays a crucial role in breaking down stereotypes and building empathy among different communities. By allowing minorities’ voices to be heard, it creates a greater understanding among the public. This can lead to more inclusive policies in our legal system and a more equitable society. For example, the #MeToo movement has allowed countless individuals to share their stories of sexual harassment and assault, thus, changing the lives of many people.

4. Case 2: R v Keegstra (1990)

The case of R v Keegstra is a landmark decision by the Supreme Court of Canada that tested the balance between freedom of expression and the prohibition of hate speech. James Keegstra, a high school teacher in Alberta, was charged under Section 319(2) of the Criminal Code for willfully promoting hatred against Jews through his teachings:” [James] told his class that Jews were evil and doubted the occurrence of the Holocaust [10].” On the other hand, Keegstra argued that this charge violated his right to freedom of expression under the Canadian Charter of Rights and Freedoms. The Supreme Court upheld the constitutionality of the law, ruling that while it did infringe on freedom of expression, this limitation was justified under the Charter as it prevents harm and promotes social harmony. This case shows us the complexities of balancing individual rights with the need to protect communities from hate speech. Furthermore, it shows the necessity of setting boundaries to protect society from hate speech while also navigating the delicate balance of free speech rights. “The Court ultimately ruled against Keegstra by deciding that Canada’s hate laws imposed a “reasonable limit” on a person’s freedom of expression [11].”

4.1 Linguistic Analysis

James Keegstra's use of language in his classroom was not merely a matter of expressing controversial opinions but involved systematic indoctrination of anti-Semitic beliefs. His statements, such as describing Jews as "evil" and denying the Holocaust, are examples of hate speech that targets a group of people. From a linguistic perspective, Keegstra's language could be analyzed through the lens of discourse analysis, which shows us how language constructs social realities. For example, Keegstra employed rhetoric, which causes negative stereotyping and scapegoating, which are common strategies in hate speech to dehumanize and villainize a group. His teachings created an "us versus them" structure, positioning Jews as the "other" and attributing societal problems to them. Thus, causing students to associate Jews as an opposing force.

5. Conclusion

Free speech should be contextualized within the norms and values of the community. Communities can have distinct values and norms that people follow. For example, it is generally frowned upon to bark loudly like a dog at people in a library. Free speech should be balanced with norms to ensure that it contributes, not undermining societal respect. For example, speech in one culture may be disrespectful in another. The psychological and emotional safety of individuals should be a priority in regulating speech. Hate speech can cause severe psychological harm, and thus, it is essential to establish boundaries that protect individuals from such harm while maintaining the right to free speech.

In conclusion, the complexities of free speech lie in balancing an individual's rights with societal safety. While on one hand free speech is fundamental for the development of society, it must also be regulated rather loosely to prevent harm. There are many supporting cases, such as the case of Aditya Verma and more, illustrating how privacy and rights can be overridden by the state, even if the intention was harmless. On the other hand, *R v Keegstra* shows how we must regulate speech to prevent hate speech. The judgment of free speech should be contextualized to ensure that the intended message is presented. Legal systems must prioritize both the victim's psychological and physical safety and the right of free speech of the individual. Therefore, the balance between protecting free speech and

ensuring the safety of communities is achieved, solving the complexity of free speech, and maintaining the rights of all parties.

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