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WHAT IS THE IMPORTANCE OF CIVIL DISCOURSE AND FREE SPEECH?

In a society increasingly polarized along political divides, a robust and pervasive character of civil discourse is of paramount importance to the preservation of the democratic ideals underpinning our system. Courteous and respectful debate, as a means of approaching and resolving the most contentious issues that divide society, helps to ensure that the power to resolve these issues remains with the people.

The current climate in which modern societal problems are debated is characterized by a palpable predilection for personal assaults and malicious invective concerning the motives of those they disagree with, rather than a substantive and thoughtful debate about serious issues that give rise to legitimate differences of opinion among the people concerning our policy direction. The result of this raft of ineffective squabbling is that the principal issues that people care about the most are rarely resolved by the people, instead they are resolved by the judiciary.

Taken by itself, this is not cause for alarm. The system is working the way it was intended. The main trouble with this situation is that outsize power is concentrated in the judiciary, the branch of government enjoying the most tenuous connection to the people and the least democratic in character. We have allowed a state of affairs to arise in which political appointees, not elected officials, are afforded the final word concerning issues affecting society. This is a consequence of the change in character of our public discourse. We are fleeing from concepts of civility and democratic debate that incorporate all the people directly into the arms of an appointed aristocracy.

How then should we view and approach civil discourse in the manner most supportive of society? The lack of civility in our public forums (to include Congress, the media, and the internet, among others) is a symptom of the breakdown in public discourse generally. We need to make a greater effort to recognize that diversity of opinion is not necessarily a cloak for malicious intent, and that if we simply engage in good-faith debate without resorting to “playground tactics” we can affect resolutions emanating from a majority of the people, not a small panel of judges.

This movement must start on a personal level. We must turn away from public commentary that is not grounded in the fundamental respect for difference of opinion that is essential to our democracy. We must strive to ensure our public commentary in all forums is rooted in persuasion and respect, not accusations or contrarian declamations. The Founders of this country convened conventions consisting of representatives of the people in which, through the course of debate and other civil discourse (e.g., the Federalist Papers), sought to persuade people to their point of view. Persuasion is a key principle of democratic systems. We have abandoned our allegiance to this ideal in favor of accusation, suspicion, and scandal. Democracy withers under such conditions, power is concentrated in the hands of a few, and tyrants everywhere rejoice. In the interest of preserving the democratic character of our system of government and public spaces, we must cement civil discourse as the foundational bedrock of society.