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WHAT IS THE IMPORTANCE OF CIVIL DISCOURSE AND FREE SPEECH?

Civil discourse and free speech are interwoven and critical aspects of democracy. Without each, the deliberative process erodes, and people lose the freedoms of self-government. Civil discourse is the people's tool to influence policy. Public discourse provides citizens the means to civilly resolve disputes and make decisions. Citizens can listen to different ideas and develop and offer their own interpretation of the matter. Since citizens elect leaders and vote on initiatives, the quality of civil discourse directly effects public policy.

Further, civil discourse generates the public's capacity to make decisions. Liberal democracy presents individualism and diversity. Individualism acknowledges that each person develops their own capacities and understandings during human development. The diversity of society, therefore, demands tolerance from individuals to achieve collective goals. Tolerance accepts others' ideas and seeks decisions based on persuasion rather than coercion. Liberal theorist William A. Galston defines tolerance as a "maxim of personal conduct," more a way of acting than thinking or believing. Civil agreements, though potentially undesirable, are more beneficial than uncivil disagreements in decision-making. People must learn tolerance, and so, citizens must acquire civil conduct through experience.

The alternative is coercion. Democratic theory holds that a decision made without the public is an illegitimate exercise of power. In the absence of deliberation, arbitrary powers dictate public actions. It is true that constitutions exist to protect the people's freedom regardless of public participation. However, when citizens cannot agree on policy, polarization dislocates the

citizens' power to influence laws. Lacking consensus in the polity, representatives must make more decisions on behalf of the people. The people lose their say in making the law when civil discourse fails.

Free speech maintains the public process by ensuring that deliberation in decision-making belongs to the people. Restrictions on speech restrict discourse and the democratic process. Restricted speech risks favoring the group most benefitted by its restriction – a lobby, party, leader, or ideology. Granted, some restrictions are necessary. Time, place, and manner restrictions do restrict speech but are content neutral. Incitement, defamation, and threatening speech are illegal but on grounds that such speech might induce harm. Laws that restrict contents of speech are more pernicious. Speech laws may aim to benefit the public but nevertheless limit freedom of expression. For instance, Canadian Bill C-16 of 2017 criminalizes "hate propaganda" i.e., offenses to gender identity and expression. While the law intends to protect queer identities, in effect, it compels people to use nonbinary pronouns and to speak a certain way. Upon criminal penalty, the law violates people's expression of conscience: ideas of religion, biology, and language. Controlled speech guarantees that the government has the final say on public debate, limiting the people's ability to make decisions through open discourse.

Only through free interactions do people achieve self-government. Civil discourse is primarily a practice supported by free speech. Both are necessary to maintain rationality of conduct, action, and conscience for free citizens.