

**Passage 1. AC Grayling argues for free speech.**

- 1 Liberty is not divisible; a society's members do not have it if they have only some of it in some spheres. That is why incremental reductions of aspects of civil liberty in society are a danger. The too-true cliché says that the price of liberty is eternal vigilance, which is why we must resist, and resist vigorously, the early stages of assaults on liberty especially those made by well-meaning politicians who earnestly, eagerly, sincerely desire to protect us from bad people and from ourselves, for those are the most insidious. 5
- 2 The foundation of liberty is free speech. Without free speech one cannot claim other liberties, or defend them when they are attacked. Without free speech one cannot have a democratic process which requires the statement and testing of policy proposals and party platforms. Without free speech one cannot have a due process at law in which one can defend oneself, accuse, collect and examine evidence, make a case or refute one. Without free speech there cannot be genuine education and research, enquiry, debate, exchange of information, challenges to falsehood, questioning of governments, proposal and examination of opinion. Without free speech there cannot be a free press, which although it always abuses its freedoms in the hunt for profit, is necessary as a watchdog in a free society. Without free speech there cannot be a flourishing literature and theatre. Without free speech there are limits to innovation and experiment in any walk of life. In short, without free speech there is no real freedom. 10
- 3 It is also true that there have to be limits to free speech at times. But it is absolutely vital that this be understood scrupulously and carefully. The standard example of a case where limits to free speech are justified is falsely crying "fire!" in a crowded cinema. In the example, what is wrong with doing this is irresponsibly causing harm. Allowed too wide a reading, the "fire!" example can justify all manner of unjustifiable restrictions on free speech, as have occurred in our country in recent years ("glorification of terrorism", "incitement to religious hatred"). Restrictions on free speech have to be extremely narrow, extremely specific, case by case, one-off and on the best justification. But, generally, the remedy for bad free speech is better free speech in response. 15
- 4 So vital is free speech to the health and liberty of a society that the plea of "feeling offended" by what people say about one's choices and beliefs is not and can never be a reason for limiting free speech. Taking offence, followed by infantile demonstrations and infinitely more offensive threats of mayhem and death, has become typical of religious extremists. This is unacceptable anywhere, but in western liberal democracies especially so, for it strikes at the heart of what makes them both liberal and democracies. 20
- 5 Censorship by coercion and special pleading is as big a threat to liberty in the west today as the actions by our own governments in diminishing our freedoms in the supposed interests of security. All who choose to live in a western liberal democracy should be told that discrimination based on age, ethnicity, disability, and sexuality - the things they cannot choose but to have or be - will not be tolerated; but their opinions and beliefs, the matters over which they have choice, are open season for cartoonists, satirists, and all those who disagree: and they must like it or lump it, or if they are too immature or insecure, or both, to do neither, they are free to leave. 25
- 6 With the prohibition of the "glorification" of such inglorious things, such as terrorism, and government action taken against criticism of religion, the assault on free speech is well underway: it is time its defense is well under way too. 30

**Passage 2.** *Peter Singer argues against free speech.*

- 1 About a week before the United States presidential election, someone posted on Twitter that Hillary Clinton was at the centre of a paedophilia ring. The rumour spread through social media, and a talk show host, Alex Jones, repeatedly stated that she was involved in child abuse and that her campaign chairman, John Podesta, took part in satanic rituals. In a YouTube video watched more than 400,000 times (since removed), Jones referred to “all the children Hillary Clinton has personally murdered and chopped up and raped”. 5
  
- 2 Emails released by WikiLeaks showed that Podesta sometimes dined at a Washington pizza restaurant called Comet Ping Pong. This information was frequently retweeted by bots – programmes designed to spread certain types of messages – contributing to the impression that many people were taking the allegations that the pizzeria housed the paedophilia ring seriously. 10  
The story, amazingly, was also retweeted by General Michael Flynn, who is soon to be Donald Trump’s national security adviser. Even after Trump’s election – and despite debunking by the New York Times and the Washington Post – the story continued to spread. Comet Ping Pong was harassed by constant, abusive, and often threatening phone calls. But the manager was told these rumours were speech protected under the law. 15
  
- 3 Fake news – (active misinformation) that is packaged to look as if it comes from a serious news site – is a threat to democratic institutions. There have been less absurd examples, including a fake report of a nuclear threat by Israel’s defence minister that misled his Pakistani counterpart into retweeting the report and warning Israel that Pakistan, too, is a nuclear power. President Barack Obama acknowledged the danger to democratic freedoms. Whether or not fake news cost Clinton the presidency, it plainly could cause a candidate to lose an election and upset international relations. It is also contrary to a fundamental premise on which democracy rests: that voters can make informed choices between contending candidates. 20
  
- 4 The First Amendment to the US Constitution states that “Congress shall make no law... abridging the freedom of speech, or of the press...” By 1919, the Supreme Court’s interpretation of those words had led to the doctrine that Congress could prohibit speech only if it posed “a clear and present danger” of serious harm. That position was further refined, with freedom of speech and assembly described as functions essential to effective democracy. On that basis, for speech to pose a clear and present danger that could justify prohibiting it, the harm the speech would cause must be so imminent that it could preclude any opportunity to discuss fully what had been said. 25  
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- 5 Today, these narrowly defined prohibitions appear to be inadequate. It is difficult to have so much confidence in the power of free and fearless reasoning, especially if it is supposed to be applied through the processes of popular government – which presumably requires that it influences elections. Similarly, the belief that more speech, not enforced silence, is the remedy for falsehood and fallacies looks naïve, especially if applied in an election campaign. 35
  
- 6 What, though, is the alternative? Clinton could sue Jones personally for defamation, but that would be costly and time-consuming. Instead, the government could intervene with criminal charges. For many centuries in the United Kingdom, defamation was a criminal offense, but it fell into disuse and was abolished in 2010. Yet, recent examples of fake news suggest that this conclusion was premature. To accuse a US presidential candidate of personally murdering children is not petty, and current measures provide no adequate remedy. In the Internet age, is it time for the legal pendulum to swing back? 40

Adapted from <https://www.project-syndicate.org/commentary/fake-news-criminal-libel-by-peter-singer-2017-01>

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