

**Real World Graduation: Question 19**

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Question 19

Suppose a prominent black civil rights leader had made public speeches like these in 1993:

- a. "Only after the white virus destroying the quality of life of black people has been eliminated can we hope to promote cooperation between the remaining races, which will then be founded on a common understanding."
- b. "Honkie parasites on one hand ripped off the black people without a second thought, and on the other hand instigated people of color to violence. The misfortunes of black people have become a continuing objective for these white trash crackers, and it was unfortunately made possible because of the large number of desperate unemployed black people that mistakenly supported the international trade treaties, which further benefitted the rich honkies."

What is the proper amount of government regulation or actions that should be adopted to address speech of this sort?

- a) Public speeches of this sort should first be subject to review by qualified people to determine if they are acceptable for public consumption. If a proposed speech is considered acceptable, then the speech could be made. However, neither of these two fragments is acceptable, and both should be prohibited.
- b) These fragments are obviously racist, and should be prohibited by appropriate legislation.
- c) These fragments indicate both racism and mental illness, and the person who made these statements should be examined to determine his mental health. If he is found to be of sound mind, he should be prosecuted for racism or hate speech.
- d) The person making these statements should be prosecuted for hate speech unless he can prove he is mentally ill and therefore not responsible for what he says.
- e) Because of the First Amendment, it is difficult to pre-empt speech solely because some find it objectionable. For radical opinions like these, a one-size-fits-all approach won't work, but the government should consider some appropriate remedy, tailored to specific cases. However, such remedies should be civil (i.e., fines and restrictions) instead of criminal (imprisonment).

### Answer to Question 19

This is a trick question. All of the choices given are false.

As far as we know, no such speeches were given by a black person in 1993. In fact, the speech fragments in the question are actually modified paraphrases of speeches made by Adolf Hitler in 1939. In fragment (a), change "white" to "Jew", and "black" to "German", and you have a good sense of what Hitler actually said about the Jews. In fragment (b), change "honkie", "cracker", and "white trash" to "Jew"; "black" to "German"; and "international trade treaties" to "Bolshevist Revolution", and you will have a good sense of what Hitler claimed about the impact of Jews on German society [1].

So, Hitler was obviously an idiot, any black person who would make a speech per the fragments is an idiot, and any white person who would make the opposite comments about black people is an idiot. Even so, all of the given choices regarding government actions are still wrong. It is clear that speech of this type is not beneficial and may be hurtful (but only to those who care what idiots think). The speech itself may be bad, but the fact that it exists is good. It is good because the speech you like, but which is opposed by others, also exists.

Suppose, in imitation of fragment (a), a Moslem said: "Only after the Christian virus infecting the quality of life of the people has been removed can we hope to establish cooperation between the remaining religions, which shall be built upon a common understanding." Would you really want the government to "protect" you from this speech? Such stupidity can be defeated only if the stupidity is known to the public. In answer (a), if a system of censorship and review is in place, these sentiments by the Moslem (or white race-baiter or black race-baiter or Adolf Hitler) would not be widely known. Secondly, what criteria would be used to determine what is "acceptable"? Maybe the censors would disapprove everything they personally did not like (which would affect many things you do like); maybe the racists and religious fanatics would seek to obtain positions on the censorship boards. Note also, in answer (a) (if you chose it), you have appointed yourself the power to find that "neither of these is acceptable" and "should be prohibited". Who made you the Lord High Scrutinizer? What's that you say? You're British, and regulation of speech works well in your country? We would not wish to offend Moslems, now would we, ye residents of Merrie Olde Londonistan?

Answers (b), (c), (d), and (e) all have a similar fatal flaw, in that someone, somewhere, has to determine what is "hateful", or what "alleged thought" is sufficient proof of "mental illness". What is hateful, or what is mental illness will be in the mind of the government regulator, not in the mind of the subject. After all, the government regulator will have to either a) use their experiences and moral judgment; or b) rely on a speech code, which in turn reflects the experiences and moral judgment of whoever writes the speech code. The regulator will regulate based on what he prefers, or on what a majority of other regulators prefer, or on what a majority of public opinion favors, or what a majority of government officials or academics consider "safe". Ultimately, any speech that any government regulator personally disagrees with will be considered "hate" or "criminal". None of these are a guarantee of correct determination: in the end, the regulation of speech leads to "freedom from speech".

There is an especial danger to answer (c). First of all, it has already been partially enacted under the "hate speech" laws. A person can be prosecuted for anything he said in the course of committing a felony, and anything he is suspected of thinking. It only applies as additional charges to an existing felony, but it will be a simple matter legislatively to extend it to all speech. When it is applied to all speech, it will have the effect of stifling all speech, since everyone will be facing bankruptcy for saying anything that offends someone with the right political connections.

The important point here is that the Founding Fathers were right when they decided that freedom of speech is the best remedy to sort out what is worthwhile and what isn't. If you have to tolerate things that you find offensive, pony up a little backbone and deal with it; meanwhile, no one gets to suppress your opinions either.

[1] For the actual text of Hitler's comments, see Norman H. Baynes, *Hitler's Speeches*, London: Oxford University Press, 1941, Volume 1, p. 743. Fragment (a) is a paraphrase of part of a speech Adolf Hitler gave at Wilhelmshaven on 1 Apr 1939; fragment (b) is similarly a paraphrase of one he gave in the Reichstag on 28 Apr 1939.