

What Is the Right to Free Speech —A Thin Theory

Kuang-ming Cheng

Department of Philosophy, National Chengchi University
No. 64, Sec.2, ZhiNan Rd., Taipei 11605, Taiwan
E-mail: adali@ms10.hinet.net

Abstract

A famous anti-pornography feminist, Rae Langton argues that pornography silences the voices of women by preventing them from taking effective action with their words. Therefore, pornography violates the civil rights and freedom of speech of women, and should not be allowed. The right to free speech embodied in Langton's view would be "more than words." But the right to free speech Langton advocates would be a "positive" right, and likely a richer one than liberals would accept. In what follows, I will argue that the right to free speech should be a minimal one that does not require an audience to have the capacity to comprehend what speakers say. One way of expressing the right to free speech, in the familiar liberal language of negative rights, is that were speakers to speak, and were the audience to want to hear the idea the speaker expresses, there would be no agent preventing speakers from communicating. An audience cannot be forced to learn a language or employ a translator, according to this conception, but they are not permitted to disable the megaphone provided for the speaker. Therefore, there are powerful liberal reasons for thinking that the right to free speech should be "more than sounds" but "less than words."

Key Words: freedom of speech, Rae Langton, Leslie Green, Daniel Jacobson, the thin theory of free speech