

# The **ASCENT** of **DISSENT**



## STEVE DAVIES examines expression – and its costs...

In theory most people welcome the idea of free speech and discussion.

This means accepting, even welcoming, dissent, disagreement, and debate and the expression of views and positions in various ways, even if we find those views or their expression disagreeable.

Right now however, there is warm debate about this very matter with people asserting an almost unlimited right to free expression on the one hand or arguing that in fact expression should be limited in the interests of a higher good, such as autonomy or well being.

This finds expression in controversies and even court cases over particular instances that then go on to attract media attention.

It might seem that this is a matter for the philosophers, and a difficult one at that, as it deals with clashing rights or claims.

In fact there are a number of basic rules that we can all use to parse particular situations, which derive from basic law and economics. The outcome however will probably not please either side of the current debates.

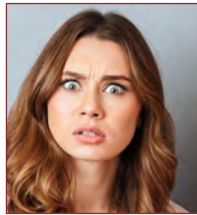
The default position should be that all adults have an entitlement to hold views and express them.

However that right is not unlimited. Obviously it does not extend to speech acts that incite criminal acts or ones that provoke reckless and risky behaviour. This has

been recognised in law for centuries.

Does that mean that apart from that there is or should be no limit on expression? Not so fast.

At this point property rights come into play. There is no unqualified entitlement to expression on someone else's property.



## WHAT WE CAN SEE ON THE WEB TODAY IS AN ERUPTION OF INCIVILITY AND VERBAL AGGRESSION ... NOT DIALOGUE OR DEBATE BUT ABUSE

I may say what I like in my own home. If I say something in someone else's home that they find offensive they are perfectly entitled to ask me to cease or leave.

This means a private company can restrict expression by its employees on its premises. In particular it means a university has every right to impose speech codes on its staff and students. (Given a university is a self-governing private body). The same applies to private associations or clubs.

This also means that people acting as agents of a private body (the Church or a company, university or club for example) are entitled to express their views by for example refusing to serve people with whom they disagree. (What they cannot

do is do so simply on the basis of someone belonging to a particular category such as ethnicity, political opinion, or religion – there should be something pertaining to that particular person that gives proper cause for the action).

A common objection to the way that rights of property and association limit entitlement to expression is to say that this is an attack on free speech.

This reflects a common misunderstanding, which economics makes clear.

All actions have effects and those may bring costs as well as benefits. In this case people

are assuming that not only is there a right to expression but also that as an aspect of that right speech acts should not bring any negative consequences or costs to the person making them.

A moment's reflection should show this is a ridiculous position. If I say things that others find rude or aggressive I will bear a cost, which is that other people will think I am an ass and avoid my company.

You are perfectly at liberty to express yourself but this may bring serious costs such as being shunned or losing your job – and there is nothing wrong with that.

None of this justifies using force or threats against people whether before or after the expression in question. However this will mean that the cost of expressing

beliefs can be high.

However, if discussion is limited in this way ideas will not be tested by debate as much as they need to be and new ideas will not develop as much as we would like.

From an economist's point of view this is hugely important because of the central place of innovation in economic growth.

The solution is to have spaces and institutions where people can say what they think without the cost being too high. These can be both formal and informal.

The obvious formal example is universities and other institutions of learning.

What then about the well-founded complaints that higher education lacks intellectual diversity? The answer is that this is a problem of aggregation. Any one university can be committed to a particular set of values and intellectual approach.

A Catholic university should not be expected to allow arguments that go against the Church's teaching, given that the mission of such a university is, *inter alia*, to teach the faith.

What you should have is a variety of approaches at different institutions. The problem now is not lack of intellectual diversity in any particular higher education institution but lack of it between them and in the sector as a whole.



## THE SOLUTION IS SIMPLY GOOD BEHAVIOUR – CIVILITY, RESPECT AND ENGAGEMENT

What though about informal public spaces where private property constraints do not apply and the effects of shunning are less?

Historically places such as coffee houses and (later) pubs filled this role (with the same proviso as applies above to higher education).

There have also been public spaces controlled by government but these have always been regulated (for good reasons, to do with public order).

Today however we have the

internet. This shows the need for the final and self-imposed constraint on expression, which is civility. What we can see on the web today is an eruption of incivility and verbal aggression. What happens is not dialogue or even debate but abuse.

This has the effect of driving polarisation into just two bitterly opposed camps.

The reason is the dynamic, which is an example of the dynamic of conflict first identified by the economist Thomas Schelling.

In this, extremists are normally constrained by checks. If they are not, a situation arises where moderate people just to one side or other of the divide find themselves gravitating to one extreme to get protection from the other.

This explains how stable societies collapse into civil war but it also explains how discussions can turn into shouting matches.

The solution is simply good behaviour – civility, respect for the other and engagement rather than abuse.

If enough people do this then dissent does not necessarily mean a huge row. For that to happen though we all have to make the effort•



**Dr Stephen Davies**  
Head of Education  
Institute of Economic Affairs  
[sdavies@iea.org.uk](mailto:sdavies@iea.org.uk)