

Right Fighting and all that is Wrong with “Free Speech”

Stella Coram, December 14, 2019

Debate appears to have all but disappeared in contemporary social discourse. It has been raked over by hostile and unreflective language on both sides of the political divide including the ‘Right’. There is a smugness that makes for disquiet in terms of bullying of adversaries with take-downs becoming the order of business. I like to think this has its origins in the anonymity of opinion-expressing on social media platforms but that does not quite pass muster because the bluster-like tone shows itself, delivered on mainstream television programs and in newspapers. The objective looks to dominate, no longer to ascend by reason or persuasion. Rubbish the opposition. It’s become that basic.

I read the weekend edition of the conservative newspaper *The Weekend Australian* not because I agree with its right leaning ideological standpoint, in fact I struggle with its content, but because I love the magazine for its contributors, Trent Dalton is a favourite, and its articles covering a variety of interesting and engaging topics. For instance, Catherine MacGregor, born Malcolm MacGregor, named after her grandfather who served on the Western Front, tells of her return to Toowoomba in regional Queensland to deliver the ANZAC Commemorative Address. She wore the uniform of a female Group Captain of the Royal Australian Air Force (“Where the heart is”, November 16-17). I was disappointed to learn that she “had been dumped as a cricket commentator by the ABC in December 2018” because she made cricket sound interesting and because she was always perfectly coiffed wearing red lipstick on her morning ABC segments. I could count on her for erudite analysis.

Her sacking reflects the decline in objective thoughtful commentary, in general, with respect to Australian media outlets due, arguably, to fear of loss of career for expressing a view independent of the editorial directive or whether media outlets are conceding to government lines of thinking.

I struggle with the tenor of *The Australian* but I read it nonetheless so that I can understand alternative perspectives to my own. On the odd occasion, I have surprised myself by agreeing but mostly I disagree especially with opinion pieces penned by Janet Albrechtsen. I do not as a rule direct my comments to an individual preferring instead to interrogate the arguments presented. But I am making an exception in relation to Ms Albrechtsen given what I consider to be her free-wheeling, take no prisoners, approach to debate. My issue is not so much that she has a view but more so the manner in which she expresses it. She is forthright to the point of being rude and seems to know no bounds.

Not surprisingly, she has been the subject of critical commentary. Under the headline “Hypocrisy has a new name and that is Janet Albrechtsen”, an unidentified author took her to task for her column in response to a stoush between indigenous political figures in Australia (*New Matilda*, February 15, 2016). Albrechtsen claimed that Jacinta Price, who takes an ‘assimilationist’ approach to her politics, is the victim of racism from detractors within the indigenous community. She recounts the slurs directed toward Price in social media posts but ignores the equally vicious replies from Price to her detractors. The unnamed article asserts:

This is a writer who has said that accusations of racism are a way to shut down debate, who claims to be deeply concerned by political correctness and the PC police constantly telling us what we can and can’t say... Though her speech is highly offensive she casually expresses her comfort that defamation laws rightly exist to protect people’s reputation.

It seems Albrechtsen is less concerned with protecting the rights of people to express views she finds offensive, and more concerned with protecting the right of her likeminded colleagues and

herself to express their bile about ethnic minority groups. All the while ensuring that she continues to have a legal weapon against those who criticise her.

By her standards, she acted unreasonably, unfairly and without an appropriate regard for the truth or falsity of her comments, and her publication(s) should be judged in that light.

She is taken to task in another unnamed article for her hostile approach toward the public broadcaster the ABC on the basis of its (perceived) left leaning bias. Surprisingly, she was appointed to the ABC Board in 2005 by the Howard Coalition Government, putting the fox amongst the chooks, given she had “attacked” the ABC in 2003 after the *Media Watch* program hosted by David Marr questioned whether she plagiarised the issue of Islamic gang rapes in Sydney. He accused her of twisting the words of French and Danish experts to support her claim that the rapes were a result of Islamic values. Marr wrote – “reprehensible means to smear reputation of those with opinions disliked... Her skills do not include good research and good ideas” (February 2, 2005). In 2009, Albrechtsen announced she was stepping down from the board and would not be seeking a second five-year term (Sharp, 2009).

Building on this critical backdrop, I propose to draw out the paradoxical silences of her free speech. For instance, she defends the right of those she agrees with to their free speech yet she is strident in shutting down oppositional voices effectively denying them their rights to free speech. Remember, this is about defending the right to say the detestable, which she rejects unless it is something she agrees with. But what she does not do, as an advocate of free speech, is defend the right of her critics to their speech. She cannot have it both ways though she is able to exercise her right to free speech even when she disingenuously insists that free speech is under threat.

In 2019, little has changed. She’s still at it, riding roughshod and does not let up. No softening of perspective at all. If anything, she comes across as emboldened with the Morrison conservative coalition government cheering her on. She is steadfast in defying the ‘looney left’ by highlighting public figures sympathetic to her cause.

Albrechtsen writes in support of the celebrated author, Lionel Shriver, *We Must talk about Kevin*, in her column “Smashing up the orthodoxy: where would we be without the free thinkers, the ones who risk all to change the way ahead?” (September 7-8, p. 21). She endorses Shriver’s combative speech, during her 2019 Australian tour, bemoaning political correctness for stifling her creative process, and her insistence on writing free of cultural constraint. Shriver agreed to be a guest on the ABC’s Q&A Program after declaring “never again” in the aftermath of her first appearance in 2016, during which indigenous members of the audience walked out in protest of her dismissal of the relevance of cultural perspective. Unapologetic, Shriver dived right in during her second appearance on the Q&A program:

Fiction writers, their whole job is to try to imagine being different people. And therefore to say that you are not allowed to project yourself in to the minds of characters who have a different race or gender or sexual preference than your own, it is not only limiting for the author, it also means the fiction is going to be very narrow and it creates a kind of weird literary apartheid. Its antithetical to the whole nature of the purpose of fiction (McMahon, September 3, 2019).

Co-panellist African American civil rights activist DeRay McKesson replied:

The history of publishing is white people telling stories about everybody. That is what publishing was for so long. And it was white authors saying they were the most authoritative and the most able to write about everybody's culture.

...People are smart enough to write about themselves...I think there's a difference between appropriation and appreciation. It is about centring your own experience as you inhabit another body or another life. Appreciate is saying, 'I'm learning in this moment too'.

Shriver reminds me of Albrechtsen. Same indifference. "I'm tired of white privilege" (Shriver) and in reference to the African American artists Will.i.am "random tantrum by spoilt celebrity" (Albrechtsen). They love the fight. They are modern day pugilists with words not gloves.

As important as Albrechtsen's ideological standpoint is, my interest is to unpick the techniques she deploys to undermine opposing viewpoints and to highlight the contradictions embedded beneath her take on free speech. She knows how to strike with a full-frontal assault before retreating behind the banner of free speech.

It is intriguing that the very things she accuses of her detractors can readily be applied to her especially her mantra of debate being shut down. I gather this is purposeful because it helps to nullify, by getting in first, to invert criticism. For instance, she counter accuses those who claim racism, of being 'racist' and their claims amounting to racism, whilst attacking initiatives designed to protect people from racism in speech. Albrechtsen is an outspoken critic of Section 18C of the *Racial Discrimination Act* 1975 which prohibits racially offensive speech. She complains about being oppressed in terms of her right to free speech yet she seems to ignore Section 18D of the Act which permits hurtful speech so long as it is expressed in "good faith". By the way, accusations of racism, from the left, are not a means to shut down debate, as claimed, they are a plea for acknowledgment and redress.

On the principle of good faith, Israel Folau does not appear to have regard for it either. An Australian national rugby player, and devout Christian, Folau made derogatory remarks about gay people, in particular, condemning them to hell if they did not repent. Even though he was warned not to make further derogatory posts, or risk being sacked by Rugby Australia (RA) for breaching the terms of his contract, in relation to RA's player code of conduct, he ignored this to post again. Leaving RA no option, but to sack him, he sought an apology, damages, and reinstatement. The case did not go to the Circuit Court as anticipated, instead being settled confidentially following mediation.

Albrechtsen crows in her piece "Woke hypocrites humiliated as Folaus bask in apology" claiming a "magnificent victory" (*The Weekend Australian*, December 7-8). This is over reach given that settlement was reached under confidential mediation – where there are no winners and losers – and as a lawyer she would know that. She chose instead to read into confidentiality that RA would lose. It is a pity that RA deferred from testing their position in the Circuit Court since they were in a sound position on the strength of legislation to have received a decisive ruling. That said, it was a brave call, in the first instance, to sack a star player for exercising his 'right' to free speech. Unfortunately, we will have to wait for the next assault on a minority by a celebrity figure to test the limits to free speech.

Her headline is intriguing as she tries to kill two birds with one stone by drawing in the woke movement, based on fostering awareness of racial disparity namely within the African American community and calling it (racism) out, into the mix. This is disingenuous because woke is about self-empowerment vis-à-vis forms of racial oppression. It does not stand that one must ascribe with woke to reject Folau's defence of his 'right' to post unedifying content on the spurious grounds of religious freedom. It looks as if she has confused backlash toward Folau's efforts to set precedence for freedom of religious expression with racial discrimination perhaps because Folau is of Tongan culture. Albrechtsen has conflated two different issues of race and religion into one.

Folau knew what he was doing. He was after precedent to pave the way for the Coalition government's proposal to strengthen religious freedom, which used to be about the right to practice one's faith without persecution. Now it is about the 'right' to persecute citing religious freedom of speech to do so. Identifying as a devout Christian is justification for everything he does, but there is no Christianity in his denouncement of gay people. He could have kept his beliefs to himself but chose not to preferring to judge people, unlike him, from his pulpit.

Albrechtsen goes after woke again in her piece "Social justice warriors take a sledgehammer to the truth". The context to this is the incident involving the performing artist Will.i.am who accused a member of the cabin crew on a Qantas flight from Brisbane to Sydney of mistreatment on the basis of his race in a tweet on his social media platform. The flight attendant arranged for police to escort him off the plane upon arrival for failing to follow instructions to prepare for landing (*The Weekend Australian*, November 23-4, p. 17). Reading between the lines, the flight attendant exercised her options, as per policy, to hand any 'unruly passenger' over to police. Where she looks to have failed is in her discretion to apply the policy. For the Other, this is how it goes. Over reach. No discretion applied to not set in motion police intervention.

This was overkill by the flight attendant but not according to Albrechtsen who seizes the opportunity to put another 'uppity black' in his place for daring to mention the 'r' word in a tweet no less. Her reference to sledgehammer is curious because she rips into Will.i.am for invoking "woke", which she clearly despises. She is the one with the sledgehammer in hand, effectively playing into a conservative mindset about the endless hounding of those – typically the racial or ethnic other – calling for change for equality. For Albrechtsen, it is awareness of racial disparity (woke) that is the problem not the problem of racism in the first place. Attack Will.i.am and woke at the same time.

Albrechtsen draws on a familiar set of techniques to claim that debate has been shut down. Debates are inverted so that perpetrators are recast as victims. Whites are the new minority – victims of political correctness and identity politics – to be defended whereas those who falsely claim grievances are dealt the works, to put it politely. By the way, she does not appear to have a problem with religious identity, or at least Christian identity.

To dismiss the importance of identity represents a means to trivialise the persistence of inequality, discrimination and disadvantage. It implies that there is no need for identity politics in a western democratic society founded on equality of opportunity because everyone is treated the same. If the Right is to concede that racism exists it does so on the understanding that 'White' people are also victims of racism. This is purposeful for mitigating a particular identity group's claims of grievance.

Albrechtsen insists on the right to free speech regardless of the content of that speech. Aside from the need to unpick the content, this is like playing catch-up given that right of reply comes after the fact. The harm is done. Recourse is reduced to seeking a retraction and apology which can take ages. Having read many of her opinion pieces in 2019, I note a consistent approach in terms of the following:

World-view:

- Upholds the status quo and the rights of the individual
- Misrepresentation of Left bias
- Dismisses out of hand merits of alternative standpoints
- Denial and does not examine her world view

Champions:

- Unfettered free speech including the right to condemn or incite hatred
- Individual rights
- Conservative or small 'L' (liberal) government
- The market for solving social inequities
- Minimal public service
- Religious freedom

Rejects the relevance of concepts such as:

- Diversity, difference and discrimination
- Identity politics: race, ethnicity, class, gender, sexuality

Loathes movements advocating for social change such as:

- Political correctness
- Black lives matter
- Me too
- Woke

Deploys a range of narrative techniques to undermine the 'Left':

- Talks 'over' or 'downward' in order to control debate
- Recasts perpetrators as victims
- Claims that debate is shut down
- Attacks the reputation of critics by dismissing them, mocking, ridiculing them
- Misrepresents facts or ignores inconvenient facts
- Does not engage with criticism
- Takes a one-sided approach – “a most magnificent victory”

She does not question her own value systems or privileged location in terms of her access to free speech. More importantly, she shows a lack of empathy, compassion, as well as understanding and does not engage in debate conducted in good faith.

Her Freedoms

As a columnist for a major Australian newspaper, Albrechtsen belongs to a privileged class in exercising her right to free speech. There appears to be no pressing inequalities to colour her world view. Thus, she can afford not to see race, ethnicity, sexuality or perhaps even class. Not having any particular form of identification, other than Australian and presumably conservative political leanings, she can afford to take for granted her status as an essayist and safe place within the mainstream.

She is a vocal advocate for free speech but, in reality, what she means by this is unfettered free speech because free speech already exists. It is the boundaries of free speech that she has in her sights.

She is free to misquote the famous dictum wrongfully attributed to French Enlightenment philosopher Voltaire, who championed religious tolerance and free speech, such that: – “I disapprove of what you say but I will defend your right to say it”. This was coined by English woman Evelyn Beatrice-Hall under the pseudonym S.G. Tallentyre in her book *The Life of Voltaire*. Beatrice-Hall paraphrased Voltaire in an unverified letter to Abbot LeRiche in 1770 in which he is reported

to have written: “I detest what you write but I give my life to make it possible for you to continue to write”. There is no mention of tolerating abuse, vitriol, incitement, or condemnation. It is the nature of the idea that can be “detested”, disagreed with, but nonetheless defended as a right of expression. It is not for the purpose of striking a blow.

She is free to misrepresent Orwell’s notion of “newspeak”, which is about erasing the political meaning of words so as to inhibit the capacity to question government rather than, in her view, the misuse of words for the creation of a cause such as Black Lives Matter. She is free to squash the voices of those historically marginalised, and who continue to be marginalised. She is free to be a guardian of the status quo and need not seek out her adversaries.

She is free to argue for caution on the unintended consequences of unfettered free speech but she does not. She is free to show empathy toward people on the receiving end of nasty cartoons but she does not. She is free to examine why people become upset about racism or discrimination but she does not other than to bemoan people who keep raising the pesky spectre of racism. She is free to question government but she does not. Far easier to pick on an individual who identifies with a cause.

She is free to engage with the legalities of the Commonwealth’s Racial Discrimination Act 1975 but she does not. Protection laws exist for good reason since they remind of the consequences of harm. One cannot cause offence in the absence of good faith (Section 18D, The Race Discrimination act, 1975). To ignore this means to elevate narcissism and hubris above the protection of others.

Differentiating between Free Speech and Freedom of Speech

Words can wound (see Mari Matsuda). Thus, in a civilised society there are laws prohibiting certain forms of speech to protect from the harm of speech. Clearly, some people object which is why they set out to test the limits only to deny or hide behind free speech. There have been incidences in Australia where people, including figureheads, have painted their faces black, then pretended not to comprehend why such an act would cause offence. Typically, there is an act of defiance not toward the top of the pecking social order but to the bottom, toward the powerless.

The free speech espoused by the far ‘Right’ picks on the weak, the marginalised, the silenced, and it is cowardly, too, because it does not question the conduct of the powerful preferring the safer ground of zeroing in on the powerless. The standards of acceptable conduct are lowered, not raised.

The argument for free speech is “better out than in”. Meaning if not expressed ‘it’ will find an outlet, the risk being a destructive one, so let hateful speech be made. The effect is the opposite, to embolden into acts of violence. Speech can be an act of hatred as much as any physical manifestation. This is the problem. There can be no justification for reverting to oppression to target people and get away with it. Speech papering over bigotry and hatred is representative of all that is wrong with free speech.

White nationalism is on the rise in Australia, correlating with a rise in the rate of incidents of racism notably in the professional sporting arena. Despite years of social campaigns, Australian indigenous athletes in particular are still subject to racial vilification from opponents and spectators. Australia already rounds up people it does not like or trust and condemns them to concentration camps in other countries. We, the citizens, seem okay with this so long as it does not affect us directly. We tolerate a lot, in fact, just about anything so long as it is not us. Unfettered free speech buys into this malaise.

To defend free speech is mistaken for taking the moral high ground. Just about everyone seems to fall into line because no one wants to be accused of being fascist. My view is that to defend the indefensible is a cop-out and for that reason I put my hand up – to risk being labelled fascist – to

question free speech. As I have argued, free speech is problematic because it is vulnerable to misappropriation in terms of the right to utter hate speech, for example.

What proponents really mean is unfettered free speech and it is the limits they object to. In light of this, I make the distinction between freedom of speech which is about upholding the right to speech – to speak back to institutional oppression without fear of persecution or retribution and free speech. Whistle blowers and journalists are particularly vulnerable to state sanction in Australia at present.

Free speech and freedom of speech are not the same. The former is a free-for-all whereas the latter upholds the right to speak up or back to government, institution, or oppression. The former is an escape clause and the latter an obligation to society.

Freedom of speech implies a rigour of standard in what is being uttered and an examination of the ethics of purpose behind said utterance. The courage to speak up in other words is consistent, I suggest, with Foucault's notion of parrhesia. Here is a reasoned means for refuting vitriol framed (wrongfully) as free speech. Limits are essential to preserve the integrity of free speech. To protect vulnerable people from the harm of speech uttered behind the hegemony of free speech. To do otherwise is to accept open season on our fellow man. Regulation of speech is to remind of the onus of responsibility to others. To speak with care and consideration is no hindrance to free speech.

The Costs of Unfettered Free Speech

For the arch 'Right', it is the right to free speech that is important not the speech itself. But speech framed in the absence of decency and respect is not free at all. In fact, it comes at a cost beginning with the desecration of language in failing to serve its higher purpose – to speak.

It comes at the cost of the right of people not be violated by speech.

It comes at the cost of protecting religious freedom – to practice one's faith without persecution – and moves inexorably toward intolerance toward other faiths or people.

It comes at the cost of listening to others since there will be nothing to listen to.

It comes at the cost of integrity since pandering to popularity will replace principle.

It comes at the cost of truth, and our relationship to it, since conceding to wrongful utterances of hate means we no longer know what right or wrong is or what is truth.

It comes at the cost of humanity in not caring for others with the words we choose.

It comes at the cost of decency toward others.

We can no longer cling to the naivety that opinion expressed under free speech is just that. It is so much more which is why we bother to utter them in the first place and then to defend them. Debate framed around an ethics of speech is the only way out of this demise.

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