

## White Lies, Right Speech, and Free Speech

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One of the eight practices of the Noble Eightfold Path is “right speech”. For those who seek liberation from the painful cycle of rebirth, it isn’t enough to practice right conduct, right effort, right livelihood, right mindfulness, right understanding, right resolve, and right concentration. We also need to watch what we say. More specifically, we need to demonstrate “abstinence from *false* speech, abstinence from *malicious* chatter, abstinence from *harsh* speech, and abstinence from *idle* chatter”.

Becoming virtuous in these ways isn’t a process that we should expect to see happening independently of the inculcation of the other virtues. If we do not have right understanding – if we do not recognise the spiritual journey that everyone is on, if we do not recognise that our relationships and interactions have spiritual consequences, for those we interact with, and for ourselves – then it will be that much harder to discipline our speech. By contrast, it becomes *easier* to discipline our speech, once we recognise that our words function as scripts and blueprints for many of the actions that we perform. So there is an integral connection between right speech and right understanding.

In a similar vein, if we do not demonstrate right *effort* – if we do not strive to generate wholesome mental states, if we do not exert mental energy to keep our minds free of delusion – then it will be that much harder to discipline our speech. The thoughts that are in our minds tend to flow out naturally through the words we say. If we are thinking malicious thoughts, we will speak malicious words. If we are thinking harsh thoughts, we will speak harsh words. If we believe what is false, then we will speak falsehoods. And if we are not thinking much at all – if we are mentally lazy – then this is likely to be reflected in idle chatter. So there is an integral connection again, not just between right speech and right understanding, but also between right speech and right effort.

Of course these claims about right speech, and its relation to the other virtues, are not to be thought of as generic ethical injunctions or prescriptions. These are the virtues and disciplines that one must practice if one is seeking *liberation* – liberation from the

worldly cycle of aimless, mundane drifting. There isn't a presupposition in this account that we already *are* free beings, who must *freely choose* to do what is right in speech. The picture here, rather, is one on which we are altogether *unfree* beings. If we want to *become* free, doing what is right in speech is one part of the path we must follow.

In this talk I want to discuss a few points of common ground, and a few points of divergence, between these elements of Buddhist thought, and some elements of Western thought concerning the ethics and politics of speech. The overall question that I want to consider is how we should understand the emphasis we see in Western political thought on the idea of *free* speech. Can we identify any common ground between the ideal of free speech and the doctrine of *right* speech? What sort of freedom should we have in mind, when we are talking about free speech, and how does this notion of freedom relate to the freedom that a person is seeking in following the Noble Eightfold path?

The only western political philosopher that I know of who has delved into these questions is Leslie Green, the Professor of Jurisprudence at the University of Oxford. One of the most important points that Green makes, in his work on this topic, is that Buddhism and Western political thought face a similar tension in the stance that they take towards *truthfulness*. The doctrine of right speech tells us to speak the truth. But it also tells us to abstain from harsh speech. And sometimes these two injunctions pull us in different directions. Western ethical and political thought recognises the same conundrum. We have a folk ethical concept – the white lie – whose job is to mark out the fact that some lies are relatively benign – the lesser of two evils. The epitome of the white lie is the lie that one offers up in a situation where telling the truth would make it necessary to engage in harsh speech. Notice also the complex attitude towards truth and truthfulness that we see in John Stuart Mill's classic defence of free speech, in 19<sup>th</sup> century England. The expression of ideas must be free from legal restraint and social persecution, Mill says, precisely in order that we should be able to *discover* the truth, together, as a society. But this means that the individual speaker must be allowed to say what is false. And when the speaker says something false, they are not to be reprimanded. They are to be *corrected*, but not morally sanctioned or punished. On Mill's view, we should welcome untruth into our midst, but this is because we have a *deeper* allegiance to truthfulness.

We can make sense of these complications, Green suggests, by reflecting on our more fundamental ethical commitment to ideals of cooperation and humility. If we are going to achieve any kind of enlightenment, we must be able to peacefully coexist with other people. We cannot do this unless we are humble and cooperative. This means that we will need to generally abstain from false speech. After all, in most cases lies are arrogant and uncooperative. But on the other hand, there are some cases in which the humbler and more cooperative thing to do is to tell a white lie. And moreover, there are some cases where we should gently tolerate the falsehoods that others speak, not because we

think that they are benign, but because the humble and cooperative choice for us, in response to that potentially harmful untruth, is to simply correct it, rather than punishing it, and in that way demonstrate to those around us – including the liar himself – where our fundamental values really lie. At a certain broad level of description, Green thinks that these are ideas that different philosophical traditions tend to agree upon. To try to strike this balance is just part and parcel of being a member of a community.

*As Green says: “We are all interlocutors in the common enterprise... [namely, a] joint effort to find the truth. None of us can find the truth on our own. That way lies dogmatism. The lesson of fallibility means we must build into our norms about speech, things that will elicit [speech], that will test it. That means we have to take great care that that community is sustained at least far enough to be able to test our claims, for the argument to continue, for the debate to go on. Far enough so that people do not, to put it bluntly, stop talking to each other because there is no longer any reason to do so.”*

Another current-day philosopher who I think we can learn from, in reflecting on these questions, is Seana Shiffrin, the Professor of Philosophy, Law, and Social Justice at the University of California, Los Angeles. Shiffrin is both a defender of classical liberal free speech principles, and a follower of the great German philosopher Immanuel Kant, who famously argued that lying is always categorically wrong, even in cases where telling the truth would foreseeably result in very serious harm, and where telling a lie could prevent that harm. Given her allegiance to both of these ideals, Shiffrin is perfectly placed to shed light on the kinds of tensions and complexities that Green identifies.

Shiffrin argues that what makes lying wrong, at the most fundamental level, is the fact that it subverts the integrity of the processes through which we convey information to each other, and thus jeopardises the further ends – of mutual respect, and seeking the truth – that rely upon those processes. The easiest way to make sense of Shiffrin’s view is to see that she thinks of speech – and all its associated practices and properties: basic literacy, verbal skill, practical communicative resources – as very important *tools*. They are tools that enable us to fulfil our purposes as rational, social, human creatures, just as our perceptual tools – our powers of sight, and hearing, and so on – make it possible for us to be creatures who navigate the world in perceptually sophisticated ways. It is not an instrumental view of things. Speech doesn’t *promote* rational *ends*, any more than seeing and hearing promote *perceptual* ends. Speech is *constitutive* of our rational ends. When it is done in the right way, making use of the tool of speech is, in and of itself, a manifestation of our distinctive human potential. Lying is wrong, on this picture, because it damages these tools. It damages them because the tools don’t work the way that they’re supposed to unless the right background conditions obtain. People need to be able to trust others, and take their word for things. Lying undermines this.

So then the question obviously arises: are you ever morally permitted to lie, on Shiffrin's view? Yes. You are allowed to lie just in those cases where telling someone the truth would require you to become an unwilling accomplice in that person's evil scheme. If someone asks you where Smith is hiding, and you know that they're asking the question because they want to go and kill Smith, then telling them what you know about Smith's whereabouts would make you an accomplice in the crime. You don't have to tell the truth in that situation. But that isn't the end of the story. The fact that you aren't obliged to speak the truth doesn't mean that you are permitted to lie in any way you like. You need to try to respect the integrity of the communicative tools that we all rely upon. Even when facing the murderer at the door, Shiffrin says, we must refrain from forms of untruthfulness which strategically subvert the machinery of authentic communicative interaction with others – because, she says, such misrepresentations damage that machinery, and excommunicate their recipients from the moral community.

When it comes to free speech, Shiffrin wants to tell a similar story about our deepest normative commitments. The reason why we should have special protections on free speech are much the same as the reasons why it is wrong to lie. We have certain constitutive ends, given the special kind of self-conscious, rational beings that we are – moral and intellectual ends, ends that can only be realised through social cooperation – and the realisation of these ends mean that we need to be able to authentically communicate with one another. Formal legal restrictions on what kinds of opinions and viewpoints we are allowed to express in public will subvert these ends, she argues, much the same as deceitful speech subverts them. Given that this is her underlying theory of free speech, we can see why Shiffrin adopts the slightly unorthodox position that restrictions on lying are not inherently at odds with a proper commitment to free speech. While there are pragmatic reasons – for example, concerning government abuse – to be wary about policies that legally restrict lying, there is no intrinsic free-speech-based reason to oppose such policies. Deliberately untrue assertions, even in the absence of actual deception or the intention to deceive, are in principle and in at least some cases, liable to legal regulation. At the same time, though, Shiffrin acknowledges that there are good independent reasons, beyond worries about the possibility of government overreach, for societies to refrain from any kind of regulation of “pure autobiographical lies” – that is, the relatively low-stakes untruths that creatures like us commonly convey in an attempt to flatter our shortcoming and insecurities. The legal toleration of such untruths is “a form of recognition and acceptance of some degree of weakness on the part of our fellow citizens”. And this accommodation has a particular symbolic value, on Shiffrin's account, insofar as it betokens a kind of egalitarian and inclusive willingness, on all of our parts, to accept each other as we are, with all of our weaknesses in tow.

What I think we learn, from both Green and Shiffrin, is that free speech theory, as an element of western ethical and political thought, doesn't necessarily have to be deaf to

the deeper concerns about communicative virtue and right speech that are emphasised in Buddhist thought. Even if western ethical and political discourse isn't founded upon the same metaphysical understanding of our being, as Buddhist thought is, it may still betray some discernible traces of the practical and spiritual wisdom that has been derived from that metaphysical understanding of our being.

As we are all aware, there are some decidedly *negative* views about western ethical thought – and in particular, about the strands of the liberal tradition that show a preoccupation with individual rights. I think it will be useful to outline one such view at this point. I want to outline it not because it is a view that I endorse, but because it's one of the significant critical perspectives that I think liberal political theorists should try to address their arguments to. The view says something like this.

Western ethical thought – and the liberal political framework within which that thought occurs – is bankrupt, and it should be rejected. It is bankrupt because of its excessive *individualism*. It stresses the rights of the individual above everything else. The individual's rights – against the wider community, against those who would interfere with his property, against people who take exception to his values or way of life – this individual's rights are the ultimate court of appeal in any ethical debate. This means that people who are anti-social, or disrespectful of tradition, or indifferent to the values of other people, have an all-purpose alibi for behaving in ways that hurt others. And it means that every one of us – even those of us who are pro-social, and who care about the values of other people – are passively encouraged to place our own needs before the needs of other people, and of society as a whole. In short, liberalism is a politics of *selfishness* and *self-absorption*. And Western ethical thought – especially secular ethics, which for the most part has to conform itself to the constraints imposed by a liberal political framework – cannot fix this problem, precisely *because of* those constraints. Ethical prescriptions to respect other people and be kind to them aren't enough to cultivate genuine moral virtue in a society whose basic institutions are individualistically organised.

I think there is more than a grain of truth in this view. Liberal political ideals often *have* been used as an alibi for selfishness and indifference to the needs and welfare of others. Moreover, I think that free speech ideals *in particular* have often been used in this way. Too many liberals in the 20<sup>th</sup> century were preoccupied with the wrong that is done to the speaker of harsh, malicious, and false speech, when his words are silenced, while remaining relatively indifferent to the wrong that is done to those people – often vulnerable people – who have to endure harsh, malicious, and false speech.

On the other hand, I also think there is another kind of liberalism that we can subscribe to. This is the kind of liberalism which understands that virtue and human flourishing are immensely complicated. It will still assert the rights of the individual against the government and the community. It wouldn't be a liberal viewpoint if it didn't. But it will emphasise that those rights are, at most, a practical framework within which other kinds of

ethical concerns will have to be seriously wrestled with. It will understand – as Shiffrin argues – that the basis of our *legal right* to speak untruthfully is much the same as the basis for our *moral duty* to speak the truth. It will understand – as Green argues – that a commitment to open public discourse is something we maintain for the sake of building an ethical community. And this means that how we exercise our prerogative to speak freely, in open public discourse, shouldn't undermine the aim of building an ethical community. Even if no-one has a right to stop us from engaging in divisive speech, we would be disrespecting the very justification for our entitlement to say whatever is on our mind if we use that entitlement to speak maliciously or divisively.

In the opening I asked what sort of freedom we should have in mind, when we are talking about free speech, and how this notion of freedom relates to the freedom that a person is seeking in following the Noble Eightfold path? The answer to that question, I think, is that it is up to us. The conception of 'freedom' which is at work in discourse around free speech is something that can be continually renegotiated. Buddhist thought offers us a perspective on free speech that we would be wise to seriously consider, in that renegotiation. Freedom is not something we already possess, in our natural state of being. Nor is it something that we can demand from others, or that they can give to us simply by staying out of our business. Freedom is something that has to be strived for. It requires us to transcend our instinctive nature, and break out of the cycles of repetition and frustration that characterise dysfunctional human life. Freedom is not the default condition that we are seeking to maintain, but the liberatory possibility towards which we're striving. The recommendation that we discipline our speech – that we avoid idle chatter, and harsh words, and speak the truth, even where a white lie might be tempting – is easier to accept when we think of freedom of speech as a goal towards which we are striving, and not just a pre-existing right which we are entitled to assert.