

Steve McGuire ([00:55](#)):

Jacob, welcome to the conversation.

Jacob Mchangama ([00:57](#)):

Thank you, Steve. Looking forward to it.

Steve McGuire ([01:00](#)):

I'm really glad you could join us. So I really enjoyed reading your new book, *Free Speech: A History from Socrates to Social Media*, just impressive amount of research that must have gone into this, and really well written. As a first question, I noticed your book, it's premised on the idea that we're currently experiencing what you call a global free speech recession. Could you describe your concerns and how bad do you think this recession really is?

Jacob Mchangama ([01:28](#)):

Yeah. On the one hand, you could say that we're living in a golden age of free speech because free speech is a constitutionally protected right in many democracies. It's also codified in international human rights treaties that are at least, formally, legally binding. And even authoritarian states have to pay some degree of lip service to the idea of free speech.

Jacob Mchangama ([01:52](#)):

And also, just practically technological advancements means that exercising free speech and accessing or accessing information has never been easier. Right? So you're set somewhere in the United States, and I'm in Copenhagen, Denmark, and we can have an uncensored conversation in real-time. However, I would say that the golden age is in decline. So why do I say that? Well, over the past 10, 15 years, we've seen an increasing amount of restrictions on free speech, and this is not surprising in authoritarian states.

Jacob Mchangama ([02:36](#)):

And we do live in an age where authoritarian states are on the March. But we also see it increasingly in liberal democracies, especially in Europe, where laws against hate speech, for instance, are being expanded, where disinformation and propaganda is now also being imbed legally, and where there's an increasing concern by elites about the corrosive effects of social media leading to clampdowns on online freedom of expression.

Jacob Mchangama ([03:14](#)):

And then you can add to this, and this is perhaps especially relevant in the United States, an erosion of the culture of free speech, which I think, ultimately, is the most important factor for free speech to thrive in the sense that if you look at every generation, since the boomer generation, they have become progressively less tolerant of, for instance, racist speech, and view increasingly racist speech as a threat to minority.

Jacob Mchangama ([03:50](#)):

They see, to a certain degree free speech, at least extreme speech, as they define it, as being... Free speech and equality as being mutually exclusive rather than... Where boomer generation may be thought of free speech and equality as values that were mutually reinforcing and free speech as sort of

the emancipatory empowering ideal. I think younger generations, especially progressive liberals, tend to view free speech as something that entrenches unequal power relations and constitutes a threat to the powerless and to minorities.

Jacob Mchangama ([04:31](#)):

And that you see in dynamics on campuses and universities. That, ironically, are probably some of the most progressive liberal Oasis in the entire US. Both teachers and students will tend to be much more liberal than the rest of the US population.

Jacob Mchangama ([05:00](#)):

And I guess part of the dynamic then is that maybe faculty and students tend to think that pushing for free speech restrictions at institutions that are broadly liberal progressive will mean that that only targets speech that they don't like. So they don't fear that a speech that they are in favor of will also be affected. I think that's a historical mistake, and they might be for rude awakening.

Jacob Mchangama ([05:34](#)):

But I think it's also maybe partly to do with the fact that younger generations have taken free speech for granted. They have not experienced authoritarianism. They have not been part of... They've not lived through times where free speech was essential in the fight against racial injustice, in the fight for progressive values of whether abortion against the Vietnam War, and all these things where free speech was an essential part of those struggles.

Jacob Mchangama ([06:11](#)):

And so I think it's quite easy to just take free speech for granted, not think about the fact that you're actually exercising free speech when you're critical of certain values, and that certain values that you hold would be off-limits not that long ago and then focused narrowly on the harms and costs of free speech. That have been amplified, of course, due to social media.

Steve McGuire ([06:32](#)):

Mm-hmm. Yeah. Some of the things you're saying there at the end remind me of a concept that you discussed in the book, Milton's Curse. This is the idea that people will defend free speech but not across the board. They'll defend free speech for certain ideas that they wish to champion, but not for other ideas. Maybe you can say a little bit about why you call that Milton's Curse. And if that is in fact, one of the prominent problems of free speech discourse that you see today.

Jacob Mchangama ([07:02](#)):

Yeah. I think it's just such a constant... Throughout the history of free speech, very rarely will you find a truly principle champion that will stand up for free speech across the board. And Milton is especially irrelevant because, in 1644, he publishes a pamphlet, the Areopagitica, which has become very famous as a defense of press freedom and a very eloquent attack on the idea of pre-publication censorship. And he writes that, he defies the censorship policy at the time, and he does that as a protest against the reintroduction of licensing that had been recently reintroduced.

Jacob Mchangama ([07:51](#)):

But if you read it more carefully, you'll also see that in fact, Milton is not in favor of free speech for Catholics. He is in favor of impious and libelous books being burned by the hangman, and atheists and others need not try to publish.

Jacob Mchangama ([08:13](#)):

In reality, what Milton is in favor of is free speech for mainline reform Protestant sects. They should discuss their differences but not crazy anti-Trinitarians, Catholics worshipping the antichrist in Rome, and all other dangerous groups whose ideas will tear the fabric of society from each other.

Jacob Mchangama ([08:42](#)):

And of course, that's something that we see again and again, throughout history. Even the founding generation in America, John Adams, in 1775, attacks the stand back by the British, sees it as an oppressive instrument to try and silence the colonists. And then, when he becomes president in 1798, only seven years after the adoption of the first amendment, he signs the Sedition Act that is being used to target critics of his own administration. Again and again, we see that.

Jacob Mchangama ([09:15](#)):

I think a lot of people, students on campuses, for instance, that might want to silence certain speakers are not against free speech as such, and probably see a lot of merit in free speech. Now, I think there is a larger shift where some don't see free speech as important a value as previous generations. But across the board, they would likely defend certain types of speech that they think is important that others might find controversial, but it's certain categories of speech that they're concerned about.

Jacob Mchangama ([09:56](#)):

Of course, the problem here is that speech restrictions will always be defined and enforced by those who are in power, and power can shift and they can shift quite dramatically, and overnight sometimes. And suddenly you'll find yourself a target rather than the beneficiary of these restrictions that you've been advocating.

Steve McGuire ([10:19](#)):

Right. So that would be one reason to maintain a fairly robust conception of free speech and to stick to that on principle.

Jacob Mchangama ([10:27](#)):

Sure. Go back to 1917, the World War I, you have Columbia University, its trustees, fired two professors who were against the American involvement in World War I because they had these radical views. And in the New York Times, there's an editorial and they praised Columbia. They say, "Academic freedom does not include the right to dispense poisonous ideas and to breed radical and socialist ideas into the youth. This is dangerous."

Jacob Mchangama ([11:00](#)):

And today, if you go to most universities, I think most would be appalled if Columbia were to fire professors who were against American involvement in the war. But then, new orthodoxies come along, whether it's on racial justice or gender issues, or the like. And so if you are appalled about the decision in 1917, you know, at a time where the US was about to enter a war, and where these people might

have had views that most Americans disagreed vehemently, and perhaps even saw it as dangerous, then that should be a hint that cracking down on opinions that you now find dangerous should not be the right move. It might look very... 50 years or a hundred years, or even 10 years down the line, it might not look as progressive as you'd like to think.

Steve McGuire ([12:19](#)):

That's one reason to defend free speech, but in your book, you want to make, I think, a much more principled case for free speech. And you also want to point to a variety of benefits that we derive from promoting and supporting free speech. And so, I was wondering if you would maybe elaborate in your view, what really is the best principled or even instrumental or consequential case for defending free speech?

Jacob Mchangama ([12:49](#)):

Sure. And I think there are many justifications for free speech. And I think to a large extent, many of them are unusually reinforcing rather than mutually exclusive. So I think there are both moral and instrumental reasons for why free speech matters and matters a lot. So, for instance, I trace the origins of free speech back to the Athenian democracy. And so, for democracy or representative government, I think free speech is very intimately intertwined with that. It's almost impossible to imagine any kind of real democracy without political pluralism, without the ability to discuss the laws that politically is representing the people, vote on, and enact with legally binding effect on the citizens. That's a purely democracy-oriented model, but which I think is really strong.

Jacob Mchangama ([13:55](#)):

Then there's the theory of the bulwark of liberty, which is set out in this enlightenment meme in Cato's Letter No. 15, which becomes one of the most influential theories of free speech in Colonial America. And it says that really free speech is an essential guardian against arbitrarily executive power and is the guardian of all other rights and freedoms.

Jacob Mchangama ([14:26](#)):

And I think that's a really important justification, as well. I think, in fact, that free speech, and its associated rights of association and assembly, for instance, really, no matter what cause that you really want to champion, whether you want to fight climate change, whether you want to fight for reproductive rights, whether you want to... Whichever cause you want to fight for peacefully, and want to advocate. Free speech in the First Amendment rights in the US context is really your most important weapon and tool if you want to convince your politicians, your citizens, and others. You want to appeal to them. You want to write up ads. You want to form associations. You want to protest and so on. So you depend on free speech to do that.

Jacob Mchangama ([15:23](#)):

In that sense, it's really a great equalizer of power in many ways. And that allows you to try and enforce changes. And then, I also see free speech as maybe the most effective engine of human equality that we've ever stumbled upon. So every persecuted minority or persecuted group throughout history has had to rely on the practice and principle of free speech, and that remains the case today. So whether it's women fighting for women's right to vote, again, that depended on appealing to other people, to politicians, to men, whether it was abolitionists. They also depended on the ideals of free speech. And the civil rights movement was a big reason why First Amendment was expanded in the '50s, '60s.

Jacob Mchangama ([16:29](#)):

And then again, I think, today we focus a lot on disinformation and misinformation on social media, but I still think, even though it can become difficult to discern truth or approach the truth, I don't think it's possible to do any real attempt without free speech. And I think if you look at Russia, how does Russia... What does the situation look like in Russia during the Ukraine crisis as well? They shut down everything, and the people are completely dependent by now on official propaganda and censorship.

Jacob Mchangama ([17:05](#)):

Even though, we might have a lot of disinformation in the West. I think we have a better chance of discerning what's going on on the ground in Ukraine than they do in Russia. And that is very much to do with the fact that we still have free speech and access to information, however, imperfectly. And of course, in the sciences, it would also be very difficult to have regular science if you didn't have academic freedom and the ability to criticize scientific theories.

Steve McGuire ([17:46](#)):

Mm-hmm. That's great. Thank you. You bring up the idea of disinformation, which a lot of people are concerned about. Certainly, that's become a large concern here in the United States, especially since about 2016. And we recently had, for instance, this Disinformation Governance Board that has now been paused. And all of that seems to fit with this concept that you discuss in your book, elite panic. And I think you draw a parallel between the development of the internet and social media and the earlier invention of the printing press and suggest that this concept of elite panic is something that also can be seen recurring throughout history. And you suggest that there may be in some ways, some grounds to panic about something like disinformation. But on the other hand, this could also be seen as an attempt by authorities to clamp down on a new technology that's allowing for the democratization of information and for quicker communication and that sort of thing.

Steve McGuire ([18:48](#)):

Maybe you could just say a few more words about this concept of elite panic, and also just your thoughts on how the invention of the internet and now social media has really changed the free speech landscape in the 21st century. And whether you see this as entirely a good thing or something that will work out to the good in the end, or whether you see serious cons here, and it's not clear that we will be able to overcome those.

Jacob Mchangama ([19:19](#)):

Yeah. So the concept of elite panic is intimately related to what I identify as two competing concepts of free speech. So one, an equalitarian conception versus a more elitist conception. And the equalitarian one has its roots in the Athenian democracy, which for its time, remember this is 2,500 years ago, was radically equalitarian in the sense that they had a direct democracy where freeborn male citizens had a direct voice in political affairs, could discuss a vote on affairs. So that's the concept of isegoria or equality of speech. They also had a more broad civic conception of free speech called parrhesia, which means something like uninhibited speech, which allowed Athenians and even foreigners to more broadly question central ideas of politics of the Athenian democracy itself, of religion, and even poked fun of the gods and the high and mighty.

Jacob Mchangama ([20:25](#)):

And then you can contrast that with the Roman conception of free speech under the Roman Republic, which was much more top-down elitist. Free speech was important, but it was mainly to be exercised by the wealthy, well-educated elite, sort of the senatorial class, and not the unwashed mob of the plebeians who were thought to be too credulous and too easily swayed by demagogues to be allowed a voice in public affairs. And of course, these two concepts have morphed and developed along with general development, including technological or political ones, but they tend to be in contest throughout history and including when technological developments or political developments expand the public sphere, when it democratizes the public sphere it gives a voice to previously marginalized silence groups. Then those who are the institutional gatekeepers. The elites will tend to panic and think that this is extremely dangerous because the social fabric would be torn apart. The social order or political order depends on the elites filtering information and not allowing the unwashed mob a direct voice. It has to be mediated at the very least.

Jacob Mchangama ([21:55](#)):

And of course, this also happens with the printing press. So initially the printing press does not unleash that many problems. And in fact, initially, the Catholic Church sees that almost as a divine instrument because it allows the Catholic Church to distribute its ideas more efficiently, quickly. You don't have to depend on priests who might not be sufficiently educated, who may stray away from central tenants of orthodoxy. So it allows it to consolidate its teaching, its authority, and so on.

Jacob Mchangama ([22:35](#)):

And then, of course, Martin Luther comes up and spoils everything by using the printing press in a completely new manner. Instead of writing these dry theological treatises in Latin, he writes in the vernacular German, he writes short, punchy stuff. He uses memes and cartoons. He advocates literacy and wants people to read the Bible for themselves. And this upends the authority of the church. And there you see the reaction of the Catholic Church is to rely on censorship dramatically. And of course, from the point of view of the Catholic Church, the explosive cocktail of Martin Luther and the printing press is very disruptive. And it's disruptive for society as such. It leads to long periods of violent conflict and persecution and millions of people will perish.

Jacob Mchangama ([23:44](#)):

In that sense, elite panic from the point of view of the Catholic Church is understandable, you could say. However, I also think that most people would recognize that the reformation, the unintended consequences, I would say of the reformations have been instrumental for the development of religious tolerance of pluralism, of heterodoxy in religion, and ultimately for emphasis on the rights of the individual. Ultimately, these were certainly not the consequences that Luther intended, I think. He saw the Catholic Church as corrupting Christianity. He had found the truth, and he wanted people to read the Bible, be able to read the Bible to find that truth. But he ultimately was in favor of executing blasphemers and so on. He was not in favor of universal toleration or free speech as such, but that just became the unintended consequence in the long term.

Steve McGuire ([24:48](#)):

Right. And now, it seems like there are similar concerns being expressed about the internet and about social media that...

Jacob Mchangama ([24:54](#)):

Sure.

Steve McGuire ([24:55](#)):

Okay, great. This allows us to share information and communicate across the globe, but on the other hand, it's also a breeding ground for white supremacy or the alt-right, or other views or groups that are actually inimical to the democratic, common good that we want to build together.

Jacob Mchangama ([25:17](#)):

Sure. And that's not completely off the mark because in the analog age, even though on paper each of us had free speech, in reality, you would still have a privileged class that would exercise free speech more equally than the rest of us. And that would also be the institutional gatekeepers. So if I wanted to say something, if I was living in the 1980s and I... I could go to Times Square and stand on the Soapbox, and maybe I could catch the attention of five people. Most of the people would probably think I was crazy and ignore me. Today, I can potentially reach millions via social media. If I were to reach a mass audience at the time, I depended on an editor or a journalist, and you would have a small class of intellectuals, of prominent politicians and journalists, and others that really exercise free speech to mass audiences.

Jacob Mchangama ([26:22](#)):

And that of course has been changed, which also means that a lot of extreme voices and people holding ideas that were generally filtered away by editors and others now also have access. And I think to a large degree, that is positive in the sense that you do get voices that wouldn't previously have been heard. But it also... I think human beings tend to have a negativity bias so we tend to focus on the negative aspects of that, which is the propaganda, the lies, and the hatred. Of course, again, it's not a new thing. The telegraph also brought these reactions. So, in 1858, the New York Times panicked about how the transatlantic telegraph was too sudden and unsifted for the truth. And you had it with radio and so on. But you might argue that the internet and social media, but just the sheer scale of it is a game-changer.

Jacob Mchangama ([27:26](#)):

I don't know. I don't think... Free speech is an experiment every day. So there's no guarantee that the outcome will be good for liberal democracies broadly speaking. But if we use history as a guide, I would say that when we try to mitigate the harms of free speech through restrictive censorious means, the cure tends to be worse than the disease. So that's why I would be very cautious about these attempts, these top-down attempts to bring order into chaos, out of chaos.

Steve McGuire ([28:06](#)):

Mm-hmm. It does seem that there is a crisis in terms of the trust that a lot of people have in our institutions. Whether you're talking about the media or say universities, which I'd like to focus on. So take universities as an example. Okay. You have the issue of free expression in general. In the US, certainly, you have the First Amendment, right, to freedom of speech. And that applies in a certain way, especially at publicly-funded schools. But then you also have the issue of academic freedom, and that's a special kind of protection that say, professors have, or at least tenured professors have. And this is a freedom that you have that is also tied to a conception of expertise or of scholarly competence. So it does seem to somewhat fit more of that elite model of free speech that you discuss in your book.

Steve McGuire ([29:06](#)):

And so, I'm wondering, do you see that as valid in that context, that while on the one hand, you probably want to advocate for a broad degree of free expression on campus, on the other hand, how do you protect the special academic freedom of people who have PhDs or who have conducted years of research on particular topics? And I think this is a really thorny problem, especially in the context of American society today. Because we do see this sort of breakdown of trust in institutions. And so on the one hand, you've got journalists and editors, or professors saying, "Look, you've got to recognize that we're experts. You've got to listen to us." I mean, we saw this during the pandemic. Right?

Jacob Mchangama ([29:53](#)):

Yeah.

Steve McGuire ([29:53](#)):

But then, on the other hand, you've got people who say, "Well, I could do my own research, and I can tweet about it. And I can poke holes in the things that you're saying. And we can sometimes even see that what you're saying doesn't quite seem to add up, or there might be alternative views that other people have that you're not acknowledging." And that has real-world consequences in terms of policy responses and that sort of thing.

Jacob Mchangama ([30:16](#)):

Yeah. No, I think there's a... I don't think that... Even though I'm in very much in favor of, again, [inaudible 00:30:24] free speech, that does not mean that I don't believe... That there should be traditional newspapers that do journalistic work or that you should trust everything that you read or that you shouldn't be critical of things that you encounter, nor that we should tear down universities and disregard the expertise of academics. However, I think, if anything good can come out of it is also that academics probably have to get used to not so much rely on credentials and being experts just on the basis of titles and institutions, but on the basis of their actual output.

Jacob Mchangama ([31:17](#)):

And I don't think that's a bad thing necessarily. Just because you went to a prestigious university or just because you have a PhD does not necessarily mean that your expertise is great, you can also be wrong. And so, I think that academics need to really start thinking about the fact that they'll be challenged in ways that they weren't before. Where maybe to a larger degree, just the fact that you had a title from a university meant that you would have some kind of authority. That is no longer the case to the same degree. But still, we need, I think, a division of labor in knowledge productions where we do have experts. I wouldn't want my local YouTuber to perform surgical work at a hospital performing brain surgery just because they've watched two hours of YouTube videos that's suggesting an alternative and better methods than the leading brain surgeons.

Jacob Mchangama ([32:33](#)):

But I guess this is one of the real problems with social media and the internet is that it has exposed and continues to expose all the failings of systems that were maybe to a larger degree hidden before all the flaws, without being able to, as of yet, propose new ways that we can create trust and flourishing institutions in the digital age. So in that sense, I think we're in a situation of flux where we are readjusting, realigning to a new age, and where we need to develop new institutions that provide meaning, that are more effective, that can induce trust. And I think that's unfortunately probably going

to be a long process, and it might give rise to more disruption and uncertainty and polarization in the short term.

Jacob Mchangama ([33:39](#)):

But I think there are really fascinating people all over the world working on solutions that can respond to the institutional crisis in many democracies. And I think it's inevitable that the institutions that you build up during a certain age will decay and become less and less relevant and thus lose trust and meaning for the people that they're supposed to serve when they no longer play the role that they were intended to because of technological and social development. That is unfortunately inevitable. But I think free speech in that sense plays a crucial role for us to investigate, debate, try out, test how can we move forward, rather than just trusting one individual with all power to implement his or her version and enforce it on the rest of us.

Steve McGuire ([34:41](#)):

Mm-hmm. Yeah. I guess this issue of trust. Another angle on that that comes to mind is the increasing push that we see on campuses for diversity, equity, and inclusion initiatives. And this speaks to what you mentioned near the beginning as well about concerns about power relations in the connection with freedom of speech. And I think, on the one hand, advocates of these initiatives would say, "Well, we don't fully trust these institutions because we've been historically excluded from them. And we feel like we're still at a disadvantage or we're still discriminated against, or we still experience a power imbalance." But at the same time, they also include the idea of free speech, or at least some people do, as part of the problem. They'll argue that, okay, you were mentioning earlier, freedom of speech can be this great equalizer. People have used it to speak truth to power and advance social justice movements and that sort of thing. But now, the claim is that, "Well, what it really does in a way is it entrenches very deeply a way of thinking about the world a way of seeing the world that advantages certain people."

Steve McGuire ([36:03](#)):

You'll get claims that free speech is kind of a white supremacist idea even or something along those lines. And that the people who enjoy free speech and who get worked up about free speech being challenged, what they're really worried about, whether they recognize it or not, is that their own privileged or powerful position in society is being attacked when free speech is attacked.

Steve McGuire ([36:29](#)):

And this is certainly something that's happening right at the heart of many American colleges and universities today. And so, I wonder how you address those claims and what you see as maybe a way forward in terms of maybe recognizing some of these claims that we need to achieve greater say racial justice, but on the other hand that the university is an institution devoted to the pursuit of truth and free speech as an essential component of that process.

Jacob Mchangama ([37:02](#)):

Yeah. And I just think it's plain wrong to see the university's role pursuing truth and free speech being part of that as in conflict with racial justice. Of course, depending on how you define racial justice, because if you have very essentialist beliefs about people based on the color of their skin, then racial justice, there might be a conflict. And I think this is one of the things that worries me a bit about movement for racial justice in the US is that they sometimes, I'm not saying everyone, but sometimes it

strikes me that they do have almost race essentialist views, sort of white good, white bad, black good. Whereas to me, that seems a pretty regressive idea.

Jacob Mchangama ([38:08](#)):

And so, I don't see racial justice, in my opinion, and maybe I'm more old school sort of MLK kind of guy. I see free speech as having been absolutely instrumental. And then, I also think there's a tendency, sometimes in Western democracies, and maybe especially in the Anglosphere to have a very narrow focus sort of the looks at Western worlds were particular lens and see them as achievements on racial equality and rights of women and so on as being a lot worse than they really are. And especially when you compare it to other parts of the world and not really... And it's not that just because you don't have Jim Crow laws anymore in the US doesn't mean that there aren't racial problems or if you look at the criminal justice system, it seems to me that that is one area where you have real problems when it comes to race, probably much more so than on Ivy League campuses, I would think.

Jacob Mchangama ([39:36](#)):

But still, I think that the values that have come about, and at least through the use of free speech nonetheless have moved us a long way towards realizing these ideals and that the idea that I've seen on some petitions at elite universities in the US that they're beholden to systemic white supremacy. Even though I'm not part of those universities, it just seems to be quite impossible. And compared to... If you lived in the 1950s in Alabama, it's a very different situation.

Jacob Mchangama ([40:29](#)):

Again, that doesn't mean that there isn't room for improvement, but I would say that free speech is part of that. And also if you are very passionate about a specific ideal, say racial justice, that does not necessarily mean that if you are given the power to limit free speech, that you won't be oppressive to others. I think a good example could be socialists and communists. So in the late 19th century and early 20th century socialists and communists were fighting for bettering a lot of workers who lived often under horrendous conditions, had very few rights, and so on. So in many ways, they had a very important point. But what happened, when the communist came into power, of course, was, even though they had been oppressed themselves, saw their mission as so important that they felt morally obligated and justified in repressing the rights of others.

Jacob Mchangama ([41:40](#)):

And so that's why I think it's dangerous for any group, no matter how laudable the goals that it fights for to sort of being able to say, "Our goal is so important that we get to decide what can be said and what cannot be said." Also, just because I think all human beings are prone to abuse such powers. There are very few of us, maybe none of us, who are equipped to handle such powers and will try to... will make up all kinds of justifications to protect ourselves rather than the ideals that we claim to fight for. Yeah. So that was a very long...

Steve McGuire ([42:25](#)):

No, it's good. It's really good. Yeah. And that last point, that's certainly an insight that goes all the way back to Plato and Aristotle and their original analyses of politics and the human desire for power and what we'll do with it when we get it.

Jacob Mchangama ([42:41](#)):

Yeah.

Steve McGuire ([42:41](#)):

Yeah. I guess, by way of starting to move towards a conclusion, I want to go back to something else that you mentioned near the beginning of the conversation, which is the idea that free speech can't rely simply on institutions or laws, but you need to have a cultural commitment to free speech.

Steve McGuire ([43:03](#)):

And that certainly seems like an area where universities would have an important role to play as educational institutions and surely not just universities, but certainly there. If you go to a university and when you get there, the university teaches you to value free speech and operates in such a way that it inculcates in you a sort of expectation that you and others have a right to free expression, and that should be respected, and that sort of thing. That seems like that would be a positive contribution.

Jacob Mchangama ([43:39](#)):

True.

Steve McGuire ([43:39](#)):

But maybe you could just say, again, a few words about why the cultural aspect is so important in your view, and how you think we can cultivate that, whether that involves universities or other ideas that you have in mind?

Jacob Mchangama ([43:56](#)):

Yeah. No, I think it's absolutely essential. I think our legal protections flow downstream from the culture of free speech and you can see that on the... The wording of the First Amendment hasn't changed since 1791, but the interpretation thereof has changed dramatically. So in the 1830s, the First Amendment didn't even protect against state restrictions on free speech. And so you could have these laws that prohibited abolitionist speech in the Southern States, including the death penalty, and so on. And a hundred years ago, you could send people to prison for up to 20 years for being against American involvement in World War I. And the Supreme Court would say, "Hell, yes." And that has changed dramatically. And that, of course, reflects underlying changes in values and norms and morals, including a more robust commitment to free speech ideals that were already there on paper, but have not been given actual real-life enforcement.

Jacob Mchangama ([45:11](#)):

And I think, certainly, universities and colleges are essential for fostering that. I think you will see that traditionally, at least, those who have higher education tend also to be more tolerant when it comes to different types of speech. And I think just being at a university should expose you to ideas, including ideas that have been rejected. I think you should be confronted with texts that most people find horrendous by modern standards, whether it's texts in favor of slavery, or the Third Reich, anti-Semitic tracks, and so on. And you should meet a lot of people with different viewpoints. I don't think it should be... Even if the universities in liberal democracies are broadly based on liberal democratic ideals and may serve to underpin those ideals in that it creates the decision-makers, and so on that will occupy prominent places in a liberal democracy. I don't think its mission should be broadly activist. It should

be fostering, approaching the truth, and be committed rigorously to viewpoint diversity, allowing students to make up their own ideas.

Jacob Mchangama ([46:56](#)):

Essentially, I think it would be tragic if you have the same ideas about the world when you finish university as when you began college, right? Then I think universities will probably have failed if you had the exact same ideas about the world, about politics, about philosophy, the moral questions, then what's the point?

Steve McGuire ([47:20](#)):

Okay. So maybe by way of conclusion, you've written this massive history of free speech, and you've traced it all throughout the Western world. And you've also looked globally at cultures around the globe. With all of that research in the background, when you look at the current situation for free speech, let's say in the United States because that's where we're interviewing you from, are you optimistic? Are you pessimistic? If you had to make a prediction, which is always dangerous, how do you think things are going to go in the next 10, 20 years?

Jacob Mchangama ([48:08](#)):

I think in the short term, probably not great. I think we're likely to see more tribalist divisions about free speech that are sort of where people make up their mind about free speech based on the content rather than principles. But on the other hand, the culture of free speech is still quite strong in the US compared to many other places in the world. And the legal protection continues to be robust. And I still do see a lot of... I think there are a lot of organizations out there that are working towards healing your frayed democracy. That the rest of us look at with sometimes bewilderment and sometimes horror. And I do have some faith that things will be better and that hopefully trust is increased when your institutions are upgraded to the 21st century, free speech will play a vital role in that and will hopefully also be in a better place.

Jacob Mchangama ([49:34](#)):

And I think, also, there are geopolitical reasons why I think people in free democracies might turn away from the current embrace of more militant democracy which emphasizes free speech restrictions. For instance, the rise of China, where censorship is such an integral part of the Chinese Communist Party's rule. I think that might have the effect of these people in the West, sort of saying, "Well, just as under the cold war..." At least, in the latter part of it where we say, "Well, free speech is part of our identity, basically. Whereas those on the other part of the Iron Curtain, they rejected. That's who we are." Conflict with China, Russia, I think showcases that. That might be another driver, I think, and maybe also the consequences of going too far when it comes to canceling culture, and so on.

Jacob Mchangama ([50:43](#)):

When more and more examples come out that are just too difficult to justify, even for people who were initially sympathetic to de-platforming and canceling people, that might also create a backlash where people say, "Well, this has gone too far. We really have to rally around the idea of viewpoint diversity on universities." But I think it's important for free speech activists themselves to avoid polarization and tribalism. So the idea of only advancing free speech when it's "social justice warriors" and so frightened. And be really principled because you also see attempts by conservatives and people on the right to de-platform speakers and universities, and so on. So it's not only a liberal, progressive phenomenon. And so

I think you are much more persuasive when you're strictly principled and advanced free speech as a universal principle rather than a prop that you can use for narrow tribalist means. So that's essential to free speech defenders.

Jacob Mchangama ([52:05](#)):

And then also to acknowledge the harms and costs of free speech, not saying that, "Well, free speech is only an unmitigated good." Also admitting that yes, sometimes there are costs on this. And then maybe also trying to work on ways to show how free speech can be used to counter the harms of free speech themselves, I think, is something that free speech activists can do better.

Steve McGuire ([52:30](#)):

Mm-hmm. So you would say that...

Jacob Mchangama ([52:35](#)):

I think we have the means. I think we have the means to overcome the crisis, whether we'll do so, I don't know. I hope so, but the history of free speech is a history that's sort of with ebbs and flows and you had the enlightenment, and then suddenly you had a huge backlash, especially in Europe that lasted onto the second part of the 19th century where... And maybe we're in for something along those lines. But I still think that it's such a powerful ideal, that the consequences of denying free speech will very quickly manifest themselves. And hopefully, then, we'll have a sufficiently robust culture of free speech to reverse the free speech recession. But it's certainly not something that will just be done by itself. But it requires commitment. It requires action. It requires courage to stand up and say, "No."

Steve McGuire ([53:37](#)):

Mm-hmm. Do you have any examples of how you can counter or mitigate some of the harms that come from free speech that would remain consistent with the principles of free speech?

Jacob Mchangama ([53:53](#)):

Yeah. Yeah. I think, for instance, you can... When it comes to hate speech, for instance, you can on the one hand say, "I think hate speech should be protected as free speech." But you can also use your free speech to condemn bigots and show solidarity to those minorities who are on the receiving end of hate speech. So I think that's a very practical way to use your free speech to counter those who use it for nefarious ends. I think a lot of institutions already are spending a lot of time debunking, exposing disinformation, showing the patterns and the actors involved in it. And I think that's a... It'd be a much more efficient remedy rather than hopeless attempts to try and ban disinformation and misinformation. So that's another example of how free speech can actually be used for good.

Jacob Mchangama ([54:57](#)):

Yeah. Those are just a few examples. I think, the whole... I think that there are various groups. For instance, if you go to Taiwan, there are people who work on platforms that can be used at a local government level that allows people to come together and make decisions that foster trust and agreement, a consensus rather than outrage and polarization. So that's also a good example of how we can use the technological developments and the underlying principles of free speech for good. And I think there's a huge appetite for those kinds of non-restrictive interventions and measures that can counterbalance the harms and costs.

Higher Ed Now Podcast – Jacob Mchangama with Steven McGuire – June 2, 2022

Steve McGuire ([55:49](#)):

Great. Well, this has been really interesting and enjoyable, so thanks for joining us on the podcast, Jacob.

Jacob Mchangama ([55:55](#)):

Thank you, Steve. Anytime.