



The Power of Speech

CAUCASUS UNIVERSITY – FALL 2021

Course Questions

- ▶ How do our leaders communicate with us?
How do we communicate with them?
- ▶ How do we receive and process information,
and how does that impact how our societies
are governed?
- ▶ How are technological changes impacting
political communication and public
diplomacy?
- ▶ What is public diplomacy and why does it
matter to relations between states and
societies?

Today's Research Questions

What is the relationship of speech to political power?

How does the use of speech express, reinforce, or challenge political power?



Returning to some
key concepts

What are “Politics”

- ▶ The activity through which people make, preserve and amend the general rules under which they live.

Communication

Our definition: “The process of transmitting information and common understanding from one person to another (Lunenberg, 2010).

Receiving information provides you with an understanding of the world around you.

Accordingly, when you transmit information, you are attempting to impact how others understand the world.

Communications is always about influence and, thus, about power.

The Big Picture

The ability to communicate, or the ability to control, restrict, or manipulate how others communicate, is central to political power.

Debates about the limits of free speech are ultimately debates about who has power in our society

Free Speech Debates in Georgia

Article 17 of the Constitution of Georgia

1. Freedom of opinion and the expression of opinion shall be protected. No one shall be persecuted because of his/her opinion or for expressing his/her opinion.

2. Every person has the right to receive and impart information freely.

3. Mass media shall be free. Censorship shall be inadmissible. Neither the State nor individuals shall have the right to monopolise mass media or the means of dissemination of information.

4. Everyone has the right to access and freely use the internet.

5. The restriction of these rights may be allowed only in accordance with law, insofar as is necessary in a democratic society for ensuring national security, public safety or territorial integrity, for the protection of the rights of others, for the prevention of the disclosure of information recognised as confidential, or for ensuring the independence and impartiality of the judiciary.



Gachechiladze vs. Georgia

The Controversy, the Ruling

- ▶ In 2018, the owners of the condom brand Aïsa had to pay a fine and recall products after Tbilisi City Court ruled that its packaging and product advertising constituted “unethical advertising” because it “insulted the religious and national dignity of the population.”
- ▶ The Tbilisi City Court ruled that freedom of expression could appropriately be restricted in this case.

ECHR Ruling

- ▶ “In a pluralist democratic society, those who choose to exercise the freedom to manifest their religion must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith.”

The First Amendment of the U.S. Constitution

- ▶ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.



But nothing
in life is
absolute

- ▶ The U.S. Supreme Court gives Congress and state and local governments the right to restrict freedom of expression in certain situations.
- ▶ When, how, and why to restrict speech is arguably the most important debate in American society.

Sunstein and the “Free Speech Principle”

In the common understanding, the free speech principle is taken to forbid government from “censoring” speech of which it disapproves.

In the standard cases, the government attempts to impose penalties, whether civil or criminal, on political dissent, libelous speech, commercial advertising, or sexually explicit speech.

The question is whether the government has a legitimate and sufficiently weighty reason for restricting the speech that it seeks to control.

Public Forum Doctrine

- ▶ “In the United States, for example, the Supreme Court has ruled that streets and parks must be kept open to the public for expressive activity.
- ▶ A distinctive feature of the public forum doctrine is that it creates a right of speakers’ access, both to places and people. Another distinctive feature is that the public forum doctrine creates a right, not to avoid governmentally imposed penalties on speech, but to ensure government subsidies of speech.”

Consumer Sovereignty Doctrine

- ▶ As citizens, we have the right to consume whatever speech (political expression, books, videos, social media posts) we want, so the government has no right to restrict the creation and dissemination of speech.
- ▶ Based on this principle, the government has very limited rights to restrict corporate campaign finance.



Sunstein, Chapter 8: “Freedom of Speech”

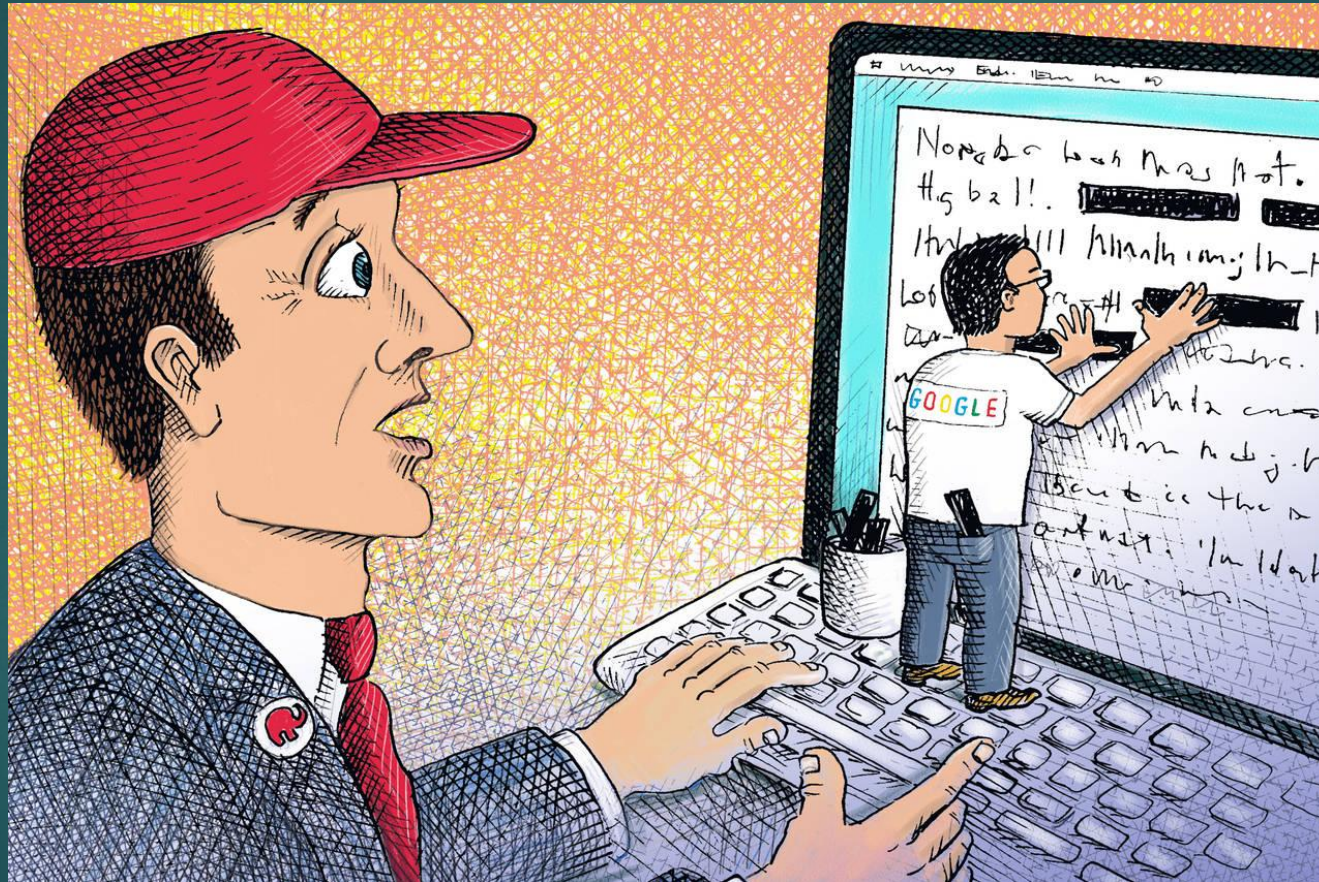
“The fundamental concern of this book is to see how unlimited consumer options might compromise the preconditions of a system of freedom of expression, which include unchosen exposures and shared experiences.”

“To understand the nature of this concern, we will make most progress if we insist that the free speech principle should be read in light of the commitment to democratic deliberation. A central purpose of the free speech principle is to implement that commitment.”

Concern with the "Privatization" of the Public Forum

- ▶ If the free speech market is totally unregulated, commercial interests will be able to drown out their competition.
- ▶ We will also be deprived of unchosen exposures and shared experiences.
- ▶ We will lose access to the public forum, which is a key precondition for democratic deliberation.

What about Private Censorship?





Reading: Big Tech Has Big Power Over Online Speech



Textual Analysis



Antonio

GRAMSCI

Selections from the

PRISON

NOTEBOOKS

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Supplementary Reading: “Intellectuals and Hegemony”



Antonio Gramsci: Marxist Social Critic

Born Italy, 1891.
Founding member of
the Community Party of
Italy.

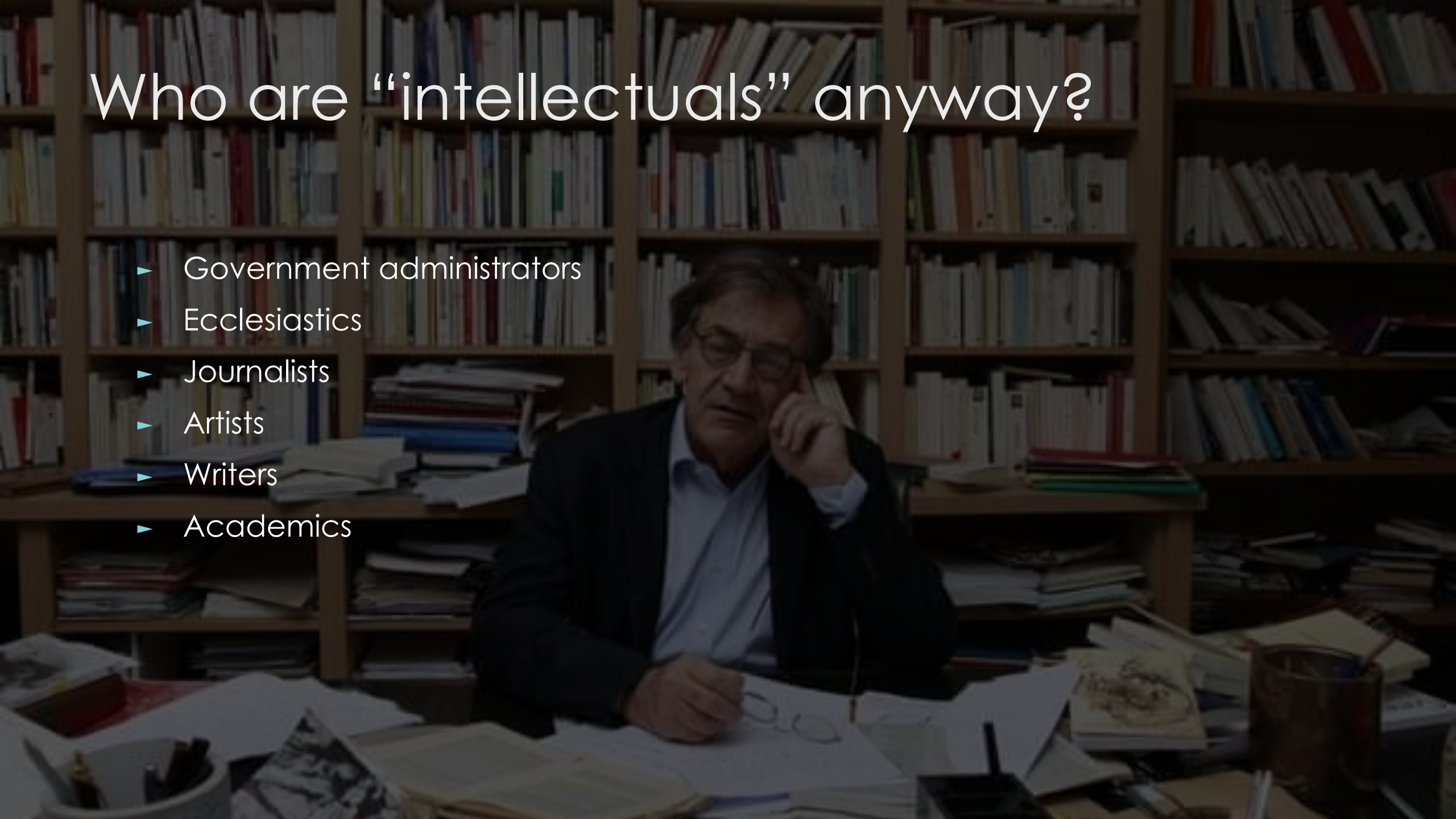
Died in prison in 1937.

Developed theory of
“Cultural Hegemony”

- While based on Marxist premises, his ideas have become influential with people across the political spectrum.

Who are “intellectuals” anyway?

- ▶ Government administrators
- ▶ Ecclesiastics
- ▶ Journalists
- ▶ Artists
- ▶ Writers
- ▶ Academics



The Role of Intellectuals

- “The supremacy of a social group manifests itself in two ways, as “domination” and as “intellectual and moral leadership.”
- “The intellectuals are the dominant group’s “deputies,” carrying out the following activities”
 - Manufacturing the consent of the governed
 - Reinforcing the coercive power of the state
- In short, intellectuals tend to reinforce the existing order by influencing the way that people think.