

“Thus no one can act against the sovereign’s decisions without prejudicing his authority, but they can think and judge and consequently also speak without any restriction, provided they merely speak or teach by way of reason alone, not by trickery or in anger or from hatred or with the intention of introducing some alternation in the state on their own initiative.”

Baruch Spinoza, Theological-Political Treatise

Introduction

In this essay, I will examine some aspects of freedom of speech touched upon in the aforementioned quote by the early enlightenment philosopher Baruch Spinoza from his Theological-Political Treatise. I will analyse the quote itself then use that as a basis for further arguments pertaining to the limitations of good exercises of one’s freedom of speech. I will then try to formulate general principles for exercising free speech well in argumentation.

A preliminary analysis of the quote

In this quote, Spinoza claims that although one should not act against the sovereign’s decisions, one can “think and judge and consequently also speak without any restriction”, provided the following condition is met: “they merely speak or teach by way of reason alone, not by trickery or in anger or from hatred or with the intention of introducing some alternation in the state on their own initiative”. This condition can be separated into three subconditions, the truth of which logically implies the truth of the whole condition. These subconditions are:

- I) one ought to speak by reason alone, not by trickery;
- II) one ought to speak by reason alone, not in anger or from hatred;
- III) one ought not to speak with the intention of introducing some alternation in the state on their own initiative.

For all three limitations to freedom of speech, it is understandable that Spinoza’s claim stems from his objective to make reason prevail.

For the sake of placing the argument in the current climate of almost unlimited free speech, I am not going to analyse thoroughly Spinoza’s exact claim about limiting free speech, for I think that J. S. Mill’s classical argument for free speech also repudiates these limitations sufficiently well. Instead of analyzing the claim of whether the three named conditions should be necessary for exercising free speech, I am going to analyse a slightly different claim of whether these conditions are necessary for exercising free speech well. That is to say, whether society should use these conditions as guidelines in deciding whether an instance of exercising free speech should be considered good or bad (respectable or not, reasonable or not).

For clarity, let us continue to analyse these conditions one by one.

I One ought to speak by reason alone, not by trickery

Here, Spinoza draws the classical distinction between rhetoric and reason (*logos*) that goes all the way back to Sokrates and the Sophists. If we choose the natural definition of reason as the set of arguments and ways of argumentation which should be used in supporting a claim and trickery or rhetoric as the opposite of that (the arguments which should not be used in supporting a claim), then this statement is analytical, that is to say that its truth derives from the meaning of the words. That is because with these definitions, this statement is essentially a truism since it becomes “one ought to speak how one ought to speak, not how one ought not to speak”. The statement is evident and independent of which actual statements and ways of arguing we might consider reasonable.

However, for further discussion, we might need a clearer idea of which statements and arguments one can consider reasonable, in other words which statements and arguments one ought to use. Although one can turn to ethics to find a more suitable definition for “ought to” and a better set of actions one ought to do, this would go far beyond the scope of this essay. For this reason, let us settle with the definition that “ought to” means just what a person is likely to want to if they are perfectly knowledgeable about the subject matter. Since we are attempting to evaluate different ways of argumentation in this essay, let us say that this person evaluating the argumentation is a person to whom the argumentation is presented.

II One ought to speak by reason alone, not in anger or from hatred

This statement seems quite evident at first. However, I claim that it is definitely more controversial than the previous one. It is likely that with this statement, Spinoza meant the more general assertion that one ought to speak rationally and not from one’s emotions. This distinction between rationality and emotionality is a widespread one. However, I am going to argue that, contrary to the previous distinction between reason and trickery, this distinction is largely artificial and perhaps not pragmatically reasonable. I am going to claim that an emotional basis for argumentation is practically almost unavoidable.

Firstly, let us note that deduction is reasonable. Secondly, let us note that for it not to be circular or infinite, and, thereby, unreasonable, deduction requires axioms. By definition, these axioms are unfounded in any previous truths. In a practical setting, when arguing for or against an action, one requires axioms, from which some have to be unfounded “ought to” statements, or, by our definition, unfounded wishes. This is because not all statements can be “is” statements if we want to arrive at an “ought to” statement, as Hume has showed. From emotions we also derive unfounded “ought to” statements. There can be little reason to distinguish between different composite axiomatic “ought to” statements because their correspondance to reality and corroborability are dubious at best (as long as they do not contradict themselves). They can not be derived from observation, they can also not be devised deductively because they are, themselves, axioms.

Therefore, we have reached our conclusion that this distinction is an arbitrary one and not based in reason in any clear way. In practical settings, most arguments are based on emotions or values deriving from emotions of love, compassion, etc, but also fear and hatred. An argument for not only rejecting the distinction but even supporting basing arguments in emotion is the following. It would seem quite absurd to claim that one ought not to feel anger, hatred, or other emotions. It would also seem quite absurd to claim that one ought not to be honest about one’s feelings. In fact, it is reasonable to say that we would want one to have feelings and to be honest about one’s feelings as well. However, this leads to us wanting one to openly talk about one’s emotions and perhaps also base arguments in those emotions.

III) One ought not to speak with the intention of introducing some alternation in the state on their own initiative

This condition can be understood as not allowing one to incite unlawful actions against the state. I would argue that there are definitely cases in which inciting these actions is justified. For example, in the case of an unjust rule preventing the transition to a just rule, inciting rebellion against it can be justified as it is effectively the only way of arriving at a just rule. This might be the case when a rule forbids freedom of speech. In that case, promoting free speech is in itself an act of attempting to introduce some alternation in the state on one’s own initiative. Are there, however, also unwanted instances of inciting actions against the state?

One could question the instances of directly inciting actions against a democratic state with ideally intelligent people. Since the state is an ideal democracy, the actions incited can only be such that they are not supported by a majority of the population. In that case, by our definition of "ought to", it is true that the person observing the argument is likely to not want the actions incited by the speaker. However, this does not mean that a person is likely to not support the act of speaking itself. This does not mean that the person is likely to not want the speaker to present his argument and incite actions against the democracy. In fact, since most people would want to be able to speak with the intention of introducing some alternation in the state on their own initiative and to be listened by other people doing so, it is also rational to formulate a general rule allowing people to do that for peaceful coexistence. In general, therefore, speaking with the intention of introducing some alternation in the state on one's own initiative can still be a good exercise of one's freedom of speech.

Principles for exercising free speech well in argumentation

I have noted before that by exercising free speech well I mean exercising it in such a way that a person perfectly knowledgeable in the subject matter is likely to look well on the argumentation or the presenter of the argument. This leads us to the question which lines or argumentation are likely to be looked well upon. For these lines of argumentation, some general principles can be formulated. Most people would consider deduction and induction reasonable. That can be explained by deduction being right in of itself and induction having worked previously (by experience, although this reasoning is circular, it still leads people to consider it reasonable). Most people would not consider any other form of reasoning reasonable.