

## The Market for Free Speech

Salman Rushdie does not believe in 'free speech'. Neither did most of the literati asked for their opinions on his circumstances in *The New Statesman and Society* (31 March, 1989). What they did generally support is the right of authors to have what they write published -- well, they would, wouldn't they? They did not mention that -- as typical western statist -- they are in favour of all manner of other types of state-regulation of communication. To be fair, such double standards are partly due to a common confusion about the nature of 'free speech' and ignorance of how private property is relevant.

### Free Communication

It is surely in the spirit of the expression 'free speech' that it includes freedom of all communication, that is morse code, pictures and so forth. In this sense 'pornography' (depiction of sexual practices -- whether verbally or visually -- felt to be indecent by the speaker) is as much an exercise of 'free speech' as 'blasphemy' (disparaging the religion of the speaker). For the state to restrict either of these is against the more general and useful notion of 'free communication'.

'Free speech' has two important senses that are often confused. They are confused because they are closely related. One sense is personal while the other is political. The personal sense means 'anti-dogmatism'. When people claim to practise free speech they mean they are willing to give a hearing to their opponents. The political sense means 'no state interference with voluntary communication'. In no country in the world does a state tolerate full voluntary communication. In the UK, TV and radio are almost as restricted as in the USSR; very few channels are allowed and these are heavily regulated.

Clearly, one can believe in complete free speech in the political sense while choosing to avoid debate in one's own life. The

libertarian view has to be that it is wrong for the state, or anyone, to interfere with voluntary communication, but that people should be at liberty (within free-market property rights) to send or shun any communication. This not only means that the state *ought not to prevent* any voluntary communications, but that *neither ought it to impose* communications (on television stations, radios, newspapers, notice boards; at work, school, or in the street, whether by the IBA, Party Political Broadcasts, 'public information' campaigns. or core curricula).

### Why Private Solutions?

It is sometimes held that free speech has to be limited for the good of all. The classic examples are shouting "Fire!" in a crowded (non-burning) theatre, and inciting a crowd to violence. But in the context of free market property rights proscribing these need not mean making exceptions to freedom of communication.

In the case of the theatre it is clear that the owners can demand certain standards of behaviour as part of the conditions of admittance; such disturbances can thus be contractually proscribed. In the case of private streets the situation is exactly the same. Street owners are going to avoid trouble by banning violence, threatening behaviour, or incitement to violence.

This approach would preclude such things as Nazi groups holding provocative rallies in predominantly Jewish areas (as happened in Skokie, USA, a few years ago) and black groups doing the same to annoy racist whites (as has also happened in the US). Both groups were allowed such provocation on the basis of freedom of speech and assembly, precisely thanks to the confusion over the two senses of 'free speech' and the lack of private property rights in streets. In a market-society where the locals owned or were the major customers of streets, such provocation would be highly unlikely; businesses do not want to permanently alienate the majority of their best customers. Private ownership of all streets and open spaces lets the owners decide what shall be allowed and what forbidden -- at the benefit and cost of the owners and contracting users.

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This solution does not prevent people expressing their views elsewhere (in a journal, rented hall, or even hired -- probably distant -- street or park). It preserves the desirable option of communicating to those who choose to receive the communication; it simply ensures that people do not enjoy expressing themselves at the inconvenience and expense of others.

It is unfortunate that some people are offended merely by what other people choose to communicate to each other within the limits of their own property. If person A is offended by what persons B and C are watching, reading or saying on their own property, then person A is worse off. But such distant offence is as nothing compared to the tangible destruction of welfare and wealth caused by person A's violently interfering with the voluntary behaviour of B and C. The state-regulators must learn to quell their own aggressive intolerance -- if only to avoid engendering similar feelings against themselves. And even the relatively tolerant must learn that the only practical alternative to authoritarian censorship and propaganda is respect for private property.

## **Free Life**