

## Dispatch From the Wars on Free Listening

**Dahlia Lithwick**



hough we are inclined to celebrate and honor the right to free speech, I want to put in a word here for its under-appreciated and under-recognized step-cousin: the right of free listening. A quote variously attributed to two brilliant legal thinkers — former chief justice Warren Burger and Bob Marley — holds that “free speech carries with it the freedom to listen.” But it’s not just that in America we are free to listen. We must. Without free listening the right to speak freely is meaningless. When nobody listens, free speech is just noise.

The Framers understood this when they characterized free speech as a marketplace of ideas: a marketplace that would create a smarter polity through the testing of bad ideas against good ones; that would allow us to choose what kind of people we might be.

The Framers couldn’t have imagined their free marketplace of ideas would someday morph into a strip mall of ideas, which would, in turn, become a glass enclosed three-story, airless multiplex of ideas. With today’s vast media aggregation of news sources, and the increasing blurring of fact and opinion, it has now become possible to wake up, drive to work, listen to AM radio, sit at your desk, surf 200 different websites, turn on cable news, and never once all day encounter an idea that challenges the ones with which you woke up.

That is not a free market of ideas. It is a hall of mirrors. We are today in real peril of becoming the most widely read, information-overloaded, and ignorant generation in history.

So I ask that we approach this political moment, this opportunity for real dialogue, as the Framers intended: Let us be brave in our speech while giving others a fair hearing. Let’s rise above what passes for political discourse on cable television, where “shut up, you’re an idiot” is deemed a substantive exchange of views.

This is a plea to recognize that someone who does not share your views is not a moron. Someone who does not share your views is not uneducated. Someone who does not share your views is not blinded by the fact that they are either too close to — or too far from — God to warrant a fair hearing. Someone who does not share your views is not a liar.

As a journalist and a mother, an observer and participant, I am worried about this election. Candidates refuse to speak to journalists claiming we’re biased, elitist, and judgmental. They’re outraged. We, as journalists and as citizens involved in the political process, should be outraged.

This era of “New Anger” passes off this faux burnt umbrage as political discourse. It doesn’t matter what

you said, it doesn't even matter what I heard. What matters is that someone may have heard something you didn't say, so you must apologize for it. When one says "I need not listen to you because what you say makes me angry" one is, in truth, suppressing speech.

IT'S OK TO BE MAD. It's not OK to use your anger or outrage to suppress speech from the other side. And that includes the new assumption that free speech means "go speak over there" in a specially designated Free Speech Zone where you are out of sight of anyone who might be offended by your words.

The recent political conventions in Denver and St. Paul did their best to keep dissenting speech out of sight of the media and the candidates. The conventions designated "free speech zones" (er, wasn't America the original free speech zone?). These areas were meticulously litigated and coordinated for protest, meant to preserve the rights of citizens to speak to attending delegates.

In Denver, the zone was nearly 700 feet away from the convention center, and

unsurprisingly empty. In St. Paul, the opposite problem arose — people flocked to the free speech zones, including more than 40 journalists who were arrested there for, among other things, "conspiracy to riot." These zones kept the media, and the delegates, from listening to what protesters were saying. Free speech was not the problem. But free listening? Nonexistent.

Soren Kierkegaard once wrote that "people demand freedom of speech to make up for the freedom of thought which they avoid."

So let's prove him wrong. The world is watching the United States right now — watching to see if our experiment in unfettered speech will quickly descend to the worst forms of modern discourse — swift-boating, gratuitous name-calling, obscenity, and lies. Let us prove that we understand that free speech is much more than the power to run our mouths; let's recognize that free listening is at the heart of free speech. A robust free market of ideas can still thrive in America, but only if we listen to what's on sale.

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