

Theoretical Justifications of the Right to Free Speech in the Digital Era

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Abstract

Speech is information and communication expressing thoughts, ideas or emotions such as science, poetry, politics, promises, answers, complaints, etc. It is fundamental for individual and social levels to interact. The right to free speech with various theoretical justifications, such as self-fulfillment, personal autonomy, the marketplace for ideas, the search for truth, democracy, tolerance, and pluralism, is the integral existence of individuals and society. These justifications reflect the interrelation between the right to freedom of speech and other rights. Free speech causes individual and social good by achieving these justifications, yet it may result in harmful consequences or conflict with other rights. The digital era advances a new medium to promote the right to free speech within cyberspace. This era shapes individuals and social interrelation for specific ideas and actions in a short time. This represents communication in a new form through the internet, information, and communication technologies rather than print and broadcasting. The international system has been established based on expanding and diffusing cyberspace. Therefore, the coherence of these justifications is analysed within the recent digital transformation process, creating positive and negative impacts on freedom of speech.

Keywords: Free Speech, Digital Era, Theoretical Justifications.

Dijital Çağda İfade Özgürlüğü Teorik Gereççeleri

Öz

İfade bir iletişim yöntemi olarak duygu, düşünce, fikir gibi olguların bilim, sanat, cevap, hayıflanma, söz verme gibi farklı formlarda oluşmasını sağlar. İfade özgürlüğü kişinin ve toplumun ayrılmaz bir parçası olarak, kişinin kendini gerçekleştirme, bireysel otorite, fikirler piyasası, doğrunun arayışı, demokrasi, tolerans ve çoğulculuk gibi teorik gereççelerle açıklanabilir. Bu gereççeler ifade özgürlüğü ve diğer haklar arasında karşılıklı ilişkiyi yansıtmaktadır. İfade özgürlüğü bu gereççeleri gerçekleştirmek suretiyle bireysel ve toplumsal iyiyi gerçekleştirmekte fakat bazı durumlarda diğer hakların ihlali gibi olumsuz sonuçlar doğurabilmektedir. Dijital çağ siber-alanda ifade özgürlüğünün geliştirilmesinde etkili bir çevre sağlamıştır. Bu durum iletişimin internet ve bilgi ve iletişim teknolojileri üzerinden yapıldığı yeni bir durumu ortaya çıkarmıştır. Dijital çağ bireylerin ve toplumun çok daha hızlı etkileşim içerisinde olabildiğini sağlamıştır. Daha da ötesi, uluslararası sistem bilgi ve iletişim teknolojilerinin genişleme ve yayılması üzerine kurulmuştur. Bu nedenle, ifade özgürlüğünün teorik gereççelerinin, ifade özgürlüğü açısından olumlu ve olumsuz etkiler üreten güncel dijital dönüşüm çerçevesinde ele alınması yerinde olacaktır.

Anahtar Kelimeler: İfade Özgürlüğü, Dijital Çağ, Teorik Gereççeler.

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Introduction

Speech as an act is formed for communication or meaning to express thoughts, ideas, or emotions such as science, poetry, politics, promises, answering, complaining and so on. A speech act is fundamental for individual and social levels to interact. It is essential from the inner world of human beings to the outside without interference. Therefore, the speech act qualifies as a right with various theoretical justifications which reveal the value of the right to freedom of speech. It is justified by self-fulfillment, personal autonomy, the marketplace for ideas, the search for truth, democracy, tolerance, and pluralism as the integral existence of individuals and society. These justifications reflect the interrelation between the right to freedom of speech and other rights, such as freedom of thought, religion, association, and assembly. Freedom of speech causes individual and social good by achieving these justifications, yet it may result in harmful consequences or conflict with other rights. Yet, freedom of expression produces much more goodness than badness for individuals and society; protecting and promoting the freedom of speech is better than restricting it.

In the digital age, the international system has been established based on the expansion and diffusion of information and communication technologies (ICTs). Thus, these technologies have redefined the practice of the right to free speech in positive ways. Easy and convenient access to information and communication technologies allows individuals and society to enjoy the values that the right to free speech promotes. These technologies advance a new medium for people to quickly gather specific ideas and actions. The digital era provides some opportunities at individual and social levels, such as the democratisation of information publishing, broadening the public sphere, increasing equality of access to and participation within political processes, increasing engagement in political processes, increasing transparency and accountability from government, and promoting democratic values (Digital Threats to Democracy, 2019: 35). It increases democratic participation, embraces the diversity of opinion, and empowers marginalised groups (Digital Threats to Democracy, 2019: 35). Yet, since technology develops and changes, cyber security challenges have evolved and become one of the main justifications for restricting the right to freedom of speech. This leads modern jurisprudences to implement prior restraint as censorship, mainly caused by vague or overly broad legislative definitions. This is problematic because it has a chilling effect on the right to freedom of speech. Surveillance distracts the right to privacy to exercise freedom of expression, where the chilling effect is set (Golumbic, 2008: 45).

Therefore, this paper reveals the theoretical discussion on the right to freedom of expression in the digital era. The coherence of justifications for the right to freedom of speech, such as self-fulfillment, personal autonomy, the marketplace for ideas, the search for truth, democracy, tolerance, and pluralism, is analyzed within the recent digital transformation. This has extended the scope of the right to free speech in various positive and negative ways but has not fundamentally changed the justifications for freedom of expression.

The Right to Free Speech in the Digital Era

In the legal and philosophical accounts, protected speech and its justifications rely on the term 'interest', which justifies the nature and degree of rights and liberties. Freedom of speech is related to the interests of the 'speaker', 'audience' and 'bystander'. Freedom of speech safeguards these parties' interests and reconciles the parties' conflicting aspirations and objectives. (Scanlon, 1979: 2-5). Freedom of speech requires dealing with two balancing missions: one is to balance the interest of these actors, and the other is to balance the freedom of speech with other rights. While justifying the right to freedom of speech, balancing these interests will be the heart of the discussion because speech acts might potentially damage or harm the interests and rights of others. Freedom of speech is related to other fundamental rights, especially the freedom of religion, thought, consciousness, personal privacy, and intellectual property rights. For instance, on the one hand, freedom of speech might flourish the right to freedom of religion and thought by protecting personal and public ideas and expression; on the other hand, freedom of speech may create harm or danger to the right to property or life by inciting violence and terrorism. As a result of this, balancing the rights and interests of others is the core responsibility of the legal freedom of speech system.

Sullivan brings more basis for modern legal protection of freedom of speech by referring to three essential characteristics: 'mind and body', 'public and private', and 'purpose and effect' (Sullivan, 1994: 206-208). First, the distinction between 'mind/body' (in other words, expression/action, or speech/conduct) can be explained that the government is not only responsible for protecting people from physical injury but also from psychological harm when it is clear and present. Second, the public/private distinction is that not only does the government restrain freedom of speech, but also private parties sometimes restrict it. Lastly, purpose/effect distinction reveals which speech the state authority interferes with. It is essential for "what government is aiming at, not just what it happens to hit". Thus, if the legal system focuses on 'the

content of speech', it is presumptively invalid. But if the legal system focuses on 'content-neutral', it hurts some speakers more than others not concerned by the legal system. These three characteristics of freedom of speech reveal the responsibility and duty of the freedom of speech protection system, even as protecting the interests of rights holders. They also indicate the importance of freedom of speech and its limits in a mutual sense. Freedom of speech is about protecting speech and is a legal and philosophical attempt to draw the boundaries of freedom of speech. The arguments for freedom of speech are related to political, philosophical, and constitutional principles and values (Barendt, 2005: 6), namely, self-fulfillment, search for truth, democracy, tolerance, and pluralism, justifying the importance of freedom of speech.

The internet and digital technologies do not fundamentally change freedom of speech but provide a different perspective. The digital revolution changes the social conditions and the context in which people speak (Balkin, 2004a: 2). Technology has changed the social conditions of speech by creating new forms of dispute between ordinary individuals and the information industries (Balkin, 2004: 2). Individuals, through ICTs, posse new opportunities to communicate and interact with others, and ICT companies aim to expand markets and maximise profits from their products and services (Balkin, 2004: 2). All these changes occur contextually; human use of technology shapes the legal doctrine designed to govern them, with inevitable significant political, legal, and constitutional change (Massaro and Norton, 2016: 1171). This quick change in the free speech phenomenon leads to new debates over free speech principles. These changes are significant for promoting a democratic culture, where individuals have the liberty to create, innovate, participate, and interact in "the processes of meaning-making" (Balkin, 2004a: 2). The fundamental issues concerning online content regulation highlighted tensions between regulatory approaches seeking to protect data sovereignty against transborder data flows and to democratise global free flows of information as well as to reduce the potential harms of content and to grow the digital economy (Thompson and Daubs, 2021: 15). Tech industry is a playmaker in the free speech spectrum as powerful as the state actors who has the authority to interfere the right to freedom of speech. Strengths of tech companies versus governments in a 'Leviathan vs Leviathan' showdown for the future of democracy (Runciman, 2018: 202). The Leviathan will not be erased, but tech companies could weaken the forces that keep modern democracy intact (Runciman, 2018: 211).

Digital technology creates new opportunities for the interests of the 'speaker', 'audience' and 'bystander'; this side is mainly drawn to attention. But it

also makes further limitations that can restrict their interests. So, the digital age comes with both sides of possibilities and limitations. The scope of the right to free speech relies on the regulation of cyberspace, the internet, intellectual property, and telecommunications. Digital platforms mainly regulate their platforms based on their code of conduct, policies, or rules. Digital media treat their business model as “freedom of speech, not freedom of reach” (Twitter, 2023). They produce their restrictive system based on their business and political reasons. They have created challenges such as misinformation, disinformation and malinformation, perverting informed debate and public trust in all forms of information (Digital Threats to Democracy, 2019: 33). Likewise, disinformation, polarisation, attention hijacking and radicalisation through digital media emerge as an adverse effect on the right to freedom of speech.

The Justifications of Right to Free Speech with Digital Transformation

Each justification for freedom of speech is considered in the context of digital technology transformation, which brings new opportunities and limitations to the right to freedom of speech.

Self-fulfillment – Autonomy

Self-fulfillment is one of the values justifying liberties and freedom of speech, which plays a significant role in personal self-fulfillment and development. As Emerson argues, self-fulfillment is the realisation of man`s character and potentialities and to distinguish his mind; man has the potential to constitute abstract terms, to express his thoughts and emotions as communicative acts and to establish culture as a way of life, man has authority to imagine, insight and feel, and by this authority, man develops himself and finds his place and meaning in life (Emerson, 1963: 879). Such development can be maintained with the freedom to receive personal views, news, and information from different sources and to express oneself. Self-development can be apparent by disclosing information and disseminating ideas and opinions (Barendt, 2005: 15). Freedom of speech is a fundamental right not only for the self-fulfillment of the speaker but also for listeners and the public. The communication between listener and speaker promotes individuals` self-fulfillment through the mutual exchange of information and ideas. This exercise can be viewed as developing more reflective and mature individuals and producing the public benefits from it (Barendt, 2005: 13). Self-fulfilled and self-developed individuals can improve social utility and progress (Barendt, 2005: 13). The digital

revolution creates new actors in the context of the right to freedom of speech. For instance, Artificial Intelligence (AI) is considered an actor involved in the free speech debate on whether to receive constitutional rights “for the AI’s own sake.” (Solum, 1992: 1262-76). Even if AI is not the right holder, whoever creates and uses it can be counted as a right holder.

Freedom of speech represents the interest of listeners, speakers, and the public, but how can this freedom protect and promote their interests in terms of personal autonomy? Scanlon's free speech theory, based on ‘individual autonomy’, regards a person as fully sovereign (Scanlon, 1972: 215-216). A sovereign person believes and chooses his ideas or actions and cannot agree with the acts of others without consideration of his sovereignty (Scanlon, 1972: 215-216). Moreover, such equal, autonomous, rational agents do not tolerate the state protecting them against deterring possible misleaders who persuade them to have false beliefs or behaviours, and they do not need a state to decide what is right or wrong for them (Scanlon, 1972: 217). From this perspective, suppression of or intervention on freedom of speech by the state or the tech companies is a burden that prevents individuals from making their assessments.

In contrast, Greenawalt claims that freedom of speech does not make individuals fully autonomous; only “people can be more autonomous under a regime of free speech than under a regime of substantial suppression” because there is no measure to evaluate the level of autonomy among people of different society (Greenawalt, 1989: 125). He also asserts that the government controls communication, which shapes the beliefs and opinions of people, so the comparative autonomy of individuals is related to freedom of thought rather than freedom of speech (Greenawalt, 1989: 125). This is compatible with the consequentialist approach because individuals can be influenced by others’ ideas while shaping their ideas and knowledge. Individuals have the right to receive information and to communicate because they contribute to devising the purpose and realisation of their society (Emerson, 1963: 880). Society and government must not hinder people when they voice their opinions and appraise their existence. (Emerson, 1963: 880).

Digital transformation eases the mutual exchange of information and ideas for self-fulfillment due to more efficient, reliable, cost-effective, and increased coverage of information and communication (Dhiraj, 2020: 133). Digital transformation has improved data collection, processing, and analysis to form the opinions and thinking of human beings (Dhiraj, 2020: 136). In our age, technological developments have become the most critical tools

of society for education, employment, commerce, health care, civic participation, entertainment, and more, which creates an information society (Brewer, 2017: 13). The Web is an essential tool for individuals to communicate, interact and access society (Brewer, 2017: 13). All these critical advancements allow people to be more autonomous. Yet, speech on digital platforms may also oppositely influence self-development by putting the rights of others in danger. Additionally, digital corporations, smart machines, and their outputs already wield great social and economic capacity to inflict grave harm to self-fulfillment and human autonomy. They may deflect national regulations and thus revise the relationship between individuals and machines in profound and unfortunate means (Massaro and Norton, 2016: 1174).

Search for Truth / Marketplace for Ideas in a Cyber-Market

The right to freedom of speech is based upon the importance of open discussion of discovering the truth, which is regarded as good for individuals and society as a utilitarian consideration. Mill determines the boundaries of the 'search for truth' with consideration of 'truth' as a matter of discussion of political, moral, and social affairs rather than scientific or mathematical propositions (Barendt, 2005: 10). All facts, arguments, and information can be considered as truth or products of the market of ideas. Yet, it is very challenging to define the 'truth'. For that reason, as Justice Holmes answered the question 'What is truth?', "the best test of truth is the power of the thought to get itself accepted in the market competition."¹ This answer is based on consensus on or existence of 'truth' in the sense of success in a particular time, place and population. In the marketplace for ideas, individuals will have options for ideas and propositions, and there will be available processes to define and determine the truth and falsehood (Schauer, 2010: 909). Schauer claims that the theory of marketplace for ideas is considered the best practice of developing human knowledge and determining, believing, or refusing propositions within a specific society (Schauer, 2010: 909). So, the truth will emerge after the 'long run' of the wide range of opinions in the market without government suppression (Mill, 1859: 106). Mill claims that the 'long run' is based on the scope of the present investigation and more extended exploration of truth rather than other justifications for freedom of speech (see Greenwalt, 1989: 131). From this point of view, a proposition in a particular time could be true, then after the 'long run', this truth can turn out to be false. Hence, the definition of truth is valid in a very limited time or place.

¹ *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

What is more, Greenawalt poses the question, 'does truth exist?' (Schauer, 2010: 909). As in history, some people accepted a bloody and oppressive government as a truth, but others considered it responsible for genocide or crime (as false). When such acceptance becomes successful in a specific society at a particular time, will we define it as truth? It is not easy to believe such acceptance as truth. As a result, truth should be rooted in some basis to determine what kind of social and individual practices or ideas promote the discovery of truth (Greenawalt, 1989: 131). Hence, there should be some principles and interpersonal acceptance while defining truth. However, the dilemma comes with the definition of truth. Firstly, truth is a very subjective term because it can be defined differently in various times, places and by different societies, eras, or individuals. And any idea is likely to be called truth from time to time. Secondly, there is no standard definition for the truth. Thus, it will be impossible to draw the limits of freedom of speech as true or false speech. This makes the 'marketplace for ideas' theory a problematic justification for freedom of speech.

Additionally, discovering the truth may not provide a sufficient reflection of the spectrum of wants and interests of people because the ideas and beliefs of powerful, wealthy decision-makers and their preferred group have more voice and place in the marketplace for ideas rather than poorer and weaker (Greenawalt, 1989: 141). Consequently, the market place of ideas draws a false picture of people's desires and interests (Greenawalt, 1989: 141). In other words, the truth can be neglected for other considerations such as money, company, or personal interests. Therefore, the marketplace of ideas does not guarantee that freedom of speech will lead to the truth. Alternatively, there is no guarantee that truth always wins against falsehood (Wellington, 1979: 1130).

The theory of the marketplace for ideas is not a proper and comprehensive justification for free speech. The 'long run' is not precise terminology that an unlimited market might harm individuals and the public. Some speech should not be in this market because of its harmful and dangerous consequences on the rights of others. But, the restriction can be an option to prevent such danger in the case of imminent and present danger and harm caused by speech.

The digital revolution affects the marketplace for ideas by producing information regardless of sources. Speakers, through ICTs, facilitate the discovery of truth and distribution of knowledge through a robust exchange of ideas in various ways (Massaro and Norton, 2016: 1178). Information and communication are much easier in the digital age, and that truth is defined

in a shorter 'long run'. Yet, the digital revolution does not contribute to the question of 'what is truth' because the truth is still subjective and has unclear boundaries. Technological advancements even make the search for truth more difficult due to easy access to more available information in the market. 'More speech' or 'counter speech' in the market place through ICTs broadens the right to freedom of speech and averts.

Democracy

The right to freedom of speech is one of the main functioning of democracy through providing political debate and discourse between various political choices. This right promises people to participate in political activities, express and exchange their beliefs and ideas, and convince others (Massey, 1992: 118). Greenawalt attributes meaning to democracy as a preventative tool for governmental suppression to mislead people. This happens using a decent political process and citizen participation in decision-making (Greenawalt, 1989: 119). By doing so, society can constitute a supervision process on government misguiding and wrongful acts.

Meiklejohn claims that "[g]overnments ... derive their just powers from the consent of the governed. If that consent be lacking, governments have no just powers." (in Redish, 1982: 596). Being a matter of consent in a democracy makes government officials agents of election and competitors between agents; for that reason, the electorates require information as much as possible to maintain governing and voting processes (Meiklejohn, 1961: 263). Freedom of speech is based on the requirement of self-government since the electorate decides public issues by suffrage. The government's authority is "controlled by public opinion, not public opinion by authority."² Government in a democratic system must stick to the self-governing decision of the people. The first condition must be met to achieve public opinion autonomy; then, public opinion is freed from the government (Redish and Mollen, 2009: 1305). If the government can control public opinion in various ways, public opinion and individuals cannot be 'autonomous and free' to rule the government. In a democratic system, government restrictions are treated as suspicion because governments may manipulate individual and public' ideas (Schauer, 1983, 377-378). In other words, individuals are autonomous and un-manipulated (Strauss, 1991: 371).

To make self-government a "reality rather than an illusion" (Meiklejohn, 1961: 263), this might become possible through the judgment-making of the

2 W. Va. State Bd. of Educ. v. Barnette, 319 U.S. 624, 641 (1943).

people who self-educate themselves in the ways of freedom. As Meiklejohn says, “the people need free speech’ because they have decided, in adopting, maintaining, and interpreting their Constitution, to govern themselves rather than to be governed by others” (Meiklejohn, 1961: 263). His theory focuses more on political speech rather than other forms of speech. This is the point of his claim that “the people do need novels and dramas and paintings and poems, ‘because they will be called upon to vote`” (Meiklejohn, 1961: 263). Thus, his understanding of the protection of free speech regards all sorts of speech as political speech.

However, the theory of democracy is beyond the political realm; it is about the right to contribute to the making of the whole culture and free speech in art, science, literature and all spheres of learning and knowledge (Emerson, 1963, 883). Redish claims that the protection of freedom of speech embraces all forms of speech (1984: 30). He believes it is complicated to find the criteria for measuring results for democracy or other systems. Yet, he regarded democracy as ‘process-oriented’, which includes “the inherent value in allowing individuals to control their destiny, and the instrumental value in developing individuals’ mental faculties” (Redish, 1984: 30). The purpose of democracy in this sense is fully participatory democracy, development of individuals and consent of the authority. These two processes are directly subject to freedom of speech. Democracy, broadmindedness, and pluralism can be a reality in a society where freedom of expression covers not only ‘information’ or ‘ideas’ that are favorably received or regarded as inoffensive or as a matter of indifference but also those that do offend, shock, or disturb the State or any sector of the population.³

As Balkin argues that emerging ICTs reformulate the role of free speech theory to protect democratic culture, which is “a culture in which individuals have a fair opportunity to participate in the forms of meaning-making that constitute them as individuals” (Balkin, 2004: 3). Here, a more explicit global account of how humans make meaning explains digital speech as more obviously crucial than traditional, public discourse models (Massaro and Norton, 2016: 1178). New technologies are promoted through promising wider participation due to new ways of controlling democratic participation. Digital media increases citizen engagement, improves government transparency, and rebuilds trust in democratic processes (Digital Threats to Democracy, 2019: 35-6).

3 Handyside v. United Kingdom, (1976), at.49

On the other hand, democracy is challenged by digital media in three core problems (Digital Threats to Democracy, 2019: 34). First, two or three corporations create platform monopolies for communication and content control by avoiding national regulation or moving their operations elsewhere. Second, digital platforms use algorithmic opacity about what we want to see and hear. They have ever-increasing influence over what we think and do, with little or no transparency on their work or impact. Lastly, the attention economy is a business model prioritising the amplification of whatever content is best at grabbing our attention. Here, this model ignores content as an individual or social good. Algorithms play a crucial role in censorship applied by the digital industry. For instance, many politicians claim social media companies are “controlling what we can & cannot see” (Diresta, 2018). These algorithms are invisible yet effectively shape individual and public opinion. A good illustration of this is that the YouTube algorithm is responsible for %70 of views on YouTube from recommendations (Diresta, 2018). This can be applied to other digital industries where their algorithms can interfere with the choices of individuals and deteriorate democracy. The digital revolution brings new opportunities to promote democracy. Yet, it takes new tools, such as these algorithms, into service to direct and manipulate individuals and the public as contrary to democracy.

Tolerant and Plural Society

Pluralism is subjected to the broad definition of the right to freedom of speech. A person’s behaviours express what he/she is. Pluralism is a comprehensive manner that establishes the genuine recognition of and respect for diversity and cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary, and socio-economic ideas, and concepts (Napel, 2009: 466). Regarding freedom of speech, pluralism is about different religious, cultural, and social groups, and these diversities are not an obstacle to enjoying the same degree of free speech by each group (Nickel, 1989: 289). Raz considers freedom of speech as validation of ways of life because people portray or express their ways of life by validation of portrayal and expression, which communicate their problems, behaviours, and experiences to others (Raz, 1991: 312). People act and express their ideas and desires in the boundary of authoritative public condemnation and the whole ways of life (Raz, 1991: 312). As a result, validation of a way of life through its public expression is essential for the well-being of individuals, and it supports individual identification of a way of life (Raz, 1991: 312). It brings the ways of life into their society as an option for others and is a primary factor in transmitting, preserving, and

renewing cultural processes. Validation of a way of life constitutes a place to interact with other life factors and to form new relations, behaviours, and lifestyles (Raz, 1991: 312). This validation can be created only by a tolerant society. The right to free speech promotes and displays pluralism by ensuring and validating different ways of life (Barendt, 2005: 35).

Bollinger defines tolerance as “showing understanding or leniency for conduct or ideas ... conflicting with one’s own” (Bollinger, 1986: 10). Tolerance is a value for the coexistence of different beliefs and attitudes. Here, freedom of speech aims to promote and show a public capacity to manage feelings constituted by social encounters. Freedom of speech is one of the most effective elements in constructing “a special act of carving out one area of social interaction for extraordinary self-restraint” (Bollinger, 1986: 10). Bollinger claims that the achievement of freedom of speech is to organise the act of tolerance; otherwise, intolerance as an alternative to tolerance will be the main reason to pressure freedom of speech by legal and governmental restrictions (Bollinger, 1986: 134). Bollinger claims that people should be tolerant of ideas and attitudes that they detest (Bollinger, 1986: 236).

Bollinger also believes that the constitutional principle of freedom of speech has been redefined because people have responded to social issues as willing and enthusiastic agents (Bollinger, 1986: 244). As a result, society should be allowed to deal with the nature and degree of intolerance and to practice extraordinary self-restraint towards such troublesome acts (Bollinger, 1986: 244). In a tolerant society, the legal principle functions “as part of a general social ethic and not simply as a means of curtailing legal intervention into the realm of speech” (Bollinger, 1986: 248). However, extremist views should be tolerated by society because society constitutes common principles to take such views to promote speakers’ possibility of communication and affirmation; only in this way is free speech achieved, and the promotion of tolerance within society succeeds (Bollinger, 1986: 157). Tolerance generates confidence for individuals to express and declare their beliefs and ideas, and society avoids controlling the psychology of individuals while having shared principles for tolerance of speech (Bollinger, 1986: 157). A tolerant society can produce counter ideas against an intolerant idea by using tolerance. This is the most reliable way to strengthen society’s immunity against intolerant ideas and actions.

However, tolerance can be guaranteed if it has the power to overcome intolerance. Otherwise, intolerance may overcome tolerance. Thus, drawing the boundary of tolerance is vital to its long-lasting existence. This boundary

is about the extent to which intolerance may cause harm and danger to the rights of others (Cohen-Almagor, 2006: 18, and Rawls, 1971: 212). This boundary can be drawn by individuals and society if they can manage it (Cohen-Almagor, 2006: 18, and Rawls, 1971: 212). If intolerance has enough power to overcome tolerance, democracy will also be in real danger, and an anti-democratic system can overcome democracy.

Digital technology provides social interaction without self-restraint, where individuals promote tolerance and intolerance in cyberspace. It is convenient for individuals without access to conventional media to represent their voices. Any voice can resume its existence in the digital world with fewer restrictions. Of course, pluralism and tolerance are based on inclusion and more equitable access to technology and data. If ICT platforms create technical limitations for specific sets of ideas, there will be segregationist and discriminatory digital platforms. Thus, the digital transformation should be governed democratically with the participation of all agents of speech act. Positive efforts should be considered to stop online hate speech, misinformation, xenophobia, and incitement to violence, which promotes an intolerant and isolated society.

Conclusion

Freedom of speech allows individuals to promote autonomy and make up their minds. It is a direct way to express their desire, feelings, and ideas. It is fundamental for individual and social levels to interact. The right to free speech with various theoretical justifications of democracy, self-fulfillment, the marketplace for ideas/search for truth, and tolerance and pluralism is the integral existence of individuals and society. These justifications reflect the interrelation between the right to freedom of speech and other rights. The digital era advances a new medium to promote the right to free speech within cyberspace. This era shapes individuals and social interrelation for specific ideas and actions in a short time. This represents communication in a new form through the internet and telecommunication rather than print and broadcasting.

The coherence of these justifications is analyzed within the recent digital transformation. These justifications rely on the term 'interest', which justifies the nature and degree of rights and liberties. So, freedom of speech guarantees the interests of relevant agents and balances those actors' competing goals and interests. Freedom of speech system is about protecting speech and is a legal and philosophical attempt to draw the boundaries of freedom of speech. The internet and digital technologies do not fundamentally change freedom of speech and its justifications. However, they bring a

different perspective. The digital revolution changes the social conditions and the context in which people speak due to creating new forms of dispute between ordinary individuals and the information industries. This quick change in the free speech phenomenon has led to recent debates over freedom of speech theories. These changes are specifically significant for promoting a democratic culture, where individuals have the liberty to create, innovate, participate, and interact in meaning-making processes. The digital revolution brings new opportunities to promote the justifications of free speech yet takes new tools into service as contrary to these justifications. The digital revolution is not only a positive phenomenon for free speech and its justifications but also a double-edged process. Thus, digital transformation cannot redefine the coherence of freedom of speech and its justifications due to its restrictive system based on business and political reasons.

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