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Stability and the Public Sphere

**Abstract**

In this paper I explore the apparent tension between the goals of legitimating a political system by ensuring a broad right for all those subject to it to say what they like, and buttressing the stability of a political community by fostering democratic values, such as respect and tolerance. The traditional liberal view has been that an expansive right to freedom of expression is crucial to justifying the moral permissibility of coercive political authority in two ways. First, fora for open discussion of important questions offer an opportunity for citizens to get involved in the decisions that will be binding upon them. Excluding citizens from such deliberations raises serious questions about whether the ideal of political equality is being adequately respected. Second, widespread public interrogation of government priorities and policy is the best guarantee we have of ensuring that good decisions are made. Additional scrutiny increases the likelihood that problems will be detected, and the inclusion of unexpected ideas and alternative perspectives increases the chances for new or unfashionable ideas with merit to gain traction.

The problem is that a permissive approach shelters a range of corrosively bad behaviours which can weaken the commitment of individuals and groups to be fair in their dealings with other citizens who hail from different backgrounds or subscribe to different beliefs. The use of the airways and the internet to ‘other’ social groups makes it easier to believe that they will break faith and impose their particular worldviews and standards on the rest of us (think of the so-called “War on Christmas”). Once that pernicious idea takes root, Hobbesian logic demands that you get your retaliation in first. And while this result can be achieved intentionally by fake news and ideological propaganda, it can also emerge as the cumulative effect of minor instances of thoughtless and short-sighted speech. For instance, the nasty and judgmental behaviour evident in cases of public shaming also makes it harder to believe that your fellow citizens would refrain from forcing their belief-systems on you, since that is, in effect, what they are doing.

Drawing on the work of Rawls, Habermas, and others, I will argue that while there is indeed a genuine tension here, we can coherently pursue both legitimacy and stability at the same time. The solution I offer is to split the public sphere up into different parts. This is something that we often do in practice, but the notion of a monolithic public sphere still tempts theorists to think that the moral permissions required in one area must be applied across the board. Journalism, satire, art, political persuasion, social media, and so on, all have different roles to play and should be conducted according to different rules. Rather than simply sacrificing legitimacy for the sake of greater stability, which would be a regressive step, we can give more prominence to elements that promote stability, and be more targeted in defending a permissive attitude to speech where it is really needed.

**Keywords**

Legitimacy, Stability, Freedom of Speech, Public Sphere