

Civility in the Public Square

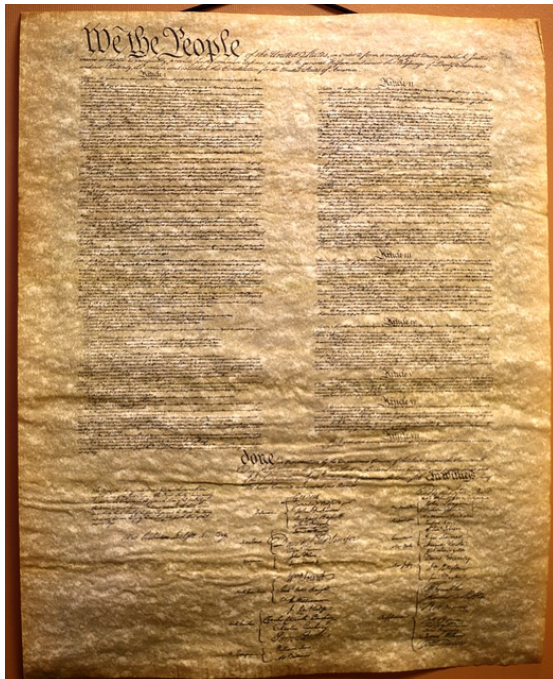
Brief: Freedom of speech is a principle that supports the freedom of an individual to express their opinions and ideas. Empathy is a skill that helps us to practice civility and listen to other's points of view—even when we strongly disagree.

Learning Objective: Explain the role of free speech in a democracy and understand how to practice civility in the public square.

Key Terms:

- **Freedom of Speech:** A principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction.
- **The Public Square:** A term used to describe the coming together of people from different walks of life to present their points of view, listen, discuss, debate, and protest.
- **Empathy:** The capacity to understand another person's experience from their point of view.

Freedom of Speech and the First Amendment



The United States Constitution

The First Amendment to the United States Constitution prevents the government from making laws that respect an establishment of religion, prohibit the free exercise of religion, or abridge the freedom of speech, the freedom of the press, the right to peaceably assemble, or the right to petition the government for redress of grievances. It was adopted on December 15, 1791 as one of the ten amendments that constitute the Bill of Rights.

Freedom of speech is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction. Freedom of speech is understood to be fundamental in a democracy, therefore our cultural norms lean towards unlimited freedom of expression in public debate—even in times of emergency.

Freedom of Speech in the Public Square

The “public square” is at the heart of American democracy. In communities across America, people from different walks of life come together to present their points of view, listen, discuss, debate, and protest.

And the public square is often a messy place. Protesters become loud and unruly; groups with opposing points of view try to shout one another down. Scuffles, violence, and arrests sometimes ensue. Special interests choose places to gather and march designed especially to offend the targets of their protest. The language, signs, and symbols of the public square are often nasty, offensive, and uncivil.

History reminds us that the lack of civility in the public square is not new. The U.S. Supreme Court generally protects political speech and assembly in many different forms and settings, including in recent decades the right of neo-Nazis to march down the streets of Skokie, Illinois, a community heavily populated by Jewish residents and Holocaust survivors (*National Socialist Party v. Skokie*, 1977) and the right of residents and even gang members to loiter on the streets of Chicago (*Chicago v. Morales*, 1999). In 2011, the Court in a 9-0 decision upheld the free expression rights of a church to picket at a funeral, even though most people found their action to be offensive and outrageous (*Snyder v. Phelps*, 2011).

Empathy: A Powerful Tool for Civility in the Public Square

Exercising empathy while listening to a speaker requires that we work to understand what the speaker is saying, from his or her point of view—even when we find the message that speaker is sending to be offensive.

This does not mean that we must automatically agree with the speaker or give them our approval. Rather, by putting ourselves in the speaker's shoes and trying to see the presented arguments from that perspective, we can more accurately assess what the speaker is saying, which may ultimately lead to better understanding.

Tips for Being an Empathic Listener

Leave your ego at the door. Come to the public speaking event with an open mind, like a blank slate.

When disagreeing with the speaker, write down your objections rather than tuning out the presenter.

Be open to new ideas or new ways of thinking.

Look for opportunities to share common ground with the speaker, such as beliefs, ideologies, or experiences.

From Concept to Action

Consider an issue you feel passionately about. Then, think about the position of someone who holds the opposing point of view. How do you feel about that person? Is it possible to separate the person from their position? Is it possible that you could listen to them with empathy to find some common ground?

OER IMAGE SOURCES:

"Old Transcript Constitution." Pixabay. <https://pixabay.com/en/old-transcript-constitution-vintage-438035/>. Accessed 19 November 2018. [Creative Commons CC0 License]

OER TEXT SOURCES:

"Be an Open-Minded Listener: Suspend Judgment and Exercise Empathy." Lumen Learning. <https://lumen.instructure.com/courses/218897/pages/linkedtext54164>. Accessed 19 November 2018. [Creative Commons Attribution-ShareAlike License]

"Freedom of speech." Wikipedia. https://en.wikipedia.org/wiki/Freedom_of_speech. Accessed 19 November 2018. [Creative Commons Attribution-ShareAlike 3.0 Unported License]

"The First Amendment to the United States Constitution." Wikipedia. https://en.wikipedia.org/wiki/First_Amendment_to_the_United_States_Constitution. Accessed 19 November 2018. [Creative Commons Attribution-ShareAlike 3.0 Unported License]

REFERENCES:

"Civility and Free Expression in a Constitutional Democracy." American Bar Association. https://www.americanbar.org/content/dam/aba/images/public_education/civility_free_expression_planning.pdf. Accessed 19 November 2018.