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Free Speech and the State: An Unprincipled Approach

David van Mill

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This book addresses the question: “What should be the appropriate limits to free speech?” The author claims that it is the state, rather than abstract principles, that must provide the answer. The book defends a version of Hobbesian absolutism and rejects the dominant liberal idea that there is a right (human or civil) setting the boundaries of free speech. This liberal view can be known as the “principled defence of free speech”, in which speech is established as a constitutional principle that has priority over the state. The author instead offers an “unprincipled approach to free speech”, suggesting that the boundaries of speech must necessarily be set by the state, which in liberal democracies means through social and political contestation. The final chapter applies the argument to the topic of hate speech and argues that it is appropriate to limit such speech when it causes harm and offense. The book will be of use to students and scholars across political theory, political science, sociology, philosophy and law.

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