Alienable Rights: Variation in Application of Free Speech Principles

Nicole M. Lindner & Brian A. Nosek

University of Virginia

Background

Although the U.S. Constitution guarantees freedom of speech, the persistence of legal challenges makes it clear that the application of free speech principles to specific examples of disliked speech is more difficult. Research on *political tolerance* has found that although Americans almost universally endorse the abstract principles of free expression, they are inconsistent in extending them to disliked ideological groups (Marcus et al., 1995). Research also suggests political differences in willingness to tolerate disliked speech with liberals favoring preserving civil liberties over order more than do conservatives (Davis & Silver, 2004).

One explanation posits that individuals' malice toward certain groups or ideologies overwhelms their principles when asked to politically tolerate disliked speech and speakers. This suggests that implicit bias could predict political tolerance and that a target's membership in other disliked groups, such as race, may also predict inconsistent Constitutional protection.

Method

Participants

Adult U.S. citizens who had reported political orientation (25% conservatives, 24% moderates, 51% liberals) during sign-up at the Project Implicit Research website participated in Study 1 (*N* = 2,069) or Study 2 (*N* = 1,802).

Speech Manipulations

Participants first read an scenario, styled on an AP news article, in which a native U.S. citizen pasted a poster on his home's garage that read:

"Americans are the problem" or "Arabs are the problem"

In both studies, the speaker's first and last name suggested his race, with counterbalancing of 1 of 4 first names (from Bertrand & Mullainathan, 2004). The speaker's name connoted a native-born American who was either:

- White (Studies 1 & 2; e.g., Brad Sullivan),
- Black (Study 2; e.g., Darnell Jackson), or
- Arab Muslim (Study 2; e.g., Abdullah Muhammad).

Explicit Measures

Willingness to Protect Speech (αs = .88, .87)

- *His* actions should be allowed/prohibited (r).
- The right for *him* to express his opinion on that poster should be restricted (r)/protected by the U.S. Constitution.

Agreement (αs = .89, .85)

- I share *his* opinion about Americans/Arabs.
- I am opposed to *his* opinion about Americans/Arabs .(r)

Note. The Willingness to Protect Speech scale include 11 items, please refer to the handout for all items. For all conditions, the italicized pronouns reflected the speaker's full name or last name.

Implicit Measures

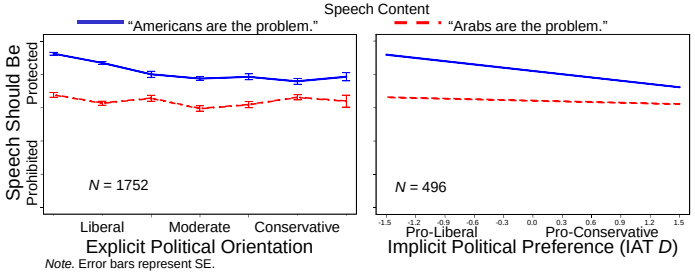
After reporting their opinion of the statement, participants were randomly assigned to one of the possible Implicit Association Tests (IAT; Greenwald et al., 1998).

Study 1: Conservative/Liberal Preference IAT (α = .91)
White/Black faces Preference IAT (α = .72)
Freedom/Security Preference IAT (α = .71)

Study 2: Conservative/Liberal Identity IAT (α = .90)
White/Arab Muslim names Preference IAT (α = .71)

Results

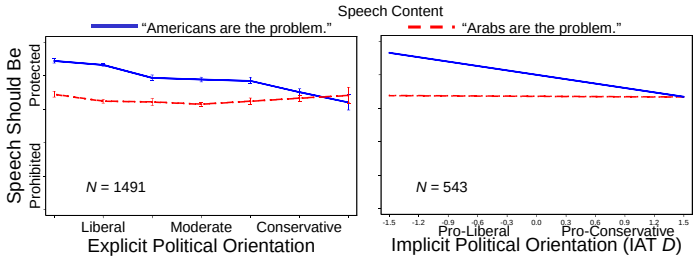
Study 1: Speech content and conservatism, not White vs. Black speaker, affected speech protection



Note. Error bars represent SE.

Regardless of whether the speaker was a Black or White American, participants were similarly willing to protect his speech (Cohen's *d* = 0.06). Participants across the political spectrum expressed greater willingness to protect a statement criticizing Americans rather than Arabs (*d* = 0.93). Political conservatism was related to weaker protection of the statement criticizing Americans (*r* = -.33) but not the one criticizing Arabs (*r* = -.04).

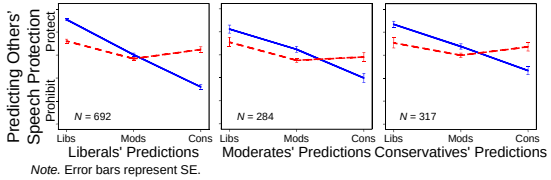
Study 2: Replication, with differences in tolerance of White versus Arab Muslim speaker



Note. Error bars represent SE.

The results were replicated in a second study, in which the speaker was a White American or Arab Muslim American. Participants expressed greater willingness to protect a statement criticizing Americans rather than Arabs (Cohen's *d* = 0.81). Political conservatism was related to weaker protection of the statement criticizing Americans (*r* = -.40) but not the one criticizing Arabs (*r* = -.03). However, speaker's status as a White American versus an Arab Muslim American also affected willingness to protect his speech, such that there was greater willingness to protect the statement criticizing Arabs for an Arab Muslim than a White speaker (*d* = 0.29), and greater willingness to protect the statement criticizing Americans for a White Muslim than an Arab Muslim speaker (*d* = 0.22). This effect was consistent across the political spectrum for both statements.

Study 2: Political orientation and predictions of tolerance for political others



Note. Error bars represent SE.

In Study 2, participants who reported their own opinion were then asked to estimate the opinions of a typical liberal, conservative, or moderate. Participants across the political spectrum consistently underestimated the typical conservative's (Cohen's *d*s > 0.72) and typical moderate's (*d*s > 0.56) willingness to protect the statement criticizing Americans, but only extreme liberals significantly overestimated the typical liberal's protection of the statement criticizing Americans. Only the typical moderate's willingness to protect the statement criticizing Arabs was significantly underestimated.

Implications

First, political liberalism's association with stronger willingness to protect the statement criticizing Americans, suggests that political liberals do consider protection of controversial speech more important in some cases than do political conservatives. Second, the speaker's ethnicity affected willingness to protect his speech and agreement only when it was relevant to his speech, and Americans expressed greater willingness to protect a speaker when he criticized his own ethnic group than when he criticized another.

References

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