

I don't care about 18C; I care about your mental health

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We've all heard the old adage: sticks and stones may break my bones, but names will never hurt me. The entire point of the adage is to try and minimize the impact of names. Indeed if names never hurt there would be no point in the adage in the first place.

Psychology tells us that name calling has lasting effects. Call someone stupid, fat and lazy often enough and they start believing they're stupid, fat and lazy. This isn't new to us. In fact we **know** the effects of name calling, and find it abhorrent every time have to move against school bullying. And why children are often less resilient than adults, there's no question that adults also feel the effect of repeated name calling.

In terms of 18C then we have two sets of rights: free speech versus the right to be supported by society to live a life as healthy as possible – both physically and mentally. Yes, the right to health is a human right. We've signed conventions against torture, for the rights of the child, for the rights of people with a disability – to name a few. Individuals have won court cases against governments who refuse to supply lifesaving drugs.

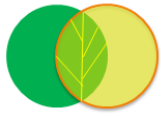
And so the gap in views about 18C that leads people to argue become clear.

My right to free speech is an individual right. I have the right to express an opinion. And really, can my opinion do harm, especially if it's just an opinion? Shouldn't people have to suck it up, at least to a certain level?

On the other side we have the right to health. Unfortunately the damage that is done by name calling, or "opinion giving" is probably not caused by one individual's free speech. It's a cumulative effect over years, and we never know which opinion is the straw that breaks the camel's back.

18C then is not designed to limit free speech at all; rather it's designed to keep people healthy by limiting the cumulative effect of name calling. This is why calling people who offend 18C "racist" (for example) leads to arguments. From an individual point of view you can see that it's at least possible to say "I'm not a racist, in this case I'm just expressing an opinion". However there is no doubt that collectively minorities are on the receiving end of public opinion more often than, for example, middle aged white dudes. That doesn't mean middle aged white dudes don't have other issues. This article isn't saying that... but they don't share these particular difficulties.

When you've been called a drunk because you're black, or a terrorist because of your ethnic background, or a "fag" over and over again you can **clearly** see how one more daily comment becomes a racist or homophobic comment to the person hearing it, not matter the intent of the people giving the opinion. Again the individual opinion plays out against the collective name calling. So for one person it's a one off statement of opinion, for the other person it's just one of many daily statements that amount to racism.



So far everybody is correct, and the argument is really about quite different points of view.

Unfortunately the so called “pub test” is only going to make things worse. We’re no longer judging the straw that breaks the camel’s back from the point of view of the camel. We’re looking at the opinion of the people in the pub – and presumably not a pub full of black fellas in the APY lands. So we can now say – that shouldn’t have broken the camel’s back, even when the camel is sprawled in front of us, because the camel’s opinion doesn’t count.

So what do we do? How do we resolve this?

We can look to other conflicting rights, like the right to free movement. I can go about my business in a way that is free from being hindered. You can’t unlawfully detain me or assault or accost me. As an individual I can skip, jog, ride on a skateboard, or wave my arms about. Except that I can’t. I can’t skateboard dangerously and endanger others, and waving my arms about is pretty likely to result in an assault. We’re happy to accept a limit on our right to move. We do so willingly – probably because we can put ourselves easily into the shoes of someone being run over by a skateboard, or hit in the head. (Sorry skaters, it’s just an example).

Once we accept that we’re willing to limit our rights and instead accept that we have a responsibility to exercise our movements in a way that is responsible, then surely we just extrapolate that to accepting a limit to our free speech, namely that we exercise it responsibly. If we accept that it’s cumulative opinions that lead to psychological damage, then it’s not a leap at all to acknowledge that my one opinion should be limited for the health of others.

So really the question is this: Who do we want to be, as individuals and as a society? We know that rights are in conflict. We know that names do, in fact, hurt us. And we know that in the big picture our opinions are just one of many names that get called out to minorities. Do we say: “sorry, I can’t see the physical damage so that absolves me of responsibility”? Or do I say that I will take responsibility for what I say and acknowledge that even if I don’t see it, it may be doing others damage. Then when someone says to me that I’m being politically correct I can say, “No, I’m just showing kindness”.

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