

Amber Ryan  
Marietta High School  
The Pitchfork

Free speech derives from ancient democratic civilizations in the fifth and sixth centuries. During this time, the concept was first intended to be in law and government. Freedom of speech allowed citizens to speak their minds in these ancient democratic societies. The concept was initially intended to provide civilians with a say in government and leadership, making it a democracy. This provided those who initially lacked political power with the opportunity to speak up and voice their opinions. It allowed people to vocalize not only positive opinions but negative opinions as well. Counter-speech and rebuttals play a key role in maintaining a democratic society because, without opposition, there is no room for trial and error or growth. This can also help resolve issues that involve offenses by providing context to the statement. One cannot take legal action against someone who merely has a differing opinion from themselves, no matter if it is deemed offensive.

Offense is subjective. An individual's definition of what is considered offensive is particular to that person. Enforcing legal action against something someone takes as offensive is difficult because of the inconsistency of what is defined as offensive. This can be shown in many ways, especially with comedians, as their job is to poke fun at real-life situations or certain demographics. Sometimes these jokes go over well, and others are taken offensively. An example of this is shown during the 2024 Golden Globes, when host Jo Koy, made a joke about the movies "Barbie" and "Oppenheimer." He said, "Oppenheimer is based on the 721-page Pulitzer Prize-winning book about the Manhattan Project, and Barbie is about a plastic doll with big boobies." The joke was received with minimal laughter from the audience. Director Greta Gerwig did not take offense to this joke, while others did. If legal action were taken against Koy, it would be difficult to determine the true severity of the situation because not even the targeted director took offense to the statement.

The proposition that a free society or democracy can still exist with people calling on legal guidance to protect an individual from being offended or insulted requires a difficult balance between free speech and individual rights. Freedom of speech, as stated in the First Amendment, allows an individual in the United States to voice their opinions and knowledge openly without legal repercussions. However, those opinions and ideals can harm and hurt those around them. Although it is freedom of speech, these individuals do have the right to feel offended by certain thoughts and opinions; however, it is not illegal to share opinions. The idea that one can take legal action against someone who verbally offended them is not plausible because of the intent behind the nature of free speech, subjectivity, and the existence of counter-speech.

## References

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