

## GLOBAL FREEDOM OF SPEECH

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**Abstract.** It has been suggested that the multicultural nature of modern liberal states (in particular the formation of immigration minorities from other cultures due to the process of globalisation) provides reasons – from a liberal egalitarian perspective – for recognising a civic or democratic norm, as opposed to a legal norm, that curbs exercises of the right to free speech that offend the feelings or beliefs of members from other cultural groups. The paper rejects the suggestion that acceptance of such a norm is in line with liberal egalitarian thinking. Following a review of the classical liberal egalitarian reasons *for* free speech – reasons from overall welfare, from autonomy and from respect for the equality of citizens – it is argued that these reasons outweigh the proposed reasons for curbing culturally offensive speech. Currently controversial cases such as that of the Danish Cartoon Controversy are used as illustrations.

**Keywords:** free speech, freedom of speech, multiculturalism, civic norms, democratic norms, offence

### 1. Introduction

*“If liberty means anything at all it means the right  
to tell people what they do not want to hear.”*

George Orwell

Rapid globalization is in these years causing people with very different cultural backgrounds to mix on an unprecedented scale. One consequence of this process is that the morality of free speech is back at the top of the agenda in public, political and academic debate. In particular, the growing cultural diversity within the populations of Western liberal democracies due to immigration has led to controversies over the public expression of views that are controversial to the moral sensibilities of members of new immigrant minority cultures. And this phenomenon has been amplified due to the globalization of the media. Controversial publications nowadays quickly spread outside the cultural contexts of their origin

leading to an increasing number of international incidents where what is at issue is primarily what *ought* and what *ought not* be said or otherwise expressed in the new multicultural and global setting.

The so-called Cartoon Controversy following the publication of 12 Mohammed-cartoons in a Danish newspaper *Jyllandsposten* was a particularly poignant illustration of this trend, but there is a growing list of similar incidences. Notably the crisis over Salman Rushdie's *Satanic Verses* (currently resurfacing following Rushdie's knighthood) and Theo van Gogh's movie *Submission* about women and Islam leading to his murder at the hands of an Islamic radical and the controversy over the Pope's quoting of a fourteenth century Byzantine emperor on Islam. Many of these incidents have recently involved Muslim religious sensibilities but it is important to keep in mind that offence to other brands of cultural sensibilities have also been the focus of debate in the past – as clearly illustrated by the Christian outrage over the musical by Stewart Lee and Richard Thomas *Jerry Springer the Opera*, Martin Scorsese's film *The Last Temptation of Christ* and Monty Python's *Life of Brian*, as well as the outrage among some Sikhs over Gurpreet Bhatti's play *Bethzi*. It is examples of controversial, allegedly culturally offensive, exercises of free speech such as these, I shall refer to as 'the controversial cases' in the following.

What I ask in the following is: Does globalization – through its tendency to multiculturalise our societies, i.e. to bring together people with different cultural backgrounds both within liberal democracies and on the international scene – provide us with new moral reasons for limiting free expression? In particular, does it justify norms that, in some circumstances at least, proscribe expression of views that 'offend', 'hurt the feelings of' or 'disrespect the beliefs of' members of minority or foreign cultures? Very few political philosophers and commentators nowadays, at least in Western liberal democracies, advocate change to constitutional or international law forbidding the causing of such offence. There have thus been few calls for new legal sanctions over and above the ones already entrenched in law in liberal democracies – i.e. sanctions against incitement to violence and public disorder, racism, personal defamation, disclosure of nationally important or independently legally protected secrets etc. I shall accordingly focus on those who believe that there ought to be, not legal, but *moral* restrictions on free speech in response to the new multicultural reality.

A case in point are those liberal democratic philosophers (Carens 2006:37, Parekh 2000:316–317, Modood 2006) – I shall label them multiculturalists here – who have invoked *moral* 'democratic' or 'civic' norms (as opposed to legal norms) in response to the controversies. They make the perfectly valid point that just because one has a legal right to express something it does not mean that one can give expression to it with moral impunity no matter what the view expressed is and no matter what the context of expression is. (It is of course quite generally true that legally permitted actions can be morally criticisable, as for instance adulterous actions are in many cases). They then go on to argue that there are strong moral liberal democratic reasons for respecting the feelings or beliefs of members of other

cultural groups – especially those who belong to disadvantaged minority cultural groups – and hence for refraining from expressing, let us call them, *culturally provocative or offensive views*. And these reasons are, the multiculturalist concludes, so strong that they outweigh, in many of the controversial cases at least, the general reasons for morally accepting a principle of free expression. When I speak of advocating *extensive free speech* in the following, I shall be referring to the view that there should not be moral criticism of expressions of culturally offensive views *merely in virtue of their being culturally offensive*.

The key to answering the above question will therefore be to understand whether the fact that a critique of someone's deeply held cultural convictions (in a very inclusive sense of 'criticising' that includes rational argument, satire, mockery and ridicule, whether verbal or non-verbal) hurts the criticized person's cultural sensitivity or shows disrespect for her culturally embedded beliefs is in itself a moral *pro tanto* reason for refraining from this particular criticism. Since I aim at providing a broader overview of the status of free speech in a globalised and multiculturalised world, however, I shall first of all be looking at the moral reasons (from a liberal egalitarian perspective) in play in the controversial cases *in favour* of allowing free expression of the controversial criticism. And since I argue that there are at least three independent liberal democratic arguments for free speech – an argument from the promotion of overall welfare, from (respect for or promotion of) autonomy and from (respect for or promotion of) the equality of citizens – there are three main sections of this paper (sections 2–4) with preceding section with preliminary considerations (section 2) and a conclusion (section 5).

As I go along, I ask whether these pro-reasons are outweighed by other reasons – reasons for showing cultural respect of some kind – in the controversial cases. This will include a discussion of two attempts to defend alleged new multicultural moral restrictions on free expression: One based on the negative consequences due to the pain of hurt cultural *feelings* and one based on an alleged democratic or civic obligation to respect the *beliefs* (or at least the deeply held beliefs) of one's fellow citizens. To anticipate, I end up claiming that there are strong moral reasons why extensive freedom of expression ought to be upheld even in the face of globalisation and multiculturalisation and that there should be neither new legal sanctions nor, *generally speaking and provided that certain conditions are fulfilled*, moral condemnation of public expression of views that offend members of other cultures (even when they are disadvantaged minority cultures) merely based on the fact that they are culturally offensive. Because of the limited space available I shall primarily take the internal multiculturalisation of Western societies as my frame of reference and use the Cartoon Controversy as the main illustration.

## 2. A complex moral case for freedom of speech – some preliminaries

Why is freedom of expression morally important in the first place? The argument for free speech I shall be sketching has the following general features: First of all, the argument is complex and pluralistic. There are, it will be argued,

moral reasons in favour of free speech deriving from concern for the overall welfare in society as well as from (respect for or promotion of) autonomy and (respect for or promotion of) equality. Thus, I believe that there is no *one* simple master argument for freedom of expression but rather at least three relevant independent moral factors counting in favour of adopting wide limits of free speech.

Secondly, I shall deliberately remain agnostic about the finer details of the proposed liberal egalitarian argument for free speech. Hence, I hope that it becomes clear that many different kinds of liberals – including deontologist as well as consequentialist liberals – should favour extensive free speech since the argument will rest on premises that all liberals share.

Finally, notice that I am not denying that there are typically also morally relevant factors that weigh against the exercise of free speech in the controversial cases. Like in most moral investigations, we here end up having to perform a delicate moral balancing act. To quote Parekh (2000:320): “Free speech is not the only great value and needs to be balanced against such others as avoidance of needless hurt, social harmony, humane culture, protection of the weak, truthfulness in the public realm, and self-respect and dignity of individuals and groups”. I will address some of these alleged countervailing factors against free speech in the following discussion, but my general point will be, that these factors are a) less important than typically assumed by the multiculturalists and b) anyway outweighed by the reasons in favour of extensive free speech in most concrete cases.

Let me therefore now turn to surveying and briefly discussing what I take to be the strongest moral reasons in favour of free speech. The reasons I have chosen to focus on can be roughly divided into three groups: a) reasons from welfare, b) reasons from autonomy and c) reasons from equality. I am not claiming that they are the only reasons, only that they are the most important ones. (For discussion of more reasons consult Rääkkä 2003.)

### 3. Free speech and the promotion of overall welfare

An important moral reason for adopting wide limits of free speech is that it is arguably instrumental in securing good consequences for citizens overall. Such an appeal to good consequences of free speech (in terms of overall welfare, but also autonomy and equality if they are seen as intrinsic goods) must be defended by showing that free speech is *in the actual world* instrumental to the realisation of overall good in society. Hence, the strength of this part of my case for free speech will be hostage to the empirical facts in every concrete scenario. It will always be an *empirical question* whether restraining or not restraining the expression of a particular culturally offensive view in a particular setting creates more good than bad. What I shall suggest however is that in contemporary liberal democracies conditions are such that (in the controversial cases mentioned above at least) the empirical facts about expected consequences in conjunction with any liberally acceptable theory of good overwhelmingly point in favour of an extensive right to

free speech. I shall of course not be able to document this very general claim sufficiently in the short space available here, but what I will do in this section is point to some general empirical facts that suggest why one might reasonably believe that free speech promotes overall good.

First, I am going to suggest that John Stuart Mill's famous *argument from truth* for free speech (Mill 1859, for detailed discussed see Rääkkä 2003) should ultimately be seen as an argument from overall welfare. A possible reconstruction of this argument along these lines could go as follows: Firstly, if citizens can spread information and advance criticisms of the prevailing views (both about fact and value) in something like a free marketplace of ideas, it is much more likely that non-dogmatic true belief will prevail in the long run. But (second premise) true beliefs, in turn, are the best instruments for securing the maximisation of overall human welfare. Therefore, given that – other things being equal at least – we ought to maximise welfare, we ought to allow everyone to speak freely.

Mill supports the first premise by first pointing out that censored views are either true or false. But then censorship will either a) suppress truths or partial truths – in which case we directly lose truths – or b) suppress falsehoods. But even when the suppressed views are false censorship would mean a missed opportunity to re-evaluate the reasons for our true beliefs and, hence, they would be in danger of becoming mere dogmas that in the longer run will become senseless to us. So, suppressing falsehoods will also result in a loss of truth, albeit somewhat indirectly. The second premise follows from the consideration that if society is ruled with knowledge of the important facts about and unresolved problems in society, it is much more likely to succeed in generating happiness in society. Of course, ignorance may occasionally be bliss, but when it comes to running societies efficiently (in terms of creating overall welfare for the citizens) knowledge rather than ignorance is certainly most often the best means.

I believe that Mill's argument is essentially sound, despite the criticisms it has received. I do not have the space to comment further on the second premise here – also it strikes me as the least controversial one – so I shall focus on the first. One central criticism (Alexander 2005:128–29) directed at this premise is that in settings where people are seriously interested in getting at the truth – like courtrooms and academia – there is typically extensive regulation and thus exactly *limits* to free speech rather than extensive free speech. Free speech would, it is argued, in such settings generate too much noise and irrelevant interventions and therefore the more extreme or, by common consensus, clearly misguided views are routinely prevented from interrupting proceedings. So, why believe that a system of extensive free speech in public debate as a whole will help us get at truth, in comparison to a system of regulation and restrictions akin to that of the courtroom or the academic peer-review?

It may be true that free speech generates a lot of noise and tends to give too much airtime to false views or irrelevant truths. However, the objection overlooks that free speech also allows for the occasional *very important, but unpopular truth* to reach the public ear and become the focus of an open public debate. In

particular, the unpopular truths that those in power in various positions do not want disclosed. First and foremost these are truths about corruption or ineptitude in the government, but also truths about serious problems or injustices in society that various other powerful agents in society do not like to see revealed – be it the majority of the population as a whole or some powerful elite like the media-establishment, those at the top of the economic hierarchy, or perhaps a powerful elite within a cultural minority.

One striking example of the useful function of a free press has been provided by Amartya Sen (1994, 1999) who points out that since India's independence and the advent of a free press, the famines that used to plague the country under colonial rule have disappeared mainly because the free press now functions as a kind of early warning system allowing information about impending catastrophe to flow uninhibited by those in power. My point is, thus, that this function of free speech – as a kind of safety valve, a guarantee that really important facts and problems will, in the long run at least, be given public attention – makes up for the negative effects due to noise. In essence, the defence of Mill's first premise should not be that free speech is a *perfect* system for getting at the truth, but that it is the best system among those available for ensuring that the really important truths eventually come out. Or, to paraphrase Churchill's famous defence of democracy, a system of extensive free speech is the worst system for getting at the important truths, except for all the others.

How is this welfare argument from truth relevant to the evaluation of the controversial cases mentioned in the introduction? What characterises the controversial statements made by, for instance, the Cartoonist and their editor was that they were not *merely* attempts to offend cultural sensitivities gratuitously, but were attempts to raise issues – point to what the authors perceived as important truths and unresolved problems – of potentially wide-ranging importance for society. The publication of the cartoons in *Jyllandsposten* was an attempt to highlight an alleged tendency towards self-censorship regarding criticism of Islam in Western media (due to violent intimidation by radical Islamists as exemplified by the murder of Theo van Gogh) and, in addition, some of the cartoons could be seen as attempts to bring into public focus alleged problems with the way *some* Muslims interpret Islam in relation to violence, terrorism and the oppression of women. (I see no reason whatsoever to interpret the cartoons as claiming that *all* Muslims idolize violence or support the oppression of women – cartoons by their very nature simplify and exaggerate and have to be interpreted accordingly.)

I happen to believe that the criticisms suggested by the cartoons *did* attempt to point to real and serious problems (with varying degree of aesthetic and humoristic success, though, since most of the cartoons were pretty dull and unfunny). There are serious reasons to worry – from the perspective of any liberal egalitarian at least – about the religiously based views of *some* members of the Muslim community relating to violence against, and oppression of, women (read for instance Seierstad 2003). And there are worrying signs that a considerable amount of Muslims living in the West, with explicit religious reasons, admire Islamic

terrorism and advocate illiberal violent treatment of dissenters in their own community. For instance surveys show that 13% of young British Muslims aged 16–24 ‘admire organisations like Al-Qaeda that are prepared to fight the West’ and 36% of the 16–24 year old British Muslims believe that if a Muslim converts to another religion they should be punished by death (Mirza et al. 2007:5).

Now, whether one agrees with the just mentioned views or not, one can surely say that these publications were potentially beneficial in their effects since they could conceivably be raising important criticisms and be generating a necessary debate. But, following Mill again, even if the criticisms advanced by the cartoons had been misguided, they would still have given us chance to remind ourselves *why* they were misguided. Especially since the criticisms reflected worries that a considerable number of citizens shared, it was surely beneficial to the long term, though probably not short term, stability and progress – and in turn overall welfare – of society that the perceived problems were debated. Thus, the cartoons were arguably fair comment and they arguably did serve an important purpose and were not just gratuitous provocation *pace* what many (for instance Carens 2006:39–40) appear to assume. And, importantly, they were explicitly *intended* as fair criticism, not as a gratuitous attack on a disadvantaged minority group, hence making the case for moral criticism very weak indeed. On a more polemical note, the events that followed the publication – violent demonstrations and death threats to the cartoonists and editors – themselves proved the point as well illustrated by the placard worn by a demonstrator in London with the words: “Behead those who say that Islam is a violent religion” (reported by Dawkins 2006:25).

A third point to add is that any alternative to extensive free speech in relation to these examples – an alternative consisting in some kind of moral censorship suppressing these statements – is much less likely to produce positive consequences in the long run. Even if the general acceptance in the public sphere of some norm of political correctness succeeds in systematically suppressing the expression in mainstream public debate of certain worries and grievances (whether they are well-founded or not) shared by a considerable proportion of the public, this does not make these (perhaps only perceived) worries or grievances go away. Quite to the contrary, suppression of views (whether through moral shunning and political correctness or legal sanctions) tends to lend these views the flavour of forbidden fruit. And grievances (whether they are well-founded or not) that are not allowed at least some moderated outlet in public debate always stand in danger of developing into violent underground extremism that is most often more radical and unjust than overt extremism. It seems to me at least that the best policy is never to just put a lid on extremism, but rather to confront it in open debate – a debate where, I might add, extremists inevitably lose out due to their appallingly bad argumentation.

However, as Parekh pointed out in the quote above, social harmony *is* potentially threatened by culturally provocative exercises of free speech. Provocations can, that is, lead to strong emotional reactions and, in turn, to strife, instability and violence. But, there are, I believe, two things to say against the suggestion that the controversial cases are cases in point here. Firstly, Western liberal societies are, by and

large, very stable and not on the verge of civil war. Had they been, cultural provocation would have been seriously damaging to the social harmony of the society – and in turn to the overall welfare of society. But, they are not. (Of course, what makes the Cartoon Crisis particularly troublesome in this respect is that the cartoons *did* cause upheaval and riots in some Asian and African countries resulting in hundreds of murders. But this only happened after they had been deliberately taken out of the Danish context to a global Muslim audience by a group of radical Islamic imams from Denmark. However, that to my mind only goes to show the urgent need to stabilise the societies in question by nurturing liberal democratic reforms – the only known means of creating stable and socially just societies – and it raises doubts about the moral defensibility of the act of taking the cartoons out of their original context and into the volatile Muslim third world context).

But, speaking from a larger perspective, one can also raise serious doubts about the ability of a multiculturalist policy of civic norms of cultural respect to sustain a stable and cohesive society. If people are required by such civic norms to show respect for fellow-citizens in virtue of the fellow-citizen's cultural affiliations (rather than their status as an equal individual citizen), then we will be moving in the direction of a society where citizens perceive society as split up in strictly separate cultural groups. People will tend to start seeing each other as specimens of different cultures rather than as fellow individuals. They will be encouraged to approach others as someone belonging to a different cultural group, as being part of 'them' and not 'us' where 'us' refers to the subculture to which the citizen in question belongs. But, once distinctions between 'us' and 'them' start becoming dominant in a society, societal cohesion and cooperation is undermined with negative long-term effects on societal welfare. (For a recent forceful critique of this negative effect of multiculturalist policies in general, see Sen 2006).

There is, however, a final argument from concern for overall welfare *against* acceptance of offensive free speech. That is, offence is in itself a hurtful experience and, hence, the occurrence of offence is all by itself a negative consequence that ought, other things being equal, to be avoided if one is concerned with overall good consequences in terms of welfare. This is undeniably true. However, there are at least five reasons why this is not ultimately enough for establishing a civic norm of respect for cultural sensitivities.

First of all, one obvious point to make is that the occasional hurt of offence that is a consequence of exercises of extensive free speech is arguably simply not hurtful enough to counterbalance the reasons from welfare in favour of free speech already listed above.

Secondly, if we return briefly to the controversial cases mentioned in the introduction, I think it is fairly evident that *a large proportion of* the angry emotions on display there was either simply feigned in order to publicly prove one's religious fervour and/or manipulated by clerical or secular agencies for political reasons and/or simply (at least when it comes to the anger displayed in third world countries) the diverted effects of deeper socio-economic and political frustrations.

But, thirdly, it is often simply a mischaracterisation to describe the effects of offensive speech on those offended as that of feelings being hurt. What people typically experience when they take offence is not feeling hurt or distressed, but rather feeling outraged, angry or indignant (Jones 2007:7). And being outraged is being upset, but not feeling hurt. Anyway, coming to terms with living in a liberal society means learning to deal with being now and again confronted with views and lifestyles that causes one to be upset. I shall return to a related point later, so I shall leave it here.

Fourthly, it is simply practically unmanageable to regulate public speech by looking at whether someone becomes angry or hurt. That would mean that public discourse would threaten to become a competition about who can take offence and feign anger most readily. If religious people get offended and allegedly hurt by public criticism and ridicule, then the atheists will perhaps start claiming to be hurt and offended by public displays of religious practice. And there would be no way of fairly adjudicating such disputes, since feelings are subjective phenomena and since we ultimately need to defer to the testimony of the interested parties about whether hurt occurs and how intense it is.

This brings me to the final, and most important, point against taking hurt feelings as the proper focus of moral concern here. The type of offence that one can take in response to someone's exercise of free speech in cases like the controversial ones is what one might call (with Jones 2007:7) *belief-based offence*. This type of offence only occurs when the offended party *believes* that the offending exercise of free speech was morally wrong. Hence, it depends on a judgement about moral wrongness by an interested party to the dispute. Compare such belief-based offence with mere sensory offence – say the offence caused by being subjected to a foul smell or a disgusting horror-movie – where no controversial beliefs are prerequisite for feeling the hurt or unease, for instance immediate nausea. There is a good argument from concern for overall welfare to installing a general curb on such sensory offence, but the same cannot be the case with belief-based offence. When it comes to belief-based offence, we cannot just consider the emotional effect of the offending action, but we must also consider whether the belief about wrong-doing underlying the offence – and hence the offence itself – is reasonable or justified (Jones 2007:8). But, whether the belief in question is reasonable is typically just what is controversial in the public discourse. Hence, to morally condemn the act would be to take a stand on whether the belief underlying the offence taken was justifiable, not merely to notice that the offended party *takes* the belief to be justified and hence became offended. Such moral condemnation cannot, therefore, be a fair and even-handed way of adjudicating disputes in a pluralistic liberal society. Rather, I want to suggest that a fair, liberal and practicable solution to this problem is for citizens of a liberal democracy to develop 'thick skins' when it comes to belief-based offence. I shall return to this point later.

In sum, it seems that there is a strong *pro tanto* moral argument along the lines above for extensive free speech from a concern for overall welfare.

#### 4. Free speech and autonomy

Perhaps the most important moral reason from a strictly liberal perspective for free speech is that based on the observation that free speech is necessary for ensuring the equal opportunity for all citizen to lead autonomous – self-governed – lives. Any liberal must, to deserve the label, grant citizens an equal right to examine the conceptions of the good life passed down to them by parents and society and to change their life plans, if they come to reject elements in this inheritance. The ensuing argument for free speech could be formulated thus: All citizens ought to have the opportunity to revise the conceptions of the good life inherited from their upbringing (first premise). Citizens' opportunity to revise conceptions of the good life presupposes access to criticisms of these conceptions which, in turn, presupposes freedom to express these criticisms publicly (second premise). Therefore, every citizen ought to have freedom to express criticisms of conceptions of the good life publicly.

Notice that a liberal who supports the first premise can defend it in several different ways. A liberal consequentialist can hold that autonomy is an intrinsic good (besides welfare) that ought to be promoted in its own right or that autonomy is an efficient instrumental good in relation to the promotion of welfare (for instance by allowing the life-experiments of the avant-garde that may pave the way for improvements in the lives of the many in the longer term, as Mill (1859) famously argued). A liberal deontologist, on the other hand, can hold that we ought to *respect* the autonomy of every citizen. My favourite defence of a right for autonomy (following Barry 2001:121–22) bases it ultimately on the citizen's right to equal concern for her interest in the following way: Every citizen's interests ought to be given equal concern. Some, though not all, citizens have – being as they happen to be – an interest in being able to revise their life plans (including for instance their cultural or religious affiliations). However, the concern for the interests in revising life plans of those who have this interest outweigh the concern for the interests of those who are interested in preventing them from revising their life plans. Hence, there should be a universal right to autonomy. However, there is no need to discuss this in greater detail here, since no matter how the right to autonomy is ultimately defended, any liberal worthy of the label will accept it. Hence, (since the second premise is hardly controversial), it seems that any liberal must, other things being equal, support free speech out of concern for autonomy.

How does this argument relate to the controversial cases from the introduction – the cartoons and Rushdie's *The Satanic Verses* in particular? What a true liberal must find worrying with the suggestion that culturally offensive criticisms such as these should be suppressed by legal sanctions or respect for civic or democratic norms in the media and the general public can now be seen clearly. It simply threatens to deprive some citizens (i.e. members of the cultural group that has been exempted from public criticism) who wish to cut loose from their ancestral culture of the real opportunity to do so. So, the liberal concern should here, first and foremost, be with for instance the moderate Muslim or moderate Christian or

atheist growing up in a fundamentalist Muslim or Christian community within society who needs access to criticism of the ancestral culture to realise his or her own life plan. (Of course, this goes the other way round: the liberal is also concerned with the person aspiring to being religious who grows up in a secular atheist community and needs access to religious culture and its criticism of secularism and atheism.)

The multiculturalist can here object that the argument just advanced defends the availability of criticism of cultural beliefs and practises, but what should be defended in this context is really *offensive* criticism – since the controversial cases arguably involved mocking and ridicule of religious culture. Why cannot the liberal requirement that there be criticism available in public culture be met by the availability of *respectful* criticism? (Parekh 2000:299). A liberal can, however, point out that religion (the type of cultural expression relevant in discussing Rushdie's case and the cartoons) is rarely promoted by means of calm rational argument but rather by indoctrinating from early childhood, by installing ritual behaviour in children, by telling (false) stories, by threatening 'sinners' with eternal condemnation or giving spurious promises of an eternal life in a (non-existent) Heaven. Surely, in all fairness, critics of religious culture should be allowed to use satire and ridicule to meet this battery of non-rational means of manipulation? As Brian Barry puts it: "...few people have ever been converted to or from a religion by a process of 'examining beliefs critically'. Religious fanaticism is whipped up by non-rational means, and the only way in which it is ever likely to be counteracted is by making people ashamed of it" (Barry 2001:31).

If, therefore, free speech is to function as an instrument for securing the equal opportunity of all for leading autonomous lives, it must be speech that is not curbed by moral restrictions and public moral pressure against offending the cultural beliefs and sensitivities of others.

## 5. Free speech and equality

A final important reason supporting free speech in many concrete scenarios has to do with concern for the equal status of participants in public debate in liberal society. Thus, it ultimately rests on the value of equality – whether one believes that this is something to be promoted or respected – and considerations about treating citizens fairly.

So, the first premise of this argument for free speech is that – other things being equal – citizens deserve to be treated equally in society, including in the way they are treated as participants in public debate and public life in general. A second premise then adds that what characterises public debate in a modern liberal society is deep disagreement about what constitutes the good life. As Rawls has made clear, pluralism with respect to conceptions of the good life is a standing feature of any liberal society that can only be eliminated through deeply illiberal methods of state repression (Rawls 2001:34). But, thirdly, the only way to treat citizens

equally and fairly in the face of pluralism about conceptions of the good life is by giving citizens equal access to expressing their views in public, of voicing their controversial opinions in the public sphere. In particular, if one side in a debate is allowed to express itself then, other things being equal, so should the other side in the dispute.

The best way to see how this general reason bears on our discussion above is by seeing that it counts (*pro tanto* at least) against the suggestion by multiculturalists that there should be special moral restrictions on how cultural beliefs of minority cultures are criticised – i.e. that minority cultural views ought to be given some form of preferential treatment in public debate. If, say, a minority religious culture is allowed to express itself in the public life – as the right to free speech as well as freedom of religion normally ensures in a liberal society – then critics of this minority religious culture ought to be given an equal opportunity to counteract this in public life. It is, other things equal, only fair that both sides of an issue is given voice. To put the point a bit polemically: If proponents of a (minority or majority) religious culture are allowed to state publicly that atheist sinners will ‘burn in Hell’, then surely in respect for fairness and equality we must – other things being equal – allow the atheist critic to make fun of the religious views. Likewise: If members of mainstream culture – for instance the dominant religion in society – are subjected to public criticism and ridicule of their beliefs and practises (which is the norm in liberal democracies nowadays) it would – other things being equal – be unfair if members of minority cultures were held exempt from such criticism and ridicule.

There is, however, an immediate counter to this argument by the multiculturalist. The importance of equality *can* be used to justify preferential treatment of members of minority cultures, since *other things are arguably not equal* morally speaking in this case. Being part of a minority typically – unfortunately – means being disadvantaged economically and disadvantaged in terms of social status (if it does not even mean being subjected to ‘deep and unjustified hostility’ by the dominant social group as suggested by Carens 2006:41). The argument is then that – to compensate for these unjust inequalities in some spheres – the members of such disadvantaged minorities should be treated preferentially in other spheres, for instance through ensuring that the more offensive public attacks on the minority’s culture, at least, are kept out of major media. This type of argument often surface in the multiculturalist condemnation of the Danish cartoons (e.g. Carens 2006:40–41, Modood 2006:4–7). It is argued that what was really wrong with the publication of cartoons was that they attacked and vilified the Muslim minority in Denmark who were already weak and marginalised. So, equal *respect* for members of the minority in this situation calls for unequal *treatment* according to the multiculturalist and even though unequal treatment is *pro tanto* an evil – granting my point above – this particular evil is the *lesser* of two evils in a dilemma.

This is *prima facie* a strong argument since any liberal who like me values equality must be worried by the fact that a strong case can be made for the claim

that members of cultural minorities do not, as things are in most Western societies, have equal socio-economic opportunities. Any liberal egalitarian will recognise this as unjust and as something to be remedied. However, what I will take issue with here is the proposed remedy, namely that of the general acceptance of a civic norm requiring respect for the minority's beliefs by restraining motivated criticism, if it is likely to offend.

First of all, it is in my opinion simply misguided to want to solve a problem that primarily has to do with lack of equal social and economic opportunities with a policy of cultural respect or recognition. What really would help disadvantaged minorities is surely a politics of redistribution, a well-functioning welfare system and, in particular, a good educational system that ensures upward social mobility and integration into the labour market of the disadvantaged minority. The key to social acceptance is, after all, socio-economical integration. But, as Barry has succinctly pointed out "a policy of multiculturalism undermines a policy of redistribution" (2001:8, see also 317–28). A (cheap) policy of respecting culture can become a smokescreen for not taking on the real root causes of minority disadvantage, namely educational, social and economical disadvantage.

Secondly, there are reasons to be deeply sceptical about the effectiveness of a policy of cultural recognition when it comes to raising the level of respect for the minority among members of the majority. The suggestion above is essentially that members of the dominant culture should be reversely discriminated, since they should be subjected to offensive criticism in ways members of minorities should not. But, reverse discrimination is known to cause resentment among those reversely discriminated and may very likely contribute to the lack of respect for members of the minority group rather than eliminate it. And, as mentioned above, putting a lid on criticism and resentment through a policy of political correctness does not make it go away – it sooner causes it to become radicalised.

Finally, one cannot force members of the majority to respect members of the minority whether it be through moral lectures, political correctness or legal sanctions. It would be nice if one could (since members of any minority, or majority for that matter, deserve respect as equal citizens), but the only realistic and effective means for reaching the worthwhile egalitarian goal of a society where no-one suffers disrespect and has a permanently status as 'lower citizens' is by implementing policies that integrate the disadvantaged and disrespected into the society's social and economical life. And, to repeat, that is primarily a matter of securing education and equal opportunities on the job-market for the disadvantaged and of effecting general redistribution.

In sum, concern for equality provides us with strong reasons for free speech and only weak reasons against.

## **6. Concluding remarks on a democratic norm of tolerance**

I have given a brief overview of some important moral reasons for accepting extensive free speech – reasons deriving from a concern for overall welfare, for

autonomy and for equality. I have discussed some of the countervailing moral reasons that in some cases derived from the very same values, but I have suggested that these are, in most of the controversial cases at least, outweighed by the reasons supporting free speech. Hence, in spite of the processes of multiculturalisation of liberal democracies and globalisation in general there is no justification for new moral limits to free speech. In these concluding remarks, I want to take a final critical look at the suggestion that liberal egalitarians ought to accept that there are civic responsibilities not to offend cultural sensitivities (especially those of the minorities) over and above legal responsibilities. I will, that is, suggest that we instead should speak of the necessity of *a civic norm of tolerance* – a duty to develop thick skin, if you will, meaning an ability to endure even offensive criticism of one's most cherished beliefs.

There are, that is, deep problems of a conceptual nature with a politics of cultural respect or recognition (see also Barry 2001:270–71). There is a problem with the very notion of 'respecting or recognising someone else's beliefs' when one is at the same time in disagreement with these beliefs. For what does it mean to respect a belief that one finds false or immoral? Beliefs have propositional content. They can be assessed as true or false. But, then two incompatible beliefs are not just incompatible, but also contradictory. So, it does not really make sense to claim that one equally respects two set of beliefs that are mutually contradictory (say, two religious belief systems) on pain of contradiction. And it does not really make sense to say: "I respect your beliefs, but they are utterly false". The only way these phrases can make sense to me is by being reinterpreted as saying something like: "I respect your *right to hold your beliefs* (and express them publicly), but they are false". What I suggest is accordingly that the object of respect must always be the person holding the belief. Conversely, when one gives critical attention to – or even mocks or ridicules beliefs – one is not disrespecting the person holding these beliefs, but one is targeting the beliefs in isolation. In fact, it may even be that one only truly respects someone, if one gives honest critical attention to this person's beliefs.

However, what if a person's identity is constituted by his or her beliefs. What if some person's beliefs are so closely linked with who this person is that there is no way of distinguishing between an attack on the beliefs and the person? And in particular, what if it is exactly a feature of many persons from traditionalist cultural minorities that the type of detachment of beliefs from identity – common to the average Westerner – has not occurred?

To respond to this, it is necessary to look at the big picture. Modern societies, especially multicultural ones, are characterised by extensive disagreements over values and conceptions of the good life. Now, the question is, for a liberal, how can we find an arrangement in such a society so that everyone is treated fairly? The distinctly liberal solution is to allow everyone to develop, change and live out his or her conception of the good life as long as this is compatible with everyone else's opportunity to do the same. This, in turn, means that a liberal society will be one of considerable disagreements and diversity in chosen lifestyles. And the

disagreements will, as we saw above, involve that citizens, if not explicitly then at least implicitly, criticises one another's conceptions of the good life and lifestyles. Therefore, citizens in a liberal society will have to come to terms with the fact that others disagree with them. And the citizen will have to face other persons who choose lifestyles that he or she finds wholly flawed, distasteful or even sinful. Hence, I will suggest that a liberally minded citizen ought to acquire *the virtue of tolerance* – i.e. an ability to accept diversity, including diversity that provokes, revolts and angers, with composure – rather than cultivate an (ultimately incoherent) respect for the cultural sensitivities or beliefs of others. It is essential for the stability and feasibility of a liberal societal arrangement – which is the only fair arrangement given that we (liberals) do not accept the enforcement by state power of one particular conception of the good life – that citizens develop such a tolerant disposition.

For instance, such a virtue of tolerance requires of the homophobe that he learns to tolerate public displays of homosexual love (at least if public displays of heterosexual love is allowed). It requires of the atheist that she puts up with the public displays of religion, though she finds them distasteful, silly and discouraging for her hopes for a rational future for mankind. It requires that non-Muslim xenophobes will have to learn to tolerate that Muslim women wears Hijabs in public places despite the fact that they dislike it. And, crucially, it requires that all citizens acquire an ability to dissociate beliefs and person and then to endure criticism, ridicule and mockery of even one's most cherished beliefs without morally condemning those who offend – that they develop 'thick skins' (an expression borrowed from Alexander 2005:132–33). Hence, in answer to the above question, we can say that not being able to distinguish between one's beliefs and one's person betrays a lack of the virtue of tolerance – a virtue that we all ought to acquire if we want to live in a fair and stable liberal society. Being unwilling to accept this distinction is simply tantamount to being illiberal.

A final objection, often heard but wholly misguided, is that this call for a norm of tolerance is itself an expression of intolerance towards members of those cultures that, for instance, see culture and identity as inextricably connected or see tolerance of 'sinners' as unacceptable. The answer to this is simply that liberals *are* intolerant in this respect. The liberal position is contrary to popular misconceptions not a morally neutral position and it is bound by demands of consistency to be intolerant of beliefs and cultures that are themselves illiberal.

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