

- ◇ Does freedom of speech equate to the freedom to cause offence?
- ◇ Does it mean that people can say anything they like?
- ◇ Could a commitment to freedom of speech clash with a commitment to end discrimination?

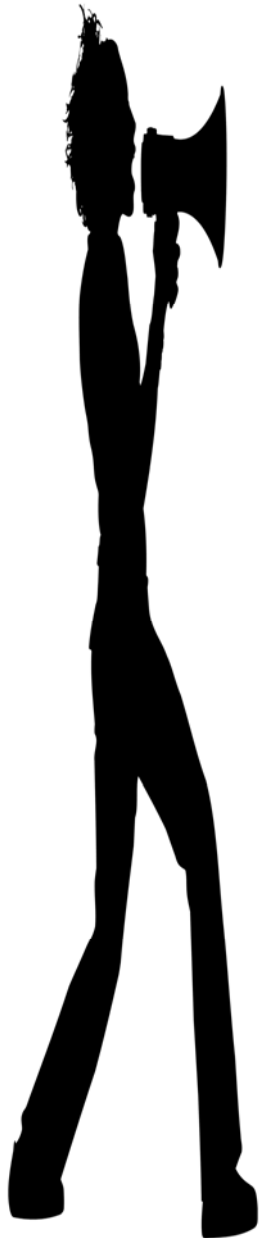
Freedom to cause offence?

Choose one of these two motions to debate. Then read through this backgrounder to make your case...

This house believes that the right to freedom of speech means the right to cause offence

OR *This house believes that a commitment to freedom of speech can clash with a commitment to end discrimination*

A Danish daily newspaper published twelve cartoons of the prophet Mohammed. Within months, this incident had led to a major international dispute about freedom of speech, discrimination and the extent to which people's religious beliefs should be respected.



What is freedom of speech? Why is it important?

Freedom of speech is the right to express oneself publicly without fear of censorship or punishment. Speech is generally taken to include not just speaking but other forms of expression such as writing – or drawing cartoons. In other words, freedom of speech and freedom of the press are very closely linked.

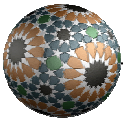
These ideas are enshrined in the Universal Declaration of Human Rights

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers"

Freedom of speech is seen to be important because it benefits both individuals but also society as a whole. Bad ideas should not be gagged but defeated by rational debate and open discussion.

A very simple principle

John Stuart Mill wrote a book called *On Liberty* which is considered to be a classic defence of freedom of speech. In *On Liberty* he asserts what he calls 'a very simple principle' which is that the only justification for interfering with someone's freedom is to prevent harm to others. Mill argues that harm is different from offence. For him, offence cannot be a justification for limiting freedom of speech.



Goebbels was in favour of free speech for views he liked. So was Stalin. If you're in favour of free speech, then you're in favour of freedom of speech precisely for views you despise. Otherwise, you're not in favour of free speech

Noam Chomsky

In a free state, tongues too should be free

Erasmus

I disapprove of what you say, but I will defend to the death your right to say it

Voltaire

'Sticks and stones may break my bones, but words will never hurt me'

This idea suggests that words can only offend and never cause harm. What do you think? Do you think words only express opinions and ideas. Or can they incite hatred, inspire violence and create fear?

Can racist, sexist, or homophobic statements and rants prop up racist, sexist, or homophobic discrimination?

Is insulting someone for having a big nose equivalent to insulting someone for being, say, Jewish or black?

Is freedom of speech absolute?

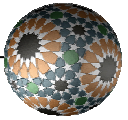


Freedom of speech – including freedom of the press – is considered by many to be an essential part of democratic society. But even though freedom of speech is central to democracy, no democratic country has absolute freedom of speech. There are always some restrictions and exceptions to freedom of speech. In other words, the question is not about whether we draw a line under what is and what is not acceptable, but where we draw it.

Can you think of any restrictions on freedom of speech? Do you think that there should be any

Restrictions to freedom of speech. Can you think of the rationale behind these?

- Lies which would cause a crowd to panic (for example shouting fire in a crowded theatre)
- **Hate speech and incitement** – eg incitement to racial hatred is illegal – This would include, for example, publishing and distributing leaflets and newspapers which are likely to provoke racial hatred or the use of threats, abuse or insults where racial hatred is intended or likely are against the law in this country.
- **Perjury** – lying in a court of law. Also **contempt of court** – showing disrespect for a judge, disrupting court proceedings, publishing materials likely to ruin the possibility of a fair trial are all behaviours which could lead to someone being found to be in contempt of court.
- **Libel** – false claims that may harm the reputation of individuals, businesses, groups, or governments
- **Obscenity** – what is considered to be an obscenity is governed by the Obscene Publications Act 1964. It includes things like child pornography.
- **Classified information** – The Official Secrets Act 1989 protects official information which is usually considered to be linked to national security.
- **Blasphemy** – blasphemy is still technically illegal in England. The blasphemy law only recognises blasphemy against the Christian faith not others
- **Holocaust denial** – Denial of the Holocaust is illegal in a number of European countries. David Irving – a famous Holocaust denier is in Austria for a speech he made 17 years ago
- **Encouragement of Terrorism** - the first clause of UK's Terrorism Act 2006 punishes 'encouragement of terrorism' with up to seven years in jail
- **Regulation** – the British Board of film Classification (BBFC) rates all films and films not rated by them cannot be shown by most cinemas or be distributed as DVDs; the Advertising Standards Authority (ASA) is regulates advertising; Ofcom regulates UK television, radio and telecommunications services.



Case Study: the Danish cartoon controversy

What happened...

- Flemming Rose, the culture editor of Denmark's largest selling daily newspaper, Jyllands-Posten, took up the case of a Danish author who could find no one to illustrate a children's book about the prophet Muhammad. The paper, presenting this as a case of self-censorship, asked cartoonists to draw Mohammad as they saw him.
- 12 cartoons were published in **September 2005** under the title 'The face of Mohammad.' Alongside them was a piece written by Rose arguing that in contemporary secular and democratic society where freedom of speech is valued, 'you must be ready to put up with insults, mockery and ridicule.'
- The initial response was peaceful – there were a few demonstrations and after receiving appeals from Danish Muslim figures, eleven ambassadors from Muslim-majority countries wrote a letter asking for a meeting with the Danish Prime Minister in **October** in order to discuss, not just the cartoons, but an "on-going smearing campaign in Danish public circles and media against Islam and Muslims". The Prime Minister refused to meet with them.
- The controversy deepened in **December and January** as editors across Europe rushed to reprint the cartoons in solidarity, as a gesture in defence of freedom of speech. This was seen by many Muslims to be provocative. The cartoons were reprinted in over 60 countries internationally, but mostly in Europe. British papers did not publish the cartoons though their websites provided links to view the cartoons.
- What began as peaceful protest turned into an international crisis with protests escalating into violent riots in **January and February 2006** particularly in the Muslim world, a boycott in the Arab world of Danish produce and the withdrawal of Arab ambassadors. Many demonstrations in the Middle East and other countries were encouraged by the regimes there for their own purposes.



Peaceful protest..



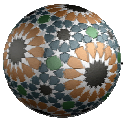
..and violent protest

- The Danish paper issued an apology in **January** regretting the offence that the cartoons had caused. It did not apologise for publishing the cartoons in the first place, but simply for the fact that Muslims were offended. In addition, they said that contrary to the general impression, the cartoons were not meant to be taken as comments on Islam as a whole or Muslims in general.

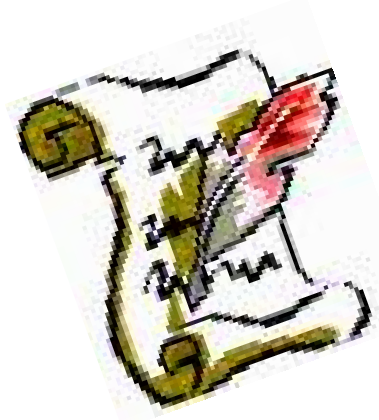
Why were many Muslims offended by the cartoons?

Islamic tradition forbids any depiction of the prophet. So the cartoons were offensive for the simple reason that they depicted the prophet. But despite this, the real cause of offence was not that Mohammad was depicted at all, but *how* he was depicted. One of the cartoons which caused most offence, for example, was one showing the prophet Muhammad wearing a turban shaped as a bomb with a burning fuse. In this cartoon the founder of Islam is associated with terrorism suggesting that suicide bombing comes naturally to Islam. In another, Mohammad is bearing a sword. In another, the symbol of Islam is used to draw almost five identical figures resembling women in headscarves – alongside is a short poem on the oppression of women: "Prophet, you crazy bloke! Keeping women under yoke!"

The cartoons can be viewed here: <http://www.brusselsjournal.com/node/698>



What was the controversy about?



Was the controversy about freedom of speech?

The controversy did not centre upon whether or not the cartoons were offensive. Most people agreed that they were. Remember, Rose's statement that the paper published with the cartoons when he said, 'you must be ready to put up with insults, mockery and ridicule.' So in a way, they were intended to offend. Some people argued that this is what freedom of speech is about and others argued that this particular offense crossed the line between the acceptable and the unacceptable.

Does the right to freedom of speech mean that we have an obligation to be insensitive and offend others? If newspapers have the right to offend, do their targets have the right to be offended? Are there appropriate and inappropriate ways to express this offence?

Was the controversy about something else as well?

People who supported the publication of the cartoons..

For many who supported the cartoons, this was not only about freedom of speech. The apparently different attitudes towards freedom of speech exemplified how incompatible Islam is with modern secular European societies – in which freedom of expression is a deeply cherished principle. They argued that the controversy highlighted an irreconcilable rift between Europeans and Islam implying Muslim values and European values including freedom of expression were incompatible with one another. One of the key ideas for this argument is that democracy, tolerance and freedom of expression are values that are European and not Muslim.

Do you think others in the world have these values? Are these values European? Are they universal? Could they be understood in different ways by different cultures?

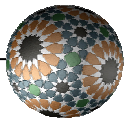
People who opposed the publication of the cartoons..

For these people, the arguments about the importance of freedom of speech seemed hypocritical for two main reasons:

- The Western world offers support for various authoritarian regimes in Arab and Muslim countries where freedom of expression is brutally suppressed.
- Jyllands-Posten, the newspaper that commissioned and first published the cartoons of Muhammad, had rejected cartoons which ridiculed Jesus. The editor responsible argued at the time, "I don't think Jyllands-Posten's readers will enjoy the drawings. As a matter of fact, I think that they will provoke an outcry. Therefore, I will not use them."

For many this seemed to suggest that Muslims were fair-game, that a different set of standards apply to them and their religion, and that freedom of expression is not treasured as an absolute and sacred right after all.

But for most of those angry about the cartoons, it was not to do with freedom of expression at all, or even just the cartoons, but the context of Islamophobia and the demonisation of Muslims.



A context of demonising Muslims?

Ziauddin Sardar, a writer and broadcaster, condemned **both** the publication of the cartoons and the violent response to their publication. He wrote that he found the cartoons offensive, not because he is against freedom of expression, but because he is against ignorance, prejudice and racism. He said, "Throwing scorn and abuse and inciting hatred against a marginalised and largely voiceless community is not a question of freedom. It is a gross abuse of power."

What do you think about this?

For people who share Sardar's view, these cartoons should not be seen in isolation, but understood as part of a trend of growing anti-Muslim prejudice. Anti-Muslim sentiment exists throughout Europe – but is especially strong in Denmark. Politicians from the Danish People's Party – a party with increasing influence – are overtly hostile towards Muslims, comparing Islam to Nazism, and claiming that Muslim values are barbaric. Elected politicians regularly express such views openly.

The ambassadors who approached the Danish prime minister made reference to a number of examples of anti-Muslim sentiment in Denmark, such as racist articles comparing Muslims to "cancer" on the website of a member of the Danish Parliament.

The Danish government prides itself on making Denmark's immigration laws the strictest in Europe—criticised by the United Nations High Commissioner for Refugees. In such an anti-immigrant atmosphere, hostility towards Muslims has increased and become more and more acceptable. The cartoons are seen as a reflection of this intensifying anti-immigrant climate.



Given that many Muslims feel that they get tarred with the same terrorist brush, and that this has real effects on the quality of life of many ordinary Muslims, could it be considered irresponsible to publish a cartoon implying that the prophet Muhammad is a terrorist? Does freedom come with responsibility?

Is it just Muslims?

A screening on BBC2 in 2005 of *Jerry Springer: The Opera*, a huge success in the West End, prompted protests from Christian groups. The BBC received 47000 complaints (the most ever received about a British television broadcast), there were street protests outside nine BBC offices, and charges were (unsuccessfully) levelled against the BBC. One Christian group pressured a cancer charity to refuse a £10, 000 donation from *Jerry Springer: The Opera*.

In 2004, a play written by a young Sikh woman had its run in the theatre cancelled after violent protests by the Sikh community. Threats of abduction and murder drove the playwright into hiding.

Can rights clash?

What if the right to freedom of speech clashes with other people's right to live free from discrimination?

Discuss this with reference to the following quote from a newspaper editorial published at the time of the crisis:

"There is a right to exercise an uncensored pen. But there is also a right for people to exist in a secular pluralist society without feeling as alienated, threatened and routinely derided as many Muslims now do. To elevate one right above all others is the hallmark of a fanatic."

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