

Turning free speech into a negotiable commodity

Frank Furedi

Abstract: Critics of the Oxford Union debate argue the moral rehabilitation of censorship. However, history shows that certain ideas will always offend someone. There is no serious form of public speech that hurts absolutely no one. Those of us who believe in the formidable power of human intelligence need to remember these words, and dismiss the idea that free speech is not an absolute right as a very bad idea.

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'Why make a big deal about free speech?' a student asked me after one of my lectures recently. Such a cynical attitude towards the principle of free speech is common today. An army of self-selected censors is currently demanding: 'How dare the Oxford Union invite Nick Griffin, leader of the British National Party, and the anti-Semitic historian David Irving to participate in one of its debates?' The fevered response to tonight's debate on free speech and extremism at the Oxford Union highlights the exhaustion of a genuine democratic commitment to freedom of expression. If there is one powerful argument in favour of holding the debate, it is as a way of countering this illiberal outlook.

There was a time when those who called themselves radical or progressive marched and struggled for the realisation of the right to freedom of speech. These days, so-called progressives are far more likely to demonstrate against the right of people that they don't like to speak openly. They demand the censorship of public expressions of extremist views. Mainstream public figures and officials embrace the role of the censor, and proclaim that freedom of speech is not an 'absolute right'. In an era that finds it difficult to uphold any absolutes – absolute truth, absolute good – the devaluation of speech from an absolute freedom to a conditional one fits in well with the prevailing 'common sense'. However, once a right ceases to be an 'absolute', it becomes a negotiable commodity. Devaluing the freedom of speech so that it becomes a relative right (in other words, a privilege) simply means upholding the right to speak of those whom we like, and censoring the views of people we find obnoxious or offensive.

The censorious response to the Oxford Union debate comes at a time when attacks on freedom of speech are being widely institutionalised. In recent years, numerous laws have been introduced to punish

various forms of speech as 'incitement to religious hatred', 'glorifying terrorism' or 'expressing homophobic views'. The New Labour government is set to launch a new crusade against the expression of extremist views on university campuses. Such illiberal attitudes are not confined to Labour. Julian Lewis, the Tory shadow defence secretary, sought to capture the limelight with his very public resignation from the Oxford Union over the Irving/Griffin debate. Of course, Lewis informed us, he is not against free speech – well, he is not absolutely against it. 'I think there are people who are confusing this with an issue of free speech', he said. In fact, there is no confusion here; this is a free speech issue.

The moral rehabilitation of censorship

Censorship, of course, has a long history. In Roman times, two magistrates, or 'censors', were charged not only with counting the population but also with supervising public morals. Although in the nineteenth and twentieth centuries censorship was frequently driven by a political imperative, its aim remained essentially to police moral behaviour. Twenty-first century censorship continues this tradition. Yet today, censorship is not simply pursued by the state or religious authorities; advocacy groups, educators, media organisations and professionals are also actively engaged in rhetorical crusades to ban certain words and/or to promote their own favoured view of the world.

In modern times there has never been an era such as ours, where language is so carefully regulated and policed by both public and private institutions. The main reason for this development is the ascendancy of the belief that words can hurt people far more than we previously suspected, and that people have a right to be protected from harmful words. It is a sign of the times that, today, acts of censorship are not seen for what they really are: the coercive regulation of everyday communication and the repression and stigmatisation of certain ideas. Instead, they tend to be looked upon as enlightened attempts to prevent people from being offended or as a sensible way of minimising conflict.

Words are frequently depicted as weapons that can traumatise and psychologically damage their targets. As a result, the right to free speech often competes with the right not to be offended. From this standpoint, censorship is perceived, not as a form of authoritarian intrusion, but as an enlightened measure designed to protect the vulnerable from pain. The idea that language offends is not new, of course. But the notion that because offensive speech can have a damaging impact on people it must be closely regulated signals an important departure from the past. This new view of speech is based on a radical redefinition of human subjectivity. It assumes that people lack the intellectual resources to deal with competing ideas. And a public that apparently lacks independence of thought or moral autonomy

must be protected from making the wrong choices in the marketplace of ideas. At a time when ideas are seen as being potentially dangerous, their suppression can be represented as an act of public service.

The desire to protect individuals from painful words is underwritten by a powerful new cultural script. This means that, today, there is only a very feeble cultural affirmation for freedom of speech. Indeed, one often gets the impression that academics and public figures are more interested in criticising the ideal of free speech than they are in upholding it. Many thinkers seem unperturbed by the role of the state in policing speech. Thus the original impetus behind the demand for free speech – which was based on a fear of the power of the state to censor and persecute people for their beliefs and words – is dismissed as an historical footnote. Those who are concerned about state intervention into public debate are looked upon as having an old-fashioned and irrelevant obsession.

Perversely, some so-called progressive thinkers and activists go so far as to associate free speech with elite privilege. Freedom of speech is seen as something that protects the status of the powerful and negates the views or feelings of the oppressed and the vulnerable. This radical reinterpretation of the role of free speech is paralleled by a fundamental redefinition of what constitutes the problem: for today's critics of free speech, the locus of the problem is not the state but the domain of interpersonal relations. They focus their concern on individual forms of speech that wound those without power. This individualisation of the role of speech overlooks the institutional and cultural influences on public debate, as protecting the individual from psychological pain is seen as being logically prior to upholding the right to free speech. From this twisted worldview, state censorship actually has a positive role to play. Through enforcing laws that apparently protect people from hate and hurt, state censorship comes to be looked upon as championing the powerless.

Critics of the Oxford Union debate argue that the presence of racist speakers offends minority students and could lead to violence. However, history shows that certain ideas will always offend someone. There is no serious form of public speech that hurts absolutely no one. And as the American Supreme Court Justice Oliver Wendell Holmes remarked, 'every idea is an incitement'. Those of us who believe in the formidable power of human intelligence need to remember these words, and dismiss the idea that free speech is not an absolute right as a very bad idea.

把言论自由变成可以讨价还价的商品

弗兰克·菲雷迪

吴万伟 译

摘要：针对牛津辩论协会邀请尼克·格里芬（Nick Griffin）和戴维·欧文（David Irving）今天晚上参加辩论的激烈抗议是当今审查制度道德式复兴的一部分。历史告诉我们，任何确定的观点总会侵害到一些人。没有任何一种公开言论绝对不会侵害任何人。我们中那些相信人类智慧的强大力量的人需要记住这些话，抛弃那种认为言论自由不是绝对权利的错误观点。

关键词：言论自由；审查制度

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