

CFI Campaign for Free Expression Essay Contest

The Importance of Free Expression and Its Limits

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This essay explores the limits national governments or recognized international bodies, such as the United Nations, may justifiably place on free expression. In order to answer this question I will assess the various arguments for censoring free expression. If none of these arguments can provide reasonable grounds for governmental censorship, then we must conclude that no such limits are justified.

I. Censoring incitement to violence

One argument against free expression rests on the perceived connection between words and (sometimes illegal) actions. Increasingly, government figures emphasise the paramount importance of law-enforcement, social order and security. In a geopolitical landscape that has been re-defined by the (real or perceived) threat of “global terrorism” the value of security has been placed above individual liberties such as free expression. We need to ask, then, how exactly free speech threatens to undermine security. If it does not, then we need not accept a false dilemma that tells us it is impossible to have both free expression *and* security.

Some argue that speech is more than 'mere words' and must be censored when it is likely to 'incite' dangerous actions. The American courts have agreed with this in cases where there is reasonable and compelling evidence that the speech in question was the direct cause of dangerous *behavior*. The quintessential example is when someone yells "fire" in a crowded theatre. But the idea that any repugnant ideology, or even unpopular viewpoint, if expressed, will 'incite' violence or hatred distorts the original context in which the concept of 'incitement' made sense.

What originally justified censorship based on 'incitement' was that the censored speech was perceived to lead to immediate harm. Even J.S. Mill, the quintessential defender of free expression, accepted that suppression of speech could be justified in situations where it constitutes a harmful *action*. But crucially, Mill does not justify this type of prohibition on the grounds that it constitutes harmful *opinion*. In Chapter 3 of '*On Liberty*' Mill drew a clear distinction between actions and opinions. His example of where speech constitutes 'incitement' is a situation in which an angry mob with torches is gathered outside a corn dealer's house, when someone expresses the opinion that corn-dealers starve the poor because they keep prices high for their own benefit. However, Mill would only censor this speech because of the volatility of the context - not because of its content. Here the speech would be likely to provoke immediate violence, and the only reason for censoring it is the likelihood that mob violence would follow. Importantly, Mill did *not* think expressing the opinion on the corn dealers' practices and motives should be suppressed in other circumstances. It was not the *expression of the opinion* he rejected, but the manner in which it was expressed.

Except in rare cases such as this, it is questionable whether speech can really incite someone to bad behaviour. In the case of the angry mob it is arguable that speech of this sort constitutes the first step towards an illegal act. But recent bans on hate speech assume provocative speech can 'incite' criminal behaviour where no immediate threat exists. This implies that someone can make you act against your will. To claim that someone can incite you to do anything in this context is to abdicate personal responsibility. Jean-Paul Sartre, writing after the horrors of the holocaust, aptly called this attempt to escape personal responsibility "bad faith" (by which he meant a kind of

self-deception). If we cease to hold individuals accountable for their own behavior, we can criminalize anyone we claim has 'influenced' the criminal -- parents, teachers, film or television personalities, musical artists he has listened to, authors of books or blogs he has read -- all are fair game. But this, of course, turns the perpetrator himself into a victim. It presupposes a deterministic model of human nature in which human individuals are not responsible, free moral agents, but are more like automatons that hear words and blindly obey them like a dog obeys its master. If this were the case then, given all of the possible influences on a person, it would be virtually impossible to decide which of them 'influenced' a particular act.

Obviously speech and expression are influential, otherwise liberals would not spill so much ink defending them. But the fact that we are influenced does not allow us to abdicate personal responsibility for our actions. Human beings have competing desires and choose between them all the time. I may have a first order desire to go out with friends tonight, but I also have the second order desire to win the essay contest, with the deadline fast approaching. I choose between these desires and only I am responsible for the decision to prioritize one over the other. In this sense, we are responsible even for choosing our desires. When someone influences me, it is because *I value* what he says or writes. I select these opinions or perceived truths as more important than other opinions or viewpoints to which I've been exposed.

The 'incitement' argument against free speech, in its current (distorted) usage, presupposes a direct causal link between the expression of extreme views and extremist or violent behaviours. So, for example, if a Muslim cleric is permitted to advocate violence, or to express offensive anti-American or anti-Western sentiments, then he is indirectly guilty of inciting illegal actions in his listeners. This view is incoherent and, worse, it undermines the very legal system that 'law and order' policies are entrusted to enforce. If someone commits a criminal act of terrorism, we do not accept 'outside influences' as a mitigating factor when determining his guilt. Although defence attorneys attempt to diminish the defendant's responsibility in various ways, if the forensic evidence points to his guilt, and he is an adult of sound mind, we do not accept outside influences as somehow causing him to act. If we did, we would reduce the sentence accordingly – but we do not.

The fact that adult citizens are responsible moral agents entitles them to basic rights and protections on the one hand, and obligates them to accept full moral responsibility for their actions on the other. Civil liberties come with concomitant responsibilities. Personal accountability for criminal actions is one of them. 'Incitement' cannot be a reason to prohibit extreme speech unless we are also willing to relinquish our cherished belief in personal accountability.

If I am led to accept falsehoods because I am ignorant of other, better, views then I am partly to blame for my passivity in accepting them without scrutiny. Thomas Jefferson said that he "never submitted the whole system of [his] opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where [he] was capable of thinking for [himself]." He felt that "such an addiction" (to the creeds of others) was "the last degradation of a free and moral agent."¹

¹ in a letter to Francis Hopkinson, March 13, 1789.

Responsibility for our views and actions is what makes us free moral agents. If we abdicate this we are not worthy of the rights and protections that accompany it.

The remedy for ignorance, if it stems from a paucity of alternatives to a false belief, is not less speech but more. If those who are free to speak do not bother to enlighten their fellow men by expressing better views, then they will have to live with the ignorance of their compatriot. However, the demand for certainty increases in direct proportion to the extent that my beliefs become grounds for causing harm *to others*. Since no one is infallible, it is rarely the case that one's viewpoint can justify harming another person, or curtailing his liberty. There is a substantial difference between promoting beliefs that harm others and yet have little sound evidence to support them and holding beliefs that benefit others and do have sound evidence in their support. This is why Jefferson thought ignorance preferable to error. Believing nothing brings us "closer to truth" than believing what is wrong. The burden of proof is always greater on anyone who would endanger another's well-being or interfere with another's liberty for the sake of a belief. One does not have an absolute right to be wrong when one is risking the safety and liberty of others.

All of the liberties we enjoy depend upon the belief that we are free moral agents, responsible for our opinions and our decisions. If we surrender our autonomy we must be prepared also to forego the rights and liberties that depend upon it. As Benjamin Franklin said in 1759: *"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."*ⁱⁱ

II. Censoring incitement to hatred

In October 2007 the British government proposed the introduction of new legislation into their already dubious "Criminal Justice and Immigration Bill" that would make it a crime to incite hatred because of a person's sexual orientation. □□As queer as I am, and I think I fit the bill in most senses of the word, I find this proposal ludicrous in the extreme. Firstly, hatred against any group is not a crime, so inciting it shouldn't be either. If that hatred is expressed in actual harm, then it *is* a crime. But hatred itself is not something the state has any business legislating against, just as they have no business compelling love for their policies or politicians. No external authority can dictate to the citizens of a free society what they must value, love or hate, and any society that condones such coercion is not worthy of being called "free". □□

The government's 'incitement to hatred' measure is anything but a defense of liberal democratic values...although superficially it may appear that way. Liberals like myself defend freedom of speech, expression and assembly, as well as freedom of religion. The true test of that principle comes when we are asked to permit freedom of expression for views we detest. This bill was nothing more than an attempt to enforce the values status quo, a dangerous move that presupposes the infallibility of our current notions of political correctness. While our politically correct view *may* indeed be morally just in this instance, it isn't always so, and we give up the right to dissent from popular beliefs at our peril. □□

A society that is confident in its values and convictions is one that can tolerate dissenting views, and countenance the possible fallibility of its own. If we stifle

controversial viewpoints today then we can just as easily do so tomorrow, when the Christian right's homophobia, historical revisionism or theocratic doctrines may be as 'politically correct' as today's toleration for homosexuality. Once we relinquish the rights of others to express unpopular viewpoints there will be no possibility of correcting popular and persuasive, but morally bankrupt, ideas. We will *all* lose our liberty if we give the government the power to exclude and silence the voices we (or it) dislike.

III. Tolerance for diverse viewpoints undermines moral conviction / moral courage.

Another argument against free expression says that tolerance is just a form of weak-willed passivity in the face of objectionable speech and or behaviour. This criticism fails to understand what toleration is. Toleration does not arise from an attitude of moral indifference or neutrality. One is not 'tolerating' an attitude or behaviour if she has no real opinion on the matter or if she has no choice but to put up with it because she is coerced to accept it. Rather, toleration is a principled form of inaction intended to defend the continued possibility of genuine moral conviction. Toleration only applies in circumstances where one deliberately chooses to forebear behaviours or beliefs of which one disapproves. Critics of toleration describe this as a failure to take a moral stand. Liberals reject this criticism, arguing that, in standing up for toleration, they *are* standing up for what they believe in. This paradox was famously expressed by the French writer Voltaire: "*I detest what you say, but I will defend to the death your right to say it.*"

There are many ways, besides coercion, to object to ideas and practices one finds morally unacceptable. Liberals do not advocate passive acceptance of objectionable practices and ideas. Short of using force to impose our view on others, we accept and encourage all methods of influencing people. This requires active engagement with the beliefs of others, which is why liberals encourage verbal and written debate, argument, a free press, literature, art, and comic satire. These are ways of expressing the concern we ought to have for what our fellow citizens believe and how they live. Only through open discourse can we learn from others, and encourage them to learn from us.

Liberals and other defenders of free speech are not lacking a moral compass. Their defense of freedom is not absolute nor is it based on an unprincipled 'anything goes' philosophy of life. America's founders recognized that freedom, while being a necessary condition for human flourishing, could not be absolute. Liberty, if exercised without limits, would give people license to abuse others and deprive them of freedom. This would be self-defeating. The existing limits on individual liberty limits are intended to apply to actions that are 'other-regarding'. State power may rightfully be exercised over the individual, against his will, only to prevent harm *to others*. A government official's desire to prevent me from harming myself is not adequate justification for curtailing my liberty, although states have made exceptions with, for example, statutes requiring seat belts and motorcycle helmets. In general, liberals accept a system that permits the widest possible individual freedom consistent with a like liberty for all. They have also interpreted freedom primarily in negative terms, as freedom *from* external interference or constraint.

IV. The liberal demand for government neutrality between competing moral worldviews is itself a moral worldview, hence contradictory.

While most acknowledge that beyond the ‘harm principle’ liberalism **does not** seek to lay down moral standards for individuals in their private lives, some social conservatives have nevertheless argued that maximizing freedom, within the limits of the harm principle, is itself a moral standard upon which liberals insist. This makes the liberal demand for government neutrality a kind of ‘religious doctrine’ as authoritarian as any other. The liberal viewpoint is thus dismissed as self-contradictory².

However, this alleged contradiction rests on a blatant misrepresentation of liberalism. To represent the liberal viewpoint fairly, it should be noted that liberals argue, consistent with the modern worldview, that “ought implies can” and that freedom is the *foundation* of morality. Within moral philosophy and even philosophy of religion, it is uncontroversial that, in the absence of genuine choice, virtue and vice (morals) are meaningless. Thus, **freedom is not itself a moral standard, but a necessary *condition* for any notion of morality or immorality to make sense.** Freedom makes morality of any stripe logically possible. The very concept of ‘right’ or ‘wrong’ behaviour depends upon autonomous agency, and that is the very reason why liberalism prizes individual freedom so highly.

This is quite different from dictating what is the good or right way to live. It merely suggests that, as a minimum standard, human lives ought not to be treated as means to other people’s ends. The charge that the principle of freedom is a moral standard that is “just as authoritarian as any other” is utter nonsense. The liberal principle of individual freedom is anti-authoritarian to the core and exists exactly for the purpose of protecting citizens from authoritarian imposition of public morals. Authoritarianism is a principle of blind submission to authority, as opposed to individual freedom of thought and action. In the absence of autonomy, ‘good’ behavior becomes indistinguishable from slavish obedience to conventional rules motivated by fear of punishment, not by virtue.

V. Toleration for diverse opinions undermines traditional moral values that bind society together.

While some social conservatives say that liberalism imposes the doctrine of “freedom” in an authoritarian manner, others (especially Christian conservatives) argue that toleration for various conflicting views in society undermines traditional morality and the Christian values on which the nation was founded. The claim that the United States was founded on Christian values is inaccurate historical revisionism and has been adequately dealt with elsewhere³. Therefore let us examine the view that

² Ann Coulter argues along these lines in her book *Godless: The Church of Liberalism*.

³ See for example: Susan Jacoby, *Freethinkers: A History of American Secularism*, Metropolitan Books, 2004, Edwin S. Gaustad, *Faith of Our Fathers: Religion and the New Nation*, Harper & Row, 1987, Franklin T. Lambert, *The Founding Fathers and The Place of Religion in America*, Princeton, 2003, Isaac Kramnick and R. Laurence

tolerance of diverse conflicting viewpoints undermines traditional Christian values. John Locke⁴ replied to this claim by reminding his readers that Jesus himself was a religious dissident and would most likely have supported debate and argument rather than the kind of theocratic censorship that ultimately led to his crucifixion.

Liberals insist that governments must remain morally neutral between conceptions of the 'good life' because freedom from coercion or compulsion to fulfil other people's ends is viewed as a natural right, essential to leading a truly human existence. This is the only condition under which people are able to develop and fulfil their human potential. Christian theologian John Hick puts it this way in his book *Evil and the God of Love*:

"For freedom, including moral freedom, is an essential element in what we know as personal as distinct from non-personal life. In order to be a person man must be free to choose right or wrong. He must be a morally responsible agent with a real power of moral choice. No doubt God could instead have created some other kind of being, with no freedom of choice and therefore no possibility of making wrong choices. But in fact He has chosen to create persons, and we can only accept this decision as basic to our existence...."

The American Constitution favors self-determination because its authors recognized that where there is no freedom nor can there be virtue. Moral responsibility means more than **obedience** to external authorities. A definition of 'goodness' based on social conformity to conventional rules is not genuinely 'moral' unless it is motivated by reason and conviction rather than fear or self-preservation. To be responsible is not just to do my duty because I know I will be punished if I do not. On that definition a 'responsible' person would do any crime he thought he could 'get away' with. Responsibility means knowing that I will *deserve* punishment if I fail to do my duty, whether I am in fact punished or not. People do not feel a sense of moral duty to obey immoral laws, nor should they. Responsibility means that I have a duty to disobey immoral laws even if I risk unjust punishment for so doing. To take responsibility is to confront my own freedom and the anguish that comes with difficult choices, rather than pretending that I am not truly free, or disguising my freedom from myself. Responsibility means to act according to reason and conscience and to try, to the best of our abilities, to hold our laws to that same standard -- to require that they conform to the good for humanity - not just to what is good for an elite group. As Jesus said: "The Sabbath was made for mankind, not mankind for the Sabbath." (Mark 2:27)

The attempt to give legal privileges to a religious worldview or to a traditional set of patriarchal values suggests the fragility, not the strength, of those values. The fact that alternative views may be 'offensive' to Christians or social conservatives' traditional values is not a valid reason to suppress them. If Christians cannot produce adequate replies to views they find odious, then they lose their justification for taking offence

Moore, *The Godless Constitution: A Moral Defense of the Secular State*, W.W. Norton, 2005, Barry Lynn, *Piety and Politics: The Right-Wing Assault on Religious Freedom*, Harmony Books, 2006.

⁴ in *A Letter Concerning Toleration*, originally published in 1689.

to them. The lack of willingness to defend one's views renders them dogmatic, and suggests that there is no good explanation for why one clings to them.

John Shelby Spong, former Episcopal Bishop of Newark, in his response to an Irish law banning blasphemy⁵, remarked that the assumption behind the ban seemed to be that it is impossible for religion to do wrong. This assumption allows religion legally to stand above criticism. It is doubtful whether the Muslims who were being killed as infidels by Christians during the Crusades, or the Huguenots whose congregants and pastors were attacked by the French Catholic Church over doctrinal differences would have agreed. History has shown that religious claims to infallibility are little more than human attempts to use religion to evade scrutiny and suppress valid challenges to ideological beliefs.

In 1957 Baron Patrick Arthur Devlin, a British judge, argued that an established morality is as necessary as good government to the welfare of society⁶. Devlin claimed that social disintegration occurs when no common morality is observed. He concluded, contrary to Mill, that it is wrong to set limits on the role that government may play in the suppression of vice. But defenders of individual liberty and free expression **agree** with Devlin that preserving and enforcing morality is part of the government's business. Murder, theft, assault, fraud – all are illegal because there is wide consensus that they are immoral. Devlin objected to Mill's argument that we should use 'harm to others' as the criterion for when government can justifiably interfere with people's behavior. Devlin maintains that we cannot define an area of 'private morality'. To the argument that a man's sins affect only himself, Devlin replies with an example. He asks us to imagine a man who chooses to get drunk every night in the privacy of his own home. Next, he asks us to suppose a quarter or a half of the population got drunk every night and says that it would lead to a dysfunctional society. Since we can't set any theoretical limit to the number of people who can get drunk before society breaks down, the government is entitled to legislate against private drunkenness. Whereas Mill would have regarded private drunkenness as 'self-regarding' behavior, Devlin wants to show that any behavior, if taken too far, can be interpreted as 'other-regarding'.

Liberals don't dispute Devlin's claim that there is no such thing as 'private morality'. Indeed, it is precisely the public or social aspects of behavior that make them moral issues! Liberals only disagree with the notion that drinking alcohol, consenting sexual activity between adults, and a range of other behaviors that produce no victim, are moral issues (i.e. morally wrong). Just as it is a legal impossibility to steal from oneself, it is a legal impossibility to victimize oneself. The freedom that allows me to make mistakes and learn from them is too vital to suppress in for the sake of a utopian dream of pain-free existence.

Interestingly, Mill also makes reference to alcohol consumption as an exemplary case from which we may glean the distinction between aspects of the behaviour that might be subject to interference by the state:

⁵ See his blog ("Welcome back to medieval times") at *The Washington Post*, 13 January, 2010

⁶ In November 2009 a group of American theologians expressed a similar view in their 'Manhattan Declaration'.

“Drunkenness, for example, in ordinary cases, is not a fit subject for legislative interference; but I should deem it perfectly legitimate that a person, who had once been convicted of any act of violence to others under the influence of drink, should be placed under a special legal restriction, personal to himself; that if he were afterwards found drunk, he should be liable to a penalty, and that if when in that state he committed another offence, the punishment to which he would be liable for that other offence should be increased in severity. The making himself drunk, in a person whom drunkenness excites to do harm to others, is a crime against others.” (*On Liberty*, V)

Evidently the restrictions do not apply to ‘ordinary cases’ of drunkenness, but only to those in which a tendency to violence towards others has *already been established*. There is nothing about drinking that automatically causes anti-social behaviour, and much evidence points to in the opposite direction, suggesting that alcohol more often leads to social behaviour.

The fact that some people will occasionally abuse alcohol is an inevitable consequence of protecting our negative liberty to decide for ourselves how much we ought to drink. Prohibitionist laws would remove our negative liberty to control our own consumption of alcohol. Mill’s position is that, left with an abundance of negative liberty, a person will learn from experience, practice independent reasoning, judgement, discrimination and self-control, “provided that he is left to carry his opinions into practice at his own cost” (consistent with the principle of harm). On this view, one could argue that I learn from my own mistakes. I vomit and have wretched hangovers when I decide to drink too much, which eventually leads me to control my own habits. If it does not then I get what I deserve and, anyway, as an adult, I have a right to harm myself if I so wish. The intervention of a paternalistic state to ‘guide’ (i.e. coerce) the individual to ‘higher liberty’ by removing negative liberty is not going to help the individual to achieve ‘higher liberty’ (this is doublespeak!) nor will it encourage **self**-control (since the state will be doing the controlling *for* the individual).

This long digression on the subject of alcohol consumption is intended to show why it would be misguided for government to legislate against self-regarding beliefs or behaviours. We should not give paternalistic beliefs about what is ‘wrong’ for others (in the absence of a victim) the status of moral truth. Liberals defend freedom of *opinion* on what might be regarded as moral viewpoints. Nevertheless, they subscribe to the now ubiquitous modern meta-ethical view that morally ‘wrong’ acts involve causing significant harm to others, not merely offending their views or tastes. This insight is what justifies existing legal proscriptions of such acts. Devlin attacks liberty on the basis of preserving not moral *truth*, but moral *agreement* (i.e. the status quo). Mill’s toleration for dissenting views reflects the fact that social morality may well need to evolve, if it is found to inhibit human welfare. Devlin wrote his argument as an objection to the legalization of consenting adult homosexual acts. We need only glance backwards to see that Devlin’s prediction was mistaken – society did not disintegrate as a result of the legal change.

VI. Popper's objection: Unlimited tolerance must lead to the disappearance of tolerance (the 'paradox' of toleration).

Karl Popper (1902 – 1994) was fully aware of the danger in censoring intolerant attitudes. He thought it preferable to counter them with rational argument and keep them in check by public opinion. However he thought that society has a right to suppress intolerant attitudes if their spokespersons refuse to engage in rational argument and refuse their followers the right to hear alternative views:

“Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them.”⁷

First, the existing proscriptions against violence within liberal democracies are sufficient to prevent coercive violence, making it exceedingly difficult (and illegal) to earn unwilling recruits to intolerant ideologies. No one should be subjected politically or legally to the values of an ideology that is not his or her own. U.S. and U.K. laws reflected this until the terrorist attacks of September 11th and July 7th. As a result of these incidents, new laws have made it illegal to demonstrate in front of Parliament without government permission, while protests in the US are so heavily policed that they have become unrecognizable. In both countries citizens have been made to surrender their freedom of speech for unjustified reasons, as I explained in **1**. (above).

Willing recruits to an ideological belief system are another matter. There is nothing wrong with an ideological community requiring that its willing adherents honor its beliefs. If some in good conscience cannot accept those beliefs or attitudes then there is no reason why the community should not be permitted to exclude them. But intolerant ideologies, by definition, are *not* interested in communities of willing believers, or else they would be tolerant. The concept of 'intolerance' means more than verbal objection to others' views (that is what tolerance implies!). Rather 'intolerance' means rejection of the other's fundamental right to self-determination and unwillingness to withstand their dissent. Intolerance goes beyond forbearance to dictating how others must live.

Westerners have been intimidated by accusations of “racism” and “ethnocentrism” into surrendering their freedom to offend. To the extent that they have been reluctant to criticize repressive (but legal) beliefs and ideologies, Westerners and liberals have colluded with intolerant communities. When liberals, from misguided ideas of 'political correctness,' refuse to legislate against or even to criticize sh'aria law within their own national borders, they are not expressing 'liberal' values. Far from it. Liberal democracies, because their laws reflect universal truths about human nature (many of which are also inscribed in documents such as The European Convention on Human Rights and The Universal Declaration of Human Rights⁸) legislate against

⁷ Karl Popper, *The Open Society and its Enemies*, 1945.

⁸ Given the wide-ranging international support for such documents, it would be misleading to describe them as symptomatic of a “Western” view or of “cultural imperialism”. The following countries voted in favor of the Declaration: Afghanistan,

ideological practices that conflict with the right to self-determination. It is time that their rhetoric caught up with their laws in this regard. Most European countries attempted to bring public opinion into line with public law by re-publishing the offensive Danish cartoons of Mohammed. In so doing, Westerners were expressing vital solidarity with Muslims who are intimidated by legal forms of social pressure into silent conformity. As Munira Mirza wrote in response to the British newspapers' refusal to re-print the cartoons, "... sympathetic lefty anti-racists who believe censorship will protect Muslims are actually missing the point. Many Muslims want the same freedoms as everyone else to debate, criticize and challenge their religion."⁹

Again, the claim that we cannot have respect for diversity if we do not tolerate intolerance presents us with a false dilemma. When we refuse to exercise our right to dissent, we deprive unwilling followers of alternatives.

Statements like 'female circumcision is wrong' are expressions of beliefs, which can be true or false. Whether or not it is wrong to circumcise females does not depend upon one's cultural positioning or worldview. It depends upon the way the world is, on what properties an action, person, or situation really has. Value judgments are related to facts, and, if true, mirror as closely as possible the way the world actually is. There are many facts that are made true by the way the world, including the human world, is. Giving reasons in support of moral claims is appropriate. "The practice of female circumcision causes unjustified harm to females" is a factual claim about the way the world is, including the human world. It is either true or false. The truth about moral beliefs is culture-transcendent. One problem for reaching a consensus on moral issues is that even where two parties agree on the facts, they may not agree on the *relevance* of particular facts to a moral question or issue. It can be difficult to establish whether a matter of fact constitutes a reason for believing something is right or wrong and arguments are needed to show why some facts are more important than others to a particular issue.

Abraham Lincoln's statement in 1859 confirms his view that laws reflect our attempts to grasp something more universal than a particular culture's conventions or attitudes:

All honor to Jefferson – to the man who, in the concrete pressure of struggle for national independence by a single people, had the coolness, forecast and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there that today and in all coming days it shall be a rebuke . . . to the very harbingers of re-appearing tyranny.

Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Thailand, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay and Venezuela.

⁹ 3 February, 2006, Spiked website, www.spiked-online.com

The 'abstract truth' to which Lincoln here refers is most probably the concept of natural rights embodied in The Declaration of Independence and the preamble to the Constitution. America's founders maintained that what the state does not give, it cannot take away. If human rights are natural rights, as opposed to human conventions, then their being rights by natural endowment makes them *inalienable* in the sense indicated in America's founding documents. This gives them moral authority even in the absence of legal sanctions. Their moral authority imposes on their bearers moral responsibilities, even when these responsibilities are ignored. When such human rights are denied or violated by the state, or simply not enforced, they nonetheless retain their moral authority. If their moral authority did not exist, then we would have no basis for condemning as unjust governments that fail to enforce them.

By contrast, some maintain that moral right and wrong are always relative to a particular culture or belief system. The truth of moral statements is culture relative. Thus, there is no absolute answer to moral questions, such as whether it is wrong to circumcise females. In some cultures practices like female circumcision or sati¹⁰ are accepted norms. In others, these practices are seen as morally wrong. There is no single truth that could be used to measure the moral claims of one society, or one time, against those of another. 'Truth' just is the way a particular society envisions the world. Because the relativist makes so few demands on the meaning of truth, it becomes impossible to distinguish it from fiction. 'Truth' becomes indistinguishable from perspective.

Some liberals embrace moral relativism because they have been duped into accepting the claim that universal moral principles are ethnocentric and intolerant. On the surface, relativism might appear more tolerant of both individual and cultural differences. But this is simply not the case. In practice, relativism neither promotes nor guarantees tolerance, and only serves to justify oppression, discrimination, abuse and inhumane practices *within* any given culture. The relativist's preferred policy of tolerance *between* cultures provides a veneer of 'rectitude' for international policies that protect *intolerance within* cultures. This approach to other cultures endorses a policy whereby non-intervention (omission) is less culpable than acts vis-à-vis preventable atrocities. It gives full moral justification to what happened in Rwanda, for example, while the 'tolerant' West sat back and watched the slaughter of thousands of innocents, not wanting to interfere with an internal cultural dispute. That is not tolerance; it is moral cowardice that lent tacit support to intolerance of the worst kind. In fact, a politically correct, 'tolerant' relativist might well have argued that it would be ethnocentric or intolerant for an outsider to judge Hutu society or to act against its 'abuses', since there is no universal or ultimate truth in moral matters "anything goes". The right's spokespeople understandably pour scorn on "political correctness" because they see it as a weak and hypocritical attempt to play the diplomat, rather than to stand up for a consistent set of values.

Nowadays we are so timid about offending anyone, even religious people who rationalize treating women as subhuman chattel, that we dare not raise the least objection for fear of being accused of "racism" or "cultural imperialism". Never mind

¹⁰ The practice where widows are expected to throw themselves on the funeral pyre of their dead husbands, sometimes spelled 'suttee'

that we have already criticized the same abuses within our own culture when they were rationalized by our own religious traditions. Yet no one in our own culture dares to label us 'sexist' or 'inhumane' for our frightening tolerance for sexist abuses of women in other cultures. What this suggests, of course, is that we are not fully convinced that sexism *is* morally wrong within our own cultural context.

Political correctness is shorthand for socially acceptable speech or behavior – the values status quo. Ideas about the kind of speech or behavior that **is** socially acceptable vary dramatically from culture to culture and from time to time. In 1950's America racial segregation and discrimination were P.C.. In Nazi Germany anti-Semitism was P.C. In India at certain times Sati (the requirement that a widow throw herself on her dead husband's funeral pyre) was P.C.. I think these examples are sufficient to show that what is politically correct at any given time in history is not necessarily a guide to moral infallibility. □ □

We do not wish to live in a society where behavior X is wrong "because we say so". We want to "say so" because X really is wrong. This implies that what makes it wrong has to be some standard independent of mere cultural popularity. It may be frustrating to lack absolute certainty about what this standard is, but as human beings we all possess reason. Hence we can, by means of open, interdisciplinary debate and discussion, reach some tentative agreement about what is right, or at least what is *not* right behavior in a human context. The Universal Declaration of Human Rights represents an inclusive, cross-cultural attempt to lay down some minimum moral standards. The preamble to the Declaration states that the document is: "a common standard of achievement for all peoples and all nations" that Member States and the peoples of territories under their jurisdiction shall strive to promote. Chief among these common standards must be our right to express our views, including views that dissent and offend. Toleration means valuing diversity enough to speak out in its defense. The only threat to an open, tolerant society is our refusal to do so. If we do not value toleration for unpopular opinions, then we forfeit our right to live in a tolerant society.

I have outlined six objections to freedom of expression: the idea that extreme speech incites either violent acts or hatred, that tolerance is a weak-willed alternative to moral conviction, that tolerance is a doctrine like any other, that toleration threatens the traditional values that bind society together, and that too much tolerance will destroy tolerant societies. Although others may disagree with my arguments, I hope they have been adequate to show that the above reasons for governmental censorship are unconvincing, and that no limits on freedom of expression are justified.

6,310 words

