

# Free Speech in Society

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\* This paper has not been supported by Serco Assurance and does not necessarily represent the official view of the company.

**November 2001**

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# Executive Summary

In many parts of the world, free speech is accepted as a basic human right. This has not always been the case. Even in the modern society of what is known as the developed world, suppressive attitudes are still prevalent in many organisations in the fields of business, academia, politics and other areas. This paper considers the nature of free speech. When free speech is denied or repressed there are always consequences for both those who are denied free speech and those who impose the censorship. The consequences for those wishing to express themselves using free speech are that they may become frustrated and disillusioned. The actual effect of censorship is the always opposite to that which was intended. Several types of motivation lead to the imposition of censorship. This paper concludes that wherever conflict occurs, the only way to achieve a win-win relationship that benefits all parties is to use reasoned argument. There are occasions where the debate may need to be taken out of the public domain

# Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>What is free speech?</b>	<b>1</b>
<b>3</b>	<b>Why is free speech important?</b>	<b>2</b>
<b>4</b>	<b>The effect of censorship</b>	<b>2</b>
<b>5</b>	<b>Types of censorship</b>	<b>4</b>
<b>6</b>	<b>Reform without censorship</b>	<b>5</b>
<b>7</b>	<b>Conclusions</b>	<b>6</b>
<b>8</b>	<b>References</b>	<b>6</b>

# 1 Introduction

In many parts of the world, free speech is accepted as a basic human right. This has not always been the case. Until the reformation, free speech was considered to be undesirable by those who held power and seen a vehicle for subversion and revolt. As the industrial revolution came and went and liberalism became fashionable, free speech was espoused by leaders and opinion formers. However, there is a difference between the espoused standards and the standards in practice.

Even in the modern society of what is known as the developed world, suppressive attitudes are still prevalent in many organisations in the fields of business, academia, politics and other areas. Henry Ford established a business empire based on the principle that he was unchallengeable, an attitude which is commonly held today by many chief executives. Thus when subordinates challenge or question, they are regarded as troublemakers. So in what respects do we have free speech? To answer this it may be appropriate to consider the nature of free speech.

## 2 What is free speech?

First let us exorcise a myth about free speech. Free speech does not imply that anyone can say anything to anyone at any time by any using any means. These days we hear a lot about rights, but little about responsibilities. A century ago the emphasis was on responsibilities with little emphasis on rights. Now the pendulum appears to have swung to its opposite node, with all the emphasis on rights and little on responsibility. Neither of these extremes has much meaning in the context of free speech. The first leads to suppression of truth and a “shoot the messenger” culture. The second leads to abuse, insult and a trivialisation of intellectual activity. Before we can define free speech, we must define the environment in which it can operate.

It is said that in ancient Rome any roman citizen had the right to address the Senate. This would have acted as a safety valve, so that otherwise unknown circumstances could be brought to the attention of the senators. However, to abuse that right, either by trivialisation or insult, may well have brought the wrath of the Senate down on the head of the perpetrator. What does this tell us about free speech? It implies that free speech must be an honest, fair and serious attempt to communicate to others, that which is sincerely felt. It does not imply that free speech cannot involve humour, only that the intention of the humour must not lead to personal abuse. Conventionally, it is accepted that members of a vilified organisation or culture, such as the Third Reich, are reasonable targets for abusive humour, but that view may need revising in the light of the current discourse. A definition of free speech might be as follows:

***Free speech is the ability to express fact, argument, feelings or art with the intention that the underlying truth is conveyed without abuse to any individual's dignity and to express it without fear of reprisal, other than riposte by other free speech.***

The above definition does not imply that others should not be attacked for actions, beliefs or motivation to which we are opposed. It does, however, imply that we should not attack others because of attributes over which they have no control, nor should we do so with language that they might reasonably be expected to find offensive. The term reasonably is often difficult to interpret, because different cultures and sub-cultures may have different expectations. It does not preclude the lampoon, caricature or sarcasm provided the intention is reasonable. That is not to say that free speech should offend no-one, only that it should reasonable be intended not to offend. Sometimes people have to “get things off their chest”. The rules can be suspended where the exchange is restricted to a group of people who have all consented to the suspension, provided that they have also agreed to return to the norm afterwards.

### **3 Why is free speech important?**

Free speech serves a number of functions in modern society.

- Firstly it ensures that knowledge of discoveries is conveyed both within the scientific community and to society at large. This provides an environment in which we can all learn and benefit from discoveries about the physical world and behavioural characteristics. Without free speech, the breathtaking increase in speed of discovery and understanding in post industrial revolution society would not have been possible.
- Free speech also allows truth about human activity and history to be propagated. This helps society and its members to learn from mistakes and prevent others from perpetrating acts that are regarded as evil. It also brings to the attention of society the plight of others and may act as a spur to action in support of worthwhile causes.
- Free speech allows criticism and evaluation of the ideas and actions of those in authority. Without free speech, the effects of bureaucracy may overwhelm sense and sensibility. This helps to prevent levels of efficiency and effectiveness from falling to unacceptably low levels for long periods of time.
- Free speech acts as a safety valve. Those who feel that their ideas are ignored or that they suffer injustice can speak out and give vent to these feelings. Those who see errors in others’ actions or reason can bring these to their attention and offer constructive criticism. Sometimes this involves unfair criticism and the voicing of prejudice, but these can be countered within the rules of free speech.
- Free speech acts as a vehicle for humour. Humour has many purposes, including its ability to carry out the other functions of free speech. Humour helps to maintain sanity and reduce stress in both individuals and social groups.
- Free speech allows artists and their critics to express themselves without fear of reprisal. Because art is about the expression of truth and beauty, it may require a measure of license beyond that required for pure communication.

### **4 The effect of censorship**

When free speech is denied or repressed there are always consequences for both those who are denied free speech and those who impose the censorship. The consequences for those wishing to express themselves using free speech are that they may become frustrated and

disillusioned. The intention is that they will become submissive. However, frustration and disillusionment are a breeding ground for subversion and deceit. What actually happens when censorship curtails legitimate information circulation is the creation of an information black market. Thus the actual effect of censorship is the opposite to that which was intended.

Suppression of knowledge of discoveries leads to the formation of what amount to secret societies, where the knowledge is shared covertly. The result is that progress is slowed, although not halted completely. Thus the intention to prevent the spreading of new ideas, often because they undermine conventional wisdom is fatally flawed from the outset. In the end, the members of the knowledge sharing community will either become so numerous or sufficiently powerful to release the knowledge into the public domain. However, in the interim period, there will be reduced progress and, often, pain and persecution.

Where censorship is designed to mask the mistreatment of society, or individuals within society, it leads to resentment and the nurturing of revolutionary sentiments. There have been many examples where such censorship has succeeded temporarily, usually accompanied by state sponsored terror. However, the period of suppression is always temporary, although usually painful to most in the affected society. As the centuries have passed and communication has become more accessible to all, the length of time of severe suppression has tended to become shorter. In essence, the very act of censorship and the sense of injustice and frustration generated, lead to the demise of the regime that imposed the censorship in the first place.

Where censorship is designed to prevent evaluation and criticism, it leads cynicism and loss of trust. There are numerous examples of corporate cultures where such censorship is practised, often tacitly. This usually takes the form of imposing penalties or withholding rewards for those who question the actions of those in senior positions within the organisation. There are also examples where such censorship is practiced in the areas of government and administration. This usually takes the form of “gagging the press”. The aims of this type of censorship are fairly short term, with the intention of protecting those currently in power. It often succeeds in this respect, although in many cases the censorship regime is eventually overturned.

When censorship aims to stop people venting their frustration, usually taking the form of political correctness, it actually increases the frustration and leads to the formation or aggravation of the very prejudice it seeks to overcome. When people feel aggrieved because they think their jobs are being taken, their culture is being overrun or their disadvantages considered less important than those of others, the suppression of feelings is likely to encourage prejudice rather than reduce it. Worse still, particular words are sometimes banned or are substituted by other words that previously had a different meaning. The intention is to prevent discrimination, but the effect is that new meanings will emerge, perpetuating or even reinforcing the discrimination.

Censorship of humour and art has a somewhat different effect to other forms of censorship. Humour and art are forms of self-expression and self-fulfilment. They convey meanings that cannot be expressed by formal accounts of a factual nature. Even art that uses words, such as plays and poetry, expresses truths that have no equivalent in the language of factual communication. Sometimes the result of censorship is to drive the humorist or artist

underground, but more often than not, the artist or humorist will emigrate to a culture where a more tolerant attitude exists. Depriving the rest of the population of the works of such people results in demoralisation and de-motivation within society as a whole.

## 5 Types of censorship

Several types of motivation lead to the imposition of censorship. All forms of censorship arise from fear and can be divided into two broad categories: fear of a loss of control or authority and fear that values will be undermined. In some cases, censorship has encompassed both of these, such as in the case of the Christian church, when the discoveries of Galileo, amongst others, threatened both the authority of the church and the integrity of its teaching. It is worth considering both of these categories in detail because this will help to identify areas of danger in thinking that could lead to the imposition of censorship.

Fear of a loss of control usually results in overt censorship. There are several forms of overt censorship, including the following:

- The press are formally censored or closed down;
- Opposition groups are banned and their members arrested;
- Facts about performance and standards are falsified or suppressed;
- Individuals who speak out are brought to trial on charges such as treason;
- Bribes and favours are used as rewards or inducement;
- Businesses and property are confiscated as a deterrent;
- Art and humour are officially banned.

Fear that values will be undermined often results in more subtle forms of censorship in addition to all of the above. Two examples of this type of censorship are illustrated by the following hypothetical case. There is an organisation representing a group of people who have significantly greater difficulty coping with day-to-day living than most members of society. The organisation produces a page for local newspaper, which includes letters from members of the group. One or two of the letters complain that the group is treated unfairly and its members would fare better if some of the funds allocated to more popular causes were available to them. They also complain that the activities of members of other groups are making life even more difficult for them. There is a reaction from two quarters. The government funded body responsible for awarding grants to disadvantaged groups threatens to terminate its funding for the organisation and a body representing the interests of the cited groups threatens to take the organisation to court. This is censorship by intimidation. It does not matter whether or not there is offence in the published letters. The censorship prevents the community as a whole from finding out what people think and dealing with it in an appropriate and responsible way.

## 6 Reform without censorship

One of the problems associated with representing the interests of a disadvantaged group is that the interests of the group become paramount and any infringement of their rights is seen as unfair and unjust. This can lead to confrontation and win-lose situations between two or more groups, both of which are justly needy of support and help. Indeed, where prejudice exists within society [1], those who hold the prejudice can be considered as requiring some form of special help. It is simply no use trying to suppress prejudice with censorship; its root causes must be addressed, whether they are due to ignorance, jealousy or fear. There is nothing to be gained by upholding rights if they are not accompanied by responsibilities. Otherwise the result is a slanging match, as though the two groups were demonstrating out on the streets, both trying to shout down the other. In the end this causes deeper-seated prejudice and even hatred. It is clear that this will not contribute to the elimination of prejudice and injustice.

If censorship and shouting down the opposition are unable to overcome prejudice then how is it to be addressed? The only solution with any chance of success is inclusive debate. That is to say, whenever ideas appear to be unreasonable or threatening, they should be allowed to surface and then countered logically and persuasively. Many organisations that represent the views of minorities will be horrified by this approach. But as we have seen, repression of ideas is likely to lead to increased prejudice and even to absolute hatred. The key is to allow the debate, but to prevent it from getting out of hand. In cases where there is abusive hatred, it may mean conducting the debate in a restricted forum to protect those who are the subject of abuse. Where the expression of prejudice is milder, it may be best to conduct the debate in the public domain so that reasonable minds can be induced to voice their opinion. To consider how this might be realised, let us consider the hypothetical case cited at the end of Section 5.

You will recall that the organisation representing a group of people who have significantly greater difficulty coping with day-to-day living than most members of society produces a page for local newspaper, which includes letters from members of the group. One or two of the letters complain in a manner that other groups might interpret as expressing prejudice and discrimination. The government funded body responsible for awarding grants to disadvantaged groups threatens to terminate its funding for the organisation and a body representing the interests of the cited groups threatens to take the organisation to court. The responsible way to deal with this is for the editorial staff of the publishing organisation to get together with the editorial staff of the newspaper and consult with the other organisations. The objective would be to publish counter arguments, which support the underlying cause of the complaints, the lack of funding, but refute the prejudice with measured argument. This should encourage a rational debate by all side until either a reasonable consensus is achieved or the prejudice is agreed by the vast majority to be ill judged.

Does this mean that no form of censorship is acceptable or worthwhile? The answer has to be no. There are cases where the **actions** of a few may lead to abuse, unwarranted fear or physical attack on others. In such cases, the first duty of any legal system is to prevent further incidents. While simple censorship has little value in these situations, it may be necessary to protect the public by some form of custodial sentence. Such sentences should not be regarded as punishment, although this is a common view of custodial sentencing. If prejudice is to be genuinely eroded it is essential that the purpose of any sentence should be to isolate the behaviour and seek to understand and address the root causes of the prejudice. Only in this manner can real inroads be made into prejudice. It is to be hoped that reformed practitioners could be used to influence others who continue to exhibit abusive behaviour.

## 7 Conclusions

Censorship has been used throughout the ages as a means of achieving various objectives. We have seen that the imposition of censorship, by whatever method and for whatever reason is a self-defeating means of achieving its objectives. Wherever conflict occurs, the only way to achieve a win-win relationship that benefits all parties is to use reasoned argument. There are occasions where the debate may need to be taken out of the public domain. In extreme circumstances, the perpetrators of abusively prejudicial acts may need to be isolated from society for a period of time to ensure the safety of society and find a way to reform the behaviour and attitudes.

## 8 References

[1]L D Howe *Racialism in Society* <http://www.innovationgame.com/general> (2001)