

Free Speech, Human Rights And Western Values?
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Free speech is what makes people feel human, says Ronald Dworkin, one of the most powerful advocates of the absolutist position. It makes them feel their lives matter.

Not that there aren't difficulties. Free speech may be important to our secular society, some critics say, but it makes no sense to graft it on to different styles of life, where, for instance, people's sense of national identity is based on the supreme authority of a religion. This is a thoughtful position, and may be seen by many to be reasonable. So do we think free speech a universal right, so important that it must be fought for even in nations where it's unfamiliar and alien.

Dworkin says it is, and says therefore we have to protect it even if it has bad consequences. He puts it like this:

People who believe in democracy think it is fair to use the police power to enforce the law if the law has been adopted through democratic political procedures that express the majority's will. But fair democracy also requires that every competent adult have not just a vote in deciding what the majority's will is. but a VOICE. A majority decision is not fair unless everyone has had a fair opportunity express his or her attitudes or opinions or fears or prejudices or ideals, in order to confirm his or her standing as a responsible agent, rather than a passive victim in collective action. The majority has no right impose its will on someone who is forbidden to raise a voice in argument before the decision is taken'.

He argues too that even if a country is not a democracy, governments have an obligation to treat their people with equal concern - that is a basic human right. Even in a country where citizens cannot vote, they must have a right to speak out, to bear witness. If we only allow the voices that are acceptable, and that would soon lead to corruption.

Cultural relativism - for that is one of the arguments against free speech as a universal human right - is always with us. One of my early encounters with it was in the late 1970s, at the height

of the women's movement, a time when people were also greatly preoccupied with the effects of Western colonialism on the developing world. Jill Tweedie, the famous feminist journalist, wrote what was to become a highly provocative article on female circumcision. What she objected to was the sight of western feminists defending this practise, on the grounds that different cultures have different values and traditions. She wrote this at a time when all thoughtful sensitive people in the West were examining their consciences about imposing Western Liberal values on other cultures - something that the West had, of course, been doing for some time.

Jill Tweedie said if clitorodectomy is wrong for our daughters, it's wrong for everyone's daughters. She was clear about the implications for the girls concerned - that without going through this ritual they might be excluded from marriage, from their families, their tribes and the ordinary life of women in their culture. She was writing at a time when Western women were speaking out for the right to sexual equality and sexual pleasure. But she was also arguing, rather as Umberto Eco argued many years later, that one of the things that bind human rights across cultures is the body - and the right of the human being to use and dispose of their bodies as they choose.

Twenty years later I was sitting in a room full of brave Zimbabwean journalists, at a time when Robert Mugabe was already putting huge pressure on the Zimbabwe press, and on the population. Many of these journalists had already courageously defended free speech and a free press, protesting against government interference. Government was in the room. The Minister for Communications stood up and told us that free expression was great, and greatly to be aspired to - but not yet. Zimbabwe was not ready for free expression, it was a country 'in transition', trying to find 'equilibrium', and must not be 'destabilised' by the rigours and buffeting that free speech brings. The country for now, he said, needs people to contain themselves and their opinions, until stability is achieved. He was using an old argument against free expression, that country comes before individual rights, that they are at odds with one another. This last is rarely true, as those brave journalists knew. A free media is essential for a democratic culture, which in turn makes it possible, in theory at least, for all voices to be heard, all ideas and opinions to be voiced.

When I arrived at the offices of Index ten years ago, the largest human rights gathering ever known had just taken place in Vienna. It had been a tempestuous affair, but it - just - managed to hold the line of the 1948 Universal Declaration of Human Rights, that everyone has the right to

freedom of opinion and expression, that these rights are indivisible and universal, and that they should not be altered by cultural considerations. There was much talk by some of the more authoritarian governments about the fact that free expression was alien to their cultures, an indulgence of European liberalism. Often it was not difficult to see their agenda, and it was a time when the notion of 'Asian values' had many enthusiasts in both East and West, an argument that was discredited rather rapidly with the collapse of the very economies that were claiming the success of these values.

But there are real difficulties about the universality of human rights. Cultures and societies place significantly different accents on the rights of individuals vis a vis the collectivity. If you take up someone's cause, you have to be fairly certain that they want you to do so; moreover that your values - free expression and human rights are theirs too. So there might be a very complex negotiation of intercultural translation required in which each side tries to negotiate its way to a shared understanding which may change each other's values but does not violate their moral identities. Afghan women may want the right to walk freely in the streets, but that does not necessarily mean they want to abandon Muslim ideas about a separate sphere for women. They want it both ways - to be good Muslims and rights bearing women. And there is no reason why they can't be both. 'It's a fallacy', as Michael Ignatieff says, 'symmetrically entertained by Islamic fundamentalists and some western activists, that western rights are a package; buy one and you buy them all. In reality, a human rights politics which makes moral sense is one which tries to expand rather than contract the choices which individuals and societies are free to make about the kind of private and public life they desire. Index's purpose is in part to do its small part in creating a world in which the right to speak for oneself becomes the condition for allowing those who speak antagonistic moral languages to actually hear each other'.

So - is free speech well protected in western society - well up to a point. America, once the home of free speech, has singularly failed to allow diverse and critical voices to be heard enough over the war in Iraq. In Britain, free speech has always been quite low on the list of priorities, secrecy is too often met with indifference and acceptance, and there has been little public debate about the consequences of censorship - although this has changed somewhat since 9/11. In Italy much of the media is owned by the head of state - hardly a recipe for free speech. Meanwhile, there are countries in Africa, the Middle East, the Far East, which are

highly restrictive over free expression, but where extraordinary acts of courage in defying these restrictions are daily occurrences - Zimbabwe, China, Egypt, and many more.

And is free speech always a good thing? Despite being the editor of the magazine for free expression, I could not categorically say yes to this. The most difficult issue for me is the use of hate speech. There isn't time to go into the whole debate, though Index has devoted a lot of space to this. But words can turn into bullets, hate speech can kill and maim just as censorship can. Think of Rwanda, of the former Yugoslavia, of aspects of antisemitism. I would just ask one question: is there a moment when hate speech becomes more, becomes a culture of hate, where hate becomes respectable, where the quantitative consequences of hate speech change qualitatively the arguments about how we must deal with it. It's something that the free expression community is beginning to confront. Nevertheless, in the vast majority of situations, free expression is the basis of all other human rights, and as such must be passionately defended.