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As the convictions of Abu Hamza for incitement to murder and incitement to racial hatred graphically illustrate, it is quite wrong to say of Western democratic society that it is absolutely committed to the right to freedom of expression. Those who used inflammatory placards at recent demonstrations in London, advocating beheadings and the like, may also be about to find this out the hard way. It follows that in the context of the recent furore over the cartoons that have caused such offence to many Muslims, it is dangerously misleading to point to free speech in any kind of simplistic way.

Political expression is controlled all the time in our culture, by law (the public order legislation; defamation; the Official Secrets Act), by external regulation (the press and other media regulatory authorities), and by self-regulation (BBC internal guidelines; an editor's sense of propriety). Unless this is conceded, the charge of hypocrisy is hard to avoid: when the Home Secretary William Joynson-Hicks was accused of this in the context of his attack on the Communist Party of Great Britain in the 1920s, he blithely replied that his opponents were engaged in the 'wrong kind of speech'. Maybe this satisfactorily explains to us why we can ban radical Muslim organisations by calling them terrorist, why blasphemy remains a crime but similar attacks on other faiths go unpunished, and why cartoons about the Pope are beyond the pale in a way that attacks on Islam seem not to be. But for a culture that is already embattled and insecure, rhetoric inveighing against double standards is certain to find, is already finding, a ready audience.

In the Western democratic tradition, the right to freedom of expression does not stand alone as some sort of untouchable guarantee to be enforced whatever the cost. It flows out of our values. The European Court of Human Rights has just made the point very well, in *Albert-Engelmann-Gesellschaft MBH v Austria*, decided on 19 January 2006. The facts of the case were that a magazine had published a number of letters on progressive forces within the Catholic Church in Austria, and one of these had been particularly abusive of the then Vicar General of the Archdiocese of Salzburg. (The writer had included allegations that the Vicar General had disparaged and criticised the Pope – very serious offences indeed, we can be quite sure, to the readers of a journal that called itself 'The 13th – Newspaper of Catholics for Faith and Church'.) Remarkably the letter then led to successful proceedings for libel against the publishers, but these were overturned by a vote of five to two when the case reached Europe.

We need not concern ourselves here with the minutiae of the decision: essentially the Court told the Austrian courts to get a sense of proportion and to stop being so lily-livered about speech. There are few comparisons between what was said in this religiously conservative magazine and the cartoons at the centre of the present controversy. But what does matter is how the Court characterised freedom of

expression: it 'constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and each individual's self-fulfilment.' It follows that the freedom is 'applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb; such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society"'. So while freedom of expression is indeed 'subject to a number of exceptions', these 'must be narrowly interpreted, and the necessity for any restrictions must be convincingly established'.

Exceptions are entirely possible so long as they are well thought through and defensible. The importance that is attached to freedom of expression in democratic culture is indelibly tied up with such a culture's admitted uncertainty as to what the truth might be. This deliberate agnosticism is the case as regards the community as a whole and each of its individual members as well: truth is in the eye of the beholder, both corporately (when the society speaks politically through its representatives) and individually (with each member doing what works for him or her). Because of all this doubt and uncertainty, members of a democratic culture need to hear things that upset and anger them because the hurly burly of such debate is – like it or not – the route to progress. Today's offensive talk is tomorrow's common sense. A reckless inciter of violence convicted for his or her crime in one generation is a martyr to free speech in the next. A gay marriage is an obscenity to our grandparents, but a chance for a great party to our children.

This celebration of contingency is naturally difficult for religious believers to take on board. They know the truth after all – why waste time with all these futile debates? Christianity in particular took ages to reconcile itself to democracy. You could even say that it only just has; in Pope Benedict XVI's magnificent *Deus Caritas Est* we still needed to be reminded that the 'just ordering of society and the State is a central responsibility of politics' and that 'Catholic social doctrine has ... no intention of giving the Church power over the State.' Crucially according to the Pope, '[e]ven less is it an attempt to impose on those who do not share the faith ways of thinking and modes of conduct proper to faith.' Only believers know how difficult it is to concede these points.

The community of the faithful that make up the Islamic branch of the world's religious may be closer to this position than we commonly suppose: certainly many European Muslims would seem to be very comfortable with it. But a large number of leaders in Islam, particularly those in countries with no democratic tradition, seem to find the idea very difficult indeed. With no understanding of alternatives, their followers naturally toe the same line. But religious leaders who have been through this process in Europe need to assure their colleagues in faith that there is a possible future in the co-existence of faith and politics, with the latter being configured in a way that respects and protects religious sensibility while at the same time keeping open the channels of political change. It is not rocket-science but successfully achieved it makes rocket science (and a lot more besides) possible – it produces in other words

a better, more prosperous world for all. The vast majority of Christians in western society today would regard the Enlightenment as a thoroughly good thing, while admitting that their forefathers in faith who lived through it may not have felt the same.

So what should angry Moslems do? First get their facts straight, and not fall for the lies and distortions of rabble-rousers: make sure they know what was published and where. Second, take to the streets, protest, enjoy free speech, try to organise some boycotts, get some celebrities on their side, complain about mockery – try, in other words, to persuade the West that a fresh limitation on expression should henceforth involve a ban on this kind of speech. It may not work but it is worth a try – religious hatred laws have just got on the UK statute book, diluted it is true and after a hard fight, but they have made it. Third all Moslems who care about these issues should get involved in civil society, both within and outside their own communities and argue for the kind of society in which they believe, both here and in countries with majority Islam populations. But in so doing, they must not be afraid of hearing and (most important of all) responding to what some of them might call heresies. Debate is about dialogue not declamation.