

Freedom of speech and expression philosophy essay



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Critically analyze the following statement, which is often attributed to Voltaire – “ I disapprove of what you say, but I will defend to the death your right to say it.” All humans live in societies. In these societies rules of behavior are very important in order for people to treat their fellow human beings equally. These rules of behavior are commonly called human rights. Human Rights are universal and thus apply to all people on the basis of being human regardless sex, race, nationality, sexual orientation, political opinion or any other status. As Michael Douglas said “ Human Rights for everyone is the necessary foundation upon which all of us may build a world where everybody may live in peace and serenity and plenty”.

In this course of paper we are going to examine the right to freedom of expression which has seized particular importance. This will be achieved by discussing a famous quotation which is usually attributed to Voltaire; “ I may disapprove of what you say but I will fight to death for your right to say it”. Through this quotation we are going to see and understand the importance of this valuable right in our societies. During our discussion we should always bear in mind that none of the fundamental freedoms, including freedom of expression, is absolute.

Main Body

Origin of the quotation

To start with, although there are more ancient precedents, freedom of expression as it is known today has its basis from the period of Enlightenment. One of the philosophers and political thinkers of that period was Voltaire, a French thinker, who believed strongly in freedom of

expression and was a significant contributor to Enlightenment movement. The well known phrase “ I may disapprove of what you say but I will fight to death for your right to say it” is widely attributed to him but it cannot be found in his writings. This can be easily understood since the phrase was firstly appeared in ‘ The friends of Voltaire’ written by Evelyn Beatrice Hall. Hall claimed that this phrase was an epitome of Voltaire’s attitude and that she has paraphrased Voltaire’s words; “ Think for yourselves and let others enjoy the privilege to do so too”, in his essay of Tolerance.

International standards

As indicated in the introduction, the importance of the free expression as a basic and valuable characteristic of democratic society cannot be underestimated. As a result the development of international human rights system which serves as a framework for freedom of expression is of particular interest. All major human rights treaties protect this right: article 10 of the European Convention of Human Rights, article 19 of international covenant on civil and political rights, article 13 of the American Convention on Human Rights and article 9 of the African Charter on Human and People Rights.

Freedom of Expression and its importance

As we have seen I am using freedom of expression instead of freedom of speech since I view the latter as an umbrella that incorporates the former. Freedom of expression is wider since it includes any form of communication that is capable of conveying meaning. For example behinds including words; it is used for pictures, images, sounds, non-verbal communication etc. As <https://assignbuster.com/freedom-of-speech-and-expression-philosophy-essay/>

Michael Jackson said “ The meaning of life is contained in every single expression of life”.

In practice, freedom of expression serves many functions which are related to each other.

First of all, a classic defense of the right to freedom of expression is the one that John Stuart Mill argued On Liberty in 1859. He stated that “ nobody has the monopoly of truth.... Anyone has the right to express their views and opinions because truth is not a monopoly term. If people disagree with minority’s opinion should use counter arguments and not suppression.” As it was stated in Bose Corporation v Consumer’s Union[1]“ freedom to speak one’s mind is not only of individual liberty but also essential to the common quest for truth and the vitality of society as a whole”. Generally in European’s court of human rights case law, it has been made clear that freedom of expression is guaranteed not only with respect to popular and favorably receivable ideas or information, but also to those that offend shock or disturb.

Furthermore, its vital role in ensuring democracy is undisputable and it has been recognized by scholars and judgments of international and national courts. For example In Handyside v UK[2]it was stated that freedom of expression in one of the essential foundations of a democratic society and one of the basic conditions for its progress and for the development of every man and woman. As Thomas Carlyle said “ Every human being has the right to hear what other human beings have spoken to him. It is one of the Rights of Men; a very cruel injustice if you deny it to a man”. As it was also stated in

Castells v Spain^[3] it enables everyone to participate in political which is at the core of the concept of democratic society. Philosopher Alexander Meiklejohn argues that the concept of democracy is that of self government by the people. For such a system to work an informed electorate and free flow of information and ideas is necessary. If citizens are able to exercise their rights effectively, their wishes would be taken into account and also tyranny, corruption and ineptitude would be restrained. This can only be achieved through open discussion, exchange of opinions in which citizens can have the opportunity to consider and debate alternative ideas. Freedom of expression is important at all levels in society but most important for government. A government which does not know how and what people feel and think is in dangerous position. When criticisms of the government are freely voiced, government has the opportunity to respond to those comments and explain its actions.

Thirdly, freedom of expression is an important aspect of an individual's self fulfillment which is a desirable objective. As we all know expression is tied up with humanity since what distinguishes us from animals is the ability that we have to communicate and express our feelings. So we can understand that all people must have the opportunity to express their views; wrong or right, in order to explore and develop their own personal identity. Otherwise we would not be able to be developed both morally and intellectually as individuals and this look like a restriction of our humanity.

Summarizing all these, freedom of expression has two dimensions. It has the individual dimension of not to be prevented from manifesting one's own thinking, and the collective right to receive any information and to hear <https://assignbuster.com/freedom-of-speech-and-expression-philosophy-essay/>

expression of another's thought.[4]As we can understand protection of free expression is meaningless if it does not also extend to ideas and opinions that are generally not acceptable. When citizens are unable to talk to each other, they will increasingly talk against each other, and thus will increasingly misunderstand and mistrust each other.[5]As we have seen in many cases of the European court of Human Rights it was said that defense of offensive opinions is one of the demands of pluralism, tolerance and broadmindedness without which we can not talk about democratic society. Tolerance is integral and a basic value in our societies. Protecting unpopular opinions is itself an act of tolerance. Also John Stuart Mill supported the idea that we must actively work against the "tyranny of majority" opinion. The fact that majority holds an opinion does not necessarily makes it to be true. For example, regarding decision-making we have to consider range of ideas, and a decision is likely to be better if it does not underestimate opinions, interests and needs of minority. Liberals like Voltaire encourage open verbal and written debate, free flow of arguments, free press, art etc. Generally they support that only through open discourse we can learn from others and also encourage others to learn from us. If we not value toleration for unpopular opinions, then we reject our right to live in a tolerant society. As Nigel Warburton said "commitment to free speech involves protecting the speech that you don't want to hear as well as the speech that you do". This means that is not enough to express what you want but also not prevent others from doing so.

Freedom of Expression and its limits (briefly)

However its importance, right of expression may be subjected to some restrictions for respect of rights of other or other values. As Judge Oliver Wendell Holmes stated “ free speech does not allow one to shout Fire in a crowded theatre”. By this he meant that good ideas are those which survive the criticisms and are allowed for further development, in contrast with bad ideas which do not survive criticisms at all.

Limitations for freedom of expression may follow the harm or the offence principle. John Stuart Mill introduced what is known as harm principle, stating that freedom of expression can be restricted in order to prevent harm to others. In contrast Joel Feinberg introduced offence principle, arguing that Mill’s harm principle does not provide sufficient protection against the wrongful behaviors of others. He suggested that some factors must be taken into account when applying his principle.

Nowadays although the wording in article 10 paragraph 2 of the European Convention of Human Rights and article 19 paragraph 3 of international covenant on civil and political rights differs, the case law has proved that limitations to freedom of expression are relatively the same in both articles. Although both articles are important we are going just to see briefly the European test. Restrictions can only be applied if they meet the three-part test made by ECtHR[6]. Thus they must be prescribed by law, serve a specific legitimate aim and also be necessary in a democratic society. When assessing the restrictions we must always bear in mind the test of proportionality and also each country’s margin of appreciation.

Conclusion

To sum up all the above, we come to the conclusion that freedom of expression is important for the growth of our species. Our world is increasingly integrated, thus we have to be mature enough to understand that such integration comes with things that we may not want to see and with ideas, opinions and views that we may not like and may not want to hear. Based on the fact that freedom of expression is the most important ability of human beings, every person should have the right to express itself. As the Desmond Tutu maintained “ the more we recognize people as people, the more we are recognized as people ourselves; and vice versa: the more we degrade other people, the more we debase ourselves further and further away from being fully human.” Generally as what Noam Chomsky has stated in the twentieth century “ If you believe in freedom of speech, you believe in freedom of speech for views you don’t like. Stalin and Hitler, for example, were dictators in favor of speech for views they liked only. If you’re in favor of freedom of speech, that means you’re in favor of freedom of speech precisely for views you despise.”[7]However we must know that although freedom of expression is a precious gift for people it must not exceeds its limits, thus why restrictions related to this right can be easily understood. After all the above analysis I would like to close, with the main theme of this paper “ I disapprove of what you say, but I will defend to the death your right to say it.”