

Defending the Right to Offend: A Critique of Western Discourse on Free Speech

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Abstract

This essay tries to critique the western discourse on free speech, based as it is on the binaries of liberal and illiberal spaces- and by implication races- from a postcolonial point of view and pin down its major flaws. The attempt here is to locate the genesis of this thinking in imperial mindset, conditioned by West's inherited prejudices and motivated no less by its commercial logic. Accordingly, the essay argues absolute freedom to be a myth. Even in the so-called liberal democracies there exist institutional and non-institutional forms of curbs on people's right to write and express themselves freely. To be sure, the quantum of freedom available to individuals and collectivities vary significantly in various contemporary societies. This has to do, as this essay argues, with a range of socio-cultural factors but more significantly with the means at the society's disposal to neutralize, domesticate, and co-opt dissenting voices and opinions. Furthermore, market and commercial forces play a decisive role in determining this freedom and its limits.

Keywords

Freedom of expression, witch-hunt, blasphemy rules, Charlie Hebdo massacre

Introduction

Freedom of expression is one of postmodernism's most sacred notions that anything remotely suggestive of interrogating its holy provenance and right to absolute and unfettered sway is likely to ruffle quite a few feathers and raise radical postmodernist hackles. And often not their hackles and hecklings are as fearsome and ferocious as those of the fanatics and religious-minded whom they eagerly oppose. The battle-lines here seem to be clearly drawn along the old colonial lines: viz. the tolerant space occupied by the white imperial masters versus the intolerant geographies peopled by Orientals of various hues, but

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predominantly the rabid Islamic variety, portrayed as a set of troglodytes amenable to neither reasoning nor rationalizing. What this discourse spawns is a historically disembedded narrative which tries to sweep under the carpet both past and present wrongs committed by the militarily and symbolically powerful upon their victims, and its continued cannibalistic legacy both in material and symbolic terms. The latest event that proved to be a shot in the arm for this discourse was the gruesome *Charlie Hebdo* massacre in Paris.

This essay tries to critique the western discourse on free speech, based as it is on the binaries of liberal and illiberal spaces- and by implication races- from a postcolonial point of view and pin down its major flaws. The attempt here is to locate the genesis of this thinking in imperial mindset, conditioned by West's inherited prejudices and motivated no less by its commercial logic. Accordingly, the essay argues absolute freedom to be a myth. Even in the so-called liberal democracies there exist institutional and non-institutional forms of curbs on people's right to write and express themselves freely. Though priests and religions must have lost their Mephistophelian grip on such societies, they have developed new forms of liturgy and iconography that are deemed as sacred as the old religious sanctums. All violation of such space both physical and epistemic are treated with severity matching the sanctions deployed by old regimes for crimes of blasphemy and irreverence to authority. To be sure, the quantum of freedom available to individuals and collectivities vary significantly in various contemporary societies. This has to do, as this essay argues, with a range of socio-cultural factors but more significantly with the means at the society's disposal to neutralize, domesticate, and co-opt dissenting voices and opinions. Furthermore, market and commercial forces play a decisive role in determining this freedom and its limits.

The old Greek states are often idealized as places where freedom of speech existed in classical times itself. But the Greek definition of freedom was institutionalized through a host of exclusionary practices: women and slaves did not fall into fully recognized human category there and hence enjoyed no freedom; and there was hardly any philosopher or public figure in ancient Greece, who raised their issue with the seriousness it deserved. For a thinker like Aristotle, who in his wisdom considered women to possess only half the teeth as men and certain races to be natural slaves (Rattansi, p. 14), their problem must not have even presented itself as an issue. This shows the circumscribed nature of the discourse in ancient Greece which despite being 'free' was well aware of the limits of its freedom. Ancient Rome, on the other hand, had little pretensions on this score. There were tough rules of proscription that prevented people from speaking freely and Rome's greatest orator Cicero himself fell a victim for allegedly overstepping the limit. Michael Ryan notes about Roman phobia of media:

The tongue was the first medium of communication, along with hands for making gestures. The first great communicators...were orators, and one of them Cicero...was so good at the use of his hands in oratory that when he was murdered by his enemies, they

severed his hands and nailed them- along with his tongue- to the door of the Roman Senate. That horrible detail from history suggests emphatically how influential the media can be. The Romans so feared the media used by orators to sway the masses that they killed those who used them too well (Ryan, p. 122).

Things weren't different in medieval monarchies. The kings and clergy enjoyed supreme powers in societies and were protected from verbal assaults and criticisms by firmly entrenched conventions and rigorously deployed networks. One needs only recall Foucault's description of the punishment meted out to Damians, the regicide to know how such crimes were dealt with in the past (Foucault, p. 15). However, even in such societies a modicum of freedom was allowed to exist, at least to the extent the authorities felt confident of harnessing and co-opting dissident voices. The figure of the wise court jester or fool is a case in point. Fools were actually the wisest among courtiers who donned the mantle of fools in exchange for royal proximity and a certain licence to get at and nitpick their royal paymasters. The Beerbal of Mogul court and Shakespeare's fools are classic examples.

In a sense modern media plays very much the role of the medieval fool. Like the court-fools they depend on official patronage in the form of physical protection, advertisements, awards and other inducements for their growth and survival. Even while being critical of governments, they are genetically programmed to keep themselves within bounds of permissibility. Editorial infringement of this permissibility is bound to invite sanctions of various kinds from authorities. These include threats, arrests, denial of official advertisements, stifling of financial resources and even forcible closing down of media establishments. Part of media training in journalism schools involves imbibing and internalizing the rules of permissibility under an obtainable political configuration. This also entails mastering ways of utilizing the available freedom to its optimum potential. Donning the mask of the satirist or the humorist is one such recourse that media men often take to. This is a convenient way of circumventing curbs both in the forms of official and self-censorships. The satirist who wears the mask of pseudonyms is a classic example; the pseudonym ensures him/her a limited anonymity just as the genre, satire/humour, redefines and amplifies his bounds of permissibility. In this sense his/her resemblance with the court-jester is more apparent than that of his fellow media-crats. However, like the court- jester he too knows/should master the limits of his latitude. Few liberal democracies would tolerate satirists poking fun at such symbols like national flags, national constitution or martyrs' monuments. In short, freedom of modern media is circumscribed in several ways.

To carry forth this theme, i.e. the fact that absolute freedom of speech is a myth or chimera, one needs to only look at how modern states deal with instances deemed as treasonous or anti-national. The US is often regarded to be the prime example of countries where unbounded freedom exists. Acts that would invite punitive actions in other countries, like flag burning or desecration of national symbols-for example by painting the national insignia on the toilet paper- are not deemed as readily punishable crimes in the US after the promulgation of First

Amendment and the repeal of the sedition law (1921). However, as J D Peters demonstrates in his study *Courting the Abyss*, this freedom may be severely limited when national security is at stake (Peters, 2005, pp. 175-182). Despite being an avowed champion of free speech sans limits, even the celebrated American jurist Oliver Holmes-famously called Dissenter for his usually dissenting stance-assented to the need for curbs on the kind of speech and writing that were inimical to national interest. In the celebrated *Schenck Versus the United States* case he declared that 'The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic' (Finkelman, 2006). Schenck's crime was sending pamphlets against forcible conscription during the First World War. His pamphlets contended forceful conscriptions to be against the spirit of individual freedom embodied in the US constitution. But the law was unsparing and the Espionage Act was invoked against Schenck. In fifties the scope of the same Act was broadened and much abused in the McCarthy led Communist witch hunts.

In our own times similar laws are being invoked to silence and intimidate hacktivists like Edward Snowden and Julian Assange. According to Oliver Holmes, no idea of freedom guarantees anyone the right to shout fire and cause panic in a crowded place. But Holmes would have been wiser if he had said that no such freedom exists to people whose interests are inimical to the US. As for the US itself, it was precisely what the country did by raising the spectre of chemical weapons and WMD supposedly 'amassed' by Saddam. The crucial point here is: US, as a country, though portrays itself to be the bastion of unlimited freedom has never hesitated to control and curtail peoples freedom when it impinged upon its own interests.

Other European countries are no exception. There are blasphemy rules in many European countries including Britain meant to protect the Christian faith from sacrilege. Calling for the abolition of monarchy is still a crime in Britain and flag-burning is punishable with long-term imprisonments in most European countries. Besides denying or challenging the officially sanctified version of the historicity of the Holocaust- which for Europe recalls its primal sin in various manifestations as Sven Lindqvist brilliantly argues (Lindqvist, 1996) - is a crime in much of Europe. This means Baudrillard could not have even thought of writing a book titled *The Holocaust did not Take Place*, the way he pulled off a cerebral stunt immediately after the Gulf War. It also means Salman Rushdie would have found himself a state guest behind the bars had he chosen to devil up with the history of the Holocaust the way he messed up with Islamic history.

Notwithstanding the fact that absolute freedom is a myth, it has to be admitted that greater freedom exists in the western world on questions of religious choice and the right to interrogate, contest and even lampoon or revile religious authorities. The sight of violent, overcharged mobs taking to the streets to protest against cartoons or films depicting religious figures or holy men is an unusual scene in European cities. So unusual that for European capitals and cities, it is less of a problem than football hooliganism or drug and drunken violence. Probably, reviling a football star or falsely accusing a film star of paedophilia might trigger more angry

reactions from the youths of Europe than attributing such a crime to a religious figure.

Herein lies an important clue as to the change in modern western attitude vis-à-vis the issue of free speech. In Europe until the modern times blasphemy was viewed as a serious crime and blasphemers like heretics were subjected to most harrowing forms of punishment: they were subjected to brutal inquisitions and many of them were burnt on stakes. In these brutalities Europe and its settler colonies probably outmatched Asia and Africa. But with the advent of Darwin and Nietzsche, Europe replaced Adam with the ape and Christ and cross with a whole panoply of nationalistic emblems like flags, martyr's squares, and national anthems. Reviling or insulting these national symbols became modern equivalents of the old crimes of heresy and blasphemy. Such crimes acquired more sinister tones and invited fiercer censure if committed by people whose allegiance and loyalty were deemed suspect. Hence, emigrants and minorities had to be doubly alert in showing proper respect to state symbols. Recent controversies about Hamid Ansari's supposed refusal to salute the national flag and French home Minister Christiane Taubira's failure to properly honour the national anthem are instances that brought this issue into renewed focus (www.bbc.com/news/blogs-trending-2744750). Laila Halaby in her novel *Once in a Promised Land* describes how in the aftermath of 9/11 sporting of American flags became an obligatory condition for people of minority ethnic and religious communities in the States as a means of reaffirming their loyalty (Halaby, 2007, p. 255).

So, the argument is: though blasphemy must have ceased to be a crime in many western countries, there are other crimes that have taken its place and the unfettered right to speech- the kind of which its fierce votaries like Salman Rushdie clamour for- does not exist anywhere in the world be it liberal democracies or other forms of political dispensations thriving in various parts of the world.

As stated earlier, there are certainly gaping differences in the quantum and quality of freedom available under various dispensations and most Asian regimes, especially middle-east monarchies like Saudi Arabia fare badly on the scale when posited beside their western counterparts. But a closer inspection reveals that this has to do with differing notions of sacred and inviolate that different societies subscribe to and more importantly with the means at a community's disposal to regulate, mediate and domesticate counter opinions and dissenting voices. In Western societies, a few media oligarchies enjoy a virtual monopoly on the flow of information. These oligarchies controlled by huge business firms and having close affinity with dominant ideologies determine the contours and limits of the discourse. Ann Kaplan, for example, describes how following 9/11 US journalists had to tread a delicate line regarding what could be written about the event. This was despite the fact that the opinions in both the academia on the street about the incident was more fluid and less patriotic than what the dominant media construed and constructed it to be (Kaplan, 2005, pp. 13-15). The Palestinian born US writer Sharif S. Elmusa's remarks on how every presidential candidate in the United States is conventionally bound to tout his/her pro-Israeli credentials during the election campaigns (Elmusa,

2012, p. 30) should be read in conjunction with this. Despite Israel being guilty of violating several UN resolutions and responsible for daily human rights violations, a vocal support for it is one of the essential items in the CV of a potential US president.

The reason for this is doubtlessly the disproportionate hold that pro-Israeli elements have on shaping the contours of American mainstream discourse. These are instances of the dominant discourse vigilantly policing its borders without any apparent recourse to force or legislation. JD Peters observes how dominant classes in US society have often been fiercer votaries of free speech than the downtrodden classes (Peters, 2005, pp. 270-75). The dominant classes- in American situation the WASPs-who enjoy a virtual monopoly of the media are assured of their visibility and audibility. The views of the marginalized and the minorities on the other hand, are blacked out and rendered invisible by the panoptical mechanism of the media. Gillian Rose's analysis of the visual culture and its stereotyping operations are relevant in this context (Rose, 2007). As Rose brilliantly demonstrates, media representations perpetuate dominant notions of the times and demonize the Other; this Other might be anyone as it suits the political and cultural expediencies of the time. It might be the immigrants, racial or religious minorities or, as Rose mentions it, the economically underprivileged sections of the society (Rose, 2007, pp. 74-102).

As symbolic and economic power is concentrated in the dominant classes, the underdogs always find themselves at the receiving end of the worst forms of epistemic violence. Thus the meaning making industry/media casts and pins down the other in a web of negative metaphoric from which s/he finds it unable to break free because of the stranglehold of customized representations. The representation of blacks and Jews in many Hollywood productions earlier and the new rage of vilifying Arabs fit into this pattern. When the object populations internalize/ are overexposed to these negative stereotypes, their response at times takes the dangerous manifestations of the suicide bomber psychology that Talal Asad (2007, pp. 60-79) and Terry Eagleton (2005, pp. 150-93) describe. For Eagleton, a suicide bomber is one who feels humiliated to a degree that he considers self-annihilation preferable to his wretched form of existence (Eagleton, p. 162). The gruesome *Charlie Hebdo* massacre assumes a symbolic- though no less frightening- manifestation when read in this context, viz. the symbolically deprived taking upon the symbolically powerful using the means of physical violence as a means of reprisal against epistemic violence.

This kind of reasoning, I am aware, is sure to invite charges of being too simplistic. But it becomes less so when analyzed in the wider historical and post-colonial contexts. In many instances, whether it be the *Charlie Hebdo* massacre or the earlier attacks on western publishing houses or journals, the attacks were carried out by people belonging to former colonized countries who found themselves at the receiving end of both epistemic and physical violence by the dominant groups. In the consciousness of these marginalized groups this violence sets off a chain

reaction and combines to form a deadly concoction, together with the sedimentary memories of historical oppressions, exploitations, and cruelties.

The comments by Nabila Ramdani in the context of Charlie Hebdo massacre is relevant here:

Those of us trying to make sense of the *Charlie Hebdo* massacre need to understand the bloody history of Paris. That four hugely popular cartoonists were considered legitimate targets by murderers said to have been living within a few miles of the Louvre and other global symbols of liberal Gallic civilization doesn't seem possible: donnish satirists are not meant to be gunned down in quaint Paris arrondissements any more than municipal policemen used to dealing with traffic and tourists.

Sadly, the French capital has been associated with some of the worst barbarism in human history...The terror started by the 1793 Revolution led to tens of thousands of deaths, with many of its victims guillotined in front of vengeful crowds. Savage mass murders continued throughout the 19th and 20th centuries.

The three French Algerian men believed responsible for the 12 deaths in Paris on Wednesday would have been steeped in a recent history of this conflict which in the 1960's was exported from the battlefields of Algeria to Paris itself. During one notorious atrocity in 1961, up to 200 Algerians were slaughtered around national monuments including the Eiffel Tower and Notre Dame Cathedral.

Half a century on, the violence has subsided but there is still a strong sense of resentment among alienated communities living in housing estates on the outskirts of the capital. Many are Muslims of North African who complain that discrimination against them extends to every field of life, from housing and employment to the right to religious expression.

The climate of intolerance across France may well have been something *Charlie Hebdo* was reflecting, rather than creating, but strict laws banning hate literature would certainly have made many of its past issues unpublishable in countries including the UK.

Like the rest of us, Ramadani condemns the massacre in no uncertain terms but stresses the need to contextualize the incident in the wider social background shot through with a history of blood and violence. Part of the reason why the discourse on free speech is being built on the binaries of civilized and tolerant West versus the savage and intolerant, Other is the historically disembedded construction of the discourse. Many Easterners see Western material and cultural productions to be built on the sites expropriated from them after a long history of carnage, plunder, and ransacking. Renewed instances of epistemic violence trigger in them memories of the old traumas which take vengeful and bloody manifestations.

Violence certainly should have no place in modern civilized polity and ideas are to be countered with nothing but ideas in liberal spaces where the right to

speech is evenly guaranteed for all. This is a simple logic no one should disavow. However, the latter part of this statement is open to dispute. Had the liberal democracies been level playing grounds which allowed free circulation of ideas this would have indeed been beyond dispute. But the playground is neither level nor what is being bombarded upon the Other as ideas are anything but ideas. Images packaged with imperial scorn and contempt are shorn off all semantic charge; all they contain is a dangerous concoction of spleen and vitriol. In short, this armoury in its genetic make-up is as crude and uncivilized as that of its opponents. Desecrating and degrading what the others hold as sacred and inviolate is the credo to which they both subscribe with equal gusto.

For Juvenal, one of the greatest exponents of satire, the very aim of satire is to rectify human vices and follies through the use of gentle ridicule. But in the hands of its modern practitioners like Wyndham Lewis, Evelyn Waugh and others the genre degenerated into a device for wanton racial and ethnic degradation. The racist venom, for example, that Waugh spew in books like *Black Mischief* (2000 [1932]) and *Decline and Fall* (1928) represent epistemic violence of the worst sort. One of the familiar motifs that these writers use is the bestialization and simianisation of the Other. In this sense, these cultural crusaders are merely the literate and sophisticated counterparts of the skin-heads in western cities. For them, the black-skinned human being is not merely a cousin of the ape but the ape himself in a more degenerate form. Indeed, shocking the reader as well as the targets of satire is the form's avowed principles. Put in another way, this means: the practitioners of the satirist's arts want us to be shocked and outraged but not outraged beyond the limits they have set for us. Of course, limits are for the target populations to observe; as for the privileged artist, the producer of cultural material there are no such limits. This was best illustrated by the Italian artist Pierro Manzoni who packed his own excreta as an object of art for the benefit of post-modern purveyors of taste (Appignanesi et al., p. 44).

The Other here certainly has the option of countering such ideas with ideas, a right which the 'overdog' is zealously holding out to the underdogs. Sure the Other who has been bestialized and deformed can cry out: "No I ain't no ape; but a homo-sapient like my white masters!" But even to make a spectacle of himself/herself by doing this the Other should have proper access to the media, which is wholly controlled by the very forces who are responsible for the symbolic violence being perpetrated upon the Other. Of course, the access to the media, it might be claimed, is not as uneven now as it used to be because of the advent of the social media. But again there is another hitch. To counter obscenity and profanity with equal vigour and verve as your opponent, you need to have the same levels of obscenity capital. Unless your arsenals are as vulgar and obscene, as that of your opponents, you stand no chance in this gentleman's game. The western investment in the game, over the past few years has made it a tough proposition for the other to compete with them in this area. So all kinds of toxic material dressed up as cultural artefacts are dumped onto the market and the audience like the consumers of junk food and pesticide laden fruits are expected to develop their own immunity systems against their

bombardment over the screen and through print. Indeed such a voracious consumer eviscerated of emotions and sentiments represents the apogee of evolution as envisaged by consumer capitalism.

The western monologue, scarcely articulated in words, but hardly concealed in its attitude can thus be summarized: Our religions and gods are no longer sacred for us. When they were, of course, we held them in reverence and esteem and incinerated anyone who dared to profane them. But we have now dumped them in our junkyards; as for a few, they have been recycled or morphed into toys fit for children by the likes of Disney. You too should follow our example and do the same with your gods and deities. Or at least allow us to revile or tamper them as we wish and watch us as we do it with perfect equanimity and poise or you will be considered Neanderthals or Calibans or Cannibals or worse still Talibans. This sounds crude. But this is exactly the crudity that lies in the western assumption of its presumed right to trample upon Other's feelings and sensibilities. As Slavoj Zizek so poignantly demonstrates, quoting Badiou, this tolerance that the West exhibits has a fanatic dimension to it: "...we see from day to day how this tolerance is nothing else than a fanaticism, since it tolerates only its own vacuity" (quoted by Zizek, 2009, p. 30).

What is the need of the hour is a more nuanced understanding of the issue of free speech that would involve evolving a new set of paradigms that respect people's right to speech while at the same time ensuring their right to dignified existence and protection from violence, both physical and symbolical. In Modern societies where individuals' right to dignity and privacy are accorded such a premium status, the feelings and sentiments of whole communities should not be allowed to be held for ransom, whatever the reason. This is something that cannot be done through legislation but only by cultivating and encouraging proper sensibilities: sensibilities that are trained to treat each Other with respect and dignity. Unless we learn this art, global village will be no idyllic world our dreams fashion it; but a 'darkling plain where ignorant armies clash by night.'

References

- Asad, T. (2007). *On Suicide Bombing*. New York: Columbia University Press.
- Appignanesi, R., Garrat, C., Sardar, Z., & Curry, P. (2005). *Introducing Postmodernism*. UK: Icon Books.

- Eagleton, T. (2005). *Holy Terror*. Oxford: Oxford University Press.
- ElMusa, S. S. (2012). "Portable Absence: My Camp Re-membered" in *Seeking Palestine: New Palestinian Writing on Exile & Home* by Johnson, P. & Shehadeh, R. (eds). New Delhi: Women Unlimited.
- Foucault, M. (1979). *Discipline and Punish*. New York: Vintage Books.
- Peters, J. D. (2005). *Courting the Abyss: Free Speech and the Liberal Tradition*. Chicago: University of Chicago Press.
- Finkelman, P. (2006). "Schenck v. United States." Microsoft® Student 2007 [DVD]. Redmond, WA: Microsoft Corporation.
- Halaby, L. (2007). *Once in a Promised Land*. Massachusetts: Beacon Press Books.
- Kaplan, E. A. (2005). *Trauma Culture: The Politics of Terror and Loss in Media and Literature*. New Jersey: Rutgers University Press.
- Lindqvist, S. (1996). *Exterminate all the Brutes: One Man's Odyssey into the Heart of Darkness and the Origins of European Genocide* (Translated by Joan Tate): New Press.
- Ramdani, N. (2015). *Don't blame this bloodshed on France's Muslims*. (The Hindu January 10).
- Rattansi, A. (2007). *Racism: A Very Short Introduction*. Oxford: Oxford University Press.
- Rose, G. (2007). *Visual Methodologies: An Introduction to the Interpretation of Visual Materials*. London: Sage.
- Ryan, M. (2010). *Cultural Studies: A Practical Introduction*. West Sussex, Wiley Blackwell.
- Waugh, E. (1928) *Decline and Fall*. United Kingdom: Chapman and Hall.
- Waugh, E. (2000). *Black Mischief*. London: Penguin Books.
- Zizek, S. (2009). *In Defence of Lost Causes*. London: Verso.