Free Speech Essay Contest

Option 2: Freedom of Speech and Freedom of Religion

Freedom to Sin

Over the past few years, it has become fashionable to assert that freedom of speech is, in some ways, a mechanism of power consolidation—that those who most vociferously advocate in favor of free speech are white males who will never have vulgar prejudice and demeaning racism hurled in their direction. Free speech, in other words, is merely another Trojan horse upon which minorities may be "silenced and oppressed" by those who have weaponized their linguistic liberties. This perspective, however well-intentioned, is tragically counter-productive and misguided.

Historically, the biggest flashpoint in the argument between speech and its limits occurs in the realm of religion. From Baruch Spinoza to Theo Van Gogh, this debate has almost always centered around the occurrence of "blasphemy" in the works of scientists, writers, and philosophers.

During the Dark Ages in Europe, the balance was shifted towards the religious dogmatists and all those seeking to muzzle free expression. For hundreds of years, the dominant Catholic Church persecuted religious minorities, executed "apostates" and forced religious laws onto secular institutions. This tradition continued in the West until it began to reverse in the 18th century with the explosion of Enlightenment thought that shifted the epistemological paradigm to the privileging of reason over faith, rather than vice versa. The movement toward a more liberal framework crescendoed with the adoption of the American Constitution and Bill of Rights in 1790. The document's founders codified a respect for the freedom of religion, speech and press,
thus making America the first nation-state in the world built on the principle of divorcing church from state affairs.

The suppression of speech and religion have almost always been enforced by authorities in the service of reactionary causes. The execution of Giordano Bruno and the McCarthy trials (to name two of the many) both took place because the subjects posed a danger to the maintenance of the status quo power structures. Today however, the struggle for free speech has taken a new face, at least in the West. Rather than existing on the old fault lines of speech vs. power, proponents of limiting speech have increasingly done so in the name of the noble liberal ideal of defending the powerless, such as minorities and women. In effect then, such people have been duped by a reactionary cause in progressive clothing, as will be shown.

The “shot across the bow” in this regard is The Satanic Verses-Fatwa affair. In 1989, Iranian Leader Ayatollah Khomeini issued a fatwa, or religious edict, against the book’s author, Salman Rushdie, in retaliation for the book’s blasphemous depictions of Mohammed, the arch-prophet of Islam. What was stunning about this event was not the zealotry of the senescent theocrats but the dithering and equivocation on the part of those who should have known better. Renowned philosophy professor Michael Dummett worried that the book “intensified the alienation of Muslims”. Meanwhile, British Chief Rabbi Immanuel Jakobowitz sententiously declared that “both Rushdie and the Ayatollah” abused freedom of speech.

While very few actively called for censoring the book, the equivocators ultimately contended that Rushdie’s free expression had intruded upon the freedom of the religious minority Muslims to practice their faith. In the apologist’s conception of the problem, the rights to free speech and free religious practice were diametrically opposed. What they failed to understand however was that by taking such a feeble stance on the matter, and leveling equal
opprobrium at a literary agent and his attempted murderers, they were discouraging religious
dissidents from divulging their own beliefs. After all, the far greater threat to the religious
freedom of Muslims came not from Western readers of Rushdie’s eloquent meditation on the
hardships of immigration, but rather from the forces of theocracy and illiberalism. To their
tremendous credit, ninety Arab and Muslim authors published a compendium of essays titled *For
Rushdie* in which they defended his right to free speech and the publication of his book. To the
shame of many in the West, they failed to align themselves and stand in solidarity with the
freedom of the most vulnerable in society; the atheists, agnostics and liberal Muslims whose
right to express themselves and practice freely was violently hampered by dictatorial theocrats.

As can be seen from the Rushdie affair, freedom of speech and freedom of religion act in
cohesive agreement with one another. Rushdie’s right to express himself was also an exercise in
his freedom of religion which, of course, encompasses his freedom *from* religion. In this
instance, Rushdie has two forms of detractors: illiberal and liberal. The former suggest that
Rushdie has no freedom of religion, at least as it pertains to blasphemy, while the latter assert
that criticism threatens the religious freedom of minorities. That one *has* freedom of religion is
an argument that needs no defending, in this paper at any rate. That freedom of religion conflicts
with freedom of speech in this case is sufficiently refuted by removing the false robe of
multiculturalism from the issue and evaluating it from a more internationalist perspective. In so
doing, it is clear that those who seek to worship (or not worship) as they please and those that
wish to express themselves unmolested are on the same side.

The unfortunate abundance of those seeking to suppress the freedom to criticize in the
service of religion is, by no means, unique to the Islamic world either. In 1977, Jacobo
Timmerman, a prominent Jewish-Argentinian journalist, was arrested and subsequently tortured
by the quasi-fascist regime in Argentina. During his imprisonment, Timmerman’s captors informed him that Jews were enemies of the regime because the three greatest enemies of Argentina were all Jewish: Marx, because he destroyed the Christian concept of the family; Freud, because he destroyed the Christian concept of the self; and Einstein, because he destroyed the Christian concept of time. In this example, you see what is essentially an admission on the part of Timmerman’s captors that free speech was indeed threatening to the power of their religion and, by proxy, the legitimacy of the regime. Although prejudice towards Jews in Argentina was much more of the 20th century raced-base variant, we can still suppose the inextricable relationship between speech and the subversion of power.

For this reason, it is critical we understand the folly of limiting speech. Indeed, the inherent contradiction in the liberal argument against free expression is that in a society that limits speech, those who have power will be able to determine the range of acceptable verbalization for those who do not. In other words, if one argues, for example, that to protect the rights and sensibilities of African-Americans as oppressed minorities, offensive “hate speech” should be banned, they should also consider the long-term implications of vesting that kind of power in a person or institution. If African-Americans are being oppressed, is it really prudent to give more power to a body that represents the oppressive majority who may just as well use their new-found power to further oppress? This act, it seems, would be tantamount to tying one’s own noose just before the hour of execution.

This example brings up yet another problem termed “The Benevolent Decider”. If, after hearing the above rebuke, one is still set on limiting speech for liberal reasons, who might they trust to decide that which is too offensive or inflammatory versus that which is acceptable? If one thinks now of their closest and most trusted friends and family, how many of them would they
trust with the crucial task of determining what can and cannot be said? How many of the 350 million strangers that populate the US would they trust as well? Who among us is a benevolent decider?

The inability to decide who should regulate speech in a hypothetical scenario to promote inclusion and diversity stems from the subjective nature of what is offensive. What one person finds to be a beautiful song could be looked at as offensive and grotesque by someone else. Nowhere is the subjectivity of “offense” more apparent than in religion. In the European Dark Ages, it was considered offensive, and even illegal, to produce artwork that did not center around Jesus or Mary. In Islam, however, it is considered taboo to depict any prophet, including Jesus. In a pluralistic society that includes both Christians and Muslims, how would one go about regulating speech in defense of the religious sensibilities of both communities, assuming the Dark Age art paradigm still existed in Christianity? There are, of course, no good answers to such a problem other than those that hold both freedom of speech and freedom of religion as prerequisites. Without one, the other means nothing.

There are some notable scenarios in which it is necessary that certain forms of speech are suppressed. For instance, speech that encourages “imminent unlawful behavior” as well as speech labeled harassment are both unprotected by the First Amendment. These limits are defensible in that they allow for concrete standards intended to promote the general welfare without setting the paradigm too far towards restrictiveness. Freedom of religion has an analogous standard whereby it cuts off at the point in which religious law conflicts with state law.

It is useful to look at freedom of speech and freedom of religion as two sides of the same coin. Free speech acts as a subversion of power systems which are often times occupied by
religious institutions themselves. Freedom of religion, then, is essential to maintaining the freedom to criticize and is the only way of truly achieving a pluralistic society that respects difference. Only by recognizing and valuing the intimate bond between freedom of speech and freedom of religion do we stand the chance of defending ourselves against the tyranny of the majority.

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Bibliography