

What limits, if any, should be placed upon our freedom of speech?

Freedom of speech. It sounds like a simple thing which everyone agrees to and has the same idea of. However, it is actually quite complicated and people argue about whether freedom of speech should be limited or not. In my essay I will be addressing freedom of speech in a slightly utopian way. I am looking at it as a theory, where the norm is that freedom of speech, in addition to other human rights, is available to all people, which is sadly not the case.

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”¹

This is article 19 in the Universal Declaration of Human Rights (UDHR). The UDHR was proclaimed by the United Nations General Assembly in Paris on the 10th of December 1948. The UDHR consists of 30 Articles.² Written in the UDHR, freedom of speech is thus considered to be one of the basic human rights. Freedom of speech is essentially the freedom to express one's opinions and ideas without having to be scared for any kind of punishment. Freedom of speech, as all the other human rights, should be available to every single human being. Regardless of sexual orientation, race, religion, gender etc.

Freedom of speech is a very useful tool. It allows you to essentially be part of the democratic society. Your voice is being heard even if it doesn't align with the majority. It allows you to use your creativity and make art, even something that can be viewed as provocative.³ People should be able to freely speak and put forward their opinions without being censored or placed in danger. People should not receive any kind of punishment after using their right to speak freely. It allows people, not only to express their own thoughts, but to freely access and receive information without

¹United Nations, *Universal Declaration of Human Rights* (2020) <<https://www.un.org/en/universal-declaration-human-rights/>> [accessed 3 March 2020].

² United Nations, *Universal Declaration of Human Rights* (2020) <<https://www.un.org/en/universal-declaration-human-rights/>> [accessed 3 March 2020].

³ Suomen Journalistiliitto, *Sananvapaus ja -vastuu* (2020) <<https://journalistiliitto.fi/fi/pelisaannot/sananvapaus/>> [accessed 4 March 2020].

it having been manipulated by any source.⁴ Freedom of speech is one of the most important freedoms that a person can have. However, with freedom comes responsibility. That is also true with freedom of speech.

John Stuart Mill spoke for freedom of speech in his philosophical essay *On Liberty*. He concludes his chapter on freedom of speech into four different points.

"First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions, that the remainder of the truth has any chance of being supplied. Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience."⁵

The lack of freedom of speech might lead to losing truths because they simply were not heard. Mill looks at all of this from a very utilitarian point of view, as what is best for the whole society. I believe that freedom of speech is not only beneficial to the whole society but even more so to the individual. I do not agree with John-Stuart Mill that *all* speech or 'any opinion'⁶ should be free just because it theoretically might have some truth to it. I would argue that all of the opinions in every single subject can not all be true. And there are some that are incorrect or even considered to be disrespectful. Although I do not completely agree with Mill, I think he does have some important arguments when it comes to why freedom of speech is important. It would be important for everybody to understand that even they might be incorrect and that someone else might be in the

⁴ Suomen Journalistiliitto, *Sananvapaus ja -vastuu* (2020) <<https://journalistiliitto.fi/fi/pelisaannot/sananvapaus/>> [accessed 4 March 2020].

⁵ John Stuart-Mill, *On Liberty*, ed. by Curtis Weyant and Martin Pettit (London: The Walter Scott Publishing Co, 1901), p. 97-8 in , <http://www.gutenberg.org/files/34901/34901-h/34901-h.htm#Page_28> [accessed 28 February 2020].

⁶ John Stuart-Mill, *On Liberty*, ed. by Curtis Weyant and Martin Pettit (London: The Walter Scott Publishing Co, 1901), p. 97 in , <http://www.gutenberg.org/files/34901/34901-h/34901-h.htm#Page_28> [accessed 28 February 2020].

right, as no one knows or is right about everything.⁷ It would also be important to understand that all acts, even speech, have consequences. And that often those consequences might affect other people. If freedom of speech did not have any limits it would essentially accept hate speech and discrimination. When freedom of speech is misunderstood it may lead to horrible things, one of which is the discrimination of various minorities. I think that this following section of an article explains with clarity how and why discrimination might happen.

“Clearly, thinking that a difference among people is relevant does not make it so. Even the discriminator knows that. Indeed, it would be unintelligible to disadvantage, say, black people, *just because* they are black; or to treat women worse than men *just because* they are women. Even discriminators understand that treating people disadvantageously *solely* because of skin color or gender etc is as incomprehensible as doing so just because of the number of letters in their names. Rather, the discriminator takes another step: he regards the trait in question as a marker for some *other* relevantly objectionable feature, such as incompetence, untrustworthiness, or inferior moral status. For this reason, the discriminator believes he does no wrong by imposing comparative disadvantages on people because of their group membership.”⁸

This is what makes freedom of speech difficult and why there should be some limits placed on the use of it. People might be using what they think is their freedom of speech to discriminate others without even necessarily realising that they are discriminating. The same goes to different extremist movement. There has been talk about why Neo-Nazis should not be allowed to express their views. And they often obviously respond that they should have the same right for freedom of speech as anyone else does. I would argue that they cannot accuse that they are being discriminated by their freedom being taken away when what they are being banned for is discrimination of other groups. All opinions are not allowed and using freedom of speech wrongly as a tool to discriminate others should not be allowed. Freedom of speech should therefore be used together with other freedoms, without restrictions to any particular freedoms or any individual's rights. Some articles from the UDHR that should especially be taken into consideration when addressing the possible limitations of freedom of speech are article 12, article 29 and article 30.

⁷ John Stuart-Mill, *On Liberty*, ed. by Curtis Weyant and Martin Pettit (London: The Walter Scott Publishing Co, 1901), chapter 2 in , <http://www.gutenberg.org/files/34901/34901-h/34901-h.htm#Page_28> [accessed 28 February 2020].

⁸ Frederik Kaufman, 'Ethics of Discrimination', *Philosophy Now*, .135, (2019), 9-11 (p. 10).

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”⁹

There might be an act which is in contradiction with two different freedoms, freedom of speech and freedom of privacy, for example. In these cases freedom of privacy is often seen as more important so it cancels out freedom of speech. Article 29 states that people are only allowed to exercise their rights and freedoms if they recognise and respect the rights and freedoms of others.¹⁰ In article 30 it is emphasised that any of the freedoms or rights may not be interpreted as one wants just to somehow justify the discrimination of others.¹¹

Is some kind of censorship needed? The function of censorship has changed especially in the western countries. It is used to mainly protect all people and especially different minorities from different offensive and disturbing messages.¹² But should there be censorship in cases where the messages are not necessarily offensive but rather just incorrect? Should there be stricter requirements for news articles and other posts on the internet? A problem with freedom of speech in today's society is that we are living in a time when people do have constant access to the internet where you can find faulty facts and information which does not necessarily have any reasonable references. And maybe there should be clearer legislations on whether something can be posted to some platforms. Source criticism has an even more important part in today's society and it should be taught to children from a young age. There should also be more strict rules on having valid resources and aiming to tell the truth. Instead of the media trying to make money from selling clickbait headlines to the public.

The dilemma of freedom of speech goes much further than just spoken or written words. It affects different kinds of forms of art, as art can often have a message behind the actual piece. But I think that the same 'rules' apply to art as well. You should be able to freely express yourself through art if

⁹ United Nations, *Universal Declaration of Human Rights* (2020) <<https://www.un.org/en/universal-declaration-human-rights/>> [accessed 3 March 2020].

¹⁰ United Nations, *Universal Declaration of Human Rights* (2020) <<https://www.un.org/en/universal-declaration-human-rights/>> [accessed 3 March 2020].

¹¹ United Nations, *Universal Declaration of Human Rights* (2020) <<https://www.un.org/en/universal-declaration-human-rights/>> [accessed 3 March 2020].

¹² Harri Kivistö, 'Sensuurin sanoma meille kaikille', Niin&Näin, .02/2010, (2010), 112-16, in <<https://netn.fi/sites/www.netn.fi/files/netn102-26.pdf>> [accessed 3 March 2020].

it doesn't affect any other freedoms of anyone else. Although in art it is also considered to be acceptable to make fun of people that are in a better position than you. It is acceptable to "punch up" as you are in a much more vulnerable place than what you are making fun of. "Punching down" is seen as unacceptable as it is making fun of people who are already in a discriminated position.¹³ The use of power dynamics can be effective in comedy and satire but it should be clear not to use it against people who are already being discriminated against.

I think that there should be some limits to our freedom of speech. But I do not see it necessarily as limiting the freedom of people's speech but instead defending people who could be discriminated against if people were to use their freedom of speech wrongly. There should also simply be more use of common sense, which doesn't seem to be that common at all. People should be kind and respectful towards each other, and not just to the ones that are similar but more importantly trying to understand those who are different. In conclusion, I would argue that no limits should be placed upon freedom of speech if and only if freedom of speech does not limit any other freedom of any individual.

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¹³ Paul Hartzler, *Punching Up, Punching Down* (2017) <<https://goodmenproject.com/featured-content/punching-up-punching-down-phtz/>> [accessed 6 March 2020].

