



**Kenan Malik**

## Say what you think. The importance of giving offence

In December, before the controversy over the publication of a series of Danish newspaper cartoon images of the Prophet Mohammed became a global issue, the Muslim writer and broadcaster Kenan Malik addressed the key issues raised by the furore and others like it at a conference debate convened by *Index on Censorship*.

There are two questions I want to address here. In a plural society, should it be incumbent on people to refrain from giving offence to other groups and cultures? And should it be incumbent on governments to legislate to ensure that free speech is used responsibly?

The underlying, often unstated, assumption in much of the debate on hate speech, free speech, and responsibility is that expression must inevitably be less free in plural societies. We live in societies, so the argument runs, that are more diverse than ever before. For such societies to function and to be fair, we need to show respect for other peoples, cultures, and viewpoints. And we can only do so by being intolerant of people whose views give offence or who transgress firmly entrenched moral boundaries.

"If people are to occupy the same political space without conflict," the sociologist Tariq Modood points out, "they have mutually to limit the extent to which they subject each other's fundamental beliefs to criticism." One of the ironies of living in a more inclusive, more diverse society appears to be that the preservation of diversity requires us to leave increasingly less room for a diversity of views.

So it is becoming increasingly common these days for liberals to proclaim that free speech is necessary in principle — but also to argue that in practice we should give up that right. The *Behzti* affair, in which a play about Sikhs, written by a Sikh playwright, was closed down after violent protests by the Sikh community in Birmingham towards the end of 2004, is a case in point. Shortly afterwards, Ian Jack, editor of *Granta* magazine, wrote an essay in which he suggested that whatever liberals believe in principle, in practice we need to appease religious sensibilities because they are so deeply felt. Talking about Islam, Jack pointed out that:

The state has no law forbidding a pictorial representation of the Prophet and I cannot see how a portrait of Him would cause people to think less of Islam or its believers. But I never expect to see such a picture. On the one hand, there is the individual's right to exhibit or publish one; on the other hand, the immeasurable insult and damage to life and property that the exercise of such a right would cause.

In other words, because we live in a plural society, there should be self-imposed limits on what we say or do. Or, as Umberto Eco once put it, "To be tolerant, one must first set the boundaries of the intolerable".

I disagree. In fact, I say the very opposite. It is precisely because we do live in a plural society that there should be no such limits. In a truly homogenous society, where everybody thinks in exactly the same way, giving offence could be nothing more than gratuitous. But in the real world, where societies are plural, it is both inevitable and important that people offend the sensibilities of others. Inevitable because where different beliefs are deeply held, clashes are unavoidable, and we should deal with those clashes rather than suppress them. Important because any kind of social change or social progress means offending some deeply held sensibilities. "If liberty means anything," George Orwell once wrote, "it means the right to tell people what they do not want to hear."

Not to give offence would mean not to pursue change. Imagine what Galileo, Voltaire, Paine, or Mill would have made of Ian Jack's argument that one should not depict things that may cause offence. Imagine he'd lived 700 years ago and had said, "In principle it's right to depict the earth orbiting the sun, but imagine the immeasurable insult that the exercise of such a right would cause..."

Part of the problem in this debate is that there is a continuous blurring of the distinctions between giving offence, fomenting hatred, and inciting violence. In the debate about *The Satanic Verses*, many suggested that Salman Rushdie was fomenting hatred by using abusive words about Islam. Giving offence, in other words, is seen as creating hatred. At the same time, many believe that fomenting hatred is tantamount to inciting violence. We can see this in the debates about the role of the broadcast media in the mass killings in Rwanda.

These distinctions between giving offence, fomenting hatred, and inciting violence are critically important: giving offence is not only acceptable but necessary in a healthy democratic society. Fomenting hatred may well create political and social problems; but these are not problems that can be solved by legislation restricting free speech. The incitement to violence should be an offence, but only if incitement is tightly defined, much more so than it is at present.

Why should giving offence not only be acceptable but necessary? Because it is the freedom to blaspheme, to transgress, to move beyond the pale that is at heart of all intellectual, artistic, and political endeavours.

## **Objectionable**

Far from censoring offensive speech, a vibrant and diverse society should encourage it. In any society that is not uniform, grey, and homogenous, there are bound to be clashes of viewpoints. Inevitably some people will find certain ideas objectionable. This is all for the good, for it is the heretics who take society forward. From Galileo's vision of the universe to Darwin's theory of evolution, from the drive towards secularism to the struggle for equal rights, every scientific or social advance worth having began by outraging the conventions of its time. Without such heresies and transgressions, society may be more ordered, and more polite, but it will also be less progressive and less alive.

Societies have always been plural in the sense that they have always embodied many conflicting views. What is different today is first that such differences are increasingly viewed in cultural terms, and second that cultures have come to occupy an almost sacred role in society. The plural view is that society is composed of a number of distinct cultures, each different from the other and each homogenous in its beliefs, and that it is important for all individuals to have their particular cultures and values respected.

An individual's cultural background, the argument runs, frames identity and helps define who s/he is. If we want to treat individuals with dignity and respect, we must also treat with dignity and respect the groups that furnish them with their sense of personal being. "The liberal is in theory committed to equal respect for persons," the political philosopher Bhikhu Parekh argues. "Since human beings are culturally embedded, respect for them entails respect for their cultures and ways of life."

I don't want to get into a debate about culture and identity, but I do want to suggest that this is not just an implausible view of culture but a regressive one. Anthropologists long ago gave up on the idea of cultures as fixed, bounded entities because this is not how real societies work. When I was growing up in the 1980s, for instance, there existed a strong secular movement within British Muslim communities that challenged both racism and traditional Muslim values. It helped establish an alternative leadership that confronted traditionalists on issues such as the role of women and the dominance of the mosque. But this tradition became expunged in the late-1980s and early-1990s. Why? Partly because policy makers and government institutions decided to create links with mosques and mosque leaders, to afford them greater political leverage and, in the process, establish their views — and only their views — as "authentically" Muslim.

Cultures are not homogenous. But if we treat them as homogenous we may make them in reality less diverse than they really are. Certain ideas are offensive to devout Muslims. Certain Islamic ideas are offensive to secularists. That's the nature of society. But what we've come to do, and not just with Muslim communities, is to define cultures by their more conservative elements, and to allow those elements to determine what their cultures supposedly stand for and what is acceptable in terms of free expression. The consequence has been that the demand for the "responsible" use of free speech has in many cases been used to undermine progressive movements for change and to silence critics of tradition. I know because I, like many others, have been dismissed as Islamophobe for my criticisms of Islam.

It is true that many who today cause offence, such as racists or homophobes, are not progressive at all, but objectionable creatures with odious ideas, heretics who wish to drag society back to the dark ages rather than take it forward. But the right to transgress liberal orthodoxy is as important as the right to blaspheme against religious dogma or the right to challenge reactionary traditions.

"We believe in free speech," Greville Janner, chairman of the Holocaust Educational Trust says. "But there's a limit, and arousing racial hatred is beyond the limit." Free speech for everyone except anti-Semites and racist demagogues is, however, no free speech at all. It is meaningless to defend the right of free expression for people with whose views we agree. The right to free speech only has political bite when we are forced to defend the rights of people with whose views we profoundly disagree.

But what about the incitement to hatred? It is one thing to offend sensibilities, quite another to foment hatred of certain groups. Should not such hatred be banned? We need to be careful of blurring the distinction between giving offence and fomenting hatred. Opposition to hatred, as I have suggested, is often wielded to outlaw the giving of offence.

But clearly there are cases in which some speech, some article crosses the boundary between offence and hatred. Should such speech be banned? No, it should not: neither as a matter of principle nor with a mind to its practical impact. I oppose such laws in principle because free speech is meaningless if those we despise, including racists, don't have free speech; and in practice, you can't challenge racism by banning it. You simply let the sentiments fester underground.

## Challenge

As Milton once memorably put it, "To keep out evil doctrine by licensing is like the exploit of that gallant man who sought to keep out crows by shutting his park gate." Censoring ugly ideas will not make them go away. It is simply a means of abrogating our responsibility for dealing with them. It is only through freedom of expression that we can articulate our disagreements with such people and challenge their ideas.

Free speech should not be "free and easy", as Richard Sambrook puts it, but banning hate speech is actually to take the easy way out. Putting on the censor's hat suggests a striking lack of confidence in one's ability to persuade an audience of an alternative viewpoint, not to mention a certain contempt for people's capacity to consider the evidence rationally.

Free speech does not mean accepting all views. It means having all views in the open so that we can challenge the ones we find unconscionable. Today, we do the exact opposite: we ban certain views because they are deemed unpalatable. But there are others we are also frightened of challenging because we don't want to give offence to diverse cultures.

The very fact that we talk of ideas as "offensive" is indicative of the problem. There are many ways of disagreeing with someone's views — we may see them as irrational, reactionary, or just plain wrong. But to deem an idea "offensive" is to put it beyond the bounds of rational debate. Offensiveness is an affront to an entrenched tradition, a religious precept, or one's emotional sensibilities that cannot be erased by reasoned argument. It is a notion that sits well with the moralizing, emoting, often irrational approach to politics that we all too often see today.

But hatred, of course, exists not just in speech. Hatred has physical consequences. Racism can lead to racist attacks, homophobia to anti-gay violence. In November 2005, two men were sentenced to life for murdering black teenager Anthony Walker with an axe simply because of his skin colour. Isn't it important, then, to limit the fomenting of hatred to protect the lives of those who may be attacked? Simply by asking this question, we are revealing the distinction between speech and action: saying something is not the same as doing it. But in these post-ideological, post-modern times, it has become very unfashionable to insist on such a distinction.

In blurring the distinction between speech and action, what is really being blurred is the idea of human agency and moral responsibility because lurking

underneath the argument is the idea that people respond like automata to words or images. But people are not like robots. They think and reason and act upon their thoughts and reasoning. Words certainly have an impact on the real world, but that impact is mediated through human agency.

Racists are, of course, influenced by racist talk. But it is they who bear responsibility for translating racist talk into racist action. Ironically, for all the talk of using free speech responsibly, the real consequence of the demand for censorship is to moderate the responsibility of individuals for their actual actions.

Having said that, there are circumstances where there is a direct connection between speech and action, where someone's words have directly led to someone else taking action. Such incitement should be illegal, but it has to be very tightly defined. Incitement is, rightly, very difficult to show and to prove legally. We should not lower the burden of proof just because hate speech may be involved. Incitement to violence in the context of hate speech should be as tightly defined as in ordinary criminal cases.

The argument that one can only have free speech if people use speech responsibly is in fact to deny free speech. After all, who is to decide when free speech is being used irresponsibly? The government. The authorities. Those with the power to censor and the necessity to do so. The regimes in Iran, North Korea, China all accept that free speech must be used responsibly. That is why they close down irresponsible newspapers, ban irresponsible demonstrations, restrict irresponsible access to the Internet. "Responsibility," as the writer Phillip Henscher puts it, "is in the eye of the Government, the Church, the *Roi Soleil*, the Spanish Inquisition and, no doubt, Ivan the Terrible."

Edmund Burke once complained that Thomas Paine sought to "destroy in six or seven days" that which "all the boasted wisdom of our ancestors has laboured to perfection for six or seven centuries". To which Paine replied: "I am contending for the rights of the living and against their being willed away, and controlled, and contracted for, by the manuscript-assumed authority of the dead." Paine had no time for custom, no reverence for the past, no notion of deference to authority.

We could do with a few less Edmund Burkes and a few more Tom Paines today.

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