

JANUARY 2015

OFFENCE

JUSTINE BRIAN



DEBATING MATTERS
TOPIC
GUIDES

www.debatingmatters.com

MOTION:

**“NOBODY HAS THE
RIGHT NOT TO BE
OFFENDED”**

ABOUT DEBATING MATTERS

Debating Matters because ideas matter. This is the premise of the Institute of Ideas Debating Matters Competition for sixth form students which emphasises substance, not just style, and the importance of taking ideas seriously. Debating Matters presents schools with an innovative and engaging approach to debating, where the real-world debates and a challenging format, including panel judges who engage with the students, appeal to students from a wide range of backgrounds, including schools with a long tradition of debating and those with none.

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INTRODUCTION

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In January 2015 two gunmen shot and killed 12 staff members of the French satirical magazine Charlie Hebdo for reasons understood to be related to offence caused by their portrayal of Islamic religious figures. Although the general reaction to the events in Paris was the need to maintain free speech in the wake of terrorist attacks, a debate began about how we balance a commitment to free speech with sensitivity to causing offence or discord, and indeed whether free speech could or should be an absolute principle. Speaking after the Paris attacks, Deputy Prime Minister Nick Clegg defended the need for free speech and for society not to accept ‘offence’ as a valid reason for censorship, stating that: “...in a free society people have to be free to offend each other. There is no such thing as a right not to be offended. You cannot have freedom unless people are free to offend each other” [Ref: [Telegraph](#)]. Others argue that offensive speech, which some might call ‘hate speech’, contributes to a climate where discrimination and violence are more likely, suggesting that: “... hatred is the gateway to discrimination, harassment and violence. It is the psychological foundation for serious, harmful criminal acts. ...” [Ref: [Guardian](#)]. So is there an inherent, unresolvable conflict between free speech and offence? Can we make the case for absolute free speech without limits where: “People have the right to say what they wish, short of inciting violence, however offensive others may find it...” [Ref: [Pandemonium](#)] or does: “...our society makes a fetish of “the right to free speech” without ever questioning what sort of responsibilities are implied by this right” [Ref: [Vice](#)]? Is there a balance to be struck between the two, or can we only truly have free speech when we also accept that nobody has the right not to be offended?

KEY TERMS

Hate Speech



THE OFFENCE DEBATE IN CONTEXT

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What are the arguments for freedom of speech, and are they still relevant today?

The Enlightenment thinker Voltaire is associated with the statement ‘I disapprove of what you say, but I will defend to the death your right to say it’ [Ref: [The Basics of Philosophy](#)]. The philosopher JS Mill defended freedom of speech on the basis that it is only by allowing beliefs to be criticised that we can be justified in believing that they are true. Some argue that in today’s pluralistic societies and in an effort to be respectful to a diverse range of cultures and beliefs, we must accept the need for limits on what can be said in public discourse to protect the dignity of others, to avoid creating social antagonisms and to: “...recognise the power and impact of our words” [Ref: [The Conversation](#)]. But in the UK alone in recent years there have been calls for restrictions, bans or legal action to be taken on a wide range of things which cause offence to some, including: the outlawing of the singing of sectarian songs at football matches in Scotland [Ref: [BBC News](#)]; the cancelling of the ‘Dapper Laughs’ TV show after online outrage at the characters views [Ref: [Guardian](#)]; the removal by the Mayor of London of adverts on London buses deemed to be anti-gay [Ref: [Guardian](#)]; the banning of a song deemed to be sexist by Leeds university [Ref: [NME](#)]; and the arrest and subsequent imprisonment of people for racist [Ref: [BBC News](#)], threatening [Ref: [Bristol Post](#)], anti-Semitic [Ref: [Guardian](#)] and generally abusive tweets and comments on social media [Ref: [Sky News](#)]. These actions can be taken under a variety of different UK laws which now exists, including malicious communications, incitement to racial hatred and public disorder legislation.

Do we have a right not to be offended?

Certain things, e.g. speech, images and writings, are criminalised, it is stated, in order to protect people from physical and psychological harm, and the UK has introduced a number of new laws in recent years to deal with ‘hate speech’ [Ref: [Wikipedia](#)]. This is about more than merely not offending people, it’s argued, but a social good as ‘harms to dignity’: “...involve more than the giving of offense. They involve undermining a public good...the “implicit assurance” extended to every citizen that while his beliefs and allegiance may be criticized and rejected by some of his fellow citizens, he will nevertheless be viewed, even by his polemical opponents, as someone who has an equal right to membership in the society” [Ref: [New York Times](#)]. But opponents of increasing restrictions on free speech, in the name of preventing offence, argue that: “...it is precisely because we do live in a plural society that we need the fullest extension possible of free speech...it is both inevitable and important that people offend the sensibilities of others. Inevitable, because where different beliefs are deeply held, clashes are unavoidable. Almost by definition such clashes express what it is to live in a diverse society. And so they should be openly resolved than suppressed in the name of ‘respect’ or ‘tolerance’” [Ref: [Pandemonium](#)]. Some suggest that if one accepts some limits to free speech on the grounds of offence, it will lead to competing demands by other groups not be offended, leading to a loss of freedom for all. The very point of freedom of speech, they argue, is to protect ‘extreme’ speech as, by definition, ‘acceptable’ or ‘mainstream’ speech needs no such protection and as such: “You do not have the right not to be offended. Feeling offended is the price one pays for living in a free, open, tolerant, often rowdy society” [Ref:



THE OFFENCE DEBATE IN CONTEXT CONTINUED...

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NOTES

spiked].

With rights come responsibilities?

Critics of the idea of absolute freedom of speech argue that speech is never really 'free' but has consequences and like all rights needs to be exercised with responsibility and thought to those around us, and that: "We have a civic duty not to offend others" [Ref: [Huffington Post](#)]. Speech, it is argued, is not only used to make rational arguments, but can be used to foment hatred and stigmatise minorities, reflecting existing social inequalities. Because of this: "Practical freedom of speech... is not a black-and-white issue, not just a matter of misquoting Voltaire; it is a subtly calibrated scale. It involves questions about social context, and discretion" [Ref: [Independent](#)]. But those who reject the right not to be offended ask: "Why isn't offence ever a legitimate reason to restrict speech? Because unlike mental harm, offence occurs as a consequence of people projecting their own values and attitudes onto the lives of others. There is nothing to stop us from doing this, but it would be illiberal for the law to intervene ...after all, the laws first and foremost purpose is to prevent us from harmfully interfering with one another's liberty" [Ref: [Free Speech Debate](#)]. Moreover, a defence of free speech some argue, rightly assumes people are rational and fully capable of assessing different arguments, and making their own minds up, and therefore, the banning of 'offensive' things is: "...a refusal to engage with the realities of a diverse society" [Ref: [Guardian](#)]. Speaking after the attack in Paris, author Salman Rushdie, who had found himself under threat after his controversial book 'The Satanic Verses' was condemned by an Islamic cleric in 1989 [Ref: [Wikipedia](#)], says that: "Freedom

is indivisible...You can't slice it up otherwise it ceases to be freedom. You can dislike Charlie Hedbo ... But the fact that you dislike them has nothing to do with their right to speak." [Ref: [Guardian](#)].



ESSENTIAL READING

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FOR

We must stop bowing to the censorious army of offence takers

Brendan O'Neill *spiked* 10 September 2014

On the importance of the right to offend

Kenan Malik *Pandemonium* 29 January 2014

Defending the right to be offended

Index on Censorship 23 December 2013

The right not to be offended: The Supreme Court and religion

John W Whitehead *Huffington Post* 25 May 2011

AGAINST

Twitter trolls have the right to offend - but we don't have to listen

Tim Wilson *Guardian* 20 May 2014

Freedom of speech: is it my right to offend you?

Archie Bland *Independent* 2 February 2014

The right to offend? Medhi Hassan denies 'Absolute right' to

freedom of speech

Huffington Post 12 October 2012

The harm in free speech

Stanley Fish *New York Times* 4 June 2012

IN DEPTH

The Charlie Hebdo attacks and the awkward truths about our fetish for free speech

Will Self *Vice* 9 January 2015

Prevent harm, allow offence?

Robert Simpson *Free Speech Debate* 8 January 2013



BACKGROUNDEERS

Salman Rushdie on Charlie Hebdo: freedom of speech can only be absolute

Guardian 15 January 2015

We must always be free to criticise ideas like Islam

Nick Clegg *Telegraph* 9 January 2015

Sometimes there is a moral duty to mock religion

Ed West *Catholic Herald* 8 January 2015

When free speech becomes a kind of fundamentalism

Charles Watson *The Conversation* 8 January 2015

Limits of Liberalism

John Rees *Counterfire* 8 January 2015

No offence: the new threats to free speech

John O'Sullivan *Wall Street Journal* 31 October 2014

Is it right to jail someone for being offensive on Facebook or Twitter?

Susanna Rustin *Guardian* 13 June 2014

Should offensive rap music be banned from the locker rooms?

BBC News 12 May 2014

Why banning The Sun on campuses is wrong

Rehema Figueiredo *Guardian* 16 April 2014

Everyone has the right to offend - unless they offend a Liberal sacred cow

Christina Odone *Telegraph* 14 March 2014

Ten controversial comedians on their right to be offensive

Flavorwire 13 October 2013

Freedom of speech must never mean freedom to abuse

Dominique Jackson *Daily Mail* 12 June 2012

"You should have your tongue ripped out" - the reality of sexist online abuse

Helen Lewis *New Statesman* 3 November 2011

Ricky Gervais, please stop using the word 'mong'

Nicola Clark *Guardian* 19 October 2011

Hate speech Vs free speech

Peter Tatchell *Guardian* 10 October 2007

The Satanic Verses controversy

Wikipedia

Voltaire

The basics of philosophy

Hate speech laws in the United Kingdom

Wikipedia

ORGANISATIONS

Anti-defamation League

Index on Censorship



IN THE NEWS

Defiant Charlie Hebdo depicts Prophet Mohammed on its front cover

BBC News 13 January 2015

Dieudonne claims he has been 'denied freedom of speech like Charlie Hebdo'

Independent 13 January 2015

Dapper Laughs is not laughing anymore after ITV turn-off

Guardian 17 November 2014

Man jailed over anti-Semitic tweet to MP

Guardian 20 October 2014

"Watch your back I'm going to rape you". Bristol man jailed after vile tweets to Female MP

Bristol Post 29 September 2014

Twitter trolls jailed for sending abusive tweets

Sky News 24 January 2014

Kingston University bans the sale of The Sun due to 'page 3'

Independent 27 November 2013

Robin Thicke's 'Blurred Lines' banned by Leeds University

NME 20 September 2013

Tesco reveals lads mags modesty deal and under 18 ban

BBC News 3 August 2013

Twitter cases a 'threat to freedom of speech'

Telegraph 3 February 2013

Frankie Boyle defends paralympic joke

BBC News 31 August 2012

Anti gay adverts pulled from bus campaign by Boris Johnson

Guardian 12 April 2012

Fabrice Muamba: racist twitter user jailed for 56 days

BBC News 27 March 2012

Anti-bigot laws passed by Scottish Parliament

BBC News 14 December 2011

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NOTES



ADVICE FOR DEBATING MATTERS

DEBATING MATTERS
**TOPIC
GUIDES**

www.debatingmatters.com

FOR STUDENTS

READ EVERYTHING

In the Topic Guide and in the news - not just your side of the argument either.

STATISTICS ARE GOOD BUT.....

Your opponents will have their own too. They'll support your points but they aren't a substitute for them.

BE BOLD

Get straight to the point but don't rush into things: make sure you aren't falling back on earlier assertions because interpreting a debate too narrowly might show a lack of understanding or confidence.

DON'T BACK DOWN

Try to take your case to its logical conclusion before trying to seem 'balanced' - your ability to challenge fundamental principles will be rewarded - even if you personally disagree with your arguments.

DON'T PANIC

Never assume you've lost because every question is an opportunity to explain what you know. Don't try to answer every question but don't avoid the tough ones either.

FOR TEACHERS

Hoping to start a debating club? Looking for ways to give your debaters more experience? Debating Matters have a wide range of resources to help develop a culture of debate in your school and many more Topic Guides like this one to bring out the best in your students. For these and details of how to enter a team for the Debating Matters Competition visit our website, www.debatingmatters.com

FOR JUDGES

Judges are asked to consider whether students have been brave enough to address the difficult questions asked of them. Clever semantics might demonstrate an acrobatic mind but are also likely to hinder a serious discussion by changing the terms and parameters of the debate itself.

Whilst a team might demonstrate considerable knowledge and familiarity with the topic, evading difficult issues and failing to address the main substance of the debate misses the point of the competition. Judges are therefore encouraged to consider how far students have gone in defending their side of the motion, to what extent students have taken up the more challenging parts of the debate and how far the teams were able to respond to and challenge their opponents.

As one judge remarked *'These are not debates won simply by the rather technical rules of schools competitive debating. The challenge is to dig in to the real issues.'* This assessment seems to grasp the point and is worth bearing in mind when sitting on a judging panel.



**“A COMPLEX
WORLD REQUIRES
THE CAPACITY
TO MARSHALL
CHALLENGING IDEAS
AND ARGUMENTS”**

**LORD BOATENG, FORMER BRITISH HIGH
COMMISSIONER TO SOUTH AFRICA**