

**AUGUST 2016**

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**G4S: OFFENCE**

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**JUSTINE BRIAN**

**MOTION:**

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

DEBATING MATTERS  
**TOPIC  
GUIDES**

[www.debatingmatters.com](http://www.debatingmatters.com)

**DEBATING** || **BEYOND**  
**MATTERS** || **BARS**

## **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.

# **A PROJECT BY**

**Institute of Ideas**



**Debating Matters Beyond Bars takes our challenging schools debating competition format into HMP Birmingham.**

Teams of prisoners will engage each other in debate on a series of contemporary social, political, biomedical and cultural debates, encouraging inmates to think about the world around them, beyond bars.

When Debating Matters was launched in schools in 2003, it was intended as antidote to a belief that young people were unable to argue and discuss some of society's most contentious social and political questions.

Debating Matters Beyond Bars will encourage prisoners to research and argue about the ethical rights and wrongs of the big issues facing society, using reasoned, well evidenced argument which we hope it will be an important addition to Birmingham's educational work.

This project is an exciting opportunity to demonstrate that debate can flourish in unexpected places and that no idea should be beyond critical discussion or contest.

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## KEY TERMS

[Hate Speech](#)

# INTRODUCTION

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# NOTES

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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, then 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?

# 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](#)]; the cancelling of a Cambridge fancy dress party due to concerns it had the “potential for offence” [Ref: [BBC News](#)]; and the arrest and subsequent imprisonment of people for racist [Ref: [BBC News](#)], threatening [Ref: [Bristol Post](#)], 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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[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

[The right to free speech means nothing without the right to offend](#)

Jodie Ginsberg *Guardian* 5 August 2015

[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

### AGAINST

[Reclaim the Internet – Fighting for freedom of speech](#)

Jess Phillips *Huffington Post* 26 May 2016

[As a Muslim, I'm fed up with the hypocrisy of the free speech fundamentalists](#)

Medhi Hasan *New Statesman* 13 January 2015

[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

### IN DEPTH

[The Charlie Hebdo attacks and the awkward truths about our fetish for free speech](#)

Will Self *Vice* 9 January 2015

[The harm in free speech](#)

Stanley Fish *New York Times* 4 June 2012

## BACKGROUNDERS

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### [Hate speech is free speech](#)

Brendan O'Neill *spiked* 12 June 2016

### [For the sake of freedom of speech, there can never be a right not to be offended](#)

Will Gore *Independent* 26 May 2016

### [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

### [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

### [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

### [The Satanic Verses controversy](#)

*Wikipedia*

### [Voltaire](#)

*The basics of philosophy*

### [Hate speech laws in the United Kingdom](#)

*Wikipedia*

## IN THE NEWS

[Tyson Fury anti-Semitic rant: Calls for boxer to be banned over 'brainwashing Zionists' slurs](#)

*International Business Times* 13 May 2016

[Cambridge University Pembroke Phileas Fogg party 'racist'](#)

*BBC News* 11 March 2016

[Cambridge students cancel fancy dress party fearing 'potential for offence'](#)

*Guardian* 11 March 2016

[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

[Twitter cases a 'threat to freedom of speech'](#)

*Telegraph* 3 February 2013

[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 the Scottish Parliament](#)

*BBC News* 14 December 2011

## ORGANISATIONS

[Anti-Defamation League](#)

[Index on Censorship](#)

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## ADVICE FOR DEBATING MATTERS



### FOR DEBATERS

#### 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 JUDGES

Judges are asked to consider whether debaters 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 debaters have gone in defending their side of the motion, to what extent they 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 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.

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

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

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