

The age of offence

Offence and Free Speech

Philip Seargeant, Iain Wilson, Peter Tatchell, Ash Sarkar:

[MUSIC PLAYING]

PHILIP SEARGEANT: One of the notable things around offense culture in the last few years is the way that the right to be offensive has come on to be related to the right of freedom of expression. And the idea is that a robust notion of free speech, and protections for free speech, is best illustrated by people's right to be offensive.

IAIN WILSON: I see it in my personal life but also as a lawyer. Where people will seek to defend content, which is clearly hateful as free speech. And the distinction between the American style, which is that basically everyone says what they want, and if you disagree, you say disagree, and the sort of more European English style, where freedom of expression is qualified, is an important one.

PETER TATCHELL: Free speech is one of the most important and precious of all human rights. So, they have to be really strong, compelling grounds in order to justify restricting it. For me, there are three potential reasons to restrict free speech: If someone makes false, damaging allegations against a person, such as maliciously claiming they're a rapist, a paedophile or tax fraudster. Second, if they engage in repeated threats, menaces, or harassment. And thirdly, if they incite violence. Those are my three red lines.

ASH SARKAR: Of course, there is a tension between absolutist freedom of speech and hate crime legislation. And I think that it's dishonest to pretend that there isn't a tension. But I think that the values of protecting freedom of expression, and the values of protecting the rights of minorities to live in safety and dignity in this country, I mean that it's a tension that's worth having.

PETER TATCHELL: Some of the most important ideas in human history, have caused great offense in their time. I'm thinking of Galileo Galilei, Charles Darwin, Karl Marx, Sigmund Freud. They all caused huge offense. But thankfully, they were not stopped from expressing their point of view.

PHILIP SEARGEANT: Historically, hate speech laws, which do prohibit certain types of speech, have been used to close down civil rights activists and so forth. So, it's a very difficult moral judgment about how exactly one protects people's rights to live without harm, but at the same time protects these rights to free speech, which allow us to ultimately live in a liberal Democratic society.

PETER TATCHELL: Instinctively, I oppose hate speech. But I have a problem in defining it. Hate is a very subjective term. Different people will interpret different things as being tantamount to hate. Some will have a very low threshold; some will have a very high threshold. And I think that the danger with hate speech laws is that, intentionally or not, they can close down debate.

[SOFT MUSIC PLAYING]