

25 January 2018

**THE POWER OF WORDS:
Public Debate in the Context of Human Rights and Freedom of Speech**

I. How do we say 'we'?

"In the beginning," says Genesis chapter 1, verse 1, "God created heaven and earth." Don't worry: I am not going to deliver a sermon! Nor am I invoking the Bible as a *religious* book. I am citing it as literature and I can think of no poetic text that speaks more powerfully to the power of words than the opening narrative, the creation story, which is about a voice that speaks the world into existence. "Let there be light," says the voice, and voilà: there is light. And so on with everything else. Words shedding light. A world as the work of words. Words as the genesis of a world: this is the crux of the story. I think of it as a parable, for the text goes on to say that we human beings are made in the *likeness* of this eloquent creator. That is to say, we possess a like power of speech. The words we utter can also fashion a whole world. By the same token, they can tear a world apart. It is as if this awesome capacity – to deploy the power of words for better or for worse – were what defines us as human. It is the first and foremost fact that we need to know about ourselves. Hence it comes where it comes in the story of everything as told in the Hebrew scriptures: at the beginning. Which is where it comes in my lecture – and for the same reason.

If the divine voice in Genesis forms the *natural* world, our collective human voices shape the *human* world. And no word affects the shape of the human world more than the word 'we': a deceptively simple word whose power to create or destroy, to include or divide (dividing by *who* it includes) is formidable. In a political lexicon it is, in a way, the most powerful word of all: the word that determines who is in and who is out, who belongs and who is excluded. How do we say 'we'? This question – the question of political belonging – is at the heart of my lecture.

The question is bequeathed to us by the events that Holocaust Memorial Day is intended to commemorate: genocide and other horrific crimes against humanity: crimes that have been perpetrated down the centuries and across the globe. Each of these crimes is structured by the distinction between a We and a They, an Us and a Them. In Nazi Germany, 'we' was a sentence of death or enslavement to groups that failed the criterion of 'race'. Perhaps a quarter of the Roma (or Gypsy) population of Europe were murdered on this basis. So were two-thirds of European Jews – fully one-third of the entire Jewish people. Other groups were put to death on supposedly medical grounds of 'unfitness' or, in the case of gay men, persecuted on so-called moral grounds of 'decadence'; not to mention the mass killing of political dissenters and opponents. The Nazis are a paradigm case of how *not* to say 'we'.

"But," I hear a voice protest, "what have the Nazis got to do with us? This is 2018, not 1938. Yes, there are groups on the far right in Europe and in Britain whose ideas are more or less racist and whose political agendas lean in the direction of fascism. But let's not exaggerate.

Nigel Farage is not Adolph Hitler: he doesn't have a moustache and he isn't plotting to take over the state." True. But this does not mean that the Nazi example is irrelevant; for we are still confronted by the question of political belonging, the fundamental question of how to say 'we'. And you don't have to be a Nazi to say 'we' in a way that is not inclusive.

To situate the question more precisely in the here and now, I shall summon the ghost of Stuart Hall, the late cultural theorist. Hall was born in Jamaica but lived in the UK all his adult life. He was thus well-versed in the cultural diversity about which he wrote. In an interview in 2004, Hall posed the question: "how can people live together in difference?" That is to say, how can they "occupy the same social space" without, on the one hand, a weaker group being assimilated into – disappearing into – a dominant group or, on the other hand, "the two groups hating one another, or projecting images of degradation"? He saw this as "the underlying question of globalisation", the result of people being driven from their homes, thus creating "a world of movement".¹

To me, this question, "how can people live together in difference?", is the definitive political question of our time. Of course, migration is nothing new: it is as old as the human race. And yet, there is *something* new about human life on planet earth today. Perhaps it is just that our *piccolo mondo* has become more *piccolo*. We inhabit a shrinking world, a world of difference, a world in which people with diverse and changing identities bump up against each other every day. Once upon a time it was easier to say, as Kipling put it, that "East is East and West is West and never the twain shall meet". But now the twain rub shoulders in the crowded streets of countless cities. Cultures can no longer be placed (if ever they could) by the four points of the compass. Furthermore, other human categories, such as male and female, refuse to stay put in the boxes to which they have been assigned, while varieties of gender are finding expression. All these volatile identities demand recognition: they refuse to hide in the closet. This is the state of affairs that gives rise to the question Hall posed: How can people live together in difference? How do we *deal* with difference? How do we share the same social space without one identity dominating the rest or each degrading the others? How do we say 'we'?

In this lecture I want to consider this question in one context in particular: the controversy over freedom of speech and the so-called 'right to offend'. I shall not be shy about stating my position on one or two points in the controversy, but my main purpose is not polemical. I am not setting out to eliminate differences of opinion, nor to promote opinions I hold. It is the basis on which our disagreements are conducted that concerns me. My aim is to outline a perspective and make certain distinctions that tend to be blurred in the public debate. If I want to promote anything it is an approach: I would like us to approach the controversy in the light of the question 'How do we say "we"?' In this approach, as you will see, the Nazi example is not only not irrelevant to us today but turns out to be both formative and crucial.

One more point and then I shall get down to business. If at times what I say strikes you as a bit irreverent, this does not mean that I do not take Holocaust Memorial Day seriously; quite the reverse. Let me explain. I think memorials are often impediments to themselves. The problem lies in the spirit of solemnity with which we tend to approach them, as if dressing

¹ Nira Yuval-Davis et al, 'Introduction: Situating Contemporary Politics of Belonging' in Nira Yuval-Davis et al (eds), *The Situated Politics of Belonging* (London: Sage, 2006), p. 6.

up formally and looking down piously at our shoes is a mark of respect to the dead. I don't see it that way. I think this turns the dead into exhibits in a museum; and then it is almost as if we were killing them twice. The way to honour the dead is to raise them from the mass grave of history and to bring their experience into our lives. If this means a lighter touch at times, a touch of humour or irony, even playfulness, then let's do it. Bringing them back into the human fold: this is the greatest respect we can pay to people who were excluded from the circle of humanity. It's the least we can do. It's the closest we can come to restoring the lives that were stolen from them.

In the next section I shall begin by exercising someone else's freedom of speech. That is to say, I shall voice a view that I do not hold. It is a familiar, mainstream view, which gets its bearings (or thinks it does) from the eighteenth-century European Enlightenment. I shall then critique this view and outline an alternative approach to the issues. In the third and final section I shall return to the question with which I have begun: How do we utter that diminutive word which possesses so much power for good and for ill: 'we'?

II. Ernie's speech

Let me now, in the spirit of free and open debate, give the platform to my interlocutor. And, since I expect my interlocutor to be earnest, I shall call him – Earnest, or Ernie for short.² So, Ernie, give us, if you will, your ever-so-enlightened take on freedom of speech and the so-called 'right to offend'.

Ernie:

Well, Brian (if I may), let me start off by saying that the sarcasm with which you introduced me just now – when you referred to my “ever-so-enlightened take” – did not escape my notice. To be honest (and you did say you expect me to be earnest), I am offended. I am offended by the tone you have adopted and the fact that you have ridiculed my position before I have even stated it. And yet (and this is the point), I am not about to shoot you. As Voltaire, the father of the Enlightenment, famously said, “I disapprove of what you say, but I will defend to the death your right to say it.” This is why I wore my 'Je suis Charlie' badge with pride. It's not that I approve of the obscene cartoons of Muhammad that *Charlie Hebdo* published, but I admire the magazine for daring to give offence. The right to free speech means nothing without the right to offend. We all have to put up with being insulted or offended from time to time. Somehow we have got to get this point across to the people who come here with their religious and cultural baggage. (And, Brian, you can wipe that sneer off your face: I'm no racist and this is not just about Islam.) We have got to get them to understand that Britain is a secular society, where they are free to believe what they want, as long as they do not infringe on other people's rights. Giving offence does not infringe on anyone's rights, as no one has the right not to be offended. Scoff if you like, Brian, but the fact is that Enlightenment values are in peril. It seems we need to fight the battle for the Enlightenment all over again. That, in short, is my take.

² I am grateful to Reva Klein for suggesting the name Ernie.

Ernie's speech is imaginary but not entirely fictitious. I have cobbled it together or adapted it from various sources: the media, informal conversation and formal debates in which I have taken part.³ His words speak for many people today. Up to a point, they even speak for me. Let me explain. On the one hand, "I have no wish to live in a society where people are not free to speak their minds; where the giving of offence is automatically an offence in law; where we treat one another like spoilt children, walking on tiptoe for fear of treading on each other's delicate digits; where we are subject to the tyranny of the sensitive." All of that is a quote from a book I wrote several years ago (*Offence: The Jewish Case*), and I have not changed my mind.⁴ On the other hand, nor do I wish to live in a society where it is a virtue to be obnoxious; where people who are vulnerable walk on tiptoe for fear of being trodden on by those who are stronger; where we are subject to the tyranny of the *insensitive*, let alone the malicious. It is a conundrum – not just for me but, I imagine, for many people here in this room today. Ultimately, it is a challenge for society as a whole. I shall return to this challenge in the final section. First, in *this* section, I shall critique Ernie's speech. Not that this will solve the conundrum. But what Ernie says is confused; and clearing away some of the confusion will, I hope, open up the conundrum to thinking.

Where to begin? There is a golden thread that runs through the whole of Ernie's speech: the Enlightenment. So, I shall begin by taking hold of this thread, starting with the ubiquitous Voltaire. Ernie quotes Voltaire as famously saying, "I disapprove of what you say, but I will defend to the death your right to say it." It is perhaps this statement more than any other that makes Voltaire 'the father of the Enlightenment' in the eyes of millions of people. As it happens, Voltaire never said what he famously said.⁵ But let that pass; it is the sort of thing that he *might* have said and it captures the spirit of what he *did* say in the circumstances in which he said it. However, the circumstances count: they are crucial for interpreting what Voltaire *meant* by what he (didn't quite) say. Briefly, Voltaire was coming to the defence of a young protégé of his, the philosopher Helvétius, who had written a book, *On Mind*, that Voltaire himself did not much like. Neither (for their own reasons) did the French state or the Church; and on 10 February 1759 the book was officially burned in public – together with a work of Voltaire's, *Poem on Natural Law*.⁶ So, in (as it were) uttering the words "I disapprove of what you say ...", Voltaire was linking arms with the author in a gesture of solidarity against the combined power of church and State. *That* was the spirit in which he did not say what he famously said but nonetheless said something of the sort. But Ernie and half the world, it seems, take Voltaire – and therefore 'the Enlightenment' – as giving *carte blanche* to anything, however vile, that anyone might publish, about anyone else, in any circumstances, even when the target is at the opposite end of society from the powerful establishment that banned and burned Helvétius' book.

This interpretation is, to say the least, debatable. But it leads Ernie to extol 'the right to offend'. Let's examine the key terms 'right' and 'offend', beginning with 'offend': what does

³ "Enlightenment values are in peril" is from an op-ed by Polly Toynbee in *The Guardian*, 22 July 2005. "It seems we need to fight the battle for the Enlightenment all over again" is from an op-ed by Salman Rushdie in *The Independent*, 22 January 2005.

⁴ Brian Klug, *Offence: The Jewish Case*, (London: Seagull Press, 2009), p. 30. The book was commissioned by Index on Censorship, "the voice of free expression".

⁵ Elizabeth Knowles, *What They Didn't Say: A Book of Misquotations* (Oxford: Oxford University Press, 2006), p. 55; Burdette Kinne, 'Voltaire Never Said It!', *Modern Language Notes*, vol 58, no 7 (1943), p. 534.

⁶ S G Tallentyre, *The Friends of Voltaire* (Honolulu: University Press of the Pacific, 2004), 196-7.

the word mean? It strikes me that in the debate over freedom of speech, the word 'offend' possesses the properties of a gas: it expands to fill whatever space into which it is inserted. Its meaning has been stretched so thin that the word covers almost any reaction felt by any party adversely affected by an utterance or a publication (such as a cartoon). But there is a world of difference between, say, affronting church-goers by the use of a four-letter word, and, say, humiliating a section of the population that is already demeaned or marginalised and feels a deep sense of alienation from society. Lumping together cases as different as these with the single word 'offend' muddies the waters in at least two ways. For one thing, it treats all negative reactions as equal when they are not. For another, it tends to reduce them all to the lowest common denominator; for, after all, 'offend' is a rather mild term. Vicars are offended in Victorian novels (especially at teatime). But they *belong*, securely; they *feel* they belong in the company of the people who offend them. A deep sense of alienation is the opposite of a deep sense of belonging.

Ernie uses the language of rights, so let's try to bring this language into focus. When I speak of the language of rights I do not mean rights that the law giveth and the law taketh away: entitlements that vary from time to time or from one jurisdiction to another. I mean rights that we call *fundamental*: rights that we regard as universal and inalienable because they belong to us purely by virtue of our being human: *human* rights. The language of human rights transcends the language of legal rights, for laws come and go, whereas the concept of human rights implies a set of principles that constitute an enduring standard by which we evaluate the rights that are granted or withheld in law.⁷ Calling these rights 'human' and 'universal' points to this transcendence. Now, this distinction derives, without doubt, from Enlightenment thinking. But when we speak the language of rights today, do we mean the same thing as *they* did three hundred years ago?

The answer I am about to give to this question owes a lot to the author of the book *Values for a Godless Age* and, more recently, *A Magna Carta for All Humanity: Homing in on Human Rights*. I follow her lead, partly because I find her argument persuasive, but also because she is my younger sister; and younger sisters are always right. (This, like freedom of speech, is a universal principle.) Francesca Klug observes that in eighteenth-century writing on 'natural rights' or the 'rights of man', the "defining feature" was liberty of the individual: "liberty from state tyranny and religious persecution".⁸ This was against the background of religious wars between states and the power of the throne. But with the Universal Declaration of Human Rights (UDHR) in the twentieth century, the whole context is different. The dust had barely settled on the Second World War when, on 10 December 1948, the United Nations General Assembly proclaimed the UDHR. At the time, the world was in a state of shock. This shock is registered at the outset of the UDHR: the second clause of the preamble asserts that "disregard and contempt for human rights have resulted in barbarous acts which have

⁷ Compare: "one of the original purposes of human rights ... was to develop norms by which to *evaluate* law" (Francesca Klug, *A Magna Carta for All Humanity: Homing in on Human Rights* (Abingdon: Routledge, 2015), p. 29.)

⁸ Francesca Klug, *Values for a Godless Age: The Story of the United Kingdom's New Bill of Rights* (London: Penguin, 2000), p. 71. Francesca was one of the architects of the Human Rights Act, which incorporated the European Convention on Human Rights into UK law.

outraged the conscience of mankind ..." Barbarous acts were committed on all sides. But this clause refers, above all, to the murderous regime of the Nazis.⁹

The core doctrine in the Nazi ideology of mass murder and genocide was *lebensunwertes Leben*, 'life unworthy of living'. The repugnance felt at this doctrine lies at the heart of the UDHR. It is, in effect, repudiated by the opening words of the preamble, which declare that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Note the phrase "the inherent dignity of all": this is the antithesis of the Nazi doctrine of the inherent worthlessness of some. All who? All "members of the human family". Each right set out in the Declaration should be read in this light: humankind as a kind of family, not as isolated individuals demanding their due. It is true that a human right is a claim that every person is entitled to make, but the engine driving the UDHR is not personal entitlement: it is kinship and mutuality. Article 1 echoes the metaphor of the family: "All human beings ... should act towards one another in a spirit of brotherhood" (or siblinghood, as we might say today). The sense of this is that we ought to matter *to each other* and not only to ourselves. In other words, in the ethical vision of the UDHR (which is the primary post-war human rights text), mutual care or mutual respect comes first. I am tempted to say that ultimately it is this *respect* that puts the R in UDHR: it is the Universal Declaration of Human Respect: respect based on the core idea of the document: the inherent dignity of all.

Dignity: the word that is the centre of gravity of the Universal Declaration, the word that anchors all the rights that the document proclaims. Given the power of this word, it seems perverse to speak about a right – if this means a *human* right – to offend. Ernie says, "The right to free speech means nothing without the right to offend." But how exactly is he using the word 'right' here? Is he speaking the language of *human* rights or *legal* rights? Consider: The law permits us, much of the time, to lie, to boast, to deceive one another, to betray a confidence, to be callous and cold-hearted, to laugh at someone else's misfortune. But, in the same breath in which we proclaim the right to life, freedom of thought, conscience and religion, and all the other freedoms enumerated in the UDHR, do we proclaim the *right* to lie, the *right* to deceive, the *right* to betray a confidence or the *right* to be callous and cold-hearted? No. Because this would devalue the language of rights – of *human* rights. Human rights are rights that flesh out the core concept of human dignity; they are rights that are *fundamental* to our dignity as human beings. If we devalue the language we lose the plot: the ethical vision of mutual respect and mutual care. It is the same with the so-called 'right to offend'. Battering away at each other's identities – the way that *Charlie Hebdo* battered away at Muslim identity via its caricatures of Muhammad – is not the way for the human family to cohabit on planet earth. It's no way to say 'we'. Which is why, unlike Ernie, I do not admire the magazine for "daring to give offence".¹⁰

Ernie says, "It seems we need to fight the battle for the Enlightenment all over again". But the battle we need to fight is not an eighteenth-century struggle for liberty; it is a twenty-first-century struggle for community. In saying this I am, once again, following my sister's lead. Community, says Francesca, is the defining new feature of the modern conception of

⁹ F Klug, *Values*, pp. 10-11

¹⁰ I discuss the *Charlie Hebdo* affair in 'In the Heat of the Moment: Bringing "Je Suis Charlie" into Focus, *French Cultural Studies*, vol 27, no 3 (August 2016).

human rights: new, not because it *replaces* liberty of the individual but because it *places* liberty in a larger human vision.¹¹ Placing liberty, including freedom of speech, in a vision of society where we live together in difference: *this* is the challenge that confronts us today. That, in short, is my take on Ernie's take.

You could also put the challenge this way: Can a society be created whose members are subject neither to the tyranny of the sensitive nor to the tyranny of the insensitive? If this rings a bell, you're right: it is, in a nutshell, the conundrum I posed in my initial comments on Ernie's speech; and in the final section of my lecture, I promise not to solve it.

III. Solving the conundrum

I am able to make this promise with confidence for the simple reason that I am first person singular, not plural. *I* am not *we*; and *we* is what solving this conundrum calls for. Moreover, unlike a riddle in a puzzle book, the answer cannot be found upside down at the bottom of the page or in a list of solutions at the back of the book. To put it another way: there is no solution as such; there is only the activity of solving. And there is no end to this activity. The conundrum sets an agenda for society as a whole. This involves a number of tasks, which are collective and ongoing: thinking through the language of human rights; defining the distinct roles of different parties (the state, groups, individuals) in promoting a human rights ethos; cultivating respect for the inherent dignity of every person; separating out the different senses of the word 'offend'; setting limits in law; protecting civil liberties while protecting vulnerable minorities; and so on. Confronting these tasks together, continually, in all our difference, seeking common ground: this is what 'solving the conundrum' means. It's the way to say 'we'.

Ernie refers derisively to the "religious and cultural baggage" that people bring with them to these shores. As if *he* doesn't have any baggage. As if most people, including people whose families have lived here since the Norman conquest, are not carrying around fixed ideas and rigid customs that get in the way of living together. Besides, some baggage is useful; or, to put it differently, it isn't *baggage*: it is an inheritance that equips people for life. Take, for example, my own case. Judaism, for me, is a collection of texts, a set of references, styles of argument, a sensibility, a vocabulary, stories, symbols, humour, historical memories, ways of thinking, approaches to life; in short, a well on which I draw, an atmosphere I breathe. It is the same, I daresay, with Islam or any other grand human tradition. Traditions, observes Stuart Hall, are not so much bodies of doctrine as "repertoires of meaning".¹² This puts it beautifully. (Talk about the power of words!) In other words, a tradition contains resources for thinking – including *rethinking* the tradition itself. Rethinking our own traditions: this is another dimension of the continual activity of solving the conundrum. And no one, not even Ernie, is exempt from this task.

Yet Ernie, I think, thinks he is. The feature of his speech that I find most troubling is the 'Us-Them' component. He says that *we* have got to get a point across to *them* ("people who come here with all their cultural and religious baggage"). Similarly, *we* have got to get *them*

¹¹ F Klug, *Values*, p. xx.

¹² Stuart Hall, 'Conclusion: the Multi-cultural Question', in Barnor Hesse (ed.), *Un/settled Multiculturalisms: Diasporas, Entanglements, Transruptions* (London: Zed Books, 2000), p. 225.

to understand (“that Britain is a secular society”). I am reminded of a speech Tony Blair gave as Prime Minister in 2006: immigrants, he said, have a “duty to integrate”.¹³ This putative duty assumes that there is an Us that sets the terms for membership in British society and a Them that has to conform. *They* have to fit in with *us*: that is the principle of belonging that underlies Blair’s dictum (and, for that matter, Ernie’s speech). I see this principle as a mode of exclusion, not inclusion. It does not exclude in the manner of the Nazi ‘we’; it is neither so crude nor so cruel. Nonetheless, its underlying message is: keep out: keep out or enter on conditions that we lay down. It is not a welcoming ‘we’.

I opened the lecture with a parable and I shall close with one. The story I am about to tell – a personal anecdote based on my experience as an undergraduate – is on a slightly smaller scale from the magnificent myth in Genesis chapter 1: it is about running a students’ union, rather than creating the universe. Let me preface the story by saying that I would never have had the experience I am about to recount were it not for a wise decision made by the philosophy faculty of this very university in 1967: they turned down my application to enrol as an undergraduate. (I have been waiting over fifty years to make that dig!) As a result, I went to UCL, where there was a substantial, flourishing students’ union, an independent organisation complete with fulltime officers and commercial operations under the control of the students. I quickly got involved. I found myself in a different world from the bubble in which I had grown up: the post-war Jewish community of northwest London. I had always felt vaguely as though I, as a Jew, did not quite belong in this country. But in the union I found myself rubbing shoulders with other Others: all kinds of Others: a mixed multitude of students from here, there and everywhere. We belonged; we belonged in a deeper sense than the formal status bestowed on us by our union cards. Why? Fundamentally, for one reason: our hands were jointly on the rudder. Together we governed the union: we argued over its policies, determined its direction and ran its facilities. In short, We belonged to the union *because the union belonged to us*. You could call this: the co-ownership principle of political belonging.¹⁴

Looking back, I realise that my involvement in the union was the most important part of my education. I call the story a parable because I think of the union as a microcosm: a miniature model of society at large. So, if we apply the co-ownership principle to society, what do we get? A world of difference in which no one group owns the title deeds or sets the terms of membership; where *all* are an integral part of the collective ‘we’: a society whose members belong to *it* because *it* belongs to *them*. On Holocaust Memorial Day, when we remember the countless victims of exclusion, let us claim the word ‘we’ as fully inclusive, harnessing its power for good. Saying ‘we’ this way can shape a better world – if we are as good as our word.

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¹³ ‘The duty to integrate: shared British values’, speech by Tony Blair, 8 December 2006. Available at www.vigile.net/The-Duty-to-Integrate-Shared.

¹⁴ This paragraph is adapted from my essay ‘A World of Difference’ in Antony Lerman (ed), *Do I Belong: Reflections from Europe* (London: Pluto Press, 2017)