



Toolbox VII: “I can say whatever I want because it’s my freedom of expression!”

Limitations of freedom of expression

As with most things, there are limitations and boundaries even with the right to freedom of expression. Therefore it is rather inaccurate to argue that “I can say whatever I want because it’s my freedom of expression!” In a classic example, while you may have the right to shout “Fire!” in an open field, you cannot and should not shout “Fire!” in a crowded cinema if there is no actual fire. Commonsense tells us that if you were to falsely shout “Fire!” in a crowded movie cinema, you are likely to cause panic and actually get people hurt in the rush to get to safety.





Some Caveats!

While we can agree that absolute or unchecked freedom is not possible or in fact desirable, it is not our intention to support unjustified restrictions on freedom of expression. This is an important difference. Indeed, in the overwhelming majority of cases, more freedom of expression is preferred over more restrictions which could easily be turned into oppression and suppression.

In practical terms, having complete freedom of expression for one person will necessarily be infringing on the freedom of expression of another person. To illustrate this point, we could imagine two people talking at the same time, each trying to win the argument. Almost immediately, we will realize that two people simply cannot talk at the same time and expect a coherent and civil conversation to take place. If left to their own, their interaction will degenerate into a shouting match, each trying to talk louder than the other person. All that is left will be noise and not speech. The freedom of expression is then denied to both of the speakers. In other words, we need some kind of system or mechanism to ensure freedom of expression is properly served.

Also, logistically it is simply impossible for everyone to have their say on everything. It may be possible for everyone in a small group of people to take turns to give an opinion, but it would be impossible for a million people to do the same. It would take many years or decades before the last person has a chance to give his or her opinion. Despite the latest technology it is not possible for every single person to give their opinion on every issue in the same place.

Therefore, some compromises have to be made. For example, a time limit is usually imposed for political speech. A candidate is only allowed to speak for a limited time during a political debate. And the campaigning period is also limited to a certain number of days.

It is not only logistically impossible to have so-called unlimited freedom of expression due to time constraint and similar limitations, it may also be philosophically impossible. When a weak argument is confronted with a strong argument, the weaker one loses. This outcome has very little to do with the “loudest” of the speaker. For example, the argument to promote child pornography would be a weak argument because it is universally regarded as something that is

detrimental to one of the most vulnerable group (children) in the community. Any argument to promote it would be out-reasoned and defeated fairly easily. Another example could be hate speech, specifically speech that is meant to incite violence, physical harm, and killing of a targeted group. Strict limitations are placed on these particular expressions because for a variety of reasons, they do not stand up to scrutiny.



Le racism, c'est l'autre!

The Canadian cartoonist Bado (Guy Badeaux) did this poster for a campaign against racism. Reprinted here courtesy of Cartooning for Peace (www.cartooningforpeace.org), which promotes the use of editorial cartoons for better understanding and mutual respect among people of different cultures and beliefs.

Limitations to Freedom of Expression: Hate Speech

Background

In 1994, one of the national radios in Rwanda broadcasted a call for the extermination of the Tutsi—a minority group in the country. What follows was one of the darkest events in recent memory. Over the course of about 100 days, more than a million Rwandans³⁸, most of them Tutsi, were systematically murdered. In other words, up to 10,000 people were killed every day. In addition, two millions fled to neighbouring countries.

This genocide was appalling on many levels. First the international community failed to act swiftly against it and second was the use of radio to broadcast hate speech to incite one group of human beings to murder another group of fellow human beings. For the purpose of this discussion, we will focus on the use of broadcast media to spread hate speech with very fatal consequences.

Since this is a Toolkit on freedom of expression, we will discuss the event in relation to freedom of expression especially its limitations. Hate speech are words intended to cause real harm to the targeted person.

A large number of Rwandans are illiterate so the printed media's influence is limited in the country. Television is comparatively an expensive gadget. Therefore, in the context of Rwanda, the radio was the most common way the average Rwandan received information.

“In March 1992, Radio Rwanda was first used in directly promoting the killing of Tutsi in a place called Bugesera, south of the national capital. On 3 March, the radio repeatedly broadcast a communiqué supposedly sent by a human rights group based in Nairobi warning that Hutu in Bugesera would be attacked by Tutsi. Local officials built on the radio announcement to convince Hutu that they needed to protect themselves by attacking first. Led by soldiers from a nearby military base, Hutu civilians, members of the Interahamwe, a militia attached to the MRND party, and local Hutu civilians attacked and killed hundreds of Tutsi” (International Commission 1993: 13-14).

The Rwanda Genocide is an extreme but a very real event where the media was used as a tool to spread hatred and it shows that hate speech cannot be justified by freedom of expression. Hate speech that incite violence against

Imagine: Scenario One

You are the principal of the school. A group of students wants to protest against the gay, lesbian, and transgendered club in your school. The group of students proposed to have banners, signing of petitions, anti-gay speeches in front of the school. What would you do as the principal of the school?

Imagine: Scenario Two

You are the mayor of the town, a group of people is planning a march through the busiest part of the town in protest of the growing immigrant population in the town. The organizer had publically announced the planned march several weeks earlier including the exact location, date, time, and duration. They also promised that it will be a peaceful march. What would you do as the mayor of the town?

others is not protected under the international standards for freedom of expression.

Nevertheless, this is a slippery slope that could easily be manipulated to silence unwanted ideas. The following scenarios in the “Imagine” dialogue boxes are some examples of “offensive speech” which is different from hate speech. What would you do?

When two equally valid and reasonable arguments are put forward on a particular freedom of expression issue, the outcome becomes much less clear-cut. Each side seems to have a valid reasoning and valid points. When this happens a dilemma is produced. Dilemmas are a particularly vexing situation in freedom of expression because there can both be right at the same time (we will examine some case studies of dilemmas in freedom of expression in the subsequent Toolbox of case studies).

Toolbox VII Summary

There are limitations in regards to freedom of expression.

Legitimate limitations to freedom of expression CANNOT be used as an easy excuse to limit legitimate freedom of expression

Hate speech and child pornography are not protected under freedom of expression.

What, if anything, would you add or change to the description of freedom of expression you wrote earlier?

Freedom of Expression is...

