

‘The state has the duty to prevent the spread of ideas which threaten the lives of members of society’. Discuss with reference to racism.

This statement quite obviously seems to be of good intent. However, it is also seen as the basic right of all members of our society to be free to express opinions and ideas without restriction. Racism is based on the belief that natural differences between races exist. However, while it was previously thought that there is scientific proof for this idea, the concept of different races should be, as Robert Miles said, be abandoned by the social sciences¹. I now want to find reasons why this right should possibly be restricted in reference to racist ideas in a way that the general society can benefit from it.

Racism has in the past been regularly used to reason for one ‘race’ to rule over another because of its apparent superiority. The concept has existed for most of human history, even so it has only been put into context with science as late as the 18th century. At the end of the 19th century racism and anti-Semitism were started to be joined together in what was to start off the German national-socialist extermination policies of Jews and other ‘unworthy’ races. With the loss of World War II by the ‘III. Reich’ serious theories on races have disappeared from scientific discussion.²

This is now where theories on the freedom of speech come to make a point. Different arguments on exactly why this freedom should be protected have been published. One of the main ideas was brought forward by John Stuart Mill; He believed that only through free discussion could any society attempt to find the truths it was looking for. This is due to the idea that only when other opinions are considered one can prove something else. But the question arising now is whether this truth can be considered an absolute one or whether it must be available for further discussion. Mill apparently assumed that certain beliefs can be determined to be truthful.³ However this view has been contested by some people who do not believe that truth can ever be proven absolutely. When considering Mill’s idea one also has to think of his notion that this freedom is needed to benefit society. However, even though he - as I have said - did believe one can determine certain truths, this is where I believe one could argue for restrictions on the freedom of speech, in spite of the fact that it would even possibly be true. This is because for instance racist attitudes can only benefit one particular group in society, as all the others would have to be subordinate to it. And if one also considers the liberal idea of autonomous individuals this just does not coincide. Especially as racists – as history has shown – often not only restrict others freedom in life but often threaten their life as such. So I cannot see any society including its minorities gaining as a whole from the expression of racist ideas and opinions. In addition to this apparent non-utilitarianism to society through racism, the concept of racism as such has been largely contested in recent

¹ G. Rieger, **Rassismus**, in: D. Nohlen and R.-O. Schultze (eds.), **Lexikon der Politik, pt 1 - Politische Theorien** (München, 1995), p. 502

² *ibid*, p.501

³ G. Barent, **Freedom of Speech** (Oxford, 1985), p. 8

history and is seen to be false by a majority of scientists and the population alike, even though there might conceivably be differences between 'different races'.

Another theory on free speech believes the right is necessary for individuals to develop their own personality and to fulfil their lives. This theory argues that the right should exist even if it could prove to be harmful to society as a whole.⁴ However, whether or not a person really benefits from expressing racist ideas is rather doubtful. I can see there could be reason for people to be informed about racism and the ideas connected to it, but I believe there is a necessity for everyone to be educated in an adequate way before this right would really provide a basis for self-fulfilment on this question. But as it is a fact that education is not and cannot be totally equal and broad enough to develop the individual in every possible way, it is necessary to put restrictions on the information people can spread and/or receive. This is in a sense an interpretation of Plato's idea of the 'politeia', where he believes a wise ruler should make decisions for the ignorant, as they cannot possibly know the right way. In our liberal European societies this position of the wise ruler is taken over by an elected Parliament and the respective government, as history has regularly proven that one person on his own cannot always make the right decisions. They decide on what ideas should be made available to the broad public, even though this might restrict the individual rights. It is also arguable that the individual's right to self-fulfilment should not at the same time restrict another person's dignity. In this case I believe self-development should not be respected as much, as it will be impossible for another human to access the right self-development when he does not even have a right to dignity. And if Thomas Scanlon argues that "the government is ... not entitled to suppress speech on the grounds either that its audience will form harmful beliefs or that it may indulge in harmful acts as a result of these beliefs"⁵, I once again would reiterate my concern for every individual's right to live a free life. Because as soon as these harmful acts could be taken against other individuals it would mean that different liberal rights will collide and therefore one of the two would reasonably have to be put before the other. And I see no reason whatsoever of granting the right to freedom of speech a higher place in this order than the right to live, which I see as the most basic right of every individual without which there is no need to respect other freedoms.

When somebody now argues that our democracies cannot work without public participation and the citizens are in need of knowing about different ways and ideas to run a country, I can generally see no reason to restrict the freedom of speech and information. However, once again there are certain ideas that could prove harmful to the democratic institutions of our liberal societies. Once again racism is one of the issues that could endanger the basic concept of democracy, as a democracy is an institution which is supposedly made up of the people. It needs to give the right to voice any opinion without restriction due to the 'race' of person. When racist beliefs are

⁴ *ibid*, p. 14

⁵ *ibid*, p. 17

used by those people who run a government, it restricts the possibility of participation by those who are of a lesser 'race'. This can easily be proven by factual laws that existed until very recently in so-called liberal democracies. Not only the recently abolished apartheid policies of the former South-African governments but also by the United States, which have always been seen and have seen themselves as the strongest protectors of individual freedoms. Of course one could now argue that this is past and that this will never happen in the future, but as recent tendencies show there is still a basis in our societies for aggressive action against members of another 'race'. A reason for this intolerance can be seen in people looking for 'new' ways for our society to work as the 'races' which have previously been suppressed are starting to take part in the global competition while at the same time anomie appears to spread in western societies.⁶ When racist ideas would now be allowed to be spread, this could mean that actions could recur which have now been believed to have been abandoned. Our democracies which depend on the electorate to vote for the wisest rulers could then possibly be changed only because certain candidates would encourage the basic fear and incite racial hatred arguing that it is for the majority's well-being. So in order for the whole society and not only the majority of it to benefit from the liberal-democratic system it is necessary to put certain restrictions on total free speech.

I believe it is necessary for our societies to respect different attitudes and different opinions, but I simply cannot believe that it is necessary to give freedom to ideas that intend to restrict the lives of others. The racist concept of nations consisting only of one ethnic group is just not reasonable as it is part of human history to move across borders, to merge and to create new societies. When this is attempted to be restricted by certain groups of people only because they believe their 'race' is superior, whether this is based on biological ideas or on psychological and cultural grounds, it becomes a threat to all of our liberal ideas of individual rights and public participation in a democratic society. As Salman Rushdie said at the celebrations commemorating Austria's 50th anniversary as an independent republic after the occupation by the racist regime of national-socialist Germany, "freedom speech has to end there where it threatens the lives of others". I would never want to see restrictions of this freedom only on moral, sexual or similar grounds, because I do believe in the liberal ideal of freedom of speech and expression. However, there has to be a restriction when one person could be harmed because of what another person has said.

⁶ G. Rieger, **Rassismus**, in: D. Nohlen and R.-O. Schultze (eds.), **Lexikon der Politik, pt 1 - Politische Theorien** (München, 1995), p. 503