

The tension between Free Speech and Religious claims

Freedom of Speech (basic definition):

The freedom of speech is the right to express the own opinion, regardless if it is right or wrong in the eyes of others or against their interests.

Freedom of opinion is not a protection against criticism.

The criticism of an opinion is just another (eventually contradicting) opinion, which can claim for itself the right to express the own opinion.

The arms against “wrong” opinions are reasons which themselves are subject of free speech. Reasons offer the possibility to autonomously change the own opinion if reasons are persuasive. This is not a defeat but a learning process. The arms of free speech may be very uncomfortable, but they are basically non-violent, despite of the fact that words can hurt.

Also, the freedom of speech has limits (see below).

Religious claims

For many people throughout history and for a relevant number of people in our time, there is only one true religion: **the own one**. All others are unbelievers or “wrong”-believers.

However in this world we find:

- Christians	(2,2 Billions, 32%)	Each of the large religions has a bandwidth from fundamental positions to a practical human interpretation and practice.
- Moslems	(1,6 Billions, 23%)	
- without confession	(1,1 Billions (16%)	Each of the large religions is fragmented by internal disputes and split up in different organizations.
- Hindus	(1,0 Billions, 15%)	
- Buddhists	(488 Mio, 7%)	
- Jews	(14 Mio, <1 %)	
- others	(460 Mio 6,x %)	

Note that the third largest group in this world is without confession. May be a relevant number of them believe in human rights and therefore in Freedom of Speech.

An example: The first of the 10 commandments

"You shall have no other gods beside me" [Exodus 20 New International Version (NIV)]
... for I, the LORD your God, am a jealous God, punishing the children for the sin of the parents to the third and fourth generation of those who hate me, ⁶ but showing love to a thousand generations of those who love me and keep my commandments.

The same commandment can also be found in the Quran:

Do not make [as equal] with Allah another deity and [thereby] become censored and forsaken.

<https://quran.com/17/22> Sahih International

This can be understood as: You shall not have any other opinion than mine. Do not listen the ideas of other authorities, nor make up your own mind. The punishment will be horrible and make your children liable.

This is an example of religious fundamentalism – a fundamentalism in the core of religious rules and not an overinterpretation of “reasonable” religious rules. Free Speech and the opinion of unbelievers deserve divine punishment. Violence seems to be more than justified. In too many countries, such attitudes prevail.

In many countries, there are blasphemy paragraphs which punish in different ways the insults of religious opinions or symbols. The strongest punishment is in Pakistan: the death penalty. But also in European country such laws exist, even though rarely used. They are all a thread for free speech.

But also private authorities call for violence e.g. by fatwas or by organizing violent attacks.

Fortunately, there are also more practical religious attitudes, especially in countries where the scale is set by human rights, which are the backbone of democratic constitutions, which also guarantee the freedom of religious believe. Religious interpretations in this framework must show compatibility with human rights. And this seems to be possible.

And then there is also the believe of those people who believe in human rights and free speech. This is also a believe, but a believe based on reasons – not on divine Revelation.

Three main questions

1. Why are religious believers often reluctant to discuss and accept reasons?
This we have to understand.
2. How can we make understandable and by chance acceptable for religious believers
 - a. that we believe in reasons as guide to the truth (which may be still far away) instead of pretending a truth beforehand which then has to be defended against any good reason including the many good reasons still to come,
 - b. and also, that by doing so this religious method has turned out throughout history to be
 - a source of hate and violence and also
 - an obstacle for learning and for finding ways to a better live?
3. As long as hate and violence is spread by this religious method, how can we confine this hate and violence and yet try to win religious believers to follow reasons and interpret their religion compatible with human rights or change the believe – for good reasons?

Religious feelings

Still many people believe in “their God” and take their religion as orientation for their life.

If you doubt their religious believe, you doubt their orientation. This hurts, but it was not a religious feeling that was injured (in general feelings are not religious). You cannot survive without orientation. In this case a basic emotional need is threatened: The emotional need to have a good orientation - something what everybody needs (it does not belong to a religion). But not all people satisfy this basic emotional need by religious ideas or religious subordination under a God - and his interpretation by clerics. Imagine how big the step is to move from an orientation by subordination to an orientation based on own reasons self-controlled. But should this difficulty be a reason for a special protection of religious believes?

There is religious content like moral rules, historic pretentions, and answers to questions, which can be investigated scientifically, or theological statements which can be investigated as any philosophical statement and reasoning. This may result in a conflict with a religious orientation as reasonable doubts may emerge. An example is the theory of evolution of life. With this theory it became apparent that everything and each phenomenon on earth and in our universe most likely has a natural explanation. Divine influence seems to be entirely unnecessary and obsolete. Very unsettling. A blasphemy?

The freedom to live the own religion may also be in conflict with human rights, which are applicable also for each member of a religious community. What if the religious tradition and current practice denies equal rights for women? Should this conflict impose a limit for the freedom to live the own religion and therefore force a change in the style of life of a religious group?

Two kinds of Respect

Often religious people ask for more respect for their religion or believe. And often they mean to have a better protection against criticism, which eventually is brought forward not very respectfully. And often enough the request for respect is underlined by a credible threat of violence.

The philosopher Stephan Darwall propose two kinds of respect:
The appreciative respect and the evaluative respect.

The appreciative respect means the unconditional respect for each human being just because he or she has the same inherent dignity as me and you.

The evaluative respect however is an earned respect by whatever achieved accomplishment no matter in which field. By a persuasive argument, or an outstanding performance as musician, nurse, in sports, ..., or by generosity or considerable courage or the right decisive reaction in the right situation.

Based on these two kinds of respect Timothy Garton Ash proposes the following principal:

**We respect any religious believer with appreciative respect.
However the religious content may not deserve an evaluative respect.**

On the other hand, a religious believer, as anybody else, deserves evaluative respect for what he or she is doing, regardless of her or his religious ideas. From these ideas the motivation may come e.g. for caring in an admiring manner for people in painful situations, or any engagement in what field ever.

This view seems to verify, that it is not so important what you think (this may be helpful and you may change your mind if this appears to be more helpful). It matters what you do and contribute to the lives of others.

But the distinction between appreciative and evaluative respect is not accepted everywhere. One reason may be that the own identity is so closely linked to the own religious persuasion, that a respect for a person is not felt to be credible without the respect for his or her believe.

Do we need this distinction of the two kinds of respect?

Is it imaginable to have the freedom of speech and the freedom of religion (which includes the freedom to convert) as well, if we would not be able to be respectful in the case when we do not share opinions?

Religions have a too strong influence on single lives and on the social order of many countries, that a free debate on large parts of human live would be impossible, if we would not have the freedom to doubt religious pretentions and taboos.

Do we need a free debate on all parts of human live? If not, what would be the consequences?

A robust civility

What kind of protection do we need?

Should an insult of religious authorities, practices, symbols, or pretentions be a reason for a punishment by law?

Or shall attitudes which express appreciative respect lead to a sense of tact and a custom on HOW free speech should be carried out, yet not censoring its content?

Should insult be criticized by a civil society using free speech instead of law?

If so, this implies an advantage for a robust attitude which takes an insult not too seriously.

What is an insult?

Is it enough that someone says I feel insulted?

Is a lack of expected respect an insult?

Can an explanation of a fact be felt as insult from a religious point of view?

Are there circumstances that justify a right (not a duty) to insult?

Free speech and violence

What about this principle?

Free speech never threatens with violence nor does it accept intimidation by violence.

(But intimidation by violence often is successful in suppressing free speech or other religious beliefs.)

What about this principle?

The **protection by law** is needed against violence and the preparation of violence, everything else is the task of the civil society.

Single persons and (religious) groups shall be protected by law against harassment, intimidation, relevant discrimination, inciting of violence, and depending on context, against “dangerous speech” (a speech which is justifying violence in a context in which the speech makes violence more likely to happen).

Remark: The legal criteria must be worked out very carefully otherwise the law can be counterproductive.

Or should hate be included in the protection by law if it is systematically and often expressed in an organized context? (systematic hate speeches in mosques or organized by e.g. right-wing parties)

This still means that individually expressed hate has to be confined by the civil society not by law.

Beyond this legal boundary not the law but the civil society has to care for the needed appreciative respect for all members of our society. Against insult and hate there is no protection by law, unless it has a close context to violence. This longs for a robust civility.

What can a civil society do to defend free speech against intimidation by violence?

How can a civil society react on violent attacks?

Toleranz

Timothy Garton Ash:

“How can it be right to accept what is wrong? Because there is something more important: the possibility to decide freely how to live the own life, as long as by doing so you do not prevent others from doing the same. The path of tolerance is then not only one additional right way, but the only one which follows the purpose to enable people to live a large variety of right ways. This implies to find the difficult equilibrium between the unconditional appreciative respect for a religious person and (in the extreme case) the total lack of evaluative respect for the content of his or her believe.”

“If this turns out to be a workable compromise than it is one which we have to defend without compromise.”

Is this view realistic and workable?