

— LETTERS
on LIBERTY



FREEDOM IS NO ILLUSION

Frank Furedi

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Welcome to *Letters on Liberty* from the Academy of Ideas. *Letters On Liberty* is a modest attempt to reinvigorate the public sphere and argue for a freer society.

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What are Letters on Liberty?

It's not always easy to defend freedom. Public life may have been locked down recently, but it has been in bad health for some time.

Open debate has been suffocated by today's censorious climate and there is little cultural support for freedom as a foundational value. What we need is rowdy, good-natured disagreement and people prepared to experiment with what freedom might mean today.

We stand on the shoulders of giants, but we shouldn't be complacent. We can't simply rely on the thinkers of the past to work out what liberty means today, and how to argue for it.

Drawing on the tradition of radical pamphlets from the seventeenth century onwards - designed to be argued over in the pub as much as parliament - *Letters on Liberty* promises to make you think twice. Each *Letter* stakes a claim for how to forge a freer society in the here and now.

We hope that, armed with these *Letters*, you take on the challenge of fighting for liberty.

Academy of Ideas team

FREEDOM IS NO ILLUSION

In her essay, *What is Freedom?*, published in 1960, the political philosopher Hannah Arendt wrote of the ‘miracle of freedom’s rare appearance’.ⁱ Arendt’s reference to freedom as a miracle serves as a warning that we should not take our liberty for granted. Back in 1960, the principal threat to freedom appeared to be the totalitarian impulses that were unleashed during the interwar era in Germany and the Soviet Union. In the twenty-first century, freedom is continually challenged by powerful forces from within Western culture. Though freedom as such is rarely criticised explicitly, it is frequently dismissed as something that is not a big deal, or a value that is less important than security, safety, happiness or the right not to be offended.

The cultural devaluation of freedom in the contemporary world is most strikingly expressed in the way that the term ‘liberty’ has become emptied of meaning. It is often dismissed as an archaic term used by simple people who are nostalgic for a bygone past. Alternatively, liberty is dismissed as a rhetorical device associated with the ideology of the far right. ‘Michigan coronavirus protesters shout “liberty!” - as right-wing anti-lockdown rhetoric weaponises freedom’, writes one commentator.ⁱⁱ An article in the *New*

York Times, titled, 'How Conservatives weaponised the First Amendment' conveys a similar message.ⁱⁱⁱ

All too often, freedom itself is accused of menacing individuals, groups or society.

That the First Amendment - which protects freedom of speech - is itself portrayed as something that is weaponised (and therefore a threat) suggests that, at least for some, freedom itself has acquired negative connotations.

We should be celebrating freedom as the medium through which the human spirit can express itself and develop its capacities. But all too often, freedom itself is accused of menacing individuals, groups or society. In October, French teacher Samuel Paty was beheaded by an Islamist murderer who objected to an educator showing pictures of the Prophet Muhammad in a lesson. Sadly, far too many commentators appear more interested in questioning the freedom of this teacher to express his view on these pictures than on condemning the barbaric act of his murder. Roshan M Salih, editor of the British Muslim news site *5 Pillars*, tweeted:

'Charlie Hebdo must be shut down immediately by French authorities. This racist, Islamophobic rag is

causing community relations to completely break down with its repeated provocations. They are literally crying fire in a crowded theatre. Freedom of speech isn't worth civil war.^{iv}

As someone who regards the freedom of the press as a threat to society, it is not surprising that Salih and others like him believe that freedom of speech isn't worth civil war. Yet we would not possess many of our liberties today if in the past the cause of freedom had not motivated people to wage wars in their defence. Writing in the middle of the English Civil War, the poet John Milton reminded his readers that when God gave Adam reason, 'he gave him freedom to choose, for reason is but choosing'.^v His insistence that freedom is humanity's birthright has inspired generations of freedom lovers ever since.

Unfortunately, in the contemporary world, it is the views of Salih rather than Milton that are likely to influence the outlook of Western cultural and its educational institutions. Of course, very few cultural influencers go as far as to implicitly blame the beheading of Paty on his exercise of freedom of speech. But in one form or another, many argue that the exercise of freedom is such a risky business that in many instances it needs to be curbed in the interest of society and its members. Salih demands that free speech should be traded away in exchange for

preventing a civil war. Others argue that freedom should be traded off for the sake of public health, security, happiness or to prevent offence.

This freedom-security trade-off is based on the premise that the right to liberty must be balanced against a variety of other concerns. Some supporters of this bargaining process claim that the freedom to pursue individual goals may well create or intensify inequalities. Consequently, they suggest that freedom needs to be reconciled with equality. In public life, there is widespread affirmation for the presumption that equality is a first-order concept to which freedom must defer. A similar sentiment is conveyed in relation to the so-called War on Terror - governments openly argue that curbing freedom is the price we must pay for national security.

Censorship is justified as a form of public therapy that protects people from feeling hurt.

Calls for some form of this freedom-security trade-off are not simply confined to an emergency situation, such as the current Covid-19 pandemic. The tension between freedom and security dominates virtually every dimension of social experience. Arguments for censoring speech often assert that such limits are necessary for ensuring that people are not hurt or

offended. From this standpoint, censorship is justified as a form of public therapy that protects people from feeling hurt. In this case, freedom is traded off against the need for self-esteem.

The list goes on. The freedom to pursue scientific experiments and to innovate is often unnecessarily restrained by a precautionary principle based on safety. This trade-off of freedom for safety also impacts on contemporary childhood - the loss of independent mobility and freedom of the outdoors for children symbolises the intimate coupling of an illiberal imagination and fear. In universities, academic freedom is frequently undermined by the rulings of ethics committees who claim that liberty must give way to 'ethical' considerations.

The securitisation of freedom

Thomas Hobbes is the philosopher most widely associated with the project of assigning safety a central role in political discourse. In the aftermath of the upheavals of the seventeenth century and the English Civil War, Hobbes attempted to harness people's basic impulse of self-preservation to justify a theory of sovereignty underpinned by fear. He argued that, driven by the fear of death and the aspiration for

security, people would be willing to give up their freedom in exchange for the safety provided by an all-powerful sovereign. He wrote that people ‘agree to create a sovereign because they are afraid of one another’.

Hobbes’ argument about the necessity of sacrificing liberty has been echoed by governments and policy makers for centuries. In recent times, these arguments have been used since the outbreak of the War on Terror to justify limitations on civil liberty. Such curbs are typically presented as necessary for the protection of individual citizens.

Once free speech is presented as something to be balanced, and the exercise of freedom is portrayed as constituting a threat to safety, it loses its moral authority.

These disciples of Hobbes claim that the liberties people enjoy need to be balanced with a community’s need for security. A new version of this argument was elaborated in response to 9/11. Many intelligent observers have criticised the ease with which political leaders have been able to win the public’s acquiescence to the freedom-safety trade-off. Numerous critics have pointed to the threat that a

range of new anti-terrorism laws such as the USA Patriot Act pose for civil liberties. However, these critics are not always consistent. When a similar trade-off is proposed in relation to limiting tolerance towards offensive speech on campuses, in order to protect the emotional state of members of the university community, many critics of the Patriot Act are conspicuous by their silence.

Arguments used for regulating academic freedom are founded on the assumption that a consistent and unwavering commitment to this principle can clash with, and undermine, the psychological wellbeing of members of the university. Similar arguments are widely used to restrict free speech. The political theorist Bhikhu Parekh accepts that 'free speech is an important value', but states that 'it is not the only one'. He counterposes the value of free speech to that of human dignity and insists that 'since these values conflict, either inherently or in particular contexts, they need to be balanced'. For Parekh, freedom of speech ought not to be perceived as a stand-alone principle which is inherently valuable. Its moral worth is relative, which is why 'free speech needs to be balanced against other great political values'.^{vi}

Once free speech is presented as something to be balanced, and the exercise of freedom is portrayed as constituting a threat to safety, it loses its moral

authority. In numerous instances on campuses, free speech has been equated with hate speech or denounced as a weapon of ‘white privilege’. A study published by the Brookings Institution in September 2017 indicated that 51 per cent of its American student respondents agreed with the statement that it was acceptable to ‘shout down’ a speaker with whom they disagreed. Even more disturbing was its finding that 19 per cent of the respondents believed that it is acceptable to use violence to prevent a ‘controversial’ speaker from airing their views.^{vii} The rise of ‘cancel culture’ is inversely proportional to the decline of the moral authority of free speech.

Of all the cultural institutions, higher education has played the most insidious role in devaluing the ideal of freedom and of reducing it to a second-order principle. Academia has been complicit in fostering a cultural climate of disrespect - outright contempt is frequently directed at freedom. The title of an article published in *The Harvard Crimson* in February 2014 succinctly expresses the subordination of academic freedom to another principle: ‘The doctrine of academic freedom: let’s give up on academic freedom in favour of justice’^{viii}. What is significant about this contribution is that it not only treats academic freedom as a second-order principle, but as a practice that serves as an obstacle to the realisation of principles that it argues are far more important.

According to the author of this article, silencing the voices of those academics whose ideas offend students is a small price to pay for upholding what she characterises as ‘academic justice’.

People acquire dignity and esteem precisely through dealing with the problems that confront them, rather than relying on the goodwill of the language police or a university administrator.

Until recent times, critics of academic freedom tended to argue that although they regarded it as a very fine principle, there were clear limits to its application. In the current era, critics of academic freedom are openly scathing about the values it embodies. The language with which *The Harvard Crimson’s* article framed the concept of academic freedom conveyed a sense of contempt and disdain. Throughout the piece, academic freedom was constantly coupled with the term ‘obsession’. This assertion, that those who take academic freedom seriously are seriously misguided fools, was justified on the grounds that this principle has no real content. According to the author, this ‘liberal obsession’ was in any case ‘misplaced’ since ‘no one ever has “full freedom” in research and publication’. The conviction that academic freedom is an

unhealthy obsession is by no means an idea unique to the undergraduate who wrote this article.

Since modern times began, assertions about the necessity of trading off freedoms for an alleged benefit have been used by critics of liberty. These benefits have often turned out to be illusory. However, the belief that human dignity and a sense of self-worth requires protection from the pain inflicted by hurtful speech is possibly the most counterproductive example of the freedom-security trade-off. People acquire dignity and esteem precisely through dealing with the problems that confront them, rather than relying on the goodwill of the language police or a university administrator.

Trading off freedom for some alleged psychic benefit is not unlike the argument that authoritarian-minded politicians employ to justify policies that curb people's rights in order to 'preserve their freedom'. Such arguments deprive freedom - in any of its forms - of moral content. As the American philosopher Ronald Dworkin argues, 'in a culture of liberty' the public 'shares a sense, almost as a matter of secular religion, that certain freedoms are in principle exempt' from the 'ordinary process of balancing and regulation'. Dworkin rightly fears that 'liberty is already lost' as 'soon as old freedoms are put at risk in cost-benefit politics'.^{ix}

This securitisation of freedom contains the implication that the exercising of freedom needs to be regulated to minimise attendant risks and harms. In other words, allowing academic freedom to flourish is risky. Of course, academic freedom and free speech are risky. The freedom to speak and pursue research and scholarship can often lead in unexpected directions. However, the principle of academic freedom is based on the presumption that people can be trusted to take risks - an academic community and wider society that is confident about its capacity to engage with un-certainty is likely to trust in its citizens' ability to use their freedoms in a responsible manner. A former associate justice of the US Supreme Court, Louis Brandeis, was clearly cognisant of people's fears about speech-induced harms in the early to mid 1900s, but he took the view that their regulation and censorship was not the answer:

‘Those who won our independence... recognised the risks to which all human institutions are subject. But they knew that... it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate, that hate menaces stable governments; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed

remedies... Fear of serious injury cannot alone justify suppression of free speech.^x

The Supreme Court jurist Oliver Wendell Holmes Jr, who played a crucial role in upholding a progressive interpretation of the First Amendment, argued that the American Constitution obliged citizens to ‘experiment’ based on the premise that ‘the best test of truth is the power of the thought to get itself accepted in the competition of the market’.^{xi} Holmes’ analogy of an experiment captures the open-ended trajectory of the pursuit of freedom. When a society discourages people from taking risks, risk-taking becomes equated with irresponsible behaviour - conformism is turned into a virtue. Such a society is likely to be uncomfortable with allowing freedom to serve as a foundational value. It is for this reason that freedom has become a negotiable commodity.

Freedom has become a second-order value

Freedom was once a cause most supported by the left and liberals. In the nineteenth century, the conservative ideal of freedom tended to more restricted and conservatives were often in the forefront of opposing the expansion of democracy. This has chan-

ged dramatically in the twenty-first century. As a commentator in the *New York Times* noted, ‘liberals who once championed expansive First Amendment rights are now uneasy about them’. He added, ‘many on the left have traded an absolutist commitment to free speech for one sensitive to the harms it can inflict’.^{xii}

It is evident that many on the left have not only traded in their absolutist commitment to free speech, they have also mutated into its opponent. As the journalist Leigh Phillips acknowledged in the leftist magazine *Jacobin*, ‘too many modern progressives, particularly younger ones, have become indifferent to free speech, or, worse, come to view the defence of free speech as something foreign to the left and a weapon of oppression’.^{xi}

The embrace of illiberal censoriousness by the left emerged in the 1940s. Writing in 1946, the leftist British publisher Victor Gollancz observed that with ‘freedom of speech, every other freedom is at any rate possible; without it, all are in jeopardy’. He was clearly concerned that this message had been lost on many of his left-wing friends. He wrote:

“The cry is to “outlaw fascism and anti-Semitism”, or, to put it plainly, to make the expression of fascist and anti-Semitic opinions illegal and liable

to punishment. Communists are taking the lead, and the National Council for Civil Liberties has recently made nonsense of its name and objects by supporting the demand; but many non-communists of the left, and some, I regret to say, of my fellow Jews, are joining the clamour.^{2xiii}

Anticipating the danger posed by what we know today as 'cancel culture', Gollancz asserted that if 'you silence a fascist for fear that fascism will be established, you have already half established it by the very fact of silencing them'. Today, when anyone can be accused of being a fascist and become a target of the no-platformers, Gollancz's warning conveys a sense of dark prescience.

With the left abandoning the cause of freedom, one fundamental question remains: who will be prepared to stand up for the value of liberty? There are very few genuine liberals to be seen and those conservatives who have converted to the cause of freedom need to demonstrate that they support everyone's right to free speech - not just their own. If we are to win the culture war for freedom, we need to unite everyone who refuses to trade in freedom for the illusion of security - or some other supposed good.

References

- ⁱ Arendt, Hannah 'What is freedom?', *Between Past and Future*, Penguin, 2006
- ⁱⁱ Bianco, Marcie, 'Michigan coronavirus protesters shout 'liberty!'' , NBC, 14 May 2020
- ⁱⁱⁱ Liptak, Adam, 'How conservatives weaponized the First Amendment', *New York Times*, 30 June 2018
- ^{iv} Salih, Roshan M, Twitter, 17 October 2020
- ^v Milton, John, *Paradise Lost*, Samuel Simmons, 1667
- ^{vi} Parekh, Bhikhu, *Rethinking Multiculturalism*, Red Globe Press, 2005, pp. 216 & 220
- ^{vii} Villasenor, John, 'Views among college students regarding the First Amendment', Brookings Institution, 18 September 2017
- ^{viii} Korn, Sandra YL, 'The doctrine of academic freedom', *The Harvard Crimson*, 18 February 2014
- ^{ix} Dworkin, Ronald, *Freedom's Law*, Oxford University Press, 1996, p. 354
- ^x Cited in Strossen, Nadine, 'Hate speech and pornography', *Case Western Reserve Law Review*, vol. 46, 1995-96, pp. 457-458
- ^{xi} Cited in Dworkin, p. 199
- ^{xii} Liptak, Adam, op. cit.
- ^{xiii} Gollancz, Victor, *Our Threatened Values*, Victor Gollancz Ltd, 1946, p. 30

Author

Frank Furedi is a sociologist and social commentator. He is Emeritus Professor of Sociology at the University of Kent. He has published over 25 books including *Democracy Under Siege: don't let them lock it down!*; *How Fear Works* and *Populism and the European Culture Wars*. Frank regularly appears on radio and television and has written for newspapers and magazines globally.



Illustrations

Jan Bowman is an artist and author of *This is Birmingham*. See her work at janbow.com

Letters on Liberty identity

Alex Dale

Pamphlet and website design

Martyn Perks

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