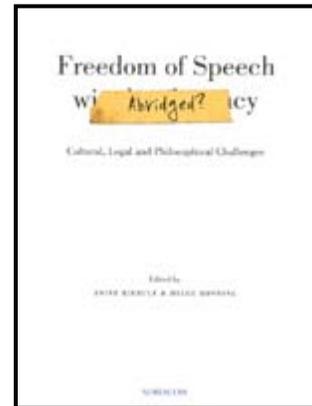


Anine Kierulf and Helge Rønning (Eds.), **Freedom of Speech Abridged? Cultural, Legal and Philosophical Challenges**, Nordicom, 2009, 155 pp., \$79.50 (paperback).

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*Freedom of Speech Abridged?* is a vehement defense for free speech in a globalized world. Starting from the observation that freedom of expression and freedom of the press are in crisis, 12 scholars from the Nordic countries discuss these fundamental and universal human rights from legal, philosophical and cultural perspectives.

For the authors, two events mark the current crisis of freedom of expression. It all started 20 years ago when Ayatollah Ruhollah Khomeini pronounced a fatwa against the author Salman Rushdie of *The Satanic Verses* (discussed in detail in Arne Ruth's contribution). The terrorist attacks of 9/11 on the World Trade Center in New York City contributed to a further "rolling back of gains in civic rights and freedom of expression and information" (p. 9). The Danish Mohammed cartoons incident is analyzed as yet one additional example of freedom of speech under threat, not only in authoritarian regimes but also in democracies that have long adopted it as a fundamental freedom.

The presentation of free speech in this volume clearly adopts a Nordic perspective and constitutes a strong defense of freedom of speech as a necessary value of democratic societies and a universal human right. All essays are clearly positioned yet freedom of speech is not portrayed as an unlimited right. Approaching this issue from various angles, the authors discuss where limits to free speech need to be drawn. The book is structured in three sections: philosophy, law and globalization, and cultural perspectives. The last of which receives most attention with five original contributions.

The first two essays focus on rooting freedom of speech philosophically. Ulf Petäjä's *What is the Value of Freedom of Speech* questions the fact that most Western societies take freedom of speech for granted, forgetting to discuss why our ancestors fought for its protection. He argues that "the limits we put on freedom of speech should reasonably bear some relation to *why* we value it" (p. 24). If freedom of speech is frequently taken as a matter of course, it doesn't exist in the "natural order" but is socially constructed. Petäjä further analyzes five arguments by free-speech proponents such as John Stuart Mill or the American constitutional scholar Alexander Meiklejohn. A common position is that freedom of speech supports a reliable communication process as it creates a:

communication environment that is rich in perspectives and ideas, that presents us with unexpected and objectionable ideas and information that we have not asked for. That means that even 'deviant' and 'dangerous' views should be included, otherwise, the communication process can hardly be considered 'reliable.' (p. 32)

The value of free speech lies in the fact that it confronts us with discourses we disagree with. As Noam Chomsky stated:

If you believe in freedom of speech, you believe in freedom of speech for views you don't like. Stalin and Hitler, for example, were dictators in favor of freedom of speech for views they liked only. If you're in favor of freedom of speech, that means you're in favor of freedom of speech precisely for views you despise.<sup>1</sup>

Freedom of opinion and expression are solidly rooted in Article 19 of the Universal Declaration of Human Rights as well as Article 10 of the European Convention on Human Rights. It is not only a moral claim, but also a constitutional right in democracies. The principle is "considered as a precondition for truth-seeking, for personal autonomy, and for democracy" by the Norwegian Governmental Commission on Freedom of Expression (p. 36). Following Cathrine Holst and Anders Molander, freedom of expression is a "passive right" that holds, however, an "active obligation to follow the better argument" (p. 38).

Three essays examine freedom of expression from a legal perspective. Anine Kierluf discusses the tensions between national and international legal instruments in a globalized world. National legislations may be contradicted by supranational law; for example, case law from the European Court of Human Rights sometimes differs from national law. Some expressions may also be perfectly legal in one country but constitute infringements in others. A tension that can lead to "forum shopping" as law suits are introduced in countries with more severe regulations to prevent expressions in more permissive countries. The lack of international regulation enables such practices. As always, "the debate on freedom of expression, its content and limits, thus serves as a focal point for larger societal conflicts and tensions," remarks Thomas Bull (p. 90).

An important theme that runs through various contributions in the book is the tension between national security measures and the protection of liberal freedoms that has increased since the terrorist attacks of 9/11. The technological development enables authorities to more or less secretly monitor and store the content of citizens' electronic communications. In particular, Joakim Hammerlin discusses how anti-terror surveillance entrenches upon freedom of expression:

In the aftermath of 9/11, we have accepted harsh countermeasures and paid a high price in lost rights and liberties in order to prevent future attacks. Some of the core values of liberal Western democracy have been put in jeopardy, e.g., by restricting the press, restricting academic freedom, putting ordinary citizens under surveillance, and limiting the political discourse by imposing restrictions on freedom of expression. (p. 102)

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<sup>1</sup> Mark Achbar and Peter Wintonick (Directors), 1992, *Manufacturing Consent: Noam Chomsky and the Media*, Australia, Humanist Broadcasting Foundation, 1:37 mins.

According to Privacy International, among the leading surveillance societies in the world figure the UK and the U.S. just next to China and Russia. Reporters Without Borders confirms that not only authoritarian regimes filter the Internet, some democracies also do. For instance, a draft law has been under discussion in Australia since 2006 that would force all service providers to filter private Internet connections in each home to remove all "inappropriate" content in the struggle against child pornography and defamation.<sup>2</sup> More and more democracies draft legislative projects that permit some kind of Internet filtering by distinguishing between "lawful" and "unlawful" content for instance.<sup>3</sup> If the Internet, the so-called "network of networks," is generally hailed for supporting freedom of expression, one should not forget that its technological infrastructure is increasingly used for deciding which content should be publicly available and which forbidden.

The Yemeni journalist and cyber activist Walid Al-Saqaf's contribution explores Internet censorship in Arab countries by discussing the case of a news platform, Yemen Portal. This site engaged in an anti-censorship campaign by providing a tool allowing Internet users to circumvent filters and access censored content online. The case clearly demonstrates that while the Internet can be used to filter or monitor online expressions, it can also be used to circumvent such restrictions and to provide a "breathing space" in oppressive regimes. Nonetheless, the case of Yemen is in no way representative of the entire Arab world in which Internet use remains restricted.

The tension between freedom of expression and freedom of religion is central to the edited volume. It is explored in depth by at least two contributions: Arne Ruth's essay on "Lessons of the Fatwa against The Satanic Verses" and Frederik Stjernfelt's "Pressure on Press Freedom, The Current Religious War on Freedom of Expressions." For Arne Ruth:

Satire and mockery which will be felt as an insult by people who support such values are an intrinsic part of any struggle to change attitudes. Needless to say, my opponents should also be equally free to use insult and irony in their opposition to my values. The disturbance of complacency and the shaking of faith are an intrinsic part of democracy. Symbols and metaphors, the products of millennia of religious thinking, are the public property of mankind, and every individual has the right to use them as she or he likes. The great tales of religion are too important to be left closeted by priestly feelings. (p. 113)

Both authors discuss cultural relativism that "elevates the idea of unconditional solidarity with 'the other' to the position of a dogma" (p. 111) and the practice of self-censorship often adopted by institutions and the arts when dealing with other religions. For Stjernfelt, culturalism that claims "that cultures, rather than individuals, should be given special rights, such as the right not to be insulted, defamed, or confronted with arguments" (p. 137) poses severe questions for freedom of expression.

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<sup>2</sup> cf. <http://www.rsf.org/en-ennemi33177-Australia.html>

<sup>3</sup> cf. Current debates surrounding the Telekoms Package Reform, e.g., [http://www.iptegrity.com/index.php?option=com\\_content&task=blogcategory&id=35&Itemid=62](http://www.iptegrity.com/index.php?option=com_content&task=blogcategory&id=35&Itemid=62)

The final contribution by Risto Kunelius, "Lessons of Being Drawn In: On Global Free Speech, Communication Theory and the Mohammed Cartoons," discusses free speech in the light of communication theory. Limitations to free speech constitute a "rhetorical weapon in international disputes," a "persistent theme of global communication" (p. 139) that have always engendered controversies. And to conclude:

The small but not unimportant task of communication theory is to sustain and develop our ability to rationalize about free speech, to keep elaborating its internal distinctions and tensions and to keep situating it in historical contexts. (p. 149)

As such, *Freedom of Speech Abridged?* is a significant contribution to the debate on freedom of expression, reflecting upon the value of free speech in contemporary societies. This edited volume therefore constitutes an analytical response to the Mohammed Cartoons controversy that deeply marked Denmark, the Nordic countries and the rest of the Western world since their initial publication in September 2005 and in the months that followed.