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Religion and public policy

Free speech, religion and Europe

Tracing liberty's decline

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FOR people in Europe who cherish liberty of expression, this year got off to a terrible start. Over three ghastly days in January, there was a [wave of terror](http://www.economist.com/news/leaders/21638118-islamists-are-assailing-freedom-speech-vilifying-all-islam-wrong-way-counter) (<http://www.economist.com/news/leaders/21638118-islamists-are-assailing-freedom-speech-vilifying-all-islam-wrong-way-counter>) in Paris, claiming 15 lives, as journalists working for the irreverent weekly Charlie Hebdo were gunned down and a kosher supermarket attacked; then in February, [extremists in Copenhagen attacked](http://www.economist.com/blogs/erasmus/2015/02/religion-europe-and-denmark) (<http://www.economist.com/blogs/erasmus/2015/02/religion-europe-and-denmark>) a free-speech debate and a synagogue, killing two people.



Those incidents prompted solemn pledges from politicians to uphold the right of European citizens to express all manner of opinions, including rough-edged ones, as well as people's liberty to follow or reject any religious or philosophical belief. But according to a Danish lawyer who founded a [think-tank](http://justitia-int.org/en/about-justitia/jacob-mchangama/) (<http://justitia-int.org/en/about-justitia/jacob-mchangama/>) with the aim of mounting an intellectual defence of free speech, these promises have been broken. Moreover there has been a clear movement in the wrong direction: "Whether dealing with terrorism, extremism, racism or privacy concerns, the European default solution seems to involve chipping away at freedom of expression," argues Jacob Mchangama.

In a short [essay](https://euobserver.com/opinion/129823) (https://euobserver.com/opinion/129823) published this week, he cites an impressively, almost improbably broad range of examples. Acknowledging a couple of titbits of good news, he welcomes the decisions of Norway and Iceland to repeal their (hardly used) blasphemy laws. But he deplores the fact that his own country has decided to retain anti-blasphemy legislation.

Advocates of liberty, he goes on to argue, should also be worried by Britain's new anti-terror policy, under which the government wants to claim new legal powers to curb the ability of "non-violent extremists" to express hard-line religious opinions. (Similar concerns about the policy have been [expressed by evangelical Christians](http://www.christian.org.uk/news/may-announces-sweeping-anti-extremist-proposals/) (http://www.christian.org.uk/news/may-announces-sweeping-anti-extremist-proposals/), albeit from a point of view different from Mr Mchangama's libertarian secularism.)

Another troubling sign, he thinks, was the recent [announcement](http://www.dutchnews.nl/news/archives/2015/07/austria-investigates-geert-wilders-for-incitement-during-speech/) (http://www.dutchnews.nl/news/archives/2015/07/austria-investigates-geert-wilders-for-incitement-during-speech/) by the Austrian prosecution service that it was investigating whether a Dutch politician, Geert Wilders, might have broken laws against "hate speech" when, on a visit to Austria back in March, he advocated banning the Koran. Both the proposal itself and the Austrian response were repugnant to purists about freedom of expression. Yet another negative signal, in the lawyer's view: the fact that in June, when a Danish Islamist was sent to jail for four years on charges of glorifying terrorism, the mere fact that he had posted Koranic texts on social media was deemed to be acceptable evidence against him.

For Mr Mchangama, it is also worrying that Ukraine has [outlawed](http://news.yahoo.com/ukraine-parliament-bans-communist-nazi-propaganda-115421909.html) (http://news.yahoo.com/ukraine-parliament-bans-communist-nazi-propaganda-115421909.html) (rather than ridiculed) the denial of communists' crimes. In doing so Ukraine disappointed not only Mr Mchangama but also others in western Europe who had hoped to see Ukraine emerge as "a democratic alternative to an increasingly authoritarian Russia". Dubious examples were also being set in long-established democracies, for example Tony Blair's [proposals](http://www.economist.com/blogs/erasmus/2015/06/tony-blair-religion-and-free-speech) (http://www.economist.com/blogs/erasmus/2015/06/tony-blair-religion-and-free-speech) that Holocaust-denial be punished criminally (as opposed to being challenged on intellectual grounds) and the barrier for hate-speech prosecution be lowered. As the Danish lawyer puts it: "If those are the recommendations of a

former British prime minister, who can blame the Ukrainians...?"

Mr Mchangama's perspective would be familiar in the United States, used to the protections afforded by the First Amendment to its constitution, but it is an unusual one in Europe. As a libertarian, he is prepared to defend everyone's entitlement to a stall in the intellectual marketplace, including people with views for which he has no sympathy whatever, from devout Muslims to Marxists to far-rightists, so long as they stop short of advocating violence directly. Europe would probably be a healthier place if more voices like his were heard. It acts as a counter-weight to those who would be too quick to use the force of law to silence opinions which they detest.