

Is it ever right for governments to restrict freedom of speech?

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In 1948, the Universal Declaration of Human Rights (UDHR) was ratified by the newly formed United Nations. The purpose of this formation was to establish and defend “inalienable rights” for every human being and prevent further atrocities, as was seen in the two World Wars just ended. In Article 19 of the UDHR, it states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” As this is one of the basic human rights that “should be protected by rule of law”, the abuse of such would mean a nod at oppression and tyranny. Therefore, governments must never, as far as possible, restrict the freedom of speech, insofar as what is said is within the confines of civil society and not to stir up hatred, intolerance and violence.

The UDHR believes that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,” and over time this document has become the standard for binding covenants instituted by the UN to all its member states for fair administration and good governance. The breach of which will lead to unilateral condemnation by the international community and the resultant trade embargos and sanctions. Although implementation of these laws vary from state to state, the central tenets of this document remain the under girding principles for which governments are encouraged to aspire towards.

Secondly, governments need to cultivate an environment of tolerance within the society, allowing for dissenting views and opinions. Freedom of speech, to some, is integral for the formation a more open society. As Voltaire remarked, “I detest what you write, but I would give my life to make it possible for you to continue to write.” However, if the expression is of intolerance and the intention to rob people of these basic rights and of causing arbitrary harm, these views do not promote freedom and must hence be limited, if only on a case by case basis.

Without freedom of speech, a country can quickly morph into an oppressive regime. Its own citizens will find it virtually impossible to express their thoughts freely concerning issues of justice and equality, where it is possible for two opposing stands to exist. Once the state controls such freedoms, the basic rights for accountability will be denied for citizens who need recourse for justice.

John Stuart Mill argues that 'all silencing of discussion is an assumption of infallibility'. Pride in one's final decisions would inevitably lead to a dictatorial administration which would never have room for the views of the common man. "If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind," Mill reiterates.

As has been proven in our 20th century, the extent of the quashing of freedom of expression- most notably the extinguishing of dissent against the government- has resulted in unprecedented atrocities against humanity. Also, in a local example, the consolidation of media companies in Malaysia in support for the ruling government's viewpoints not only caused a backlash when the people expressed their distaste at the media; it also blinded the government to the sentiments of the people whose very freedoms it chose to limit. Eventually, it became a victim of a wave of anger that cleaned out a lot of stagnant political parties.

The suppression and restriction of basic freedoms to express one's ideas should always be condemned. The regulation of hate and harm towards another should also be part of ensuring that any entity does not impose itself unto another to dominate and deny the other of its basic rights as enshrined in the UDHR. Man has thus enjoyed the freedoms to move about, express themselves and believe in anything they wish to within a framework that engenders growth and knowledge sharing. Such environments must constantly be guarded from oppressive forces.