

# Free Speech Bites



# Jonathan Dimbleby on Free Speech and Censorship

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**Nigel Warburton:** *Jonathan Dimbleby is a well-known radio television presenter and a writer. He's also chair of [Index on Censorship](#). Jonathan Dimbleby welcome to [Free Speech Bites](#).*

**Jonathan Dimbleby:** It's nice to be with you, Nigel.

**Nigel Warburton:** *The topic we're going to focus on is free speech and censorship. Now, you're chair of [Index on Censorship](#), I just wondered if you could begin by saying why you got involved with this organisation?*

**Jonathan Dimbleby:** With the organisation accidentally, because I was asked if I would like to chair *Index*, but my roots, my intellectual roots, are with Mill and Bentham. I was at University College London which Bentham founded, so I was reared intellectually on the principle that freedom of expression was not only a right, but a defining characteristic of what it is to be a civilised individual; and I still hold that view very strongly. *Index* is an organisation which has for a very long time not only advocated but campaigned for the rights of individuals to express themselves freely – except in very clearly specified circumstances which validly diminish the right of an individual to express themselves freely. And that of course is where the difficult territory starts...

**Nigel Warburton:** *It's always struck me that people who care about free expression recognise that it's not a straightforward issue. From outside it might seem if you're for free expression everything goes.*

**Jonathan Dimbleby:** There are very obvious circumstances when you don't have freedom of expression and should not have freedom of expression. When you're at war and lives are at stake directly by releasing information, then you don't release that information, and no one has a right to secure that information, which is why you have spies and intelligences services to get that information from the enemy. That's the obvious extreme case. I think that laws that say that if you express yourself freely you are directly putting someone else's life at risk are laws that we should respect, and honour, and obey. The territory becomes more difficult when the language that people use in expressing their powerful views has the effect of stirring such anger and frustration in those about whom they are using that language... may lead onto violence. Now, laws that circumscribe. or seek to circumscribe, that start to enter very dangerous territory.

**Nigel Warburton:** *So we are obviously letting in dangerous times in a sense because there have been a number of deliberate or accidental provocations, particularly in the area of Islam, where there have been very strong reactions all over the world as a result of the kind of social media that distribute the*

*information about what's perceived as an offence. So are you saying that offence is something we have to be careful about, or that offence shouldn't be considered a ground for censorship?*

**Jonathan Dimbleby:** I don't seek to cause unnecessary offence to anyone: it just doesn't happen to be in my nature, I'm not one of those people who get a kick out of being offensive. Some of the things that I have said and say or write do cause offence. I am very offended when the individual's right to offend even me is denied. That is a major offence unless it can be demonstrated that thereby they are doing damage of a kind that will genuinely put at risk the security, the rights - including the right to privacy - of an individual. So you have a range of very complicated areas if you are going to be serious about freedom of expression. Otherwise you might as well go and howl in the desert and speak freely and cause no one will take any offence at all, except maybe the coyotes and the insects that inhabit the desert.

**Nigel Warburton:** *In the UK we have laws which prevent certain kinds of racism, certain kinds of offensive and insulting language in public; but in the States there's a much greater range of freedoms preserved by the interpretations of the First Amendment. Which side would you say has got it more right?*

**Jonathan Dimbleby:** I tend to be with the Americans with this. I go back to where I started: I believe that it is much more insidious and dangerous to restrict people's right to express themselves freely, if you want to have a society which is healthy, than it is to say 'I loathe what you say and I will argue ferociously against it, I will expose you as a bigot, as a racist, as a creep' - whatever language you want to use - that is far healthier, in my view, than it is to say 'we will put a stopper on this poison by outlawing it.'

**Nigel Warburton:** *So is that the main reason that free speech is valuable, that censorship is more dangerous than free speech? Or is there something about free speech that makes it peculiarly important, say, in a democracy?*

**Jonathan Dimbleby:** No. I think censorship is an inhibition on an intrinsic characteristic of human kind. It is our very essence that we speak freely; it is what distinguishes us. Animals have no rights in that sense and they don't have the ability to express themselves; human beings have the ability, and we have acquired for ourselves over a very long period, the right to express ourselves freely without let or hindrance, unless you can carefully justify it. In the emergence of democracies, in the emergence of free societies, freedom of speech has been at the very heart of that, and at our peril do we seek to diminish that on the grounds that to exercise that right is to threaten the freedom and democracy that we've created, which is that tension between security on the one hand, and freedom on the other. And I think that we are in constant danger of veering towards exercising security to protect democracy when, in my view, the more you impose security the more you undermine democracy.

**Nigel Warburton:** *You mentioned John Stuart Mill at the outset. Now, he set the limit of freedom of expression at the point where somebody is overtly inciting violence. That seems quite a reasonable place to draw a line.*

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**Jonathan Dimbleby:** It's a good place to start. But you're a philosopher, so you know only too well that the philosopher, (I did philosophy at university as well), that philosophers down the years, have modified and sophisticated the Millian position, and I think in a very much more complex world you can't simply leave it like that. So I'm not as absolutist as that: I think there are genuine grey areas. First of all there's how you define the harm that it immediately does to others: is that harm physical damage, is that harm to their rights, is it harm to their freedoms – which it can very easily be? If I acquire information about this or that individual which has no bearing on their capacity to do their job effectively, for instance in public life, I don't think I have a right to expose or comment on the basis of the evidence I have in ways that would do damage to them psychologically, that would damage their children and their families. We're talking about the right to privacy. That territory where we like looking through the keyhole into the private lives of others is territory that comes absolutely into this grey area of what constitutes freedom of expression on the one hand, and the right of an individual to protect their freedom to have privacy on the other. And again, it's case by case this; it's absolutely case-by-case. You can't say here is a blanket rule 'if you are a politician you have no freedoms; if you are a bank clerk you have all freedoms.' If you find out something about a bank clerk's private life which suggests very clearly that he's taking money out of the bank for his own purposes illegally, then it's in the public interest that it should be exposed. Similarly, if a politician is seeking to lay down the law on some issue of public controversy, let's say for purposes of argument he is deeply opposed to gay marriage but is actually conducting a relationship with someone else who is in a gay marriage with someone else, you might think it is in the public interest to demonstrate that there is a hypocrisy at the heart of his public statements - and that would be valid. On the other hand, if a politician is behaving in ways that may offend my morality, but is clearly exercising his public duties responsibly (I don't know why I used 'he' it equally be 'her' in this case). And usually it's down to the sexual life, that's the key fascination. If it's financial corruption that you're exposing, there's no problem. But if it's the sexual proclivities of an individual in private I don't think that is the territory in which we should dabble. And, indeed, I would like it to be clear that that right to privacy that the individual has should be understood by the media. That's going to be the big territory after Leveson: how do we protect the individual's right to privacy in all the ways that have been explored by Leveson without imposing some draconian legislation which has the effect, maybe unintended effect, of inhibiting proper, valid exploration of all people's lives, all holes, all corners of society, in what we like to call the 'public interest'? So these are very difficult areas, and that's why I come back to the general proposition: it's easy if you go back to Mill and say 'well it's a nice simple decision to be made whether or not there is individual immediate physical harm as a result of what you say' and say that, that's not quite good enough for the modern age. That is particularly true in the very complicated world of Twitter, of social networks, et cetera. But the territory that is much blacker and whiter, if you like, is the international territory which *Index* is very much involved in, where people suffer immediately for expressing themselves in ways, which we think, are absolutely vital. If we are to have a healthy society. They get tortured, they get killed, they get terrorised, they endure horribly in very many parts of the world for seeking extraordinary tenacity and courage to say things that need saying. And that's so easily in the black and white territory that it hardly needs discussing.

**Nigel Warburton:** *Can we go back to the comments that you were making about the media. It strikes me that you were making a passionate case for self-censorship, not for laws which prevent people disclosing facts about others' private lives, just the sense that it's part of the role responsibility of a caring or intelligent journalist not to pry when that's not actually directly relevant to the job in hand.*

**Jonathan Dimbleby:** I do think that that's right, but I'm not sure how you ensure that that self-censorship operates effectively. I've self-censored myself in the past in ways that I believe was right. In writing a biography of the Prince of Wales I came across a lot of information which I could have put into the book which I decided not to because I thought it was unwarranted intrusion and was in a way defiling the relationship which had allowed me to find out that information, and therefore I didn't yield that information, and have not since, and would not. In a rather different case, writing about the last five years of British rule in Hong Kong and Governor Chris Patten's role in that, I came across information that was extremely damaging to the British Government before Patten went, and I wrote about that and I did not yield the source, although it was said that the intelligence services were extremely interested to find out what the source was. And I didn't do that because, like every other journalist, you protect your sources. Well, that is a form of self-censorship because, of course, the information is much more interesting if you can say 'X or Y told me this', or 'I got it from this document'. So you impose self-censorship. I believe the same self-censorship should be imposed in the areas where we can agree that there's a legitimate right to privacy. To say that because people are interested, we all acknowledge, does not mean it's in the public interest. To say that someone is in public light and therefore their private life is fair game, we all agree, is simply not on. We have areas which are already absolutely illegal; the phone hacking is an example: that is a criminal act and quite rightly so. It is an 'invasion' in inverted commas of the freedom of expression of someone who has invaded that right to privacy. But that right to privacy far, far exceeds the right to express yourself freely having hacked into someone's messages. The problem with just relying on the good will of fellow hacks to exercise self-censorship when the pressure to deliver stories are so great is where the problem comes – achieving self-censorship. Whether you can do it without some kind of statutory framework I'm not sure, as a back up. My huge preference is for, I never quite thought I'd find myself saying this, something along the lines the head chief of the *Daily Mail* is proposing, which would have internal sanctions that all media sign up to. So you need some framework, you clearly have to have, a framework which is beyond the Press Complaints Commission which no longer has credibility.

**Nigel Warburton:** *Isn't the problem partly to that we now live in an age where there isn't such a thing as a professional journalist in the way there is a professional surgeon, that almost anybody can set themselves up as a citizen journalist and publish very swiftly to a large number of people almost anything?*

**Jonathan Dimbleby:** You can have trained journalists who behave like eels, and monstrously, and you can have untrained journalists who behave like angels. So that isn't the big thing for me. And in terms of online, whether it's Facebook or tweeting or whatever it is, we've got to learn to live with that. The DPP is being very alert and astute about this, he's saying you have to have a context: if people are deeply offensive – if there's some tweet that is racially offensive or a tweet that is homophobic about a famous person, we just have to live with that nastiness, in my view, we have to

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live with that nastiness. If there is a campaign, by a small group, of lies about an individual which is damaging that individual, that individual needs to have recourse; but we have to be very aware that there are tens of millions of tweets going around the universe every day and to think that you can police that as a single state is to live in cloud cuckoo land and we shouldn't even pretend that we can do it. We have to learn to live with that. Again I come back to Mill: Mill believed, and Bentham believed, that in the end, if you allow people to express themselves the good argument will triumph over the bad argument. I've always believed that, and I still believe it. Sometimes it ends in something called compromise, which is not a bad thing. But generally you have to allow arguments air time, 'you' have to allow...It's interesting that I say 'you' have to allow. Who is allowing? By what right? The state? On whose behalf? On what criteria?... The essence of freedom of expression is to say unless you can demonstrate to me that I am seriously undermining the rights of other individuals to express themselves freely in their free society, then you may not interfere with my right to say what I want to say.

**Nigel Warburton:** *Mill went even further, he said that the dissenting voice has more value than the orthodoxy, so that the person with the outrageous idea stimulates us to think for ourselves, not just to accept ideas off the peg.*

**Jonathan Dimbleby:** I think that that can be true and untrue, with great respect to the great man. Clearly the unorthodox view, the contrary view, forces those who hold what is the conventional - and the conventional view changes of course over time because of the unorthodox views. But the unorthodox view, if you like, I mean, I use the obvious crude example, the unorthodox view held by Adolf Hitler did not seem to be beneficial because in the end we just decided that the Holocaust was a bad thing. I put it crassly on purpose as it were. That was an unspeakable humanity inspired by unorthodox views, so I don't go all the way.

**Nigel Warburton:** *Well lets take a more recent act of genocide, the role of the Rwandan radio in promoting an environment of thought within which genocide was thinkable is really controversial because there were comments about filling graves and people as cockroaches which clearly had a causal effect on what happened, and yet it would have been difficult to say that was inevitable that would have happened. So people who defend freedom of speech would have said 'well, look these 'shock jocks' essentially on the radio had the right to express their venomous thoughts about the Tutsi because it wasn't direct provocation to violence in some cases. But it was creating this feeling that they were legitimate objects of attack in just the same way that in the lead up to the Holocaust there were incredibly venomous cartoons and articles published about Jews and about others that created an environment within which genocide became possible.*

**Jonathan Dimbleby:** I think this is really important and difficult territory. Any civilised individual is appalled by that shock jock stuff from Rwanda, for instance: it's unspeakably hideous. I tend to think this is where you have one of these really difficult areas and what you have to somehow do is to find a way of linking that incendiary broadcasting to its likely outcomes. And if, as a sentient broadcaster, you know that it is likely that it might have this outcome, then there should be – I mean obviously

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British broadcasting where you live in a free society constrained by statute of law it would not happen because you don't seek to cause offence while defending other peoples right to cause offence, to put it in its mildest in that way - the difficulty is, if you then start to say 'well it is conceivable that this might cause offence and therefore it should be outlawed,' in my terms that is saying that you have gone too far. If on the other hand you say 'when you speak publicly on the media or in any other forum you had good reason to believe that a likely consequence would be violent behaviour then you should be subjected to some kind of constraint which would put the requirement on you to demonstrate that it's in the public interest to say that'... I do think this incredibly difficult and important territory: it goes right to the heart of the sort of challenges that we are facing now because there is a tendency, it is a sort of understandable tendency in my mind in a way, for authorities to say because they genuinely want (you know, this is away from secrecy, this is away from protecting secrets that should not be protected, it's not freedom of information this, it's not *that* territory): this is a state saying 'we know as a state, we believe on the basis of the intelligence that we have about how this state operates, that if someone says this the likely consequence is that there will be violent demonstrations in the streets which will be a major public disorder.' Therefore their tendency will be, is already, is to say 'we must outlaw anything that could have that outcome'. That's very slippery route because then the state will start to find itself saying 'well, actually this inconvenient, this is tiresome, therefore we will stop it'. We got quite close to that with the placards and the voices on Iraq outside Parliament: I thought it was quite wrong however inconvenient, and however unpleasant and tiresome – and I found it very tiresome - to strangle that long tradition of the right to use dissent. Now, of course, you can't fill the whole of Parliament Square with a million dissenting voices because that creates a public order issue, but that wasn't the issue because there wasn't that kind of problem there. It was an irritation, it was despoiling the square, so you could say that it was undermining others' individual rights to move freely through a square where there was only traffic noise rather than people shouting. But that wasn't good enough as a grounds, and I think that a lot of politicians realise that, incidentally, and maybe have second thoughts about it in their own minds even though laws were used to quieten that sound. But I think at our peril do we say 'because saying A *may* bring about B we must stop A.' You have to be able to say that the person uttering A or writing A, if that person intended to provoke a violent response then legitimately, if there's intentionality, then the law has a part to play. Again it's on a case-by-case basis, incidentally, and is usually in the criminal law, used on a case-by-case basis. If you say, in changing circumstances, by saying this you knew that it was likely to have this response even if you didn't necessarily seek to arouse that response, then I think there is space there for the law to say 'this is a step too far'. Now, some of my colleagues will think I have gone too far in terms of constraint, or proposed constraint, in even saying that. But I think that this is the grey area where people have slightly different views. There is a balance between protecting the rights of the individual to say what they wish however much offence it causes, and the rights of society to be protected from violence. So this is a real tension. The real problem is that the securicrats want more and more security on the grounds that it protects freedom; where those of us who believe that without freedom you don't have security think that we are threatened by too much constraint on the freedom expression.

**Nigel Warburton:** *If I were to burn a Q'uran that could either be a deliberate incitement to violence and it would almost certainly have that effect; but if I innocently did it, it would almost certainly have that effect too. So in a sense the authorities are right if they want to minimize violence?*

**Jonathan Dimbleby:** That's too black and white as an example. If I'm having a bonfire of my own vanities and I happen to burn my copy of the Q'uran alongside my copy of the Bible, I think I have a right to do that with impunity. The fact that I cause offence, grievous offence, should not be taken into consideration; otherwise, why should it just be those who care strongly about, I don't know...what happened if I do it and I arouse the outrage of someone who believes that *Bleak House* is the best novel in the world? Should I not be able to burn my tattered copy of *Bleak House*? That lack of intentionality is important. I think that we have the laws already. If I take a copy of the Q'uran (which I hasten to add I wouldn't do) and go into a public place and announce that I'm going to burn a copy of the Q'uran because I have contempt for Islam and contempt for Muslims, and cocontempt for the Prophet, I would be almost immediately subjected to a Public Order Act because I would be causing public disorder, almost by definition. So the law is there, we don't need anything more than that, but the police need to interpret that act with a great deal of sensitivity because of course it can be used in a very draconian way so that you actually silence proper protest if you are not careful. And in some cases we have got rather close to that. You have to be very careful. The law is there; it's the interpretation of the law that matters. We do not need new legislation, in my view, but I think that there is going to be quite a lot of pressure to have new legislation to make it easier for those who feel that democracy is threatened by the violent acts of those who oppose democracy, to impose greater constraints on those who are protecting democracy.

**Nigel Warburton:** *Well isn't this just the 'hecklers' veto'? There's a sense in which the most threatening heckler acts in the same way as prior restraint would act because they do things which stop you feeling free to express your own opinions.*

**Jonathan Dimbleby:** You're absolutely right, of course, that is the problem that we live with. I remember a very long time ago at a meeting, I was very active in the university in various forms of public meeting, and we had a meeting at what was then called the Anti-Nazi League, and the National Front came in and behaved very sensibly to start with. Everyone had a time limit on the speeches and then the head of the National Front, very disgusting man, came up and delivered himself - this was before it was illegal, this is a long, long time ago - of disgracefully racist remarks. He was allowed to say them, although there was large pressure within the hall for him to be silenced, he was allowed to say them. He went over his five minutes. And he was stopped because he had violated the rules of our public meeting at that point, and he had deliberately done that in order to therefore to protest as he was taken out by the police who were there because he was in the process of causing public disorder. Now that is a very British way of dealing with 'voices off' that could easily be 'voices on' if they are given total freeway because then they bully themselves into our lives and become the hecklers who take over. But heckling is healthy. Heckling is very healthy! Our politicians don't get enough heckling. It's so entertaining to me how easily upset politicians are today by hecklers on programmes like 'Any Questions': not upset in the sense that they show it, but in the sense that they flounder when someone starts to heckle; whereas in the old days, days of Harold Wilson, Macmillan and before, heckling was part of what it was, and you went back and it

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was to and fro between the audience, that was far healthier because you had public meetings where heckling happened. We live in a very different world now. We all live in our private space, even when we are in public we live in a kind of private space because we are doing it like we are now in a conversation between us in a room in my house. We're not talking in public. Incidentally – and this is slightly off the point - this is why public meetings, when they do happen in public debates, are so popular. Now, those forums are the ideal of the democratic society where hundreds of people come together to listen to fierce antagonistic debate on issues of substance. We don't have nearly enough of it, we don't have enough of it incidentally in broadcasting, not nearly enough of it, because that is the heart of a healthy society. Outside that, you have a set of dilemmas. And I have inadequately tried to say that I don't have easy answers to some of these dilemmas, because I don't think there are easy answers, but when in doubt you should be on the side of freedom of expression, because then you are on the side of democracy, you are on the side of civilisation, you are on the side of what distinguishes humans from beasts.

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