

Free indeed

What the Bible teaches about free speech

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The Bible views human freedom as a highly valued privilege in the sight of God (Exod. 20:2; Lev. 25:10; Deut. 30:19; Isa. 61:1; Deut. 30:19; Josh. 24:15; Matt. 11:28; Rev.22:17). One significant aspect of this freedom is the ability to express ideas freely and attempt to persuade others of those ideas. Respecting such freedom amounts to an ability to think and make decisions freely and for ourselves, meaning that we must be able to have access to arguments on all sides of an issue.

Of course, freedom of speech can never be absolute. There have been categories of speech that are not protected by the law. There is a very good reason for this. For instance, speech that is patently false and objectively harms the reputation of another person should never be legally acceptable. Laws against libel and slander fall under this category. Other categories are inciting violence that promotes riots on the streets and directly causes immediate harm to many people, plus obscenity and child pornography.

Because we live in a fallen world, the tendency to sin is in the heart of every human being (Rom. 3:23). We need freedom of speech to prevent the abuse of government power. When individuals obtain power there is always a temptation to use that power not for the good of society, but to benefit themselves. As Lord Acton stated, "power corrupts and absolute power corrupts absolutely". Since power tends to corrupt (1 Sam. 8:11-17; 2 Sam. 11:1-27), if a society

safeguards freedom of speech, then government becomes far more accountable to people. They will be able speak out and criticise the government.

The Bible contains significant passages indicating that government should be chosen by the people (Gen. 1:27; Exod. 4: 29-31; 2 Sam. 2:4; Rom. 13:4). If our political leaders are to be chosen by the people, everyone must be able to freely express his/her own ideas about government policy. This is why freedom of speech is so fundamental to protect democracy itself. Without freedom of speech, governments could easily suppress political dissent and prohibit anyone from being able to express his/her views in public. In such case, a true democracy would cease to exist.

In the past 20 years many Australian governments have enacted laws that severely restrict freedom of speech in various ways. Likewise, Australian universities have "speech code" policies that are used to severely restrict free speech, including religious speech. Whereas previous restrictions of freedom of speech targeted only speech that could cause immediate harm to other people (such as slander or inciting to violence), these new rules severely restrict any speech that potentially cause "offence" to someone else because of their race, gender, religion, disability, national origin, and/or sexual orientation.

The undesirable outcome is aggravated by the notion of "being offended", which is remarkably vague and highly emotive.

According to Albert Mohler, "desperate straits are no longer required in order for an individual or group to claim the emotional status of offendedness". All that is needed is the vaguest notion of emotional distaste at what another has said, done, proposed, or presented. Hence, Dr Mohler concludes: "Being offended does not necessarily involve any real harm but points instead to the fact that the mere presence of such an argument, image, or symbol evokes an emotional response of offendedness".

While the idea of inciting violence links the expression of thoughts to actions, the existing anti-discrimination laws in Australia allow the state to demarcate the things that citizens are allowed to say.

This amounts to the fabrication of a new crime of conscience and opinion similar to the crimes committed by "enemies of the regime" in the former Soviet Union. It is indeed one of the greatest ironies of the recent past that neo-Marxists and postmodernists have convinced our governments to abandon freedom of speech, whereas the oppressed people of those unhappy countries with official Marxist ideologies have never achieved any reasonable form of free speech.

Passed with the pretence of inhibiting intolerance, one of the most effective means by which freedom of speech can be silenced is under the cover of laws against discrimination. A leading example is section 18C of the Federal Racial Discrimination Act 1975. Under s18C it is unlawful for a person to do an act

(other than in private) if the act “is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate” a person where the act is done “because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group”.

This is an extremely broad prohibition which represents an extraordinary limitation of freedom of speech. This “hurt feelings” test is far below the defamation threshold which normally applies when a person has been brought into “hatred, ridicule or contempt”. Rather, the key words used s18C – “offend, insult, humiliate” – are imprecise and largely subjective. Attempts to define these words have become “a circular and question-begging exercise”, and so the courts have notoriously struggled to provide a sufficiently certain standard for decisively identifying “insulting” speech.

To make it worse, under s18C the courts are instructed to approach the conduct in question not by community standards but by the standards of the alleged victim group. Testing to the standard of the “reasonable victim” lowers an already minimal harm threshold, adding further imprecision and uncertainty, thus increasing the section’s potential chilling effect on speech. Of course, this goes in line with the morally

relativistic tendency to “minimise cultural differences” as a way of “celebrating diversity”. In my view, however, the use of ordinary community standards is a more appropriate test to be applied in this context.

Although Section 18D of the Act provides for a range of exceptions to s18C, with the overriding qualification that the acts in question must have been “said or done reasonably and in good faith”, such qualifications are ambiguous and mean a judge could decide some speech on political, social, or cultural topics didn’t actually qualify for the exemption. Without clear and defined legislative terms a judge may eventually exercise excessive judicial discretion. That being so, any person who truly favours freedom of speech ought to be extremely sceptical of legislation that allows our unelected judges to pass subjective judgements on the value, morality, or ethics of any particular statement.

Various kinds of restrictions on the speech of Christians and others with conservative moral views have often been the result of anti-discrimination laws in Australia. Their offence is exercising and protecting their individual conscience by refusing to agree with something they consider morally objectionable. Because of such laws, sometimes Christians have been penalised for simply expressing

their personal beliefs or attempting to share their faith with others. In other cases, they have been unfairly penalised for merely expressing Christian moral values, such as a conviction that homosexual conduct is not endorsed by Scripture or supporting the traditional definition of marriage as between one man and one woman.

Almost uniformly, these existing provisions constitute a wrongful restriction of freedom of speech. For the last 20 years or so these ill-conceived laws no doubt have contributed to a remarkable muzzling of Christian values. Furthermore, these laws effectively indoctrinate people in a certain way of thinking. The dirty little secret is that such laws have nothing to do with effectively stamping out unreasonable discrimination, or with reducing the number of murders and bigotry in this country. No, such laws were enacted to suppress conservative views as well as to make certain societal groups more valuable than others in the eyes of the law.

This is why it is perfectly reasonable to sustain that the existing anti-discrimination laws in Australia are morally wrong. These laws not only violate the biblical mandate of freedom of speech, but they objectively constitute a gross violation of the implied constitutional freedom of political communication. If this freedom of political communication – which has been fully acknowledged by the High Court – does not fully protect public speech that other people find offensive or objectionable, then it is not freedom at all!

Any speech, in order to be properly restricted by law, needs to directly cause actual harm to another person, as inciting to violence or riots on the streets for example. Christians should resist the temptation to cooperate with those on the fashionable end of the political spectrum who promise that their policies will actualise a utopian vision of society. As we learnt all too well from the bloody 20th century, such utopian visions of the benevolent state and its all-encompassing powers never end well – quite to the contrary.

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