
The Scope of Tolerance

Raphael Cohen-Almagor
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Subtitled *Studies of the Cost of Free Expression and Freedom of the Press*, this is the third in Cohen-Almagor's series exploring the boundaries of free expression and whether there are limits to the scope of tolerance.

Free expression of opinion is central to western democratic thought. But should there be limits to what can be said and what can be tolerated? To what extent should people who take offensive lines of argument on matters such as racism or pornography be allowed to limit the freedom of speech of others?

Cohen-Almagor concentrates on some of the key issues in this debate: tolerance; and the limits of free expression in such matters as intrusion of privacy, racism, political extremism, hate speech and terrorism. To illustrate his arguments he selects examples from a number of differing western-style democracies, around Europe and North America but concentrates particularly on Canada, USA, UK and Israel.

Whether discussing the media's intensive coverage of Princess Diana, or the activities of the extreme right-wing Israeli politician Meir Kahane, Cohen-Almagor's presentation of a carefully and precisely considered argument about the limitations of freedom and the drawing of the boundaries of tolerance are extremely illuminating.

He opens up the book with a discussion about tolerance. Tolerance, he identifies, can be prudential or principled. Not surprisingly, he is only interested here in principled tolerance. He

identifies a scale of tolerance from weak latent tolerance to strong manifest tolerance. By this he identifies that tolerance allows the views that the tolerator opposes to be expressed either without protest, or with some escalating level of protest.

He, therefore, seems to identify three levels of expression of views: those with which a person might agree or at least be indifferent to, those with which a person might disagree but would tolerate with varying degrees of protest, and those that are so beyond the boundaries of free speech that they offend normal sensibilities and should be prevented. Whilst his discussion of the first two categories is extremely stimulating, it is the discussion of the third category that takes up much of the second half of the book and is the most enlightening.

It is an argument that every liberal thinking person has struggled with. If we allow freedom of speech and freedom of opinion (and with them the freedom of the media) are there any subjects that should be censored or banished? It is a debate constantly at the forefront of politics, and of crucial importance since the terrorist attacks of 9/11. The rise of violent action and its encouragement by a number of activists – 'pro-life' groups in the States, animal activists in the UK, consistent terrorism in Israel and now the rest of the world – has led to a rethinking of the tolerance of extremist views and, more importantly, the incitement to violent action in support of those views.

Society's view has clearly shifted over the past 20 years with more support now for lawmakers seeking to prevent free speech in these sorts of area, usually through anti-terrorism acts. In Cohen-Almagor's view, the offence to sensibilities argument is one that can be extended beyond physical harm to the area of psychological harm: 'If the content or manner of expression is designed to cause severe psychological offence against a target group, and the objective circumstances make that group inescapably exposed to that offence, then the expression in question has to be restricted.' (p107)

Cohen-Almagor notes the difficulties in using this argument arising from the difficulties in measuring emotional distress, but is still confident that serious offence to sensibilities could be as damaging as physical harm, demolishing with sound argument my

grandmother's contention that 'sticks and stones might break my bones, but words will never hurt me'. As he explains, it is one thing to allow the publication of Salman Rushdie's *The Satanic Verses*, but quite another to allow the book's promotion in the Pakistani neighbourhoods of Bradford.

With its well-thought-through chapters on incitement, hate speech and terrorism, this is a book that needs to be read by all those

interested in the philosophical principles of human rights and free speech. Many commentators have stated, often rather dramatically, that nothing will ever be the same after 9/11. In this debate, however they are right. The boundaries of free speech are now ones that all interested in liberal rights need to examine very carefully.

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