



Extremism: A Warning from History 'Legislating for Tolerance'

Sir John Laws, Cumberland Lodge Visitor
Cumberland Lodge 6th June 2017

- 1 In the aftermath of the barbarous murders in Manchester and London a priority of government, police and the security agencies will be the development of improved practical measures. To that I can contribute little or nothing; though perhaps I may express my agreement with Clare Foges in yesterday's Times and Lord Carlile reported in yesterday's Sun, both urging the re-introduction of control orders. All I have to offer are some reflections on the nature of extremist thought and the continuing importance of free expression – not least in response to a definition of extremism which was proposed by the government in October 2015, when its new 'Counter-Extremism Strategy' was published. I will come to that. But I will start with the nature of extremist thought.
- 2 Some extremists, no doubt, are simply thugs, with a noxious hate of decent society. Many will be persons of low intelligence, easily trapped in false dreams peddled to them by others. Some, perhaps many (and I understand this is attested in some of the literature), are mentally disturbed or mentally ill. But others still have got there by some kind of thought process, an odyssey of belief. I would think they include the leaders, or those who become leaders, of terrorist groups or organisations. I have nothing to say about the treatment of thugs or the mentally sick. But the thought processes of the others have a particular quality, which tells us much about the nature of extremist belief. I recognise of course that you cannot simply divide extremists into four groups, the thugs, the stupid, the sick and the thoughtful. Some are driven by lust or greed; some of the supposedly thoughtful are more, or less, thoughtful than others. But I think it possible to identify the species of thought lying behind forms of extremism which have led to lethal terrorist crimes. Exposing the barrenness of extremist positions may play its part in extremism's defeat.
- 3 Most extremist positions rest on a command theory. The views the extremist holds are generally dictated by the supposed command of someone else – God, or the dear leader, sometimes a long dead dear leader. But this command theory rests on a logical mistake. The bare fact that X commands you to do Y cannot of itself entail that you should do it. It is an instance of Hume's Law: you cannot derive an ought from an is¹. The proposition that X commands you to do Y is a synthetic proposition, a proposition of fact – an is; no normative proposition – no ought – can be deduced from it. The bare existence of a command by X is thus of itself no basis whatever to require obedience by Y. There must always be a higher premise. The higher premise must rationally justify an obligation to obey the orders of X. There must be such an obligation if there is to be any question of a duty to obey any particular command issued by X. This is true whatever the identity of X. X cannot himself provide the premise. He cannot say, 'Obey me, because I am me'. The premise, the obligation, must lie outside him, and is logically prior to him. The logic is the same whether X is God or man.
- 4 This gives the lie to the absolute authority of the book, whether it is scripture or politics. It is an

¹ I See Hume, Treatise of Human Nature, III i. 1. See also K. R. Popper, The Open Society, vol. I pp. 50 – 53, and compare G. E. Moore's "naturalistic fallacy": Principia Ethica, Cambridge 1903.

uncomfortable truth for anyone, Christian, Muslim or any other, who takes a strict or literal view of scriptural authority. The difficulties are mitigated in the Anglican tradition by its threefold appeal to scripture, tradition and reason, which Richard Hooker, appointed Master of the Temple in 1585 and perhaps the greatest of English theologians, brought to its flourishing in his great work, *The Laws of Ecclesiastical Polity*. I think some other religious traditions may have been less fortunate.

- 5 The source and identity of the higher premise, how to find the obligation to follow a code or rule of behaviour, is of course the stuff of moral and political philosophy. Plainly we cannot fish very deeply in those waters today. I will only say that moral principles are forged not by evidence, not by logic, though both of course come into it. They are built and honed by arguments: arguments about how we ought to behave. Such arguments are not forged in a vacuum. They are shaped by three signal features of the human condition, of which I have written before². (1) Man is a rational being. (2) He is possessed of free will. (3) He lives in community with others of his kind. The first of these – reason – is manifestly not true of every human being, but it may be regarded for present purposes as the default or paradigm position. The second – free will – is a philosophical claim which assumes that the theory of determinism is false; and for present purposes I am going to have to take this for granted. The third – community – is, in the developed world, simply a factual truth.
- 6 These conditions require us to come to terms with each other. At every turn the individual is faced with choices which affect his fellows, who will judge him, and make their own choices. Such judgments and choices define the culture in which their makers live. They – we – must face cruelty and selfishness, in ourselves and others. Unless we build our culture on such ideals as self-restraint, honesty, mutual respect, and fair treatment, we have no hope of being at peace with each other or ourselves. We cannot live in a free society without these values, save at the price of endless insecurity; each person would fear his stronger neighbour; the currency of all our dealings would be brutality and distrust.
- 7 But this is nothing to the extremist. He has no higher premise other than ‘Obey me, because I am me’. This is not just a logical mistake. It is morally crippling. If, as some Muslims believe, there is a god who commands his followers to kill unbelievers, it would be their duty to disobey him. Such murders are wicked whether or not there is a god who enjoins them. If you take your morals entirely and uncritically from an external source, your own reason cannot moderate them; they are simply given to you. You cannot tailor your judgment in the light of experience; you cannot discard a failed principle in favour of something better, more humane. There is no scope for a self-correcting discipline. A doctrine, a belief system, arrived at uncritically as an act of supposed obedience, is of its nature prone to unreason. It is like a body with no immune system. It may be dictated to the believer on pain of unspeakable punishments or in hope of blissful rewards.
- 8 It is, I would accept, logically possible that such a belief system might possess some benign content. Some religious fundamentalist positions do so. But there is a very high probability of the opposite. For want of any higher premise grounded in reason, free will and community, the extremist’s doctrine is of necessity uncompromising and absolutist. It is therefore overwhelmingly likely to be brutal and inhumane. Worse: because the extremist is deaf to other voices, entertains an ineffable confidence in his own rightness, he will seek to fulfil his poisonous doctrine by whatever means it takes. The murder of children becomes a justified measure.
- 9 In light of all this, see how important is the value of free expression in confronting extremism. The central idea of human freedom is, I think, the idea of choice, and the maximisation of choice. But the extremist, whose doctrine is arrived at uncritically as an act of absolute obedience, has deprived himself of the power of choice. He is profoundly unfree. He does not truly choose what religion he will practise, what politics he will follow. In effect they are dictated to him; at any rate, he accepts them blindly. At most he has made an initial choice, but it is only to expose himself to the blind duty of obedience. He is, so to speak, a billiard

² *The Constitution: Morals and Rights*, [1996] Public Law 622.

ball rather than a cue. Choice is not choice at all unless it is informed and rational choice; informed and rational choice is impossible, or at least hopelessly diminished, without the free exchange of ideas; and the free exchange of ideas of course requires the institution of free expression.

- 10 The power of choice is integral to the development of a humane and balanced morality, personal and political. If there is to be any rational argument with people tempted to extremist positions – and there are surely those who are on the edge between reason and unreason, who might be persuadable – free expression, the necessary companion of rational choice, is a critical weapon in the armoury.
- 11 And free expression means that we have to permit the expression of vile opinions. I recognise that is not so simple and straightforward as it sounds. There are of course important and obvious limits. Incitement to violence, threats to kill, forms of expression including pornography which abuse children – these are uncontroversial examples of justified prohibitions. Children and some categories of vulnerable adults have to be protected from exposure to the evil advocacy of extremists, and that must involve the curtailment of free expression. The nature and extent of such protections no doubt require careful and sensitive judgment. But the principle is clear: vile opinions are not to be suppressed simply because they are vile, but challenged – challenged by the exchange of ideas. Free speech is the oxygen in which these exchanges happen, in which ideas are tested. Values such as self-restraint, honesty, mutual respect and fair treatment, founded as they are on reason, free will, and living in community – demand that we live with, and embrace, all the inconveniences and discomforts of liberty. Extremism and freedom are enemies, not just because extremist ideas are usually brutal and inhumane, but because freedom and extremism are on opposite sides of an unbridgeable philosophic divide: the divide between having and lacking the power of reasoned choice.
- 12 In light of all this, let me return to the government's proposed definition of extremism, set out in its 'Counter-Extremism Strategy'. Here is the text:

‘the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs’.

In his Report on the Terrorism Acts in 2014, published in September 2015 a month before the government's new strategy, David Anderson QC, then the Independent Reviewer of Terrorism Legislation in succession to Lord Carlile, considered the relationship between terrorism and extremism. He suggested that whilst the State is entitled to use all legitimate means at its disposal to counter violent extremism, non-violent extremism requires much greater caution. He said:

‘[T]he response of a vigorous democracy to bad ideas is to take them on, outsell them and eventually consign them to history. The Government may need to protect the vulnerable from indoctrination and intimidation, whether in schools, prisons or even the family. As well as putting its own views forward, it may facilitate “counterspeech” by others. But the powers of the state to suppress the expression of religious and political views, for reasons other than the prevention of violence or abuse, have traditionally been very limited.’

- 13 Characteristically, David Anderson uses considered and moderate language. It seems to me, however, that we need to be especially muscular and positive in rejecting, at least severely curtailing, the idea that free speech should be suppressed in order to up the stakes against extremism. I have said that free expression is a critical weapon in the confrontation of extremism. But there is more: to suppress free speech would be to adopt the extremist's own philosophy: crush the ideas of others so as to promote your own.
- 14 Free expression would be threatened if the government's proposed definition of October 2015 were carried into law, especially if it were backed by compulsory prohibitions. Consider the government's use in its definition of the adjective ‘vocal’ – ‘the vocal or active opposition to our fundamental values’. Active opposition is something else – at least if it involves incitement to break the law, and in particular to commit

offences of violence. Then it is readily justified. But are we to prohibit speech solely on the basis that it preaches against democratic government, or demands condemnation of one religion or another on doctrinaire grounds? Are we to smother opinions because we think them misguided or worse? That is precisely what the extremists do, or would if they could. Consider what Amy Buller said in the Preface to *Darkness over Germany*. She was writing in September 1943:

‘... [I]n some quarters in this country there are those who seem to suggest that for the Nazi control of men’s minds and spirits we should substitute a United Nations control of the minds and spirits of the younger generation in Germany. It would be interesting to know by what machinery anything so fantastic could be attempted and whether the United Nations would then produce a new kind of Gauleiter and Gestapo to ensure that school and home and church were all faithful to the prescribed doctrine.’

- 15 The maintenance of free expression subject to proper and careful safeguards has to be vigorously maintained in the moral and practical battle against extremism. But it is threatened today in the United Kingdom on two fronts. One threat comes from the spurious appeal that we should shut down the expression of opinions which constitute, as the government definition has it, ‘vocal... opposition to our fundamental values’: crush the ideas of others so as to promote your own – the creed of the extremists themselves. The other threat is more insidious, and in a sense the opposite of the first. It consists in a reluctance to challenge ideas which may lock into extremism.
- 16 In the United Kingdom today liberal thought is too often uncomfortable with the idea that religious opinions are, or should be, as open to vigorous debate and disagreement as political ideas. Religion is not like politics. Its truth is held to be sacred, inviolable. To some believers, if their faith is assaulted, certainly if it is ridiculed, that is blasphemy, or at any rate is to be treated not as matter for legitimate argument, but as outrageous: a hurt not only to the believer, but to his god. Faced with such towering objections, the free thinker sometimes wilts. Hardly realising it, he begins to share the ground trodden by religious zealots: that is, he begins tacitly to accept that there must be something wrong – so wrong, perhaps, that it should be stopped – in the making of attacks on religious faith which are so vigorous, so scornful, that they excite such furious opposition.
- 17 But it will not do. Fury or no fury, the truth that the value of free expression is the oxygen in which ideas are tested applies as surely where the belief is religious as where it is political. The right of the believer to express his belief is no bigger than the right of the unbeliever to attack it. The violence of the believer’s objection to the assault on his belief cannot justify its being proof against assault. That way lies nothing but the appeasement of extremism. A claim that the belief is true cannot justify a right in the believer not to have his belief attacked. That way lies nothing but a rule that the loudest voice prevails. A supposed justification based on a claim that the belief is sacred is even more dangerous. That way puts unreason on an unassailable throne. There is no escape from the necessity that critics and supporters meet on equal terms.
- 18 In the realm of free speech, then, no one is master. But this important principle is under attack. It is under attack in some of our universities, where so-called safe spaces deny a platform to unpopular opinions. On a wider canvas, Dame Louise Casey’s Review into Opportunity and Integration, published in December 2016, describes instances in which persons with public responsibilities have failed to speak out against harmful practices out of fear or cowardice.
- 19 Consider these twin, but opposite, assaults on free speech. One – illustrated, I fear, by the government’s proposed definition – plays into the extremist’s hands by abandoning our values and adopting his: crush the ideas of others so as to promote your own. The other plays into his hands by leaving his ideas alone; by a failure to challenge and confront their creeping influence. Is it too much to ask that on both fronts we should steer in the right direction?