

Introduction

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Introduction

LISA DOWNING

This collection is dedicated to the memory of our friend Keith Reader, a free thinker and *unoriginal*.

The articles gathered together in this volume reflect upon the notion of freedom broadly – and of freedom of expression in particular – through the lens of concepts and insights from Modern Critical Theory and the continental philosophical tradition. Some articles revisit the works of key names of critical theory (Michel Foucault, Jacques Derrida, Judith Butler) to shine fresh light on conceptual understandings of ‘freedom,’ examining how they articulate it, how they arrived at it in genealogical terms, or how it resonates beyond their own corpuses. Concepts and ideas from Critical Theory are linked to live, contemporary debates, for example those concerning academic freedom in universities; questions of sex and gender, and how understandings of them potentiate or limit individual and group freedoms; and the contested phenomenon of ‘cancel culture.’ The tools of Critical Theory are used to nuance discourses surrounding these, often sensationalized and polarizing, topics.

A critical awareness of how power operates in the deployment of the language of freedom – who is allowed to align themselves with that virtue along sexed, gendered, racialized, and class lines – also informs many of the contributions. Authors further bring an awareness of how the prevalent rhetoric of free choice linked with neoliberal models of governmentality instrumentalizes ideals of individual freedom for particular ideological and economic ends. We proceed from the premiss that these difficult questions may best be addressed using tools from Modern Critical Theory, concerned as this body of thought is with

the workings and manipulations of power, language and identity. The articles collected together here offer differing viewpoints on, and represent diverse critical-political investments in, the concept of freedom and its enduring value (or otherwise). In keeping with my own ongoing and uncompromising commitment to freedom of expression and open dialogue, as editor of this collection I make no attempt to foreground or privilege any one perspective, and I definitely do not agree with all of my contributors' views on freedom – as I am quite sure they do not agree with mine. It is my view that a *sense of freedom* remains a necessary prerequisite for a future characterized by democratic flourishing, communitarian common-cause-making *and* individual self-actualization – outside of purely neoliberal conceptions of both 'freedom' and the 'individual self.' And it is for this reason that I have chosen to put together this collection of varied reflections on freedom.

Freedom, Now!

In a number of senses, and in different contexts, freedom is under attack in this second decade of the twenty-first century. Populist appeals to traditional values on the right reduce the hard-won freedom of minorities, as in Hungary where Victor Orbán's government pursues an ideology of traditional family values in tandem with the repression of LGBTQ+ rights and the banning of gender studies programmes in Hungarian state universities. On the left, a zealous, sometimes censorious, policing of 'correct' speech has led to bitter debates online and off about the acceptability of platforming viewpoints that run contrary to the contemporary progressive moral consensus. Freedom, then, is not only in crisis from all sides, but discursively speaking, freedom has become an object of suspicion. 'Freedom' today is sullied; it sits dirtily on the page and the tongue. It is, I argue, in these senses, that we are at a cultural moment marked by a *besmirching* of the idea of freedom as a value that I perceive to be as dangerous as it is wrong-headed.

Several academic authors have turned their attention to the status of freedom in publications that have appeared over the past ten years. They issue from a range of political viewpoints and offer a variety of responses. In his book, *Abolishing Freedom* (2016), Frank Ruda pursues perhaps the most robust rejection of freedom as an enduring ideal. He argues that, in our contemporary moment, and in Western contexts, ‘the signifier *freedom*’ has become ‘utterly repressive’ and ‘a signifier of disorientation.’¹ By this Ruda means that the term ‘freedom’ is ubiquitously deployed cynically by corporate interests to disguise the true nature of a given beast: the precarity of ‘gig economy’ labour practices and the creep of neoliberalization into all facets of life, for example, are disingenuously sold as forms of personal liberation or as facilitating work-life flexibility. Ruda shows that dressing up precarity as freedom is one of the ways in which our sense of the meaning of freedom has become deformed and argues instead for a re-embracing of ‘rationalist fatalism’ against the lure of ‘freedom of choice.’

Analyzing the nature of the deformation of freedom and strategies for disorienting us in relation to it is a valuable tactic of the left-wing critique of contemporary discourses of freedom. It is worth considering, however, that Ruda’s call for the *abolition* of the virtue of freedom because of its current manipulation by the fiscal right may be seen as a case of babies being expunged along with bathwater. It may be more productive instead to expose particular interested uses of the lexicon of freedom, without detracting from a critical-theoretical re-evaluation of freedom *per se*. In the face of deformations of freedom for cynical ends, it might be argued, contra Ruda, that we need not less, but rather more, commitment to (different and better versions of) it.

Shannon Winnubst, in *Queering Freedom* (2016), may be argued precisely to be undertaking the project of *thinking freedom differently* via a queer reading that places the freedom enjoyed or imagined by the ‘neutral’ (white, male) classical liberal subject of history

alongside the experiences of subjects marked by categories of difference in the twenty-first century. She historicizes the modern concept of freedom in the context of the founding of nation-states and the colonialism imbricated in this endeavour. Her task in revisiting this history is to ‘excavate the contours of both domination and resistance in the shared discursive fields of freedom and whiteness.’² To this end she draws on work by both Georges Bataille and Michel Foucault that posit, respectively, the circulation of energy beyond utility, and experimental forms of bodily and imaginative being that lie outside closed systems of domination, to reimagine freedom. By queering the whiteness and phallic straightness of ‘freedom,’ via discussions of the AIDs crisis and discourses of safety, for example, Winnubst is able to argue that ‘to suspend the future, radically, may be to enter a kind of freedom that we do not readily know or even *want* to know in these cultures of phallicized whiteness.’³ Making freedom strange (a proper sense of *queer*) may be a way of revitalizing what Ruda sees as a defunct, because too corrupted, signifier.

Among the recent academic titles on freedom, a number of works focusing specifically on freedom of speech have appeared. A 2021 edited volume by historian Charlotte Lydia Riley is pointedly titled *The Free Speech Wars: How Did We Get Here and Why Does it Matter?*, drawing attention to the weaponized status of the concept in our moment. Its essays range informatively across a wide range of ‘culture war’ case studies, including but not limited to, the contemporary political status of London’s Speakers’ Corner (Edward Packard); Islamophobic speech in France (Imen Neffati); and a number of hot-button topics on university campuses including radicalization (Shaun McDaid and Catherine McGlynn), trigger warnings (Gabriel Moshenska), and the disputed use of trans people’s pronouns (Grace Lavery), to exemplify and explicate some of the ways in which free speech is in question today. The book, according to Riley, ‘focuses on the balancing of free speech rights and the ways in which free

speech rights are increasingly invoked to try to defend speech or behaviour that should be critiqued or challenged.’⁴

Yet, Riley’s Introduction is organized in such a way as to suggest that the latter set of concerns probably matter more to her than the former. She opens with a discussion of the inauguration of the Free Speech Union in 2020 in the UK, an organization set up by right-wing journalist Toby Young with the stated purpose of defending those who risk being fired from their jobs or no-platformed for their views. Riley points out that Young had been extolling the virtues of freedom of speech self-interestedly ‘to justify, for example, making salacious remarks about female politicians’ breasts’ in a series of tweets he had deleted.⁵ She then draws attention to the fact that the Free Speech Union’s website includes, under its ‘Statement of Values,’ the following words by George Orwell: ‘If liberty means anything at all, it means the right to tell people what they do not want to hear,’ taken from his short essay, ‘The Freedom of the Press’ (c. 1945). Riley goes on to discuss the fact that this essay considers self-censorship as well as censorship by war-time governments and the publishing industry in the following terms: ‘Orwell argued that people self-censor, not only in their writing but also in their thoughts, out of a “cowardly desire to keep in with the bulk of the intelligentsia;” people were too afraid and uncertain to acknowledge what was right or wrong themselves.’⁶

Focusing on Toby Young’s weaponization of the rhetoric of free speech to defend his own misogynistic comments places a question mark over the need for any free speech union in the UK at all. Further, aligning the figure of Young with the sentiments in Orwell’s essay, in order to cast the latter’s views on the pressures of group-think as morally suspect, means that freedom of speech as a genuine good or need – and the fact that people can feel cowed regarding the expression of unpopular values in the face of a dogmatic consensus – become suspicious too. The suggestion, in fact, is that pro-freedom-of-speech sentiment *tout court* is a value inevitably tainted by the stench of a perceived masculinist, right-wing privilege. Indeed, a few

pages later, Riley states that ‘Orwell was frequently antisemitic, racist and misogynistic, so it’s possible that his views here aren’t important.’⁷ This way of dismissing the value of *ideas* on the basis of the political affiliations or the *identity* of the individual holding them is a popular strategy of late – and by no means a rhetorical technique peculiar to Riley.

This said, I do not wish to downplay the value of Riley’s critique of the blasé English exceptionalism visible in Orwell’s comments on freedom of speech, as seen in ‘his claim that British “civilization over a period of four hundred years” has been “founded on” the “freedom of thought and speech”.’⁸ As Riley correctly points out, ‘There was no free speech in the British Empire for most of its subjects; even in the Westminster Parliament, speakers might be free from accusations of libel, but it is forbidden to label your opponent a liar.’⁹ Nor do I wish to suggest that she is any way wrong to point out that freedom of speech has historically been, and continues to be, enjoyed by those with the greatest access to power and capital (of various sorts), but I would argue there are risks inherent in giving up on a purportedly universal value solely because of the way it may be (ab)used in an imperfect and unequal world.

A year after Riley’s collection appeared, legal philosopher Eric Heinze published an argument for the defence of free speech in his provocatively titled, tour-de-force monograph *The Most Human Right: Why Free Speech is Everything* (2022). Heinze pursues his argument in the context of the liberal tradition of rights discourses, focusing on the centrality of the post-World-War-Two Universal Declaration of Human Rights, adopted in 1948 by the General Assembly. He takes the fundamental tenets of two of its Articles: ‘no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’ (Article 5) and ‘all are equal before the law and are entitled without any discrimination to equal protection of the law’ (Article 7) to ask ‘Does it count as slavery when people are so poor and wages so low that workers end up beholden to unscrupulous employers?’ and ‘Is it true that “all are equal before the law” if the wealthy can afford better legal services than the poor, or if men’s courtroom

testimony carries greater weight than women's?.'¹⁰ We can imagine that a scholar such as Ruda may argue precisely that these contextual inequalities render the overarching principle (here 'human rights') too problematic for redemption, and we have seen that Riley's principal worry about the value of freedom of speech is that it may be disproportionately weaponized and exercised by the powerful to the detriment of the marginalized. Heinze, however, argues to the contrary that while any perfect notion of universal human rights and the freedom it promises will necessarily flounder in face of local governmental differences of interpretation and of systemic inequalities between people, 'the only thing that can turn government-managed human goods into citizen-directed human rights is free speech.'¹¹ Noting that, while the USA is both the greatest proponent of free speech and a state that commits many rights violations, Heinze argues that this does not invalidate his claim that 'free speech furnishes a *necessary* condition for human rights, not a *sufficient* condition.'¹²

In the chapter of his book that deals with the question of 'extreme speech,' and asks what the limits of free speech should be if we accept it as an *a priori* good, Heinze takes us back to a classic text, John Stuart Mill's *On Liberty* (1859). Here, Mill famously introduced the 'harm principle,' according to which it is only legitimate to act against the will of an individual if the aim is to prevent harm to others. Heinze raises the knotty problem that the definition of 'harm' is both unstable and culturally contingent. It may also be cynically used to close down certain viewpoints. Heinze proposes a new concept of 'viewpoint absolutism' in place of 'freedom of speech absolutism' as the 'appropriate benchmark' for how free speech may function democratically.¹³ This principle would ensure the continuation of cautious prohibition of certain *content* (such as incitement to violence), but not the prohibition of content issuing from any given political *viewpoint* on that basis alone. As we have seen, this is not a position that is currently fashionable, but it is one that I strongly believe it behoves us to take seriously.

One of the most generative sets of reflections on our contemporary relationship to freedom can be found, not in an academic treatise as such, but in a recent, genre-defying, deliberately open-ended work: author Maggie Nelson's collection of reflective essays – or 'songs': *On Freedom: Four Songs of Care and Constraint* (2021). In her Introduction, Nelson ponders her own ambivalence about freedom: 'I thought a book on freedom might no longer be necessary [...] Can you think of a more depleted, imprecise, or weaponized word?.'¹⁴ She also makes the salient point that freedom is a term that is perennially slippery, meaning different things in different contexts and to different people: 'In fact, it operates more like "God," in that, when we use it, we can never really be sure what, exactly we're talking about, or whether we're talking about the same thing.'¹⁵ The book she would go on to produce, despite these misgivings, is neither a defence of freedom nor a rejection of it. Rather, it is an attempt to balance freedom with care – its opposite, in some discourses at least – in order to appreciate both their entwinedness and our messy relationship of attraction and repulsion with them both. Nelson shows how care and freedom are commonly seen to stand in tension by drawing on an example from the Covid-19 pandemic: "'Your freedom is killing me!" read the signs of protesters in the middle of a pandemic; "Your health is not more important than my liberty!" maskless others shout back.'¹⁶ Yet, the moral stakes are not simple. As she writes: 'care demands our scrutiny as well, as do the consequences of placing the two terms [freedom and care] in opposition.'¹⁷ For me, Nelson's observations are especially resonant as they implicitly call into question commonplaces that it is only and always venally 'selfish' to want freedom, while it is 'nice' to be caring. Such commonplaces both demonize a concern for freedom while morally simplifying the concept of care-as-altruism and the demands it imposes on self and others.

Nelson explores these complex themes and their interactions over four chapters on art, sex, drugs, and climate change – all realms in which (individual) freedom of expression or

action are tempered by personal and social relationality and responsibility. The deliberately ambiguous generic form of Nelson's book allows her to tarry, in words that are not strictly academic prose, with some of the tensions I have identified above between Ruda and Winnubst, between Riley and Heinze, that have to do with how valuable freedom can be if it is, or has become, or is perceived to be, a tool of the powerful. In common with Foucault, Nelson is able to value freedom while acknowledging that it is not separate from the operations of power. This is achieved precisely by not assuming that the nature of power is always imposed top-down or organized hierarchically – or is a simple concept, any more than freedom is. 'When it comes to sex,' she writes, 'power may be circulating everywhere, but that doesn't mean that there is no freedom.'¹⁸ Re-thinking debates for and against freedom through and with Nelson's reflections can involve taking each seriously, while allowing their complexities and irreconcilabilities to speak more resonantly.

Few of the works I have discussed in this section (with the notable exception of Winnubst's book, which takes Bataille and Foucault as its theoretical anchors, and, to some degree, Nelson's book of 'songs' which makes mention of Foucault, of José Muñoz, and of Judith Butler in the course of its meditations), use Modern Critical Theory as their main reference point for theorizing freedom. And none of them takes as its specific focus the value of the tools offered by Critical Theory for re-evaluating in a nuanced way the fruitfulness and messiness of that traditionally liberal, analytical concept 'freedom,' our responsibility to it – and the responsibilities it places on us. This, then, will be the focus and the defining contribution to current considerations of freedom made by the present volume.

Critical Freedoms: The Articles

The collection opens with a brief, unfinished draft of an article by Keith Reader, which he was writing at the time of his death. In a characteristically playful fashion, Keith muses on

the use of his titular pun ‘freeze peach,’ a childishly mocking homonym deployed by those on all points of the political compass to deride the words of their opponents, when spoken as *their right*. The title of this contribution lent me inspiration for the cover image of the collection, a digital pointillist peach, cheekily suspended in the ice crystals of space, that I commissioned from artist Carlos Peralta. Teasing out some of the implications of what Reader says – and left unsaid – in his short, unfinished piece, Ian James provides a dialogic response in which he dwells on the unsung resonances between four of the thinkers referred to in the draft: Louis Althusser, Jean-François Lyotard, Terry Eagleton and Stanley Fish. James argues that Reader’s attempt to conjoin Marxian theorists with postmodernist ones would have laid the groundwork for a fresh and audacious approach to understanding freedom and democracy in a moment of crisis. In this embryonic paradigm, economic and material concerns could regain the crucial status they have lost, while ironic postmodernist gestures of plurality could be offered as foils to the many impasses of contemporary political polarization.

In my own contribution, I revisit the work of two writers and thinkers preoccupied with the question of ‘freedom’ from very different political and philosophical traditions, both of whose *œuvres* I find fascinating and rich, and both of which have been deemed ‘problematic’: Ayn Rand and Michel Foucault. I explore the specific meanings of freedom in each philosophical worldview before examining how, in an age in which ‘freedom’ is under suspicion, these authors’ names have been deployed by forces of the left (viewing ‘Rand’ as a metonym for unbridled capitalistic greed) and the right (positioning ‘Foucault’ as a bogeyman of moral relativism, as well as of so-called ‘cultural Marxism’). These demarcations are both simplistic and caricatural – a point that leads me to argue that both ‘Michel Foucault’ and ‘Ayn Rand’ have become what Foucault calls in his canonical article of 1969, ‘What is an Author?’ consummate ‘author functions.’ The creation of an *author*

function out of *an author* iconizes writers, while simultaneously emptying out the complexity of their ideas and reducing their textual worlds to one-dimensional soundbites – a mechanism of simplification and tokenism that is replicated in many facets of contemporary cultural discourse.

In her contribution, Naomi Waltham-Smith draws parallels between Kant's *Conflict of the Faculties* and Derrida's deconstructive engagement with it, on the one hand, and contemporary debates about academic freedom, on the other. Engaging with Derrida and Kant allows light to be shone on the suggestion that the discourse of 'academic freedom' is being abused in the UK via the Conservative government's introduction of The Higher Education (Freedom of Speech) Bill, 2021, which enables state intervention into the conduct of HE institutions. Waltham-Smith's work constitutes a contribution to those voices calling for the importance of understanding 'academic freedom' technically, and separately from the ideas of 'free speech' or 'freedom of expression.' And she appeals, via Derrida, to the multiple senses of 'hearing' – as auditory perception, responsiveness, and judgement – in order to imagine, creatively, new ways of defending a more nuanced version of 'academic freedom.'

The article by Lara Cox, next, examines what is at stake in treading the ground between free speech and hate speech in the context of gender and race, via a critical reading of Judith Butler's *Excitable Speech* (1997). Cox argues that Butler's understanding of speech and power would be enhanced by an engagement with the intersectional theory of Kimberlé Crenshaw, rather than by focusing uniquely on ideas from French philosophical and sociological texts. And she goes on to examine what this might look like, with the programmatic aim of finding means via which the free speech of some subjects would not be at the expense of others.

In a co-authored contribution, Lucy Nicholas and Sal Clark continue the discussion of gender as a contested site of freedom – both freedom of *expression* and of *self-expression*. They tread the difficult ground of taking seriously the positions of both those who argue for gender identity expansionism as a liberatory feminist project that opens up the possibilities of understanding self and others outside of a rigid and regressive binary, and those ‘gender critical’ feminists who perceive gender as an ephemeral, stereotypical and unhelpful cultural overlay onto an immutable biological reality – and one which disadvantages women. Using the work of earlier feminist thinkers Simone de Beauvoir, Shulamith Firestone and Luce Irigaray, their article treads the fine line of understanding plural freedoms in tension, and in a relational frame, with the aim of reaching reconciliation and rapprochement rather than entrenching division.

The collection closes with a transcript of my dialogue with Maggie Nelson about her recent book, *On Freedom: Four Songs of Care and Constraint*, to which I made reference in the previous section of this Introduction. This work has been particularly influential in my own thinking through the problems of freedom in the present moment. Nelson and I discuss the cultural turn to authoritarianism on all points of the political compass, the role of care in shaping and delimiting freedom, the ways in which freedom is differently connoted according to the sex of the ‘free’ subject, and the vexed question of what freedom will mean in an uncertain future foreshadowed by the spectre of climate apocalypse. She rightly takes me to task in our conversation for over-valuing individual freedom as a feminist ethic (pace my 2019 book *Selfish Women*) at the cost of an ethic of care for others – and for sometimes reading my own agendas into her writing in places where, in fact, we diverge. As noted at the beginning of this Introduction, a key criterion for me in selecting the authors and topics represented in this collection was that a genuine plurality of viewpoints should be represented – since this voicing and hearing of plurality is one of the values I fear to be most at risk from

the contemporary besmirching of freedom as a virtue. It is, then, pleasing to me that my dialogue with Maggie reveals playful disagreements along with respectful discussion – and that that is the note on which I leave the reader who has engaged with the critical analyses of freedom traced throughout this collection.

NOTES

¹ Frank Ruda, *Abolishing Freedom: A Plea for a Contemporary Use of Fatalism* (Lincoln and London: University of Nebraska Press, 2016), 1.

² Shannon Winnubst, *Queering Freedom* (Bloomington: Indiana University Press, 2016), 3.

³ Winnubst, *Queering Freedom*, 199.

⁴ Charlotte Lydia Riley, 'Introduction', *The Free Speech Wars: How Did We Get Here and Why Does it Matter?* Ed. Charlotte Lydia Riley. (Manchester: Manchester University Press, 2021), (12-31), 20.

⁵ Riley, 'Introduction', *The Free Speech Wars*, 12.

⁶ Riley, 'Introduction', *The Free Speech Wars*, 13.

⁷ Riley, 'Introduction', *The Free Speech Wars*, 13.

⁸ Riley, 'Introduction', *The Free Speech Wars*, 14.

⁹ Riley, 'Introduction', *The Free Speech Wars*, 14.

¹⁰ Eric Heinze, *The Most Human Right: Why Free Speech is Everything* (Cambridge MA: The MIT Press, 2022), 3.

¹¹ Heinze, *The Most Human Right*, 7.

¹² Heinze, *The Most Human Right*, 9.

¹³ Heinze, *The Most Human Right*, 119.

¹⁴ Maggie Nelson, *On Freedom: Four Songs of Care and Constraint* (London: Jonathan Cape, 2021), 3.

¹⁵ Nelson, *On Freedom*, 4.

¹⁶ Nelson, *On Freedom*, 4.

¹⁷ Nelson, *On Freedom*, 15.

¹⁸ Nelson, *On Freedom*, 79.