



Take-home examination

Autumn 2010

JOUR4330- Freedom of expression- discourses, principles and practices

Hand out Monday November 8. at 10am

Hand in Thursday November 11. by 2pm in Fronter (<https://blyant.uio.no>).

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Answer *one* of the three following questions:

I

Discuss the reasons for why freedom of expression is important in a democracy.

II.

Discuss arguments for limiting the right to freedom of expression.

III

In his book *The Idea of Justice* Amartya Sen writes on pages 237 – 238:

*Second, the capability to choose between different affiliations in cultural life can have both personal and political importance. Consider the freedom of immigrants from non-Western countries to retain parts of the ancestral cultural traditions and lifestyles they value even after they have resettled in a European country or in America. This complex subject cannot be adequately assessed without distinguishing between doing something and being free to do that thing. A significant argument can be constructed in favour of immigrants having the freedom to retain at least some parts of their ancestral culture (such as their mode of religious worship, or loyalty to their native poetry and literature), if they value those things after comparing them with the prevalent behaviour patterns in the country in which they are now settled, and often after taking serious note of the prevalent reasoning in the country in favour of different practices.**

However, the importance of this cultural freedom cannot be seen as an argument in favour of someone pursuing her ancestral lifestyle whether or not she find reasons to choose to do this. The central issue, in this argument, is the freedom to choose how to live — including the opportunity to pursue parts of her ancestral cultural preferences if so desired - and it cannot be turned into an argument in favour of her invariably pursuing those behaviour patterns, irrespective of whether she would like to do those things, or have reasons to retain those practices. The importance of capability, reflecting opportunity and choice, rather than the celebration of some particular lifestyle, irrespective of preference or choice, is central to the point at issue.

Third, there is also a policy-related question that makes the distinction between capabilities and achievements important for a different reason. This concerns the responsibilities and obligations of societies and of other people generally to help the deprived, which can be important for both public provisions within states and for

* The point is often made that tyrannical and nasty ancestral practices, such as the genital mutilation of young women, or punitive treatment of adulterous women, should not be practised in the country to which the persons have emigrated, since they are offensive to other citizens of that country. But surely the decisive argument against these practices is their terrible nature, no matter where they occur, and the need to eliminate those practices is extremely strong, on the grounds of the loss of freedom of the victims, irrespective of whether the potential immigrants migrate or not. The argument is basically about the importance of freedom in general, including the freedom of the women involved. Whether these practices are offensive to others -the older residents - is hardly the strongest argument against them, which should be concerned with the victims rather than their neighbours.

the general pursuit of human rights. In considering the respective advantages of responsible adults, it may be appropriate to think that the claims of individuals on society may be best seen in terms of freedom to achieve (given by the set of real opportunities) rather than actual achievements. For example, the importance of having some kind of a guarantee of basic healthcare is primarily concerned with giving people the capability to enhance their state of health. If a person has the opportunity for socially supported healthcare but still decides, with full knowledge, not to make use of that opportunity, then it could be argued that the deprivation is not as much of a burning social concern as would be the failure to provide the person with the opportunity for healthcare.

Discuss the points raised here in relation to principles of free speech.

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Helge Rønning is available for questions on e-mail helge.ronning@media.uio.no and at his IMK office (room 465) at Forskningsparken between 10am and 2pm on Monday November 8.

The exam must be written in English. The submitted paper may be up to 10 pages (one page is calculated to 2300 characters without spaces). For more information about exams at IMK, see <http://www.hf.uio.no/imk/english/studies/admin/information-regarding-exams-at-imk/>

The examination results will be published in StudentWeb December 2, 2010. The results will not be given by telephone or e-mail.