

## Document 1

### Europe's free-speech problem J.D. Vance was right

Leaders, *The Economist*, May 15th 2025

1. When America's vice-president accuses Europe of failing to protect free speech, the obvious retort is that he is a hypocrite. The White House in which J.D. Vance serves is an energetic foe of speech it dislikes, deporting students for their political views, harassing critical media and bullying universities. But just because he is a hypocrite does not mean he is wrong. Europe really does have a problem with free speech.
2. That problem is not evenly distributed. By far the worst offender in the European Union is Hungary, where the government has crushed or co-opted most independent news outlets. (Curiously, its pro-MAGA ruling party escapes Mr Vance's barbs.) Other notable offenders include Germany and Britain. Germany's ban on denying the Holocaust is understandable, given its history, but its law against insulting politicians is a travesty. [...]
3. All European countries guarantee a right to free expression. However, most also try to limit the harms they fear it may cause. This goes well beyond the kinds of speech that even classical liberals agree should be banned, such as child pornography, leaks of national secrets or the deliberate incitement of physical violence. It often extends to speech that hurts people's feelings or is, in some official's view, false.
4. In some places it is a crime to insult a specific group (the king in Spain; all sorts of people in Germany). In Britain it is a crime to be "grossly offensive" online. Blasphemy laws still exist in more than a dozen European countries. The whole continent criminalises "hate speech", which is hard to define but keeps being stretched to cover new groups. In Finland it is illegal to insult a religion, yet quoting scripture can also be risky: an MP was prosecuted for posting a Bible verse on homosexuality.

#### Fuzzy logic

5. Britain's police are especially zealous. Officers spend thousands of hours sifting through potentially offensive posts and arrest 30 people a day. Among those collared were a man who ranted about immigration on Facebook and a couple who criticised their daughter's primary school.
6. The aim of hate-speech laws is to promote social harmony. Yet there is scant evidence that they work. Suppressing speech with the threat of prosecution appears to foster division. Populists thrive on the idea that people cannot say what they really think, a view now shared by more than 40% of Brits and Germans. [...] Online-safety laws that slap big fines on social-media firms for tolerating illegal content have encouraged them to take down plenty that is merely questionable, infuriating those whose posts are suppressed. [...]
7. When the law forbids giving offence, it also creates an incentive for people to claim to be offended, thereby using the police to silence a critic or settle a score with a neighbour. When some groups are protected by hate-speech laws but not others, the others have an incentive to demand protection, too. Thus, the effort to stamp out hurtful words can create a "taboo ratchet", with more and more areas deemed off-limits. Before long, this hampers public debate. It is hard to have an open, frank exchange about immigration, say, if one side fears that expressing its views will invite a visit from the police.
8. Because this point is made stridently by the populist right, many European liberals have grown queasy about defending free speech. This is foolish. Not only because laws that can be used to gag one side can also be used to gag the other, as can be seen in draconian responses to Gaza protests in Germany. But also because believing in free speech means defending speech you don't like. If democracies fail to do that, they lose credibility, to the benefit of autocracies such as China and Russia, which are waging a global struggle for soft power.
9. What, practically, should Europeans do? They should start by returning to the old liberal ideas that noisy disagreement is better than enforced silence and that people should tolerate one another's views. Societies have many ways of promoting civility that do not involve handcuffs, from social norms to

company HR rules. Criminal penalties should be as rare as they are under America's First Amendment. Libel should be a civil matter, with extra safeguards for criticism of the mighty. Stalking and incitement to violence should still be crimes, but "hate speech" is such a fuzzy concept that it should be scrapped.

10. Privately owned digital platforms will have different content-moderation policies. Some will be stricter than others; users are free to choose the platform they prefer. Legally, online speech should be treated the same as offline speech. Though there are obvious differences, such as the possibility of going viral, police should generally stay out of private chats. Clearer, less sweeping laws would help all platforms to focus on removing genuine threats and harassment.
11. Europeans are free to say what they like about Mr Vance. But they should not ignore his warning. When states have too many powers over speech, sooner or later they will use them. ■

## Document 2

### **I really hate to say it, but I agree with JD Vance. Britain has a free speech problem**

**Arwa Mahdawi, The Guardian, Tuesday 10 June 2025**

Hello from the US where, if you're a fan of things such as civil liberties and not getting shot in the leg by masked thugs sporting law enforcement badges, the situation is somewhat suboptimal. Over in Los Angeles, national guard troops have been brought in to rough up protesters who are demonstrating against immigration raids. There were at least 27 attacks on journalists by law enforcement recorded at the protests between 6 and 8 June, according to Reporters Without Borders (RSF).

One of the most alarming things about the crackdown against protesters in LA is the memo greenlighting it. It acts pre-emptively, a first in the US, authorising the military to be deployed in locations where protests are "likely to occur". Scarier still, Donald Trump has said he won't rule out invoking the Insurrection Act: an 1807 law that empowers the president to deploy the military inside the US and use it against Americans. All this, of course, comes amid a wider crackdown on campus protests and free speech (particularly pro-Palestine speech).

As a British-Palestinian in the US – one with a green card that I'm in the process of trying to renew – I've been spending a lot of time lately wondering whether I ought to self-deport before the thought police come for me. I have, after all, engaged in naughty behaviour such as publicly stating that genocide is bad, actually.

But fleeing to the UK from the US because I value free speech and the right to protest doesn't make much sense. The US may be turning into a police state, but its constitution (for now) provides far more freedom of speech than there is in the UK. I hate to say this – like, I really, really hate to say this – but JD Vance had a point when he told Keir Starmer that Britain has a free speech problem during an Oval Office meeting in February. Vance made a similar accusation during the Munich Security Conference, accusing Europe's leaders of (among other things) censorship.

Vance is obviously a raging hypocrite who mainly seems obsessed with the right of religious extremists to harass women having abortions, but he is not wrong about Britain's free speech problem. Vague and outdated laws mean the police in Britain have far too much power to arrest people for offensive internet speech. Per the Economist, "British police arrest more than 30 people a day for online posts, double the rate in 2017."

The right to protest is also under attack in Britain. Look at the crime and policing bill, which looks likely to come into law later this year and is one of a number of sweeping anti-protest laws recently passed. "Thanks to this authoritarian legislation, police can define almost any demonstration as 'seriously disruptive' and impose restrictions on it," Amnesty International UK warned in March. "Peaceful tactics ... have been criminalised. New powers have been created to issue orders banning people from even attending protests."

And look at the case of William Plastow, who is accused of taking part in a Palestine Action protest against an Elbit Systems (an Israeli arms manufacturer) factory near Bristol last year. Plastow faces 21 months in jail before his case goes to trial. His mother recently told the Guardian she believes it is the longest anyone will have been held in jail awaiting trial on protest-related charges. There's also the case of Liam Óg Ó hAinle, who is accused of taking part in a Palestine Action protest against an Elbit Systems factory near Bristol last year.

who was charged with a terrorism offence for allegedly displaying a flag in support of Hezbollah at a gig in London. Kneecap have described this as “political policing” that is intended to stifle criticism of Israel’s war in Gaza.

While the Economist has acknowledged that Vance is right about the precarity of free speech in Britain and Europe, many liberal voices seem reluctant to acknowledge it. The alarmed takes I’ve seen about the US this week from European writers have been valid, but there also needs to be urgent consideration of threats to civil liberties closer to home.

Anyway, having to acknowledge that I agree with Vance on anything has been a major shock to my system. Time to self-deport to the sofa to recover.

*Arwa Mahdawi is a Guardian columnist*

### Document 3

“People care about freedom of speech when it’s their side under the gun. They don’t care as much when it’s anyone else.”

GREG LUKIANOFF, head of the Foundation for Individual Rights and Expression, which advances a mission of a staunch defense of free speech for all, published in the **New York Times**, 22/8/2025

### Document 4:

The New York Times, August 8 2025



A pro-Palestinian demonstration at Columbia University in 2024. The Trump administration has punished universities and students over such protests. Bing Guan for The New York Times

