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The postmodern paradox: freedom of expression and moral panic

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ENG **Abstract.** This essay argues that the restriction of freedom of expression in the name of protection against hate, polarization, or violence reflects a climate of moral panic that weakens democracy. The text first recalls that the defence of freedom of expression does not belong to any specific ideology, but forms part of an anti-authoritarian tradition aimed at limiting power. Second, it analyses how dominant identity-based approaches have contributed to delegitimizing this freedom through the expansion (or concept creep) of notions such as harm, violence, and safety, as well as through a reductionist understanding of social conflict. Third, it critically examines the two main arguments used to justify new restrictions: that certain discourses cause violence and that limiting expression is necessary to protect democracy. In response, the essay maintains that it is not possible to limit freedom of expression without eroding democracy, and that appeals to vague concepts such as “hate” function as a social alarm mechanism that generates fear, discourages public criticism, and ultimately weakens democratic oversight of power—thereby increasing citizens’ vulnerability rather than protecting them.
Keywords: Freedom of Expression, Moral Panic, Hate Speech, Democracy, Censorship.

ES La paradoja posmoderna: libertad de expresión y pánico moral

Resumen. Este ensayo sostiene que la restricción de la libertad de expresión en nombre de la protección frente al odio, la polarización o la violencia refleja un clima de pánico moral que debilita la democracia. El texto recuerda, en primer lugar, que la defensa de la libertad de expresión no pertenece a ninguna ideología concreta, sino que forma parte de una tradición antiautoritaria destinada a limitar el poder. En segundo lugar, analiza cómo los enfoques posmodernos dominantes han contribuido a deslegitimar esta libertad mediante la ampliación progresiva de conceptos como daño, violencia y seguridad, así como mediante una comprensión reduccionista del conflicto social. En tercer lugar, examina críticamente los dos principales argumentos utilizados para justificar nuevas restricciones: que ciertos discursos causan violencia y que limitar la expresión es un mal necesario para proteger la democracia. Frente a ello, el ensayo sostiene que no es posible limitar la libertad de expresión sin erosionar la democracia y que la apelación a conceptos difusos como el «odio» opera esencialmente como un mecanismo de alarma social que genera miedo, desincentiva la crítica pública y, en última instancia, debilita el control democrático del poder —lo que, lejos de proteger a los ciudadanos, aumenta su vulnerabilidad—.
Palabras clave: Libertad de expresión, pánico moral, discurso de odio, democracia, censura.

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In 2025, the UK's Labour Prime Minister, Keir Starmer, stated the obvious: that paedophilia and incitement to suicide do not fall within the scope of freedom of expression (Reuters, 2025). However, he linked the three issues and argued that they should be distinguished from one another—a somewhat confusing stance, given that this distinction is clearly established in both legal and social terms. In Spain, in early 2026, the Prime Minister, Pedro Sánchez, proposed "regaining control of digital governance and social media so that they become a healthy and democratic space" and announced the creation of a tracking, quantification and traceability system to establish a "Hate and Polarisation Footprint" ("Hodio"), and thus "remove" content that violates the law or is considered hateful (Government of Spain, 2026; Ministry of Inclusion, Social Security and Migration, 2026). In France, around the same time, Emmanuel Macron bluntly stated that he was not even in favour of free speech but of "free algorithms", because "free speech is pure bullshit if nobody knows how you are guided through this" (Herrero, 2026). Years earlier, Ursula von der Leyen had already pushed for initiatives to regulate and restrict hate on social media at European Union level, arguing that "hate is hate—and no one should have to put up with it" (von der Leyen, 2020).

The trend reflected in these examples is not new, but it does clearly summarise the mindset underpinning it. Firstly, the idea that the authorities, or those they appoint, are entitled to decide what can and cannot be said. Secondly, the association between freedom of expression and certain criminal behaviours, as if they were part of the same continuum. Thirdly, the conception of a society that needs to be guided regarding what it thinks. And, finally, the assumption that categories such as "hate speech" can be identified objectively and without the risk of being instrumentalized.

All these premises are, to say the least, problematic. They assume that any actor with the power to decide on public discourse will act neutrally, without putting their own interests before those of society. They seek to protect freedom of expression through the monitoring and regulation of public discourse, linking its exercise to a logic of suspicion and potential sanction, whilst ignoring the profound chilling effect this has on the legitimate expression of ideas. They infantilise the public by adopting a paternalistic view of citizens as subjects requiring protection from ideas, rather than as autonomous agents capable of deliberating for themselves. And they turn a category as vague as "hate" into an apparently technical criterion for intervention, concealing its inevitably subjective nature and shifting what is essentially an ideological intervention into the realm of the supposedly objective.

I do not deny the existence of hate, nor that of discriminatory, exclusionary or denigrating discourse. Of course they exist, and they are undesirable. What is surprisingly naive is to think that, based on the above premises, the quality of public discourse can improve. In fact, I maintain precisely the opposite: this mindset not only fails to solve the problem, but is part of the problem.

No complex theories are needed to understand just how crucial freedom of expression is to democratic societies. One need only observe that one of the first measures adopted by any authoritarian regime is to restrict or suppress it. If anything characterises authoritarianism, whatever form it takes, it is the systematic suppression of free debate and the persecution of ideological dissent in the name of the common good. The modern triumph of the principle of freedom of expression emerged precisely in the context of the struggle against such authoritarianism, particularly that of the state, monarchy or religion.

In this article, I put forward three arguments. The first is that freedom of expression belongs neither to the political left nor to the right, but rather forms part of an anti-authoritarian tradition that may be present—or absent—on both sides of the political spectrum. The second is that current restrictive trends, particularly in certain sectors of the postmodern left[1], are sustained by a climate of moral panic that renders socially acceptable measures which are difficult to justify in a democracy. The third is that restricting freedom of expression beyond the principle of direct harm not only fails to better protect society, but also harms the common good and undermines the very functioning of democracy.

As George Orwell (1945/2021) said: "If liberty means anything at all it means the right to tell people what they do not want to hear". Freedom of expression is not a luxury reserved for complacent ideas, but the right to voice the unpopular, the offensive or even the disturbing. Without that capacity to challenge, unsettle or question established consensuses, freedom of expression is emptied of its substance and transformed into a tool serving power—precisely what it was originally meant to resist.

The democratic and anti-authoritarian roots of freedom of expression

The modern history of freedom of expression clearly conceives of this freedom as the right to express opinions without restrictions by the authorities. John Milton, in *Areopagitica* (1644), criticised prior censorship and argued that truth requires confrontation, because it emerges only from open debate between ideas. John Locke, in *A Letter Concerning Toleration* (1689), maintained that the State should have no authority over individual conscience. Voltaire, in *Traité sur la tolérance* (1763), reacted against religious persecution and argued that no one can be certain of possessing the absolute truth. And John Stuart Mill and Harriet Mill, in *On Liberty* (Mill, 1859), formulated the most influential classical defence of the right to free expression: even false opinions must be allowed to be expressed, because censoring them hinders society's intellectual and moral progress and presupposes an infallibility that no one possesses.

In all these authors, and particularly clearly in Mill, we find the foundations of what we today understand by freedom of expression: the idea that freedom of thought and its expression are necessary for a better society, and that the authorities must not only toler-

1 By "postmodern left" I mean here the strand of left-wing thought which, since the late 20th century, has shifted its focus from economic exploitation and universalism towards cultural and identity-based hierarchies, prioritising identity politics over universal equality.

ate them but refrain from interfering with them. In short, that ideas are not improved through censorship or imposition, but through open debate.

On the other hand, the ideology of the classical proponents of freedom of expression can hardly be reduced to the ideological binary that polarises society today. Their ideological spectrum is broad and heterogeneous, demonstrating that the defence of freedom of expression arose as a check on authoritarian power, not as the exclusive preserve of any particular ideological family. This defence has been championed by a wide variety of republican, liberal, Enlightenment and reformist traditions. It is neither a left-wing nor a right-wing idea, but a tool against the abuse of power.

This is also evident in political history. The acquittal of John Peter Zenger—a publisher tried for criticising the colonial governor—in 1735 in the United States became a symbol of the freedom to criticise the government. The First Amendment to the US expressly limited the state's ability to restrict expression. The Declaration of the Rights of Man and of the Citizen in France enshrined freedom of expression in the context of an anti-monarchical and anti-aristocratic revolution. And in Spain, the Constitution of Cádiz of 1812 broke with the Ancien Régime and included a clear defence of this freedom. In all these cases, and others, the defence of freedom of expression stems from diverse ideological traditions and, at times, does not even respond to ideologies, as in the case of the publisher Zenger (Kluger, 2016). What unites these defences is not their position on a supposed fixed political spectrum, but their opposition to authoritarian power.

It is true that, by the 20th century, the political left had largely led many campaigns in favour of freedom of expression, particularly from positions of opposition. Socialist and anarchist movements, as well as sectors of the liberal left, championed this principle as a necessary condition for defending and expanding political and social rights. But when revolutionary left-wing movements came to power, as happened in the Soviet Union, China or Cuba, freedom of expression quickly became one of the first casualties.

Similarly, there have also been strong defences of freedom of expression from conservative or libertarian positions—as reflected both in the case law of the US Supreme Court and in influential strands of 20th-century economic liberalism (BCJ, 2025; Friedman, 1962; Hayek, 1960; Rosenberg, 2023).

In short, freedom of expression has historically emerged and grown stronger in contexts of conflict, when ideas come up against constraints or resistance. It does not follow the right-left political dichotomy, but rather forms part of anti-authoritarian liberal traditions and responds to the need to counteract the natural dynamics of power.

Therefore, when certain strands of the contemporary left promote restrictions from positions of institutional power, we are not witnessing an anomaly, but rather yet another manifestation of a recurring dynamic: power tends to preserve and expand its capacity for control. However, the fact that it is a recurring dynamic does not make it any less disturbing. On the contrary, when these restrictions are formulated in the name of progress, inclusion and social justice, the paradox is particularly jarring.

The moral panic of identitarian left

The current call for restrictions on freedom of expression is made today primarily in the name of social justice and the protection of vulnerable groups, by certain sectors that present themselves as progressive. This restriction implies accepting that a right considered privileged—that of expressing opinions—should be limited in order to prioritise the rights of disadvantaged groups, whose needs are perceived as more basic and urgent (avoiding discrimination, exclusion or material harm). In this hierarchy, the latter are placed above freedom of expression, understood precisely as a less essential or secondary right in contexts of inequality. Later on, I will argue that it is a mistake to regard freedom of expression as a right that can be subordinated in this way. Here, I wish to make a preliminary point: this drive for restriction stems not so much from ethical reasoning as from an ideological framework underpinned by rhetoric that generates moral panic.

It is undeniable that many human groups have suffered discriminatory and oppressive treatment throughout history, and that these injustices have given rise to legitimate and necessary demands. It is also a fact that it has often been progressive reformist sectors that have raised their voices most forcefully against these injustices. But it does not automatically follow from this reality that the solution lies in restricting general freedoms to protect specific groups. In fact, all the evidence suggests that this approach is leading to a democratic regression that has already been highlighted by authors from the left itself (al-Gharbi, 2024; Campbell and Manning, 2018; Doyle, 2022; Lukianoff and Haidt, 2019; Mounk, 2023). These authors have explained this regression on the basis of four major shifts:

The first is normative. A considerable section of the left has moved from defending a universalism based on the equality of individuals and shared values to conceiving of society as a collection of groups defined by categories such as race, gender or sexual orientation. Whilst the traditional left aspired to overcome these divisions and broaden the circle of empathy, the identity-based left tends to regard them as central and irreducible, and promotes policies that treat people not so much for their individual behaviour as for their group membership. This is what Mounk (2023) calls the "progressive separatism" of the "identity trap". This approach is presented as a more advanced version of progressivism, and its intention is good: to correct structural inequalities. But in practice it represents a regression towards a pre-modern and tribal logic, based on group hierarchies, rather than moving towards a society of individuals equal in dignity and rights.

As is evident, this fragmentation weakens social cohesion and shifts the focus from deliberation to confrontation. In this context, freedom of expression ceases to be conceived as a universal right and comes to be understood differently depending on the position of the speaker or the recipient. What some may say or question is not necessarily considered legitimate for others. Thus, public debate is narrowed and becomes more vulnerable to restrictions justified on the basis of the identity attributed to the speaker.

This identity-based mental framework draws heavily on postmodernism and, in particular, on Michel Foucault (2013) and his rejection of universal meta-narratives. However, Michel Foucault would most likely have regarded this identitarian construction as another form of power-discourse that essentializes identities—something foreign to his thought, which opposed all essentialism and never placed identities at the centre of politics.[2]

The second shift is epistemic. The mental framework of identity politics also draws on postcolonialism and critical race theory, with their emphasis on the structural persistence of oppression. However, the identitarian left has produced markedly simplified and distorted versions of theories that were originally sophisticated and useful. For example, standpoint theory, which emerged as a valuable critique of the supposed neutrality of knowledge, has been reinterpreted as the impossibility of mutual understanding between groups and as the inherent moral superiority of the oppressed. Similarly, the critique of cultural appropriation, originally linked to colonial plunder and exploitation, has become a blanket condemnation of any cultural adoption by members of groups considered dominant, even when done respectfully.

Freedom of expression is directly affected by these reinterpretations because the open exchange of arguments loses legitimacy as a path to knowledge. If it is assumed that it is not possible to understand the other or that certain positions are, by definition, morally superior and unquestionable, debate ceases to be a space for contrasting views and becomes a restricted arena, where some voices are disempowered from the outset.

The third shift is moral. There has been a conceptual inflation (or concept creep) in the meaning of terms such as safety, harm, violence or trauma. Safety has shifted from referring primarily to physical integrity to include so-called emotional safety; harm or violence has been broadened to include symbolic expressions, microaggressions and even silences; and trauma is increasingly applied to situations of everyday stress or discomfort. This shift is not merely terminological: it reflects a new moral sensibility in which emotional distress takes on a central status and redefines the limits of what is acceptable.

Once again, the identity-based perspective reinterprets analytically useful concepts—such as structural violence, cultural violence or symbolic violence—in a way that dilutes their original analytical precision. Whilst in Galtung (1969, 1990) or Bourdieu (2013) these served to describe objective mechanisms of oppression rooted in social, economic or symbolic structures, the identity-based use tends to subjectivise them and to turn almost any expression, dissenting opinion or emotional distress into a form of violence. This shift also means that conflict is increasingly managed through the intervention of external authorities, rather than direct debate, and reinforces dynamics of moral sanctioning of dissent.

The impact of all this on freedom of expression is significant: as these concepts are amplified, the number of discourses deemed problematic increases, self-censorship is encouraged, and the space for disagreement is further reduced. Debate is no longer understood as a tool for managing conflict but comes to be perceived as a risk that must be controlled.

The fourth shift concerns the interpretation of social conflict. The existence of relations of domination and situations of oppression—which are real, well-documented and must be combated—has given way to a simplified, binary reading of society, in which everything is reduced to the oppressors-oppressed dichotomy. This moral polarisation diminishes the complexity of social relations, assigns fixed moral positions to individuals based on their group affiliation, and hinders mutual understanding by interpreting any disagreement not as a difference in perspectives, but as a manifestation of domination.

Thus, within this mental framework, disagreement ceases to be a legitimate and necessary element in a pluralistic society, becoming not only a risk but also something inherently suspect, associated with ignorance, bad faith or complicity with oppression. Debate is thus transformed into a binary moral judgement: either one fully accepts this reductionist interpretative framework or one is considered complicit in the harm.

In my view, this way of conceiving conflict—along with the normative, epistemic and moral shifts described—reflects a dynamic deeply rooted in fear and which, at the same time, reproduces it. Far from fostering empathy or mutual respect, the identity paradigm fuels suspicion, aversion and polarisation. In short, I argue that it is rooted in a postmodern moral panic.

Moral panic, according to Stanley Cohen (2011), is characterised by a disproportionate and amplified social reaction to a supposed threat to society's values or security. In its postmodern identity-based version, this threat is not external and visible, but internal, diffuse and considered practically impossible to eradicate. When any interaction can be interpreted as symbolic violence, when discrimination is understood as a permanent and inevitable feature, and when mutual understanding between groups is considered structurally impossible, the threat becomes permanent. Furthermore, by linking moral status more to vulnerability than to resilience, vulnerability itself becomes an indispensable element in giving meaning and legitimacy to the identity framework. A permanent spiral of alarm is thus generated.

In this context, it is understandable that freedom of expression ceases to be a central principle and becomes a negative value, often perceived as a tool of domination by privileged groups. And by equating speech with a potential form of violence, any expression that challenges or disrupts the dominant narrative can be deemed harmful and, therefore, legitimately restricted in the name of protection.

Paradoxically, a paradigm that claims to combat hatred and polarisation ends up producing a perverse effect: because it is rooted in fear and aversion, it erodes the conditions necessary to manage disagreements in a generous, dialogue-based and compassionate way. This is, at least, my interpretation of why freedom of expression is, to a greater or lesser extent, delegitimized in contemporary democracies.

2 For a discussion of this paradoxical reversal of Foucault's ideas in the identity discourse of a certain section of the left, see Doyle (2022) and Mounk (2023).

Arguments in favour of less freedom

The paradigm that delegitimises freedom of expression is highly influential throughout the West, where arguments in favour of restricting it—paradoxically, to protect it—have been gaining more and more ground. Today, virtually all Western democracies have introduced restrictions on freedom of expression, in one form or another, under the pretext of combating hate speech and protecting minorities and vulnerable groups.[3] Among the arguments most frequently used to justify these measures, two stand out: the argument of violence and that of a necessary evil to protect democracy.

The seemingly strongest argument in favour of restricting freedom of expression maintains that certain forms of speech **increase violence against groups considered vulnerable or constitute in themselves a form of violence**, at least psychological. It is a difficult argument to refute because it shifts the debate onto moral ground: if its premise is accepted, any objection can be interpreted as tolerance of harm, and nobody wants to be associated with indifference to the suffering of the most vulnerable.

Fortunately, however, human beings are not passive recipients who react automatically to messages. Behaviourist theories of media effects, which conceived of communication as a linear process of stimulus and response, have long been superseded; indeed, decades of research on violence in traditional media have failed to establish a consistent causal link between exposure to violent content and violence in society (Ferguson, 2015; Savage and Yancey, 2008).

In the case of so-called hate speech on social media, there is a growing body of studies showing correlations between certain aggressive discourses and violent attitudes or incidents (e.g., Cao et al., 2023; Gallacher et al., 2021; Karell et al., 2023; Müller and Schwarz, 2021). Although these studies have only managed to establish causal relationships on an ad hoc basis and in specific contexts, the accumulation of correlational evidence is not insignificant. In this context, many people may legitimately believe that any measure that could potentially reduce violence is, a priori, welcome. However, to address the link between speech and violence rigorously, at least four aspects should be taken into account.

Firstly, the difficulty in establishing direct causal links between *online* discourse and *offline* violence is largely due to the complexity of isolating the effect of discourse from other factors, such as pre-existing social tensions, political polarisation or economic crises. This is because individuals interpret, filter and negotiate messages within complex frames of reference, which limits the capacity of public discourse to produce direct and automatic effects.

Secondly, a strong self-selection effect operates on social media: people already predisposed to certain discourses are the most likely to consume them. Discourse rarely radicalises from scratch; rather, it channels and reinforces pre-existing attitudes. In many cases, discourse is both a reflection and an amplifier of pre-existing tensions, more a symptom than a primary cause.

Thirdly, the accumulated experience of restrictive policies suggests limited effectiveness. The discourses that are sought to be eradicated tend to shift to less visible spaces, without this necessarily reducing their potential to fuel dynamics of *offline* violence. The aim of eliminating them appears, in this sense, to be unrealistic.

Finally, the cost of censorship is extremely high. Given the inherently difficult-to-delimit nature of hate and its unavoidable interpretative component, these policies tend to lead to arbitrary applications and potential instrumental uses for political ends—which is hardly surprising, since it is difficult to maintain that one of the main tools of authoritarianism can be applied within a democracy without generating similar dynamics, especially when it offers such clear incentives to those in power.

None of this denies the existence of a correlation between aggressive discourse and social violence, but rather helps to avoid oversimplifying the causes. In fact, the difficulty of proving that social violence stems from such discourse—rather than that such discourse is also, or primarily, a reflection of that very violence—has shifted the debate towards the supposed inherent evil of the discourse itself and its psychological impact.

Thus, such discourse is also considered an evil in itself: undesirable because it erodes the respect due to all citizens and damages their dignity. However, democracies already have legal frameworks in place to combat conduct such as defamation, insults, threats or harassment. If a discourse is indeed harmful to a person, there is no need to restrict freedom of expression, because that discourse is not protected by it: it constitutes a criminal offence.

Furthermore, confusing emotional distress or subjective offence with a form of violence comparable to physical assault represents a dangerous conceptual leap. If any speech that causes anxiety or a sense of exclusion is considered violence, then virtually any controversial idea can be censored, and freedom of expression becomes an empty right.

It is clear that discourse is not neutral. Language creates categories, normalises realities, legitimises power relations and can contribute to the reproduction of inequalities (Bourdieu, 2013; Fairclough, 2014; Foucault, 2013; van Dijk, 2008). It is important to recognise this. But recognising the power of language is not the same as claiming that words are, in themselves, violence. The proof is simple: it is perfectly possible to change language without thereby automatically transforming the practices or structures that generate violence. Language can accompany, reinforce or legitimise, but it does not simply equate to violent action.

Similarly, real psychological violence exists, but it is not perpetrated by words in and of themselves. It is perpetrated through specific actions, behaviours or omissions. Words may form part of that violence, but

3 For example, in Spain, this has taken the form of the Gag Law (Organic Law 4/2015 and its amendments), the tightened regulation of hate crimes in the Criminal Code, and the recent HODIO programme (Traces of Hate and Polarisation). In the United Kingdom, the Online Safety Act (2023) has expanded the authorities' powers to sanction *grossly offensive* content on the internet. At European Union level, the Digital Services Act (DSA), together with national laws such as Germany's NetzDG or the French law against online hate speech (known as the Avia law), compel platforms to swiftly remove content deemed to be hate speech under threat of heavy fines.

they do not constitute it on their own. Confusing insults, criticism or unpleasant opinions with psychological violence implies an expansion of the concept of violence that trivialises its meaning.

In short, ideas and opinions, however undesirable they may be, do not constitute violence in themselves; and when they cease to be mere expression and become offences already provided for by law (incitement to violence, defamation, etc.), they are no longer protected. There is no need to invoke vague concepts that leave ample scope for arbitrariness and, consequently, injustice.

That said, despite all these limitations, it is understandable that many people still feel inclined to believe that any reduction in the potential for violence in society is a good thing. Even in the absence of a clear or direct causal link, it is difficult to argue that high levels of verbal aggression, such as those observed in some *online* forums, are desirable or compatible with healthy democratic coexistence. From this perspective, even if the implementation of the restriction is inevitably imperfect, it could be considered a lesser evil insofar as it would contribute, at least in principle, to improving the quality of democracy.

This is precisely the second most common argument used to defend restrictions on freedom of expression: that they are a lesser evil because **they do not actually constitute a limitation of the right, but rather a protection perfectly compatible with democracy, given that their effects would be limited and controlled**. This argument is, ultimately, the most important one, given the difficulties in demonstrating a relevant causal link between *online* discourse and *offline* violence. The problem is that this argument does not hold up.

Claiming to protect democracy by limiting a fundamental right that is essential to its very functioning amounts to undermining the foundations of what one claims to defend. Democracy is not merely a voting procedure. It requires the real possibility of criticising, disagreeing, debating, holding power to account and proposing alternatives. A right that enables citizen deliberation without supervision is not a luxury, but a mechanism constitutive of democracy itself. Restricting it "to protect democracy" is, therefore, a contradiction in terms.

Furthermore, once it is accepted that a right essential to democracy can be limited in the name of democracy itself, the door is opened for any restriction to be justified under the same pretext. The concept of democracy then becomes malleable: it no longer depends on effective mechanisms of control and pluralism, but on the discretionary will of those in power.

On the other hand, many of the current justifications for limiting freedom of expression rest on the concept of hate, which is an inherently elastic and ambiguous term. When this concept is combined with the tendency to equate any form of offence with violence and to give primacy to the subjectivity of those who feel offended over an analysis of content, intent and context, it becomes practically impossible to establish clear and consistent limits on hate. Within this framework, almost any statement can be classified as hate speech depending on the subjective interpretation of the recipient.

All this shows that, once the regulation of opinions is accepted, its application becomes unpredictable and highly dependent on ideological interpretations. The fact is that restricting speech is not an act without an actor. It involves transferring to third parties—politicians, judges, prosecutors, civil servants, private platforms, experts—the power to decide which opinions deserve to be tolerated and which should be sanctioned. To expect these actors to exercise that power with perfect objectivity and neutrality is, to say the least, naive. Any restriction, however well-intentioned, is applied by a specific individual, with their own interpretative frameworks, incentives, pressures and interests.

For this reason, although they may deeply abhor aggressive speech, many people prefer to decide for themselves which forms of expression they tolerate, rather than ceding that authority to institutions or external actors. They maintain that each citizen should retain the ultimate responsibility for discerning which ideas to accept and which to reject in the public sphere.

This fundamental principle—that it is up to each citizen to decide which expressions they will tolerate and which they will reject, in the knowledge that, if they do not, third parties will do so in accordance with their own agenda and ideology—is a matter of common sense. And common sense is a very solid foundation, as it rests on deep and stable collective intuitions, as numerous studies in moral and cognitive psychology demonstrate (Haidt, 2001; Kahneman, 2011; Pinker, 2002). For this reason, its weakening often requires frameworks of perceived threat or moral panic which, by triggering fear, reduce deliberation and make restrictions acceptable that would otherwise be questioned under normal circumstances. By conceiving of society as a permanent structure of domination and any dissent as potential symbolic violence, a diffuse yet permanent threat is generated—one that appears impossible to eradicate—justifying permanent exceptional measures that run counter to common sense.

Only within this context of amplified alarm is it possible to label any dissent or uncomfortable expression as an existential threat—reactionary, extremist or outright fascist. From this logic, it is claimed that so-called hate speech inevitably leads to fascism, as happened with the inflammatory use of radio during the rise of Nazism in Weimar Germany or in the Rwandan genocide. Undoubtedly, these analogies contribute to creating moral alarm, but they refer to situations of total institutional collapse or extreme ethnic violence that have little to do with today's established Western democracies (Heinze, 2016). So it is more likely that this trivialisation of fascism will lead to fascism than the opinions trivially labelled as such—because trivialisation erodes our ability to recognise real fascism.

The antidote to this dynamic lies in abandoning the strategy of fear and allowing people to regain the ability to reason calmly. When this happens, a fundamental truth emerges clearly: freedom of expression is not a dispensable or curtailable luxury, but an indispensable requirement, in its entirety, for the effective functioning of democracy.

An indispensable freedom

Freedom of expression is not merely an important freedom within democracy: it is the freedom that

makes the genuine exercise of all others possible. It is what Eric Heinze calls a "constitutive right" of all other rights (Heinze, 2016). Without it, the right to vote loses all meaning, because one cannot publicly criticise candidates or debate their proposals; freedom of assembly and association is rendered meaningless if one cannot openly state why a demonstration is being called or an organisation formed; freedom of conscience loses its meaning if one cannot publicly defend one's own convictions; and social, labour and minority rights have historically depended on the ability to denounce abuses and mobilise public opinion through speech.

A limited or merely formal freedom of expression triggers a cascade of effects that renders the rest of the catalogue of rights meaningless. Far from bringing about the emancipation and social improvement promised by those who defend such restrictions, the result tends to be a more controlled, more conformist society and, ultimately, one that is not only less free but also less just and less compassionate.

This does not imply advocating for absolute freedom of expression in the literal sense. Such a notion is absurd, because it would force us to accept any behaviour, from threats to murder, simply because it is presented as an expression of ideas (Heinze, 2026). No reasonable person who defends broad freedom of expression is advocating such a thing. What is being defended here is the absolute freedom to express an opinion or idea, not the absolute freedom to act or incite action.

It is precisely the absolute freedom to express opinions and ideas that makes freedom of expression effective rather than merely nominal. Therefore, any attempt to restrict it—however moderate, selective or well-intentioned it may appear—inevitably undermines the deliberative essence of democracy. There are no "minor" or "harmless" restrictions: either freedom of expression is robust and includes the protection of uncomfortable, unpopular or minority ideas, or it ceases to be a fundamental freedom and becomes a conditional right, and therefore merely nominal. For this reason, the true defence of freedom of expression—not merely a declarative one—is neither of the right nor of the left, but is characteristic of democrats and anti-authoritarians.

The way in which this freedom guarantees coexistence and pluralism among democrats was explained by John Stuart Mill (1859) with a clarity that remains hard to surpass. Mill showed us that it is necessary to tolerate even the opinions that offend us most for four reasons: because the silenced opinion might be true; because, even if erroneous, it may contain a grain of truth; because even a true opinion becomes a dead dogma if it is not subjected to debate; and because without rational confrontation we lose the ability to justify our beliefs and weaken our moral and civic intelligence.

With this reflection, Mill warned us of three fundamental risks. First, the arrogance of believing that we possess the whole truth and are infallible. Second, the tyranny of the majority, which confuses what is popular with what is true and silences minorities. And third, the danger that the most valuable ideas degenerate into dogmas accepted out of habit and blind faith, which puts them at risk by rendering us incapable of defending them with true rigour and conviction. For exposure to disagreement does not weaken us; it strengthens us. It forces us to think more clearly, to justify our views more effectively, and to understand better why we believe what we do. That is why tolerating uncomfortable, and even undesirable, opinions is not a sign of weakness or moral indifference, but the most effective mechanism humanity has found to move towards a free and pluralistic society.

The moral panic pervading many contemporary Western societies—the constant threat that any offence is tantamount to violence, that questioning it is seen as complicity, and that any dissent is interpreted as a precursor to fascism—contributes to delegitimising open debate through fallacies that only hold up as long as they are not challenged. Here are some logical conclusions from their refutation:

- Tolerating ideas and opinions we do not like is not the same as endorsing them.
- Disagreement is inevitable in a free society, and is moreover healthy because it enriches debate and strengthens ideas.
- Shielding citizens from any offence is not protecting them; it is infantilising them and leaving them defenceless in the face of disagreement.
- Direct incitement to violence or actual threats are not part of freedom of expression, but constitute incitement to criminal action.
- Rhetorical, satirical, hyperbolic, provocative, humorous or politically incorrect expressions—even highly politically incorrect ones—are legitimate and, often, useful.
- Rather than attempting to suppress insults and disparaging remarks, the sensible approach is to manage them: respond with arguments or ignore them, and provide training in sound argumentative techniques. Only those who lack arguments resort to insults.
- Adult citizens are capable of deciding for themselves which opinions they will tolerate and what content they wish to consume, without the need for third parties to assume a guardian role.
- The idea that the State or a group of experts can decide better than citizens themselves which opinions are good for them is deeply anti-democratic, as well as naïve.
- The idea that "hate speech" exists as an objective, clearly defined category that can be eradicated without causing collateral damage to democracy is mistaken and dangerous.
- Restricting freedom of expression based on subjective perceptions of violence is not compassion, but arbitrariness: it prevents consistent criteria and leads to favouring some sensibilities over others.
- Restricting freedom of expression is not only incompatible with a robust democracy, but also damages it, because it tends to limit debate, render dissent invisible and reinforce dominant positions.

In short, real—and not merely formal—freedom of expression is an indispensable element of democratic deliberation. It allows collective decisions to be adopted following a genuine exchange of ideas, arguments and alternatives; it facilitates the effective control of power; it enables citizens to make informed

decisions; and it strengthens, rather than weakens, the democratic process.

Attempting to reduce aggression in public discourse by restricting freedom of expression proves not only counterproductive, but largely futile and incompatible with a genuinely anti-authoritarian project. No limitation on this right can offer guarantees of measured and limited application, nor even of effectiveness on its own terms. A truly anti-authoritarian approach involves strengthening citizens' autonomy, not placing them in contexts of postmodern moral panic that facilitate the acceptance of what, under ordinary circumstances, would not be accepted. Citizens—and within them, vulnerable groups and minorities—are not best protected by curtailing their freedoms, but by expanding them: only a space for open and robust public deliberation makes it possible to expose abuses, challenge power and, ultimately, make real progress in protecting the most vulnerable.

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