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License to Speak. The Rhetoric of Free speech in Late Antiquity and the Early Middle Ages

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Licence to Speak. The Rhetoric of Free Speech in Late Antiquity and the Early Middle Ages
Irene van Renswoude, Amsterdam 6 December 2012

“I have spoken, I speak, and it is my duty - I cannot do otherwise - to continue to speak”.

With these words the Dutch MP Geert Wilders concluded his final remarks before the court of Amsterdam in June 2011, where he stood trial on charges of inciting hatred against Muslims.¹ The fact that he had spoken publicly about Islam in a critical matter, Wilders stated, was not an act of discrimination, but an act of free speech. What was at stake during his trial was, in his view, nothing less than freedom of expression itself. In his speech before the court, Wilders drew on a longstanding tradition of Dutch mavericks who had spoken up for freedom and truth in the past, and who had paid the price for the courage to speak their mind. He listed as his role models, amongst others, the filmmaker Theo van Gogh (murdered in 2004), the controversial politician Pim Fortuyn (shot in 2002) and the seventeenth-century Republican statesman Johan de Witt (martyred in 1672). Wilders’ final remarks, moreover, referred to the famous words of Maarten Luther, who is reported to have said before the Diet of Worms in 1521, when summoned to defend his views: ‘Here I stand, I can do no other’. With these historical references, Wilders placed his own performance as a critic of Islam in an ancient tradition of outspoken public figures, who were willing to risk their lives for the right (and duty) to speak freely. It is not my intention here to express a value judgment on the historical or ethical validity of Wilders’ defence speech. Rather, I would like to point out that the tradition of free speech that Wilders drew on long predates the days of Maarten Luther. In fact, it goes back to ideals that received much of their present shape and form during the early Middle Ages.

In my dissertation I have investigated the origins of the values and norms that we currently attach to free speech, such as courage, authenticity, non-conformity and sincerity. I came to the conclusion that these norms and values (by which we still judge the intentions of ‘free speakers’ today - whether we agree with their opinions or not) were once part of a rhetorical practice that originated in Antiquity and lived on in the early Middle Ages. The results of this investigation run counter to the traditional viewpoint that the ideals of free speech disappeared after Antiquity, only to be rediscovered again during the Renaissance. Freedom of speech is nowadays regarded as one of the most important values of western democracies. We look for the roots of this freedom to Classical Antiquity as the cradle of western civilization. By the end of late Antiquity, so it has long been presumed, the ideals of free speech had fallen into irreparable decline. In the following centuries, freedom of expression would be forcefully suppressed by an authoritative medieval church that reduced dissident voices to silence. Only with the Renaissance, people allegedly learned to think for themselves again, and once again dared to speak their mind on political and social issues. With this dissertation I hope to have demonstrated that these preconceptions are incorrect.

¹ The English translation of the final remarks of Geert Wilders at the court in Amsterdam June 2011 can be found on Geert Wilders’ weblog:
http://www.geertwilders.nl/index.php?option=com_content&task=view&id=1752&Itemid=94

During my research I have studied letters and speeches of late antique and early medieval dissident thinkers. Based on this material I concluded that the ancient ideals of free speech did not disappear, but lived on in the political culture of the early Middle Ages. The strong social appeal of these ideals was undiminished, but the ideas on how free speech should be performed, who was licensed to speak freely and under what conditions, had changed. These changes were the result of specific historical processes. In late Antiquity, the classical tradition of free speech had been transformed into a Christian, ascetic practice performed by individuals who, through a strict regime of self-control, had learned to offer criticism in a pure and selfless manner. It was believed that only those who had learned to keep silent and control their tongue were able to express criticism in the right way. In the early Middle Ages, monks and bishops took on the role that had for a long time been the prerogative of ancient philosophers, namely to criticize the ruling class of kings and emperors. Political criticism seems to have been an accepted practice, provided the critics expressed themselves according to established cultural and rhetorical rules. One could object to this observation that it can hardly be called 'free speech' if a speaker has to conform to rules and conventions that restrict what can be said. Free speech as such, however, does not exist in the first place, not in the early Middle Ages and not in our own days. To cite the provocative title of a book by the American philosopher Stanley Fish: *There is no such thing as free speech. And it's a good thing too*. Fish argued that even within our so-called tolerant and modern western society there are taboos that cannot be broken. Free speech can only move within boundaries that are put in place by communities that have decided in advance what they do not want to hear. These boundaries can be stretched and bended, especially if a speaker uses the right type of rhetoric, but they can never be crossed.

If possibilities and occasions to speak 'freely' indeed abounded in early medieval political culture, as I maintain in my dissertation, the question presents itself why this cultural phenomenon has remained unnoticed for so long? This may be explained by the fact that in early medieval Latin there was no word or specific term to describe the act of speaking freely, or a vocabulary to engage in theoretical reflections about its use and purpose, as was common in Antiquity. Yet the practice of free speech itself continued to exist, even though there was no name for it. From the surviving sources of the early medieval period, an implicit interpretative framework can be deduced that outlined the conditions and social relevance of free speech. The sources demonstrate that in this period free speech was not considered a right, protected by juridical stipulations and guarantees, as it is nowadays, but was rather seen as a privilege, a moral duty and a rhetorical performance. In my dissertation I have argued that the period between the third and the tenth century, which is now commonly regarded an all-time low in the history of European civilization, was in fact a formative period in the development of free speech as we know it today. It was during these centuries that the ideology of free speech came to be connected to ideals of martyrdom (the willingness to suffer for expressing an opinion), to an outsider performance (the role of the nonconformist who is not acknowledged by the establishment), and to a political rhetoric of plain and straightforward sincerity ('I say what I think and do what I say') that politicians today still like to employ.

In conclusion I would like to make two points. One is an observation, the other a plea. Let me start with the observation. The ancient rhetoric of free speech, including its social values and cultural rules of performance, can still be recognized in political rhetoric today. The moral codes of behaviour, however, that were once an intrinsic part of the practice of speaking freely are currently less present in public debates. Traditionally, the art of rhetoric had a strong ethical dimension. Classical rhetorical handbooks emphatically advised critics to respect the people they criticized. To give offence just for the sake of giving offence was not socially acceptable, and was certainly not considered an effective way to offer criticism. In late Antiquity, moreover, the privilege or moral duty to speak freely ideally went hand in hand with what could be called a practice of 'inner censorship' that kept a critic from giving needless offence. The art of speaking well was not only about the persuasive power of eloquence, but also about accepting moral responsibility for the effects of one's words. Perhaps we could learn something from ancient rhetoricians in this respect?

Secondly, I would like to argue for a historical approach to present-day debates on freedom of speech. I trust it will clarify the issues under discussion, as well as the mechanisms of debate itself, if the historical processes that gave birth to our present norms and values regarding free speech are acknowledged. Perhaps by analysing the historical roots of the language and interpretive categories by which we judge acts of free speech, we will become more aware of the legal, social and moral boundaries that we, as a society, put (or would like to put) to the licence to speak freely, whether in the past or in the future.