Aporias of Courage and the Freedom of Expression
Ejvind Hansen

I

With the gradual emergence of democratic governance in parts of the Trans-Atlantic world in the 17th and 18th century, political philosophers, jurists and policy makers wrestled with the limits to freedom of expression. The emergence of democracy was tied through numerous conceptual threads to the system of Enlightenment critique, which rejected the idea that any idea could be immune to questioning. The Enlightenment fostered an approach that understood knowledge and views as essentially fallible (Foucault 1984). It was therefore important, some thinkers pointed out, to approach any problem or challenge through a diversity of views and voices, because then the democratic decisional conclusions had to be as qualified as possible to actually gain consensus and work. In 1859 J.S. Mill thus summarizes his defence of the freedom of expression by stating that restrictions in the freedom of speech "assume our own infallibility" (Mill 1859).

In tandem with these political and intellectual developments, mass-media was emerging as a social power. Mass media as a communicational technology is structurally characterized by relatively few distributors who distribute information to a vast amount of receivers. Increasingly so as the printing press industrialized in the 19th century, radio and TV networks were implemented on a national and global scale in the 20th century. The structure of the mass media makes it fairly easy for power holders to close down selected sources if they are dissatisfied with the kind of critical discourses they may be associated with and want to minimize them in the public spheres, because the distributive level is so easily located.

The tension that we are sketching here can be simply expressed. On the one hand there is from early on recognition that democratic processes should be supported by an open public sphere with as many voices as possible. On the other hand, the available communication technologies facilitated effective censorship.

In this situation it was obvious that reflections on the freedom of expression often would be articulated against the limits imposed by censorship (e.g. in Milton 1643; Hume 1742; Voltaire 1764). It is thus no surprise that the resulting legal treatises often are articulated in negative terms – freedom of expression being conceived as a freedom *from* external restrictions. A paradigmatic formulation is found in the *First Amendment of the U.S. Bill of Rights*:

> Congress shall make no law [...] abridging the freedom of speech, or of the press [...] (1791).

The same understanding is found in more recent articulations like the *UN Declaration of Human Rights*, article 19:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference (1948).

And in *The European Convention on Human Rights*, §10

> Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority [...] (1953).

The historic importance of the ideals that underlie these statements are difficult to overestimate: The development of democratic societies was decisively conditioned by a plural public sphere in which opinions are articulated and challenged. Partly this was due to the desire to facilitate qualified stands on crucial problems, and partly this was due to the recognition of the value of every citizen (Habermas 1992: ch. 8.3).

Today, however, we have gone beyond the epoch in which the mass-media structure could be

considered the paradigmatic communication technology in the public spheres. With the development of the Internet protocols we have acquired communication media that have a global reach that has broken away from the one-to-many, unidirectional structure of traditional mass media as a simple matter of technology. The Internet protocols facilitate, at least on the technological level, a communication structure in which there are no clear centres (Galloway 2004).

While one might expect this transformation of communication technology to give rise to more plural and diversified public spheres, this has not necessarily actually been the case. Even though the Internet gives the user the ability to raise his or her voice in the public spheres, the very enormity of the Internet makes it uncertain that that voice will attract any more attention than it would have in the previous, press-centric epoch of mass media.

One can say, uncontroversially, that the Internet has dramatically lowered the threshold of entry to the public sphere. The course of history of the Internet bears out the pluralist orientation. In the early Internet days, software packages were created to help people making their own html-sites. Later on CMS-systems facilitate the creation of website systems with weblogs, news, shopping, and discussion. And social media like Facebook, Instagram, Twitter, Youtube, LinkedIn facilitate public engagements without any kind of coding skills.

For the purpose of the argument we are pursuing in this paper, it is immaterial whether one thinks that the Internet has either improved or worsened the public spheres. The claim we start out with is that the shift in the technological basis of the public spheres should raise new questions as to what the aim of our fight for freedom of expression should be. This is not to say that traditional censorship is no longer a problem. Cases like China, Iran and Cuba show that it is possible for very determined regimes to enact powerful censorship even on the Internet. However, these cases also demonstrate that it takes quite an effort.

Censorship is simply not the most obvious strategy when trying to control the public sphere in the current technological setting. In Hansen 2015a we thus suggested that we turn our attention from the negative understanding of freedom of expression (freedom as not restricted by external forces) to a positive understanding (what are we able to do, what is possible?).

Against the background of these historical factors, we are going to argue for a way of unpacking 'positive" freedom of expression. First (II), we will through a reading of Foucault's interpretation of the Greek concept *parrhesia* suggest that public spheres should not merely be assessed against their plurality of voices, but also against the amount of courageous truth-telling. Then we will (III) turn to Derrida's account of aporia in order to (IV) be able to bring out the ways in which courage breaks with urges towards a unifying coherence in public life. Courage (V) turns out to be a disruptive impulse in public cultures. We risk our public life (or at least: our reputation) by challenging the common sense of the public. Before closing the argument, it is however important to (VI) point out limitations in the disruptive impulses. For the disruptive impulses to be courageous they need to be based on some account of goal and with some idea of possible success. In a public setting disruptive impulses thus need some amount of deliberative basis – otherwise the furthering of courageous voices might very well develop into public spheres unfruitfully occupied by minority voices with no willingness of generalizing their views. We will (VII) conclude by suggesting that public spheres with courageous truth-telling will facilitate a society in which strong voices and opinions are continuously challenged by less strong voices.

II

To sum up the previous section one can arguably claim that, in spite of the attempt of some states to restrict the internet, the plurality of voices in the public sphere is no longer as threatened with foreclosure as it used to be, due to the new structure of the communication technologies. With the availability of so many voices it has been argued that *attention* becomes the main value in online public spheres (Simon 1971; Dahlberg 2005). The mere diversity of voices in the public sphere is not enough to guarantee the fruitful interplay of different public spheres, because the public spheres can be dominated by contributions that prevent an actual democratic dialogue. The negatively conceived freedom of expression should thus be supplemented by a positive freedom of expression

in which we focus upon what we are going to use the negative freedom for.[1]

In his lectures on parrhesia (Foucault 2001a; 2001b, 2008; 2009) Foucault revealed a possible predecessor to the modern notion of freedom of expression: The Greek term *parrhesia* can be translated to "free speech" with the strong implication of telling the truth – especially in cases where the truth is in a certain sense inconvenient.

According to Foucault, the pre-Enlightenment approach to parrhesia differs from the Enlightenment tradition by accentuating an intimate relation between truth and courage (Foucault 2001a: 15). The parrhesiastic person ultimately risks death by telling the truth and thus has to be courageous.

To characterize an act as courageous entails, at a minimum that the agent could have done otherwise. The act of parrhesia thus entails some sense of freedom of action (Foucault 2001a: 19; 2001b: 255). However, with Foucault this freedom immediately confronts the question: "On est libre, mais libre de quoi?" ("One is free, but free for what?", Foucault 2001b, 260) – the question of the positive side of freedom.

In Hansen 2015a we argued that a first step towards answering this question could be to translate the position into a distinction between affirmative and liberating truth telling. As a first step this tends to translate the claim into a truism: We should be free from external restrictions in order to free ourselves. However, the claim also entails the point that we should use our negative freedom to *stay* free (in a continuous struggle between freedom and restrictions), to liberate *each other* (even though the speaker is free, it is not certain that the addressees or other agents are), and to point out new aspects of restriction (one thing is freedom from external restrictions, but what about internal restrictions in our minds (discursive outlooks) and bodies (hidden power structures)).

In the following we will pursue the idea that current discussions of the (negative) freedom of expression should be supplemented with discussions of how we achieve making the public spheres more open to courageous truth-tellers. The main argument for going this way is a worry that with the enormous growth in the number of those projecting their expressions into the public spheres, without a similar growth in the span of attention, we may end in a situation in which the public exchanges become as ineffectual as in the pre-Enlightenment times. It is thus necessary that we evaluate the public spheres not only in terms of their permission of an unlimited number of voices, but also in terms of the mechanisms in place that allow attention to be attached to courageous expressions.

The relationship between the number of active participants in public sphere discourses and the span of our attention entails that a certain screening of information and expressions will happen whether we do it actively or not. The traditional ideas of the freedom of expression as just the absence of external constraints is thus in a certain sense a naive approach to achieve diverse public spheres in as much as expression does not necessarily translate into discussion or any larger social focus.

The same applies for our suggestion based on both negative and positive notions of freedom. Even though we argue that public spheres that favour courageous truth-telling are democratically preferable to those that do not, it misunderstands the nature of our argument to think of it as a framework to articulate some clearly defined criteria that must be met by discourse participants. Such scenarios, as we know, put the political order on a path that does not evoke pleasant historical memories. On the one hand, our suggestion is mainly a suggestion of how to assess the *democratic* worth of expressions – certainly there are other legitimate reasons to participate in public discussions. Secondly, even for the evaluation of the democratic value, we will argue that the quest for courageous truth-telling functions as a critical, counterfactual ideal – an ideal that is itself open for public discussions.

This is not to say that a counterfactual ideal is without actual relevance in society. If the suggested account of a positive freedom of expression is credible, it can serve as an implicit reference or standard from which to judge, on the one hand, deliberative discussions of actual expressions in the public spheres and, secondly, deliberations of the relationship between concrete, prevailing interpretations of the ideal and the actual society.

The main aim with the ideal is thus not to suggest a norm that unequivocally determines whether or not actual expressions are of democratic worth in the public sphere. In order to have practical worth the ideal must, admittedly, be able to serve as a paradigm for the articulation of rules and values against which actual expressions can be evaluated. More importantly, however, the ideal is something that we can, and should, argue about. If a speaker is criticized for not being a courageous truth teller, the speaker can either respond to the critique by showing that the expression is actually courageous according to the existing norms for courage, or the speaker can challenge the norms as being inadequate.

This certainly opens for a certain amount of unavoidable relativism, since the articulated ideals could otherwise serve repressive interests by preventing expressions of views. The relativism is, however, conditional. In the challenge of existing norms of courage it will still be necessary, in order to be counted as a relevant voice in the democratic public sphere, to substantiate an alternative suggestion as to how the notion of courage should be conceived. In doing this, one will partake in a democracy enhancing discussion.

We will return to this discussion in section VI in which we argue that on this aspect the deliberative understanding of communication and democratic will formation (as articulated in Cohen 1989; 1997; Habermas 1992; 1996; Rawls 1999) bears some important insights. Our account of deliberative reasoning is, however, furthermore inspired by poststructuralist accounts in which it is taken seriously that deliberative exchanges to a large extent have to focus on issues that are by their very nature impossible to agree upon – because the crucial social challenges are aporetic in nature and thus any articulated account will be inadequate. This is where ideals of courage come in, courageous truth telling being the practice of risking our lives in order to attain some higher goal. The ideals of deliberation and courage indeed carry some tensions (aporias), but these tensions should not lead us to reject the ideals – the tension, is as it were, a product of two mutually dependent and opposing ideals. In our case this will be a tension between the quest both for deliberative consensus and courageous challenging. However in order to understand the structure of such paradoxes, we must turn our attention to Derrida's notion of *aporia*.

III

In the late 1980's and early 1990's Derrida introduced a focus on *aporias* in his philosophical reflections. On the one hand this focus was introduced as a reflection upon death (Derrida 1996a). In this paper we will however mainly bring out the way aporias shaped Derrida's reflections on justice (Derrida 1993; 1994). In the subsequent section we will transpose motifs from these reflections to the field of courage.

In his analyses Derrida discusses the relationship between prescriptions (laws prescribing that there are some things that we *should* do) and the force of these prescriptions – the "how come that we feel obligated to follow the prescriptions?". In order to understand how the laws gain their force, we can certainly refer to the backing of the laws: If we do not adhere to the laws the police will put us to prison. It is, however, always also possible to discuss whether the laws are actually just themselves.

In order to do that we need to refer to something that is not the laws themselves, but rather the world the laws aim to regulate. Does the existing legal body facilitate something that we consider to be good (Derrida 1994: 18-20)? This is, according to Derrida, where *justice* comes in as a key notion. Even if we reference the notion of physical force to explain one factor in the actuality of certain laws and rights, we still have to account for the *legitimacy* of the legal force, which makes the prevailing body of laws and rights necessary.

This does, however, not take us very far in gaining a definite picture of justice. Derrida does articulate some general descriptions of justice, but unlike the positivist strain in ethical philosophy, he finds that a clear and definite picture is necessarily impossible. Justice plays an aporetic role in society and these aporetic features, can never be eliminated:

> How are we to reconcile the act of justice that must always concern singularity, individuals,

irreplaceable groups and lives, the other or myself as other, in a unique situation, with rule, norm, value or the imperative of justice which necessarily have a general form [...]? (Derrida 1994: 39[2]).

The point here is that in order to evaluate existing legal bodies, we cannot go all the distance using general rules, norms or values. Laws are for example often evaluated against certain (human) *rights*. However, at some point these rights must be of some value in concrete societies. Laws and rights are instantiated in order to achieve *just* societies, and when we evaluate the laws and rights we thus evaluate the extent to which they achieve that goal – and this has to happen in a reflection upon the relationship between the general rules and concrete societies: How well do the general rules operate in the context of concrete societies?

We should thus be cautious about claiming that we have articulated the imperatives of justice when we have articulated the general rules, because justice on the contrary is what challenges our rules of law and right. So, when we try to articulate justice in discursive terms,

> ...a silence is walled up in the violent structure of the founding act (Derrida 1994: 33[3]).

On the other hand, however, even though justice, as it were, escapes discursive articulation, the only way justice can challenge existing normative bodies is through the articulation of the inadequacies in the existing bodies. On the one hand, total discursive articulation is impossible, whereas on the other hand, articulation is necessary. We have thus reached the aporetic structure of justice:

> The experience finds its way, its passage, it is possible. And in this sense it is impossible to have a full experience of aporia, that is, of something that does not allow passage. An aporia is a non-road. From this point of view, justice would be the experience that we are not able to experience [...] I think that there is no justice without this experience, however impossible it may be, of aporia. Justice is an experience of the impossible (Derrida 1994: 37-8[4]).

It is important to notice that even though an aporia is a "non-road" it is not something that paralyses us. Derrida's notion of the experience of the impossible takes us beyond paralysis, because the experience of impossibility opens new horizons. The experience of impossibility shows that there is something in our cultures, practices, languages that we cannot come to grips with. But in this very experience of the limits of our experience, here, we become aware of this inability, and justice (as such an experience) thus challenges us to reconfigure our prevailing outlooks.

Thus, the experience of the impossible actually carries a possibility of change in the prevailing outlooks. Given the aporetic structure we cannot once and for all *solve* the sketched paradoxes, but the aporetic structure in itself reminds us that any current solution is provisional and open to revision – to alternative suggestions as to how one handles the paradoxes. Practical-, theoretical- and social aporias continuously disturb our pragmatic horizons, and hereby they force us to remain open to alternative solutions.

So far justice has mainly been described as the aim and disturbance of legal bodies. Derrida goes further in elaborating three senses of the aporetic character of justice.

Firstly, justice is said to carry the aporetic "épokhè of the rule" (Derrida 1994: 50-2). This aporia is freighted with the tension in justice between freedom and rule. On the one hand, one must be free in order to be able to exercise justice – if we are not free, it does not make sense to evaluate our decisions and actions in terms of responsibility. On the other hand, the decision or enactment must also follow a rule or prescription. Without the regularity of the rule, justice becomes random and accidental. Furthermore, it is not enough that we *actually* follow the rule. The just action or decision assumes that we also voluntarily approve of the rule. This aporia thus carries the tension between justice being "both regulated and without regulation" (Derrida 1994: 51[5]) – i.e. a free subscription to regulation.

Secondly, justice carries the aporetic "ghost of the undecidable" (Derrida 1994: 52-7). For

decisions to be free they must cut through other possible alternatives, alternatives that are essentially viable and valid. The just decision (based on a free approval) cannot be given in advance (calculable):

> A decision that didn't go through the ordeal of the undecidable would not be a free decision, it would only be the programmable application or unfolding of a calculable process (Derrida 1994: 53[6]).

Justice thus brings into confrontation the fact that we have to choose, and thereby deselect alternatives, but we have to do it without decisive criteria to help us. We cannot justify the deselection of alternatives – but still we have to choose.

Thirdly, justice is said to carry the aporetic "urgency that obstructs the horizon of knowledge" (Derrida 1994: 57-63). This aporia is a consequence of the previous aporias: Given that just decisions must be free and incalculable they cannot rely on knowledge either. This is not to say that knowledge does not play any role in reflections upon what to do, but in the moment of decision we do not possess the kind of knowledge that would allow us to unequivocally decide what is best – because then we would avoid the moment of the undecidable, and the decision would rather be a product of calculation.

Our argument does not require that we accept Derrida's typology of the aporias in detail. What is important is the aporetic situation within justice. The decisive step in relation to the following reflections upon courage is firstly that the aporetic articulations bring out the tension between freedom (decision) on the one hand, and existing rules, knowledge and systems on the other. Secondly that the aporias are not products of external criticism, but are instead tensions or paradoxes that exist *within* existing practices. They are what we are trying to come to grips with in our everyday practices, and they ground an important Enlightenment insight: truths, dogmas or institutions of our culture are always potentially up for critique, reflection and discussion (as stated famously in Kant 1784).

It is at this juncture that we connect up again with our thesis concerning the place of courage in the discourse of the political order.

IV

What is courage? Looking through the Western history of ideas gives an impression of the complexity we are dealing with. In Homer's works courage was decisive to judging (male) character. Plato showed that we should be cautious not to conflate courage with endurance or a special kind of knowledge (Plato 1997). Aristotle also warned us against clear cut definitions, because it is important to navigate between extremes: Courage is the right attitude towards feelings of confidence and fear in which we navigate between excessive fearlessness, rashness and cowardice. In order to be courageous we should fear *and* face things that are *rightly* considered to be evil or dangerous (Aristotle 1976: ch. 3.6-9).

A common theme to many of these approaches is that they understand courage as a virtue. This theme has been taken up, as well, in contemporary virtue ethics associated with Alasdair MacIntyre, for whom courage is a virtue in relation to sociability, even though it may have different practical and normative implications within differing social contexts (MacIntyre 1981: 192-3). The following quote summarizes the position:

> Traditional Bantu parents brought up their children not to tell the truth to unknown strangers, since they believed that this could render the family vulnerable to witchcraft. In our culture many of us have been brought up not to tell the truth to elderly great-aunts who invite us to admire their new hats. But each of these codes embodies an acknowledgement of the virtue of truthfulness. So it is also with varying codes of justice and of courage. Practices then might flourish in societies with very different codes (MacIntyre 1981: 193).

MacIntyre thus claims on the one hand that virtues like truthfulness, justice and courage play a decisive role in any social context (see also ibid.: 192), but that they express themselves variously depending on the situational and cultural context.

Structurally this argument resembles Derrida's analysis of the relationship between justice and right: Societies generally seek to make space for courage and justice, but they differ in their "codes". However, despite the resemblance there is also a crucial difference. In MacIntyre's account a virtue is,

> *an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods* (ibid.: 191 – italics in the original).

Virtues are thought of as dispositions that produce obedience to certain rules (ibid.: 244) and this obedience facilitates a narrative unity of human life (ibid.: 243):

> To ask 'What is the good for me?' is to ask how best I might live out that unity and bring it to completion. [...] It is in looking [...] for a conception of *the* good which will enable us to understand the place of integrity and constancy in life, that we initially define the kind of life which is a quest for the good (ibid.: 218 + 219 – italics in the original).

According to MacIntyre virtues like justice and courage thus bring narrative unity and coherence into our lives – they become historically evolving life stories. According to Derrida, on the contrary, the aporetic constitution of justice is what *challenges* the rules and challenges the persistent coherent constitutions of our cultures and narratives. While the codes, according to MacIntyre, *embody* the virtues (cf. the quote from p. 193 above), according to Derrida the codes (the laws and the rights) always essentially *fail* to embody justice. The codes are essentially fallible because they are suggested solutions to impassable challenges.

It isn't the purpose of this paper to adjudicate this dispute. In the following argument we will mainly rely on Derrida's approach, because we want to bring out the urge of *challenging* existing rules. We will argue that freedom of expression mainly becomes democratically valuable insofar as expressions challenge existing power structures. Certainly the courageous agents must abide to some normative expectations (existing rules) in order to be taken serious (more on this in section VI), but expressions with no challenging of existing expectations may hardly be labelled as courageous.

V

What is courage in a public context? One of the most famous expressions of this relationship is the Kantian,

> *Sapere aude!* Have courage to make use of your *own* understanding! is thus the motto of enlightenment. [...] For this enlightenment, however, nothing is required but freedom, and indeed the least harmful of anything that could even be called freedom: namely, freedom to make public use of one's reason in all matters (Kant 1784: 35-6[7]).

According to Kant courage is essential if we are to have a public sphere governed by reason. This is so because courage is needed in order to escape from the self-inflicted immaturity or minority that is "zur Natur geworden" (ibid.: 36). Courage is needed in order to break with the norms and standards that have become the unquestioned horizon of our thinking.

The idea is affiliated with Derrida's account of responsibility and courage as presented in *Donner la mort* (1992). Derrida discusses the concept of responsibility as a gift of death in which the agent sacrifices the comfortable and daily life for something else (Derrida 1992a: 23-26 + 44 (uk: Derrida 1996b: 15-19 + 40)). The concept of responsibility rises out of the idea that we are not

beings who labor under some predetermined way to live our lives. There are several paths, some of which lead outside the normal comfort zones. And outside these comfort zones we may risk our lives.

However, to risk our lives in order to live in certain ways is paradoxical, because if we die on this path, there is certainly no value in living that way. The question thus becomes: How can we justify risking our lives for something if we do not actually gain anything through it? Derrida's answer is that we cannot legitimate this risk, but neither can we we avoid the quest if we want to live like true human beings that are not condemned by pre-given structures.

With these reflections we are back at the paradoxical structures mentioned in the above analysis of justice (ibid.: 31-4 + 68 (uk: pp. 24-7 + 68)). As in the reflections on justice, Derrida now argues that the true responsible act is the act that breaks with prevailing rules and norms, the responsible agent is the agent that risks his or her reputation in the confrontation with existing morality. As when he describes Abraham on the mountain with Isaac:

> ... you had the courage to behave like a murderer in the eyes of the world and of your loved ones, in the eyes of morality, politics, and of the generality of the general or of your kind. And you had even renounced hope. Abraham is thus at the same time the most moral and the most immoral, the most responsible and the most irresponsible of men... (Derrida 1992a: 72)[8]

Abraham is, according to Derrida, courageous because he dares behave like a monster in the eyes of the surrounding world. Certainly he does this through a request from God, but in Derrida's interpretation this is translated into an "absolute duty towards the unique" (ibid.: 72). Responsibility and courage is thus in Derrida's interpretation, just like justice, understood as the revolt of the concrete and particular (the unique) against the general. The demonstration of how our abstract and general rules and norms always inevitably will fail against the plurality of the real world.

Donner la mort is admittedly more about responsibility than courage. However, the above quote makes it clear that Derrida thinks of the two in close connection: In order to live a responsible life, it is necessary that we courageously face death. To act courageously means to act according to the requests of the unique, even though we realize that we might die in so doing. But the death that we face is not necessarily corporeal. In the story of Abraham and Isaac, it is not primarily the death of Isaac that worries Derrida. It is the *public* death of Abraham that is the prime concern.

We can now return to the field of public exchanges. According to Derrida courage carries the aporia of death: We are courageous if we risk life in order to be able to live – but a life lost is not worth living. In the field of public exchanges this can be translated into: Expressions are courageous if the speaker risks his or her public life – i.e. if (s)he brings out views that radically challenge existing horizons of exchange. In doing so the speaker will risk loosing his or her public reputation. If this is all that happens, the speaker "dies" (and so does the message – "Isaac") without having achieved his or her goal (a life lost is not worth living). Thus the paradox at the moral limit is that we need radical courage at the same time as courage needs to be moderated by the consideration of survival. It is not enough that we are courageous – we need to be courageous in ways that actually achieve our goals.

In a certain sense this aporia embodies a common experience that communicative exchanges are best if they carry a certain amount of disagreement between the participants (otherwise they cannot challenge each other), but without the disagreements becoming overwhelming (because then exchanges turn into quarrels – elaborated in Hansen 2009; Hansen 2011; Hansen 2015b). When we analyse or assess actual public spheres it is thus important not only to focus upon the plurality of voices (because of our limited bandwidth of attention). Plurality needs to be supplemented with quests for radical courage that is moderated. We will return to this in sections VI and VII.

However, Derrida's point is opposite to Aristotle's: The mean challenge is not the *right* solution to the aporia. In some cases we may have to settle on some kind of mean between radicality and moderation, however at other points compromise-communication may in itself have become part of

the established normativity. In such cases courage calls for more radical expressions.

To take an example: Discussions of the freedom of expressions are often summarized with the quote attributed to Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it" (actually it was written by Evelyn Beatrice Hall in Tallentyre 1906: 199 – however as a summary of Voltaire's general attitude at a certain moment). Articulated as a statement in France in the 18th century it is fair to consider the statement as a radical moderation: To allow a public existence of unethical, dangerous or false statements was quite radical at the peak of Enlightenment cultures in which censorship was not all that uncommon. In some situations it probably still is.

At the same time, however, in other situations the quest for tolerance can itself become a public dogma used to delegitimize or at least reduce voices of critique. Hardt and Negri have argued that powerholders in modern societies increasingly use the ability of cultures to contain critique as a mechanism to *fortify* the existing power structures (Hardt & Negri, 2000: ch. 2.4; Hardt & Negri, 2009: ch. 2.3). So, even though the saying attributed to Voltaire at first sight makes room for disagreement and critique, in a second step it actually also reduces the relevance of the other: "I disagree with you, but I don't have to respond to your critique, because our culture is strong enough to be able to carry and contain differences".

Furthermore, it may be argued that certain interpretations of the quest for tolerance, on the other hand, leaves a room open for recent public developments of 'post-truth' and 'fake news' (which means the use of expressions with very vague, alternative or even false references to truth claims are used to derail public discussions) because they need to be tolerated too. In Hansen 2015a I thus argue that it is important that public expressions too are evaluated as to their commitment to some shareable account of truth.

To summarize: Even though we grant that Voltaire/Hall's statement in a previous historical situation was an important radical challenge (if we cannot reach an agreement, then we must settle on agreeing to disagree) tolerance may in historical situations coming after it and influenced by it become a way to escape challenges put forward in the public sphere by shifting the focus to the issue of tolerance instead of the content of the disagreement. The saying embodies a compromise – but a compromise that should itself continuously be challenged by new radical challenges in order not to lose its public relevance.

VI

Derrida's voice in the previous section certainly embodies a disruptive impulse in public cultures. In his reading, the aporia of courage calls for continuous challenges of existing structures. He is, however, on the other hand quite aware that this impulse leads to both responsibility and irresponsibility (cf. the quote above), and according to the deconstructive approach no *de*struction is possible without a *con*struction. Justice is not possible without the laws and norms of right; challenges to existing rules and norms are not courageous in themselves. In the public spheres there are numerous examples of expressions that challenge prevailing norms and rules, trolls that obstruct ongoing communicative expressions without necessarily being courageous. We will in this section seek to explain the moral status of the notion of courage by looking at two ways courage can be said to operate in the public spheres: On the one hand, the mere *challenge* is not enough to establish the courageousness of the interlocutor. Secondly, the *aims* or *goals* of the acts are constituent of the degree to which a gesture is courageous.

In order to see that the mere challenge is not enough for an act to be courageous we can think of the recent emergence of trolls in internet communication (Hardacker 2010; Binns 2012). Trolls specialize in disruptive and non-constructive interferences in discussions through expressions of outrageous views. Their practices should not, however be called courageous because they do not actually risk any reputational capital (at least to the extent that the anonymity measures are effective).

Secondly, however, the notion of courage, as Aristotle noticed, is more than mere challenge and the risking of life – the notion of courage also carries an implication of fighting *for* something. Aristotle distinguished foolhardiness from courage. For instance, to go to war unarmed against an

armed enemy is foolhardy. There are many instances where lack of preparation or foresight, or emotional acting out, vitiate the bravery of the action.

In order for a practice to be courageous there needs to be some kind of goal, and, furthermore, some kind of connection between the goal and the practice. This is admittedly still pretty vague. Insofar as we define courage as a challenging practice in which we risk our lives in order to reasonably further some kind of goal, we have reached a definition with elements ("risk", "life", "reasonably" "further", "some kind of goal") that are very open to differing views.

On the one hand, this is certainly as it has to be. If we are to articulate a positive supplement to the negative definitions of the freedom of expression, it must be very open, because it should be open to the improvisational and disruptive impulses of courage. As soon as we start to define the goals and the ways to reaching them too strictly, these very definitions might themselves become objects of challenge through the aporias of courage.

On the other hand, even though the positive freedom we are seeking to instantiate is open to differing views, this does not mean that we might as well do without it. Especially not when we are talking about communicative expressions. It draws on the intuition that life at the outset is the prime value, and if you risk your life you are thus expected to be able to say something about why this sacrifice is necessary. The agent who risks his or her life always has the burden of proof.

Certainly, what is taken to be necessary may vary almost endlessly. That cannot be determined in advance, once and for all. But an agent who risks his or her life *without* being able to give some account of why, is foolhardy – and the chances that (s)he will actually succeed (that (s)he in some sense will be taken serious) is minimal.

With this last move, we are, as premised above, closing in on a deliberative approach (as articulated in Cohen 1989; 1997; Habermas 1981; 1992; 1996; Rawls 1999), something that may seem surprising given the French inspiration of the previous sections. Knowing Habermas' hostility towards the anti-rational impulses in these positions (Habermas 1985) on the one hand, and Derrida's hesitation on linguistic generality (cf. the previous sections) on the other hand, this calls for some comments.

We are not going to claim that the Habermasian and Derridean approaches could be reconciled. In previous writings we have, however, argued that Habermas' deliberative approach and the worlddisclosing approaches (in this paper: Foucault and Derrida) articulate two different (and to some extent opposing) impulses in our social, political and communicative practices: The impulses of systematicity (attempting to bring together seemingly disparate phenomena) and the quest for adequacy (attempting to understand phenomena in their entire diversity) (e.g. in Hansen 2005a; Hansen 2005b; Hansen 2013).

As shown above Derrida's deconstructive approach can certainly be seen as an attempt to reveal the necessary gaps and aporias embodied in the generalizing aspects in argumentative deliberation. At the same time, however, the findings of his analyses do not lead to a refusal of the generalizing approaches as such:

> The undecidable is not merely the oscillation or the tension between two decisions; it is the experience of that which, though heterogeneous, foreign to the order of the calculable and the rule, is still obliged – it is of obligation that we must speak – to give itself up to the impossible decision, *while taking account of law and rules* (our emphasis – Derrida 1994: 53[9]).

Even though Derrida in the above quote is reflecting upon the undecidable and the moment of freedom he still acknowledges that the resulting decision needs to take account of laws and rules. Derrida is very clear that true decisions are not determined by existing rules and laws, but at the same time, however, neither are they entirely independent of rules and laws.

Habermas and Derrida certainly disagree in their analyses of how rules and laws are (should be) established – Derrida focussing on emergence through continuous challenges, Habermas focussing on the deliberative and argumentative trying to overcome mutual disagreements. Habermas'

account has its limits when it comes to articulating reasonable resentments towards existing discursive structures (this is an often raised criticism of Habermas' approach – see for example in Thomassen 2007), Derrida's approach is lacking in reflections on the forces or mechanisms that bring back new accounts of the general: How and why do new rules, laws and accounts of courage come about?

Both positions are (if not in their full articulations then at least in their founding intuitions) in fact right. In order for deconstruction not to become merely destructive, we need to understand how reason in communication plays the role of helping agents to reasonably reach towards each other. Otherwise public discussions will tend to dissolve into an infinite ocean of unconnected conversations; any point of view will appear as equally valid; any decision will be prevented by the persistent possibility of raising counter voices by minority groups. Deliberation is the responsibility of trying to reach common understandings despite of initial disagreements. This is where Habermas is right. On the other hand, in order for such reasonable accounts not to freeze into dogma, we need (courageous) challenges of the very accounts of reasonability. This is where worlddisclosing approaches as suggested by Foucault and Derrida are at their strongest.

However, having seen that every human practice is embedded in aporetic paradoxes, it should not come as a surprise that even reason is aporetically structured: Seeking deliberative consensus is only a legitimate aim insofar as the exchanged arguments seek to include courageous challenges (possible disturbances of consensus) of the discursive horizons, just as we have seen that notions of courage only make sense through some deliberative reflections of our means and goals.

VII

The quest for a reasonable account of the necessity of change does not imply that (a) an act without such accounts is by itself illegitimate – sometimes we do things without any reason or clear ideas of what we try to accomplish that turn out to be of value nevertheless. But in public exchanges where we want to affect others, the others should in some way come to understand why change is necessary.

Neither do we want to imply that (b) changes may never come about without agents being able themselves to give an account of why it is necessary. Quite often actions and events are conceived in ways that the initiators did not foresee.

What we are trying to argue here is thus not that the suggested reflections on positive freedom of expression should *replace* prevailing accounts of negative freedom. It *may* be argued that a freedom of expression that is only thought through negative accounts of freedom is problematic, but that is quite another argument and it is not implied by the above reflections. The suggested reflections merely suggest that in evaluations of actual public spheres it is inadequate merely to consider the plurality of voices (as suggested in the negatively conceived accounts of the freedom of expression).

This is where we suggest to turn our attention towards notions of courage. If our bandwidth of attention is limited, it is important that we in our engagements in the public spheres are not overwhelmed by insignificant utterances that merely affirm existing states of affairs. For public deliberation to become democratically fruitful it is important that we are attentive to courageously challenging statements. Challenges that are, certainly, made comprehensible to us by the speakers attempts to convince us of the underlying goals and means.

Certainly, if these reflections are to gain any real relevance they will need to be further articulated, and in such articulations it will be necessary to substantiate notions of "life", "reasonably", "some kind of goal", etc. And these substantiations might narrow the plurality of voices heard in the public.

As demonstrated in the previous sections the alternative to doing this is, however, not to make every voice visible in the public spheres. Even though they may *exist* in the public sphere, it is not certain that the limited bandwidth of attention leaves room for them to actually being heard by any critical mass.

Insofar as we consider the public spheres not merely as spheres in which voices should be

uttered but also as spheres in which voices should be *heard*, we need some way to select out those voices from the chorus that are significant in relation to some given context. Unlimited plurality is not an option. The question thus becomes *how* plurality should be limited. Should plurality be limited according to explicitly articulated rules and norms, rules and norms that can, due to their explicit articulations, themselves become subjects of dispute? Or should plurality be limited according to unconscious power structures, the rules of the strongest?

Certainly we cannot avoid the latter alternative entirely – and probably we should not. The voices of the strong *should* be heard. However, the reflections in this paper are meant to suggest the democratic benefits that would derive from moderating the self-given prevailing power structures by focusing attention on courageous voices in which agents risk their public lives in order to challenge existing power structures. It is not at all certain that such challenging voices will actually succeed. However, in order for our societies and cultures to stay alive, it is essential that we are continuously reminded that the prevailing rules and norms are only *one* solution to insoluble problems (aporias) that *must* be solved.

References

Aristotle. 1976. *The Nicomachean Ethics*. Edited by Hugh. Tredennick and Jonathan Barnes. Translated by J. A. K. Thomson. Harmondsworth; New York: Penguin.

Berlin, Isaiah. 1958. 'Two Concepts of Liberty'. In *Four Essays on Liberty*. Oxford: Oxford University Press.

Binns, Amy. 2012. 'Don't Feed the Trolls! Managing Troublemakers in Magazines' Online Communities'. *Journalism Practice* 6 (4): 547–62.

Cohen, Joshua. 1989. 'Deliberation and Democratic Legitimacy'. In *The Good Polity: Normative Analysis of the State*, edited by Alan P. Hamlin and Philip Pettit, 17–34. Oxford, UK; New York, NY, USA: B. Blackwell.

———. 1997. 'Deliberation and Democratic Legitimacy'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 67–91. Cambridge, Mass: MIT Press.

Dahlberg, Lincoln. 2005. 'The Corporate Colonization of Online Attention and the Marginalization of Critical Communication?' *Journal of Communication Inquiry*, no. 29:2: 160–80.

Derrida, Jacques. 1992a. 'Donner La Mort'. In *L'étique Du Don, Jacques Derrida et La Pensée Du Don*, 1992:11–108. Paris: Métailié-Transition.

———. 1992b. 'Force of Law: The "mystical Foundation of Authority"'. In *Deconstruction and the Possibility of Justice*, edited by Drucilla Cornell, Michel Rosenfeld, and David Carlson, 1992:3–67. New York: Routledge.

———. 1993. *Spectres de Marx: L'état de La Dette, Le Travail Du Deuil et La Nouvelle Internationale*. Paris: Galilée.

———. 1994. *Force de Loi: le 'Fondement Mystique de L'autorité'*. Paris: Galilée.

———. 1996a. *Apories: Mourir, S'attendre Aux 'limites de La Vérité'*. Paris: Galilée.

———. 1996b. *The Gift of Death*. Translated by David Wills. Paperback ed. Religion and Postmodernism. Chicago, Ill.: Univ. of Chicago Press.

Foucault, Michel. 1984. 'Qu'est-Ce Que Les Lumières?' In , edited by Daniel Defert, François Ewald, and Jacques Lagrange, 1994thed., IV:562–78. Dits et Écrits 1954-1988. Paris: Galimard.

———. 2001a. *Fearless Speech*. Edited by Joseph Pearson. Los Angeles: Semiotext(e).

———. 2001b. *L'herméneutique Du Sujet: Cours Au Collège de France 1981-1982*. Edited by François Ewald, Alessandro Fontana, and Frédéric Gros. Paris: Gallimard Seuil.

———. 2008. *Le Gouvernement de Soi et Des Autres: Cours Au Collège de France 1982-1983*. Edited by François Ewald, Alessandro Fontana, and Frédéric Gros. Paris: Gallimard Seuil.

———. 2009. *Le Courage de La Vérité. Le Gouvernement de Soi et Des Autres II: Cours Au Collège de France 1983-1984*. Edited by François Ewald, Alessandro Fontana, and Frédéric Gros. Paris: Gallimard Seuil.

Galloway, Alexander R. 2004. *Protocol: How Control Exists after Decentralization*. Cambridge,

Mass.: MIT Press.

Habermas, Jürgen. 1981. *Theorie Des Kommunikativen Handelns*. Frankfurt am Main: Suhrkamp Verlag.

———. 1985. *Der Philosophische Diskurs Der Moderne: Zwölf Vorlesungen*. Frankfurt am Main: Suhrkamp.

———. 1992. *Faktizität Und Geltung: Beiträge Zur Diskurstheorie Des Rechts Und Des Demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp.

Habermas, Jürgen. 1996. *Die Einbeziehung Des Anderen: Studien Zur Politischen Theorie*. Frankfurt am Main: Suhrkamp.

Hansen, E., 2015a. The Positive Freedom of the Public Sphere. *Journalism Studies*, 16 (6), pp. 767–781, 2015.

Hansen, E., 2009. Communicative In-Betweens of Email Communication. *Techné: Research in Philosophy and Technology*, 13(1), pp.13–26.

Hansen, E., 2011. Den dialog-udfordrende journalist. In R. Buch, ed. *Forandringens journalistik. 40 års tilbageblik*. Aarhus: Forlaget Ajour, pp. 97–117.

Hansen, E., 2015b. Journalistik som en hermeneutisk og dekonstruktiv intervention i den distribuerede offentlighed. *Journalistica - Tidsskrift for forskning i journalistik*, 1, pp. 96-115.

Hansen, E., 2005a. *Embedded Critique in a Tensed World*. Unpublished PhD-thesis.

Hansen, E., 2005b. The Foucault-Habermas Debate: the Reflexive and Receptive Aspects of Critique. *Telos*, 130, pp.63–83.

Hansen, E., 2013. Critique as lending voice to the mystical. *SATS – Northern European Journal of Philosophy*, 14(2), pp.142–152.

Hardaker, Claire. 2010. 'Trolling in Asynchronous Computer-Mediated Communication: From User Discussions to Academic Definitions'. *Journal of Politeness Research* 6: 215–42.

Hardt, Michael, and Antonio Negri. 2000. *Empire*. Cambridge: Harvard University Press.

———. 2009. *Commonwealth*. Cambridge: Belknap Press of Harvard University Press.

Hume, David. 1742. 'Of the Liberty of the Press'. In *Essays, Moral, Political, and Literary*, edited by Eugene F. Miller. Vol. 1987. Indianapolis: Liberty Fund, Inc.

Kant, Immanuel. 1784. 'Beantwortung Der Frage: Was Ist Aufklärung?' In *Akademieausgabe von Immanuel Kants Gesammelten Werken: Band VIII: Abhandlungen Nach 1781*, 33–42. Berlin: Georg Reimer.

Kant, Immanuel. 1996. *Practical Philosophy*. edited by P. Guyer and A. W. Wood. Cambridge: Cambridge University Press.

MacIntyre, Alasdair C. 1981. *After Virtue: A Study in Moral Theory*. Notre Dame, Ind.: University of Notre Dame Press.

Mill, John Stuart. 1859. 'On Liberty'. In *Collected Works of John Stuart Mill*, edited by John M. Robson, 1977:213–310. 18. Toronto & Buffalo: University of Toronto Press.

Milton, John. 1643. 'Areopagitica'. In *Areopagitica, and Other Political Writings of John Milton*, edited by John Alvis. Indianapolis: Liberty Fund.

Plato. 1997. 'Laches'. In *Plato. Complete Works*, edited by John M. Cooper and D.S. Hutchinson, translated by Rosamond Kent Sprague, 664–86. Indianapolis: Hackett Publishing Company, Inc.

Rawls, John. 1999. *A Theory of Justice. Revised Edition*. 2. ed. Cambridge: The Belknap Press of Harvard University Press.

Simon, Herbert A. 1971. 'Designing Organizations for an Information Rich World'. In *Computers, Communications, and the Public Interest*, edited by Martin Greenberger, 37–72. Baltimore: The Johns Hopkins Press. http://opacplus.bsb-muenchen.de/search?isbn=0-8018-1135-X.

Tallentyre, S.G. 1906. *The Friends of Voltaire*. London: Smith, Elder, & Co.

Thomassen, Lasse. 2007. 'Within the Limits of Deliberative Reason Alone. Habermas, Civil Disobedience and Constitutional Democracy'. *European Journal of Political Theory* 6 (2): 200–218.

Voltaire. 1764. 'Philosophical Dictionary, Part 4'. In *The Works of Voltaire. A Contemporary Version, in 21 Vols*, translated by William F. Fleming. Vol. 1901. VI. New York: E.R. DuMont.

1	The distinction between a negative and positive freedom of expression certainly draws on Isaiah Berlin's famous distinction between negative and positive freedom (Berlin 1958). It does, however, differ slightly from Berlin's account in the definition of positive freedom. Berlin defines the positive freedom through the becoming of a subject through cultivation (Berlin 1958: 13). In the approach presented in this paper the very becoming of a subject is too disputed to count as a norm for positive liberty. The idea of a positive freedom is thus thought as an emphasis on what is made possible through the prevailing structures of thought and practice. The emergence of subjectivity (and its structures) is certainly important, but positive freedom has other important dimensions as well.

2	The translation is taken from Derrida 1992b: 17.

3	The translation is taken from Derrida 1992b: 14.

4	The translation is taken from Derrida 1992b: 16.

5	The translation is taken from Derrida 1992b: 23.

6	The translation is taken from Derrida 1992b: 24.

7	The translation is taken from Kant 1996: 17-18.

8	The translation is taken from Derrida 1996b: 72.

9	The translation is taken from Derrida 1992b: 24.