

The “Right” to One’s Opinion

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Introduction

In many discussions, particularly informal ones, a participant ultimately will claim they have a “right” to their own opinion. They may even preface a statement with the assertion that begins “Everyone has a ‘right’ to their own opinion, but...”

The claim, in essence, is an assertion that someone has some sort of entitlement to hold any belief they wish. Is such a claim legitimate? Without further qualification?

These questions, and important issues related to them, are the subjects of this paper.

Rights and Freedoms

The English philosopher / logician Jamie Whyte (1) devotes an entire chapter to the “Right to Your Opinion”, but uses the word “right” with its fairly narrow, technical, meaning. In casual contexts the word may include senses that are broader. In all cases the intent is to indicate some sort of legitimate entitlement.

In this paper I will deal with both narrow and broad meanings of “right” in order to cover any potential objections raised on semantic grounds. My intent is to address all the various possible interpretations of the claim in order to assess its general legitimacy.

But, to begin, we should develop an understanding of the different senses involved.

The idea of a “right” involves some sense of entitlement, but is often confused with the idea of a “freedom”.

In a “jungle” context, operating purely as an individual, both freedoms and rights are rather meaningless. One can do whatever one wishes (one has unrestricted freedoms), and the jungle has no obligation to provide one with anything.

There are enormous advantages, however, in belonging to a group or society. The cooperative effort of the members has more “power” to deal with the group’s environment. But the cooperation also restricts the absolute freedom of jungle “law”. An individual participant, *in the interests of his or her own survival and welfare*, must give up some of his or her jungle freedoms in order to enable cooperation within the society, and facilitate the advantages of social organization.

From the societal perspective, an individual must be expected to devote some of his or her efforts toward supporting the group, and to give up some “jungle” freedoms. These efforts constitute “costs” to the individual, but there is no implicit guarantee that the society’s demands will not be excessive, either ethically or materially. Slavery, for example, is a gross abuse of individuals by the dominant society.

There is no advantage to individuals if the cost of societal membership exceeds the benefit. Thus, in order to maintain the voluntary loyalty and supportive participation of individuals, the society must provide protection from abusive group power for them.

Also, there is more than one way to implement these conditions, which raises ambiguity in regard to what way is considered acceptable. There is a need to remove this ambiguity. For example, there is no law of Nature that says driving on the right side of the road is preferable to driving on the left, or that exactly fifty-two km/h is an appropriate speed limit. In the interests of all, a society must remove the ambiguity by picking one of the options or setting boundaries that are a reasonable compromise between various competing interests.

These conditions are established in practice by cultural rules. The formal rules are called laws, bylaws, codes of conduct, etc. The informal rules are cultural conventions.

A *freedom*, in a social context, is a sanction by the culture to act under one's own initiative. The formal (legal) definition helps to indicate which "jungle" freedoms are preserved, and which are not, in regard to individual behaviour in the social context.

A *right* is a protection that other members of the society attempt to provide (often at their expense if necessary) to an individual to deter social abuse and assure personal benefit in exchange for support of the societal advantages. Note that every member of a society has a responsibility (Jamie Whyte's "duty") to do his or her share in providing the rights of others when someone else's rights are in question rather than his or her own.

As examples we have, in Canada, freedom of conscience and religion (2), and the right to a fair hearing (3). We have a formal law called the Canadian Charter of Rights and Freedoms that describes (you guessed it!) our rights and freedoms. We respect such ideas at the level of cultural convention in maxims like "live and let live", and the social tolerance of responsible minorities, including individuals.

In regard to our primary question, there is a potential source of confusion that is easily illustrated by the example of freedom of conscience.

If Bob has freedom of conscience it is everyone else's responsibility to respect this. In that sense Bob has the right to freedom of conscience. The right here is passive. It requires *absence* of restrictive behaviour, rather than the *presence* of supportive behaviour that is the normal, active, sense of a right.

It is easy to confuse the passive right with the freedom, and this confusion is often found in discourse. For example, if someone claims a "right" to their opinion, is their intention to claim simply a freedom to believe what they wish (the passive sense of "right"), or that others have a responsibility to treat their belief as correct (the active sense of "right")?

Usually, the claim to entitlement is what really matters, and technical distinctions like active versus passive rights aren't critical. But the ambiguity can be important, and can lead to false conclusions or misunderstanding.

It might be helpful to see the individual / society relationships from a three-division classification standpoint. We may divide acts into three types:

- *Anti-social* acts are destructive to the social system. Crimes, intellectual or contractual fraud, and sacrificial behaviour are all anti-social.
- *A-social* acts have little or no significant effect on the social system. They are matters of personal concern only. Many freedoms are a-social.
- *Pro-social* acts are beneficial to many, perhaps all, members of the society. In some cases they are ethical responsibilities, such as doing jury duty, or obeying traffic laws.

In an ethical society everyone has the freedom to engage in a-social and pro-social acts, and is forbidden from engaging in anti-social behaviour. Potential abuses of an individual by the society's power structure are also anti-social, and these are blocked by constitutional documents that limit *government* power by entrenching individual rights. Thus freedoms are sanctioned, and rights are protected, as I stated above.

It is important to note that, in an ethical society, rights and freedoms are *universal* (4) in principle. Each individual citizen has the same rights and freedoms as every other citizen. No citizen has rights or freedoms that do not also belong to every other citizen. If you have a particular freedom so do I. If I don't, you don't. Thus, it is in *your* interest to protect the rights and freedoms of everyone, even if you don't agree with others' beliefs and practices, because their rights and freedoms are yours too. In principle, any right or freedom you would deny someone else would remove those same rights or freedoms for you, which (since they are life enhancing things) is self destructive, and therefore rationally immoral.

In regard to answering our primary question, even though the word "right" is used, the intended meaning is often one of "freedom". We must consider both meanings to resolve our question.

Rules, Rules, Rules!

Consideration of context is quite relevant to our primary question.

Any discussion takes place in some sort of social forum. It may be just two individuals "shooting the breeze" over coffee, or a religious study group, or an exchange in a professional journal, or a series of formal legal arguments in a court of law. But it involves at least two individuals, some sort of understanding (hopefully, agreement) as to what kind of arguments are sound or not, and how participants may offer their views. Agreement may not be explicit or formal, but that does not imply its absence.

For example, in an informal discussion it is generally understood that

- "Intuitive rationality" applies. That is, arguments that are intuitively logical and based on ideas believed to be facts are expected to carry persuasive impact, at least within some limits.
- Everyone should have an opportunity to present his or her views, certainly all the "stakeholders" in decisions that follow from the discussion.
- Any evidence offered should be "accessible" to other (if not all) participants. For example, personal revelation is only evidence of a personal experience, and not socially-accessible evidence of anything else. Acceptance of one's personal experience as socially-accessible evidence is a matter of discretion for other members of the group, even if one's convictions are strong.
- Views and arguments are to be taken seriously by others regardless of who presents them, and not passed off for reasons other than lack of socially-accessible merit. This is one facet of the oft-touted expectation to "keep an open mind".
- No one should lie (present false evidence or invalid argument knowingly and deliberately)

The list, undoubtedly, is incomplete, but it illustrates the point adequately.

These "rules" are rarely defined by anything but social convention at the informal level, but they do exist nonetheless. They can differ from culture to culture, from group to group, and from context to context within the same culture and group of people.

At a formal level the rules are defined more explicitly. Legal discussions use rules of evidence, legal statutes, and demonstrable historical precedent. In professional scientific journals the rules of technical logic, mathematics, and reproducible evidence apply. In a religious study group one rule is to recognize the authority of scripture, or the word of inspired prophets (5), without challenge (the problem is to *understand and interpret* the source, not to verify or correct it.)

In the following I will assume the rules of discussion (abbreviated ROD for later convenience) are understood by all, and are not in dispute. If not, then the primary discussion should be deferred or interrupted until the conflict over the rules is resolved, because it is impossible to resolve any question in the primary discussion without having the intellectual standards needed to make decisions!

I will also use “right” in the active sense only. For the passive sense---respecting a freedom---I will refer to the corresponding “freedom” instead.

Does Anyone Have a *Right* to His or Her Opinion?

We are now in a position to consider our main topic. Does a person have a “right” to his or her opinion? That is, are other participants obliged to consider the claimant’s opinions correct on the sole authority of the claimant?

The claim would not be a problem if it were one of the ROD. But that is not the usual case. The claim is usually invoked if, and only if, the claimant is unwilling to accept a position required by the ROD to that point. It is an “escape hatch”, used to exempt the claimant from restraints of the ROD he or she considers unacceptable without losing stature or authority.

Clearly there is no real right to do this. No participant in a group activity has any responsibility to honour the claim of someone who violates the ROD. Participation implies acceptance of the ROD (which allow for dissent), just like playing chess implies acceptance of the rules of chess, even if you don’t like the ultimate outcome.

Does Anyone Have the *Freedom* to Hold His or Her Opinion?

What about the other sense of entitlement, a “freedom” to hold an opinion?

If the freedom exists at all it is certainly qualified. It is intellectual fraud to agree to the ROD, then abrogate the agreement unilaterally, without general consensus of the participants (at *their* discretion). It is privilege, not entitlement, to be allowed to do this by other participants. In the sense intended by the claimant, that of some entitlement outside the discretion of other participants, the claim is not legitimate.

If the ROD are ambiguous in regard to the issue the claimant has the option of seeking clarification, then continuing to participate (or not) depending on the result. The other participants have the same alternatives. Note that this is not a recurring option over the same question. Clarification amends the existing ROD by removing ambiguity, and the amended set then applies for further interaction.

Also, note that the ROD are *not* ambiguous on the grounds that the participant doesn’t know they have been defined by contextual or explicit reference. An example would be use of Robert’s Rules of Order for a company meeting. Any participation in a discussion carries a responsibility to learn (or at least submit to) the appropriate ROD under such circumstances. Another common example is that “Ignorance of a law (ROD) is not an excuse.”

The Basic Absurdity of the Claim

Apart from the ethical consequences, that is the victimization of other participants in the discussion (who expect compliance with the ROD), the claim is a challenge to the principles of both major theories of knowledge (5), rationality and (socially-accessible) mysticism. The claim cannot be made legitimately within either system. A few examples should suffice to show why.

Suppose Bob asserts (based on sincere belief) "The world is flat." Does he have a "right" to maintain this as an opinion in a discussion if solid evidence (such as satellite photos, reliable survey measurements, *etc.*) is offered to the contrary?

In this example the assertion was made in the context of solid objective evidence, and most of us would regard that evidence as sufficient to prove the assertion false. We would not allow Bob to maintain the idea in a rational discussion, but would expect him to abandon his belief in favour of a round earth, at least for the duration of the session. Bob does not have a "right" to maintain his position is *correct*.

As a second example, suppose the context is a past time when the general cultural belief endorsed a flat earth. Would Alice have the "right" to assert "The world is round?" Assume no satellite photos, reliable survey measurements, *etc.* are available to support or contradict the claim.

In this case other rational participants should allow Alice to hold her opinion because no objective evidence is available to decide the question one way or another, despite the common opinion being inconsistent with it. The reality is that no one knows, and a round earth is an hypothesis, not a demonstrated fact. But, *there is no need to make the claim here*; the situation is within the ROD. It should be defended on those grounds, not by claiming a "right". The burden of proof (6) is on Alice, of course, not other participants.

Finally, suppose Bob believes the world is flat, Georgina believes it is cylindrical, and Ted believes it is cubical. Do ALL of them have a "right" to their own opinions? Do ANY of them have such a "right"?

In this case we would know, by the rules of "intuitive" reason alone, that the three views are mutually contradictory. We know that at least two of them are wrong, without introducing any factual knowledge of the "true" shape of the earth at all. The problem is we don't know which claims are wrong. Any "right" to an opinion here rests on ambiguity and absence of factual knowledge. Again, *this is within the ROD*, and should be defended on those grounds rather than as a simple unsupported claim. If we bring in our satellite photos, *etc.*, we can determine that all of the views are inconsistent with factual evidence, and thus wrong, in which case none of the claims should be accepted.

These examples have assumed that the ROD are rational. In regard to our basic question, the clear answer is "No; those participants whose opinions (convictions) contradict the facts or principles of logic do not have a 'right' to maintain a dissenting opinion without supporting the claim under the ROD."

Do we get into similar difficulties if we assume a (socially-accessible) mystical theory of knowledge instead? (5)

Suppose our "sacred" book, or our divinely-inspired prophet, states the world is flat. By *definition* this authority is the ultimate standard of "truth". Would Alice, who believes the world is round, have a "right" to maintain her dissent from the authority for purposes of a discussion about the shape of the earth?

Clearly not, for this would defy the statement made by the "ultimate" authority. That authority would not be ultimate if an individual's opinion can override it at will.

In either the rational or mystical case a claim to the "right" to one's opinion is an attempt to place the personal mystical authority of the claimant above the ROD, *which destroys either type of ROD in principle*. It amounts to a claim to "knowledge" by revelation, by access to a source of wisdom completely inaccessible to anyone else. This doesn't describe a discussion, it describes a lecture or set of subjective decrees.

The problem here is that the ability to reach *any* conclusion in a discussion---to distinguish true from false, good from bad, *etc.*---rests in the theory of knowledge that has been accepted for the discussion. To grant anyone an exemption from those rules is to destroy (implicitly) the ability to decide anything! Discussion, as such, becomes pointless and absurd.

Stated in another way, *personal (subjective) conviction is not a standard of truth*. A position must be supported with socially-accessible standards of knowledge to be considered legitimate in a discussion context.

To be clear, under the ROD a participant usually does have a freedom to *dissent*. But this is not a freedom to maintain a position *without justification* by the ROD in force. It carries the obligation to support the dissenting opinion under the ROD to carry any legitimate claim to entitlement.

Does Freedom of Belief Carry a Freedom of Integrity?

The question of integrity (behaving in a manner consistent with one's personal beliefs) is a large issue, and demands careful consideration beyond the scope of this paper. However, there is a very important point in regard to integrity and freedom of belief that should be addressed here.

Freedom of conscience (belief) is recognized in most western countries, and is actually one criterion of a society being ethical by rational standards. This means one may hold any belief one wishes *on a personal level*. Freedom of conscience usually carries a freedom to practice one's beliefs in an a-social manner as well.

But it is important to recognize that the freedom to hold a belief is *not* a freedom to exercise integrity with that belief when there are anti-social effects. That would "legitimize" contradictory claims to freedoms or rights, a situation that is impossible to enforce, and that degenerates to the exercise of arbitrary power in practice.

Specific examples might help illustrate the problem.

Suppose Bob sincerely believes abortion is murder. He takes it upon himself to exercise "vigilante justice". He stalks and kills Dr. Alice, who did legal abortions in full compliance with her sincere beliefs. (This has actually happened).

If Bob's freedom of belief were to extend to a freedom of integrity the society would have to exempt him from conviction for clearly anti-social behaviour (the murder of Alice). The legality of Alice's actions means the society does not endorse Bob's position on abortion. Bob, in essence, is claiming a "right" to his opinion, and extending it to a freedom of integrity to "justify" killing Alice.

Also, since Bob's and Alice's sincere beliefs are contradictory, it is impossible for the society to protect any freedom of integrity for one without denying it to the other. Freedom of integrity at the societal level *cannot* be made universal. Rights and freedoms, *in principle*, are universal, so there is no such thing as freedom of integrity at the societal level. Any attempt by Bob to "justify" his actions, based on his freedom of belief extending to freedom of integrity, is invalid.

There is also a practical difficulty in attempting to respect freedom of integrity at the societal level. On a *fraudulent* basis, any murderer, embezzler, ideological extremist, etc. could simply claim they sincerely believed their actions were justified, and invoke freedom of integrity with their beliefs to avoid being convicted of extreme anti-social behaviour.

To resolve this problem on a general basis consider that any ethical society must cope with two related constraints:

- No individual or group can be granted complete freedom of integrity at a societal level without destroying the very foundation of ethical social organization.

- It is difficult, and unethical under normal circumstances, to stop anyone from believing whatever he or she chooses to believe at a personal level. (Some organizations do manage to stop independent thought to a fairly high degree through brainwashing techniques. For example, this is a deliberate part of military discipline and some religious indoctrination, because it serves the purposes of the organizations, and it works.) The society, for practical and ethical reasons, must honour freedom of belief.

The only position consistent with both constraints is to protect a freedom of belief, but deny any freedom of integrity when it extends to demonstrably anti-social consequences. A "right" (or freedom) to one's opinion does not entail unrestricted freedom of integrity, even if it is honoured.

A Few Miscellaneous Considerations

- The duration and scope of compliance with the ROD depend on the type of discussion. The outcome may, or may not, be a commitment to permanent ideological change.

For example, in an informal situation there is nothing binding beyond the duration and scope of the discussion itself. But positions reached in a discussion of provisions in a contract clearly carry on beyond the discussion to the duration and scope of the contract.

- Even if other participants sanction a claim it is usually done for reasons of social harmony and mutual respect. *A sanction is not an admission of validity of any dissenting opinion.* The ROD define validity, not a subjective claim, even if the claim is honoured for other reasons.
- In a discussion under either rational or mystical ROD the claimant accepts, implicitly, the social consequences of making the claim (such as loss of respect, trust, etc) that lie within the rights and freedoms of others to impose. There is no free lunch, even if you don't like the vittles!
- ROD do not raise challenges to integrity if the scope of legitimate rights and freedoms is properly recognized. There are severe challenges to integrity, however, if one party in a discussion believes they have a "right" to their own opinion that entitles them to special, extra-universal, privilege. The resulting claim to entitlement is usually "justified" on some grounds, and not simply asserted.

Typical illegitimate grounds offered in a discussion are

- having a democratic majority (rights and freedoms are deliberate and ethical restrictions on majority powers)
- having mystical authority over rational secular law, often exclusive mystical authority (this denies freedom of conscience and religion to others)
- having a "right" (actually a freedom) to integrity, extended from freedom of conscience (see the discussion in the previous section for the problems here)

As an example, a local cleric recently claimed that MP's must place loyalty to their religious faith above their secular responsibilities, and "justified" it by claiming they must maintain integrity with their particular religious beliefs. The view exemplifies both the second and third items in the list above. (Note, also, that the second item denies the validity of freedom of conscience whereas the third asserts it to support extension to freedom of integrity. Holding both is inconsistent from a secular standpoint.)

- ROD are not arbitrary or whimsical. A rational system in particular is the current state of centuries of careful analytical work and experience. The development has created effective methods of detecting / preventing error and developing theories with amazing (and very valuable) predictive powers, far beyond any known alternative.

To set someone's subjective wish on a par with this, by honouring a claim to a right or freedom to one's own opinion, is ludicrous if anything important hangs on the outcome.

- If there is any serious purpose to a discussion wisdom would suggest the participants should be using the best appropriate ROD available to them. A different (implicit) choice among participants as to what is "best" and "appropriate" is often what provokes a claim to the "right" to one's opinion when the *effects* of the different choices show up in the main discussion.

Thus, if the claim is made it is often constructive to suspect a problem in this area, and direct attention to confirming common understanding of the ROD in an attempt to resolve the conflict.

Summary

In drawing conclusions I have assumed there is agreement over the ROD (see the end of the Rules, Rules, Rules! section), and that this isn't the actual problem provoking the claim. If there is disagreement over the ROD the claim might be quite legitimate over this issue, rather than it's consequences. But, if there is agreement on the ROD the following conclusions hold.

The claim to a "right" to hold one's opinion is not legitimate unless you happen to be the Grand Supreme Monarch of all participants (and are thereby entitled to define the ROD to this effect). Even then, you have to deal with the real, objective world that is beyond your actual control. The claim certainly is not legitimate by any normal social standard, rational or mystical. If you *are* the GSM the interaction isn't a discussion by any reasonable definition of the word, it is tyranny.

The claim to a "freedom" has limited legitimacy. The claim may be honoured for reasons of social respect or harmony, or to respect freedom of belief. But even then it does not extend to inclusion of unrestricted integrity, or grant any entitlement in regard to immunity from social consequences. Most important of all, it does not imply recognition of validity or truth of the claimant's belief.

In short, the entitlement claimed is not legitimate in the claimant's intended sense of either "right" or "freedom". The actual meaning of the claim is "I do not wish to be bound by the ROD", disguised as a claim to legitimate entitlement that might get past the unwary.

As Jamie Whyte says (p 10) of someone who makes such a claim, "You may be interested in whether their opinion is true, but take the hint, they aren't."

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1. Crimes Against Logic, by Jamie Whyte, McGraw-Hill, 2005, chapter 1. An entertaining and informative read. Whyte is notorious for taking public figures to task for faulty reasoning. You'll find several references if you search on Google for his name. Here is a specific link to one article: <http://www.timesonline.co.uk/article/0,,3284-1189408,00.html> if you're interested.
2. Canadian Charter of Rights and Freedoms, section 2, subsections a and b. <http://laws.justice.gc.ca/en/charter/index.html#garantie>
3. Canadian Charter of Rights and Freedoms, section 11, subsection d
4. Canadian Charter of Rights and Freedoms, section 15, subsection 1
5. See my accompanying paper, "Epistemology, the Roots of War" for a discussion of rational and mystical theories of knowledge.
6. See my accompanying paper, "On the Burden of Proof". Both this and (5) can be downloaded from <http://www.greatblue.ca/>