

How to Mock a Dictator (and Get Away With It)

The German government, a coalition of Angela Merkel's conservative Christian Democrats and the center-left Social Democrats, has decided to [allow prosecution](#) of one of its citizens, a comedian named Jan Böhmermann who read a poem which mocked Tayyip Erdogan, the President of Turkey. This is because there is a law in Germany's penal code that forbids insulting foreign leaders. The decision was made by Merkel despite protests from her coalition partners. Thomas Oppermann, the leader of the Social Democrats, said: "Prosecution of satire due to lèse-majesté does not fit with modern democracy." Even Merkel admitted that the law should be changed and that Parliament will do so in the next session. It should be obvious that there are some important issues at stake in this case.

I have previously written about Freedom of Speech [here](#) (about the Espionage Act and government secrecy) and [here](#) (about Charlie Hebdo and terrorism). I am not an absolutist when it comes to Freedom of Speech; I think that it is not permitted when speech comprises credible threat of violence against a person. Insults and mockery, on the other hand, however offensive they may be, are fair game. Giving offense is not a crime, nor is bad taste; they are both protected by freedom of speech.

I like to think of freedom of speech as the first among equals within the "First Amendment suite" of universal human rights that are the backbone of any free society: Freedom of Speech, Religion, the Press, Free Assembly, and Free Petition of Grievances. Without these most basic protections, no society can be considered free. When these rights are impinged upon, a society becomes less free.

My concern in this case is not for Germany. There is no doubt that Germany is a free, but imperfect, society (there has never existed a perfect society). The fact that the left-wing and right-wing opposition in Germany are in agreement with the Social Democrats that prosecution of Mr. Böhmermann is the wrong decision shows that Germany is not turning into an authoritarian state. Merkel herself clearly said she would try to eliminate the ridiculous law that allows for such prosecution. The problem is not with Germany. The problem is with Turkey.

Turkish President Erdogan has ruled his country for the last 14 years—the first 11 as Prime Minister and the last three as President. For the first few years he was widely praised as a reformer and modernizer who could bridge East and West. Turkey was in discussions with the European Union about potential membership from around 2004-2009. This candidacy stalled ostensibly due to a series of major problems with human rights that were far below EU standards: there was reported to be a lack of freedoms of expression, thought, conscience, religion, assembly, and press; there is also a lack of impartial judiciary, children's and women's rights, and trade union's rights. This does not count to lingering problems of the oppressed Kurdish population, the Cyprus question, and the ongoing official denial of the 1915 Armenian genocide. Since the EU integration process was suspended, there has been a clear move in Turkey even further away from these reforms and more towards authoritarianism.

I have previously written about the legacy of Kemal Atatürk [here](#). While I am highly skeptical of any consolidation of power into the hands of a single person—a dictator or autocrat—there have been historical cases in which the situation called for such a person in order to make otherwise impossible reforms. Atatürk is one such case of the rare benevolent dictator. Other historical examples can be counted on just one or two hands, and the assumption should always be

that these necessary dictators give up power as soon as possible (for example, when Garibaldi conquered the Kingdom of Naples in 1860 and began implementing constitutional reforms, before voluntarily and peacefully giving the territory to the newly united Kingdom of Italy six months later). One of the lessons of history is clearly that all power corrupts (another theme I have discussed [here](#)). If we look critically at the career of Tayyip Erdogan, we can easily follow the path he has led towards authoritarianism, with no apparent sign of his giving up any power during his lifetime. He has moved away from his early reforms towards crushing all opposition and making laws according to his own personal diktat.

The tragedy of Turkey is that it has the potential to be a great country with a free society. It has no need of a dictator. It is similar to Russia in both these regards. But power corrupts. And when certain men (because it's always men) hold power for too long, they begin to see conspiracies and threats around every corner, and they tighten their control of state institutions and limit any lingering freedoms already existing in the country. These men are always afraid of armed uprisings or military coups d'état, but what is just as dangerous in their minds is mockery. When a dictator consolidates his power, writers, comedians, artists, poets, and intellectuals of all stripes are immediately placed under surveillance, exiled, imprisoned, or shot. This is because dictators cannot stand the idea of anyone openly making fun of them, even if it's a joke about their facial hair. Only the dictator sees a real potential threat from a joke by a poor comedian about the dear leader's whiskers. In this case, Erdogan has followed the dictator's operating manual to the letter.

It has long been troubling that a law exists in Turkey that forbids criticism of any kind against Kemal Atatürk. The existence of such a law is itself an affront to freedom of speech and historical inquiry. I respect the achievements of

Atatürk, but no leader, living or dead, is free from criticism from his subjects or posterity. The danger of such a law has been made manifest in new laws clamping down on criticism against Erdogan, and the complete disregard for freedom of speech and the press that now seems to plague Turkey. Erdogan has ruthlessly pursued prosecution of anyone expressing any criticism of him, such as a Turkish doctor who posted an (admittedly uncanny) [comparison](#) between his President and Lord of the Rings villain Gollum.

Erdogan is now taking his game one step further by exploiting a little-known German law to pursue a case against a German comedian who mocked him on German television. This comes at a key time in which European governments are relying on Turkey to stop the influx of refugees through Turkey into Europe so as to appease the growing right-wing xenophobic parties gaining steam around the continent (and the world). Erdogan, always a wily operator, will take advantage of this deal to demand that European governments import his version of press controls in return for cooperation on refugees.

America is by no means a perfect society, but at least it has probably the strongest tradition of freedom of speech and of the press in the world (even if the limits are constantly being tested). In how many other countries in the world can you imagine a comedian not only mocking a sitting president to his face for 20 minutes on live television, but even living to tell about it. That is what happened with Stephen Colbert and President Bush in 2006, and happens everyday of the year with other comedians, writers, or just normal citizens on social media. As I have explained, jokes and speech are allowed to be offensive or in bad taste. My freedom of speech allows me to publicly disagree with what someone said, but not to silence them. The only exception is violence or threat of violence. When America talks about exporting freedom, this is what is meant. It takes a combination of strong leadership and a willing populace to gain such freedoms in the first place. It

is unfortunate that the former is lacking in Turkey today, though we can hope that the latter still has a vote in the matter.

Are We Still Charlie Hebdo?: The Growing Dissonance between Extremism and Free Speech

I started preparing this essay a month or two ago to collect my thoughts about the after effects of the Charlie Hebdo attacks and how the limits of free speech are being tested as extremism and intolerance increase in Europe and America. Now, the latest attacks in Paris on November 13th have made me reevaluate my original thoughts and given them new urgency, but have not substantially changed my views. The key issues I will discuss are the nature of Daesh, the refugee crisis, climate change, media hypocrisy, right-wing extremism, and free speech. These are complicated issues, obviously, with many interwoven factors at play, and I will do my best to make sense of the situation as I see it.

Let's begin with a brief look at what Daesh is (one thing I have learned from philosophy is that linguistic terminology matters; I don't like the term ISIS because it was chosen by them and it disparages the ancient Egyptian goddess and Roman cult figure Isis; the term used by the French government and Secretary of State John Kerry is "Daesh", which is more useful because it delegitimizes the group and they hate it). From what I can gather, the purpose of this self-declared Islamic

Caliphate is to gain and hold as much territory as possible in order to establish a haven for what they consider pure Islam, all while making incessant war against neighbors and non-Muslims until their awaited apocalypse. For brevity's sake, an apocalyptic death cult that happens to follow the words of the Koran literally. [This long article](#) in *The Atlantic* by Graeme Wood does a good job explaining the rationale behind the erstwhile Caliphate. One of the conclusions is that, despite how it looks from Western eyes, Daesh is a very reasonable and consistent group of people; it just happens that their reasons and consistency spring from a bloody and black-and-white ideology deriving from 7th century Arabia. Up to now, Daesh has seemed content to wage war only in its own neighborhood of Syria and Iraq. Unlike al-Qaeda (which was responsible for the Charlie Hebdo attack), Daesh is not primarily a terrorist organization but an actual government, however illegitimate and doomed to failure. (It is also highly relevant that the two groups have [long been feuding](#) for the soul of Islamic jihad, and are in no way allied). The attacks in Paris could have two possible interpretations: Daesh is branching out to international terrorism for the first time, either out of desperation after recent setbacks or to further their apocalyptic aims; or, the attacks were claimed by Daesh only after the fact, and were actually carried out by desperate European-based sympathizers who were unable to reach Syria themselves. As far as its origins, it is not too hard to trace the rise of extremism wherever violence and instability holds sway. Four years of a bloody civil war in Syria, combined with over a decade of bloody war in Iraq, created the perfect conditions for an organization such as Daesh to thrive. One of the lessons of history is that, in spite of some rare exceptions, periods of violence and revolution do not suddenly end in peaceful and stable governments.

If we are to attach blame to the creation of Daesh, it must be said that the US and its allies bear no small part of it. First and foremost for the illegal and disastrously managed

war in Iraq, but more indirectly from the decades of unquestioned alliance and support for Saudi Arabia, a country which has almost single-handedly allowed the extreme Wahhabi sect to spread and produce jihad across the Middle East and the World (the US has an extremely long history of supporting authoritarian regimes in the name of business; Saudi Arabia is different from many of the historical examples in that the support continues today with virtually zero public backlash). There is enough blame to go around, however; do not think that I absolve the dictators and mullahs and imams who have themselves actually done the most killing (it is almost too obvious, but I don't want to come under the familiar charge of being anti-American just because I point out the facts). The Saudi royal family, the Iranian Ayatollah and Revolutionary Guards, Israel and its increasingly hardline and rightward skew, the Palestinians who resort to violence and terrorism, Russia, and Britain and France and the greedy and racist colony legacy they created all play a part in brewing up the toxic sludge that represents the modern Middle East.

One group that does not bear any responsibility whatsoever for the Paris attacks or the existence of Daesh are refugees. Syria had a population of around 22 million before the war, and nearly half of these have been dislocated by force or desperation. At least four million have found shelter abroad, mostly in refugee camps in the neighboring countries of Turkey, Jordan, and Lebanon. There are another three million refugees from Iraq trying to escape Daesh (figures [here](#)). The refugees seeking shelter from wanton violence and destruction of homes are not themselves terrorists trying to kill Westerners. As we will see, the big political winners from terrorism, besides the terrorists themselves, are the far-right political parties that wallow in and cater to extremism and xenophobia of any kind. This includes the French National Front, which will probably see yet another surge of support for its anti-immigration and Islamophobic platform. Every country in Europe and the Americas has a political party of

this sort, which have generally grown both [more popular and mainstream](#) as the wars and and subsequent refugee crisis have grown in inverse proportion to economic stability: UKIP in the UK, Lega Nord in Italy, the Republicans in the US, Dutch Freedom Party in the Netherlands, Pegida in Germany, Golden Dawn in Greece, True Finns in Finland, Jobbik in Hungary (which has been instrumental in physically stopping the largest numbers of refugees into the EU), and several others all follow the same rancorous script. Though these parties are comparatively small in some cases, they have an outsized voice and influence on the public and political discourse, which they help to poison. They must be denounced loudly and immediately as soon as they use hatred fear, and intolerance of other races and religions to further their selfish political and economic ends. It is encouraging to see, now almost a week after the latest Paris attacks, that there has in fact been such a large pushback against extremism. It must continue unabated, however.

On a deep level, if Europe and America want to ameliorate both the immediate and long-term situation in the Middle East, one of the two best things they can do is to accept many more refugees (as in, all of them). Countries like Germany and Sweden are acting responsibly and charitably in the refugee crisis. Every other country leaves something to be desired after setting extremely low thresholds for asylum applications and doing as much as possible to discourage refugees (and immigrants in general). It is not only the only moral and humanist solution to such a tragedy, but the best way to economic and political security. After all, no country benefits by having a failed state and terrorist breeding ground on its doorstep. In addition, Europe and the US should do much more to provide assistance to internally displaced refugees in Syria and Iraq, and create safe zones. Whatever is being done is not even remotely enough. It goes without saying that if the Middle East is ever to emerge from its miasma of retributive violence into something vaguely resembling the

more modern liberal democracies that most of you (readers) enjoy, it will need a strong and educated middle-class. Not only does this generally not exist now, but every month of war, destruction, and privation over a huge swathe of this territory is preventing entire future generations from the possibility of ever attaining a peaceful and prosperous life. This is very important and typically gets lost in the fog of war and apathy.

Digression on Climate Change: It is well-known that there will be a crucial international conference on climate change in Paris next month in which virtually every nation in the world will attempt to come to an agreement on how to combat the warming of the planet. The stakes were already high enough, considering the consequences of continued indifference in the face of climatic upheaval, but the terrorist attacks in Paris occurring less than a month before the conference raises the pressure even more. It has long been well-known and documented by scientists and historians that environmental issues like deforestation, drought, overpopulation, and resource scarcity heavily contribute to human conflict. Before the outbreak of a genocidal killing spree in Rwanda in 1992, for example, the population carrying capacity was at the absolute limit, meaning that way too many people were competing for not enough resources (Jared Diamond discusses this and related issues convincingly in his book *Collapse*, which I reviewed [here](#)). In Syria, it should be noted that there were four years of [extreme drought](#) which ruined farmers and forced more people into overcrowded cities, all prior to the peaceful uprising by restive Syrian citizens against a repressive and indifferent government. It was only after months of peaceful protests and brutal government suppression that the real civil war started, and we know well that peaceful moderates do not long survive in bloody civil wars. Thus, the conditions were ripe for the formation of a group like Daesh. Though climate change's very existence is denied by Republicans in America, Democratic candidate Bernie Sanders [recently spoke](#) for the growing number

of people who not only accept the reality of the crisis, but see the direct link climate change has on political and military conflicts. Lest you still see this as just a liberal fantasy despite overwhelming evidence, the Pentagon and military leaders in America and NATO see [climate change as an immediate risk](#) to national security as well.

Voltaire said, or is supposed to have said, something along the lines of "Though I hate what you say, I will defend to the death your right to say it." This can be seen as an early defense of the right of Freedom of Speech, later adopted in the new country of America as the First Amendment to the Constitution. Although it would appear to be an unlimited right, it has been challenged over the years and its limits have often been tested. Nowhere are the limits pushed and tested as much as in the face of intolerance and violence, or the mere threat of violence.

Let's now take a trip back in time and revisit the Charlie Hebdo massacre in Paris of January 2015. Besides the murders themselves, an act of outrageous maliciousness, I was troubled by the reaction to the event by the media and the world at large. It need not be said that violence and murder are inexcusable under any circumstances; I say this anyway because it has been discussed around the edges of the event that because Charlie Hebdo mocked Islam and drew pictures of Mohammed, such a tragic outcome was somehow expected or even preordained. The mindset that produces such thought is one lacking in critical thinking skills, perspective, empathy, and intelligence. I can understand the series of causes and effects that can produce mass murderers, religiously motivated or otherwise. The killers were Muslim outsiders in a secular society that limited their economic possibilities, and often expressed prejudice against them, even by the government. They were also of Algerian descent, like a majority of France's Muslims, which can only remind us of the lingering effects of the [long and brutal Algerian war](#) which ended only two

generations ago. To understand broader context is not to excuse or even sympathize with violence of any kind. Most of the world's peaceful Muslims will agree. Though they are often just as disenfranchised or economically limited as the killers, yet they do not curse the world and go on murderous sprees.

Another troubling thing about the media coverage and public outcry of the Charlie Hebdo murders is the total saturation of the news coverage itself and the unprecedented knee-jerk support for Charlie Hebdo by politicians who would condemn the magazine in their own country, and support for France by many of the same politicians who would never come close to supporting France's culture of free speech. Thinking back to the worst massacres that we have witnessed in the last few years, there are several that stand out in my mind as even more appalling than Charlie Hebdo. One is the [2011 Norway massacre](#) where a white right-wing Christian terrorist single-handedly killed 77 people and injured hundreds more in two separate attacks on the same day. Most of the victims were children and teens at a summer camp. Though this prompted an outpouring of sympathy and condemnation from around the world, there was not nearly as much as there was after the Charlie Hebdo killings, nor was there a show of solidarity in Oslo by world leaders and a viral slogan. Even more disturbing and tragic are the continued massacres and atrocities by the Nigerian jihad group Boko Haram (by far [the deadliest terrorist group](#) in the world), and specifically an attack only [four days before](#) the one on Charlie Hebdo in which thousands of people were reportedly murdered, with subsequent information saying that perhaps it was "only" a few hundred people instead (though no reporting has ever been able to confirm). This was an event mentioned in the world news, but quickly forgotten by most people even more quickly than they forget about the [weekly school shootings](#) in towns across America. A third incident which happened only three weeks before Charlie Hebdo was the [massacre at a school in Peshawar](#),

Pakistan, by the Taliban which killed 145 people, 132 of which were young children. There are two possible reasons why Charlie Hebdo was a much bigger deal for people around the world, much more well-known and publicized in the media, and attracted much more sympathy than the other three massacres I mentioned which were all much more violent: Charlie Hebdo's victims were white Europeans who were killed in the name of free speech by French-Algerian Muslims, which means that white and non-white people from all across the political spectrum had reason to be shocked and angered. In the Norway massacre the victims were also white Europeans, but the perpetrator was counter-intuitively (according to the narrative we are used to hearing from the media) a white European male as well, thus diminishing the duration and strength of the shock and public outcry, while the Boko Haram attack four days before Charlie Hebdo was already out of the news cycle by the time of the Paris attack, most obviously because even though the terrorists were also African jihadists, the victims were black Africans, thus diminishing the sympathy and interest by a large segment of the western media and population that now openly condemns racism but still engages in it; likewise with the Peshawar attack perpetrated by the infamous Taliban on schoolchildren. This troubling comparison tells me that to much of the media and large parts of western society black and brown lives matter less, and that white terrorists are written off as exceptions while Muslim terrorists are seen as a representation of the entire world population of Muslims. The way these type of events are shown in the media is both a cause and an effect of these biased opinions.

One more bit of hypocrisy is the fact that the Charlie Hebdo attack was clearly and unambiguously an act of terrorism in which 12 people were killed in Paris, but many more people are killed every week by the US government in drone strikes, which must feel like terrorism to the people who live in fear. We know that missiles are rained down on supposedly high-value targets in uninteresting and out-of-the-way places like

Pakistan and Yemen without any due process or guarantee that innocent men, women, and children will not be killed (they may be a majority of the victims for all we know, though all males are officially classified as “military-aged males” and assumed to be guilty). A [detailed report](#) by The Guardian has concluded that US drone strikes in Pakistan and Yemen killed a total of 1147 people in hundreds of failed attempts to kill just 41 men. When a missile blows up houses and cars full of people and kills at least as many as the Charlie Hebdo attack, that seems like terrorism to me. And such violence is likely to create many more terrorists than were possibly killed in the original attacks ([a fact conceded](#) by former Air Force drone operators themselves), thus increasing the probability of more strikes such as the one on Charlie Hebdo in the future (and just as such attacks are likely to make more and more westerners see all Muslims as enemies or terrorists).

The Charlie Hebdo attack prompted the trendy show of solidarity “Je suis Charlie” by millions around the world, which is not a bad thing in itself, but I am afraid that much of the solidarity was a superficial and knee-jerk response to the tragedy, not one which examined the sources and possible solutions to the set of circumstances that led to this attack and could lead to more in the future. From my personal point of view as a long-time resident in Europe, people across Europe as a whole are somewhat more thoughtful about such tragedies than the American people as a whole were after 9-11, but the fact that we have witnessed wars and terrorism in the past 14 years since then has created for many people a perspective either more empathetic or more cynical. At the same time Europe is still in the midst of economic troubles which have helped fuel the rise of a slew of right-wing xenophobic and anti-Islamic parties in every country, a large number of Europeans are also seeing that the absolute protection of free speech and tolerance is the only way to peacefully maintain an increasingly multicultural and globalized society. The question of tolerance is one that has

not always been correctly understood or handled by either political leaders or citizens. There are limits to both tolerance and free speech, though it is admittedly difficult to tease out these limits, especially when faced with real-world tragedies that prompt unthinking reactions.

Just as there was a media double standard during the Charlie Hebdo massacre, likewise for the November 13th Paris attacks. The scale is much greater in the latter case, with at least 136 deaths and hundreds more injured. But the reaction was similar in that Daesh itself conducted other attacks on civilians in other countries within 24 hours of the Paris attacks, but with little reporting by the media and little interest by the public. 26 people were killed in two [suicide bombings](#) perpetrated by Daesh in Baghdad, while 43 people were killed and hundreds wounded in two [suicide bombings](#) perpetrated by Daesh in Beirut. Neither of those have the high death toll of Paris, but does it matter? After all, as I have shown, "only" eight people were killed in Charlie Hebdo attack but that was a bigger news story by ten or hundredfold than greater massacres of the same time in other countries. Some of this is cultural, and the fact that Paris is a central city in Western civilization, and one that many Western people have visited and feel a connection to. But still, does that matter? I love Paris as much as anyone, as well as free speech, and I hate terrorism and any kind of violence, but that does not make me feel more rage and frustration in either the case of Charlie Hebdo or the November 13th attacks as the ones in Beirut, Peshawar, Nigeria, Baghdad, Oslo, or the [weekly school shootings](#) in America. My rage and frustration is the same, and comes from the same source, directed at the same cause. I do not think Islam is the root of the problem, nor do I think that closing borders and blocking asylum and aid for refugees is the solution. These are just two of the ways I have complete and fundamental difference of opinion with the intolerant bigots in our own countries (such as my very own Congressional Representative in South Carolina, a Republican

named Jeff Duncan, who [blamed refugees and Muslims](#) for the attacks before the blood had even congealed on the streets of Paris, or [every single Republican](#) presidential candidate and [most of the Republican state governors](#)).

Let's look at some more case studies in tolerance and intolerance. Germany's chancellor Angela Merkel [once declared](#) the idea of multiculturalism in Germany to have failed. I do not know if she was just trying to appeal to her conservative voters, but such a statement is irresponsible and untrue. This idea that immigrants cannot be integrated into a society only feeds the xenophobic bigots who have now become quite vocal and strong in most European countries. The fact that the rise of these groups has coincided with economic recession and unemployment is in fact no coincidence. Blaming outsiders is an appealing message to certain types of people who feel economic strain and see a threat to their traditional way of life. That does not mean that it is the fault of the immigrants, who are almost always under much more economic strain than their detractors, but of the political and economic elite who create the conditions that the people will either succeed or fail in. Whatever she meant by citing the failure of multiculturalism, Merkel has at least proven to be a courageous leader in leading the way for European countries accepting refugees. It is still not enough.

On the other hand, the right-wing nationalist and xenophobic parties have been spreading hate and intolerance. They grow stronger when people become fearful of violence and terrorism. It is well-known that toxic public discourse and intolerant speech by political leaders directly leads to violence by their troubled followers. It happens [time](#) and [time again](#) that some misguided soul takes out murderous aggression on an innocent party that had been vilified by some right-wing hate-monger. This point cannot be stressed enough. One clear limit to free speech exists at the first instance of violence, the threat of violence, or even the mere hint of violence. This

goes not just for physical violence but for anything that qualifies as unnecessarily extreme aggression, intimidation, emotional bullying, etc. There is a paradox of tolerance, which is that one must be intolerant of intolerance in order to maintain a civil and open society (I have previously discussed this paradox at greater length [here](#)).

Let me indulge in a thought experiment, and let us imagine a growing fringe political party that doubles as a hate group. One of their key beliefs is that beards are evil and unwelcome in their country. While this is a ridiculous position to hold, it is merely an opinion that happens to be small-minded and wrong (my sense of morality tells me that opinions can sometimes be wrong just as facts can). An invisible line is crossed, however, when the anti-beard group's legitimately free speech turns to calls for violence, retribution, or even economic and social sanctions for people with beards. This is intolerance that cannot be tolerated in an open society, since it operates outside the bounds of civility and freedom from fear and violence that are the foundation a free society is built upon. In other words, though I hate what the anti-beard group says, I will defend their right to say, but only insofar as it is exercised as one particular opinion and way of life but not as a call for violence and intolerance against others who do not hold that opinion or other varying attribute (such as religion, sex, sexuality, skin color, or facial hirsuteness).

I would further argue that a fully democratic nation whose voting citizens are composed almost wholly of illiterate idiots is always preferable to a nation ruled by the most benevolent dictator but where freedom of speech is limited. The limits of democracy are seen insofar as its *demos*, or people, take active and informed interest in the decisions of the nation. So in the former case, though the ignorance or indifference of a sufficiently high percentage of voting citizens in a democracy could easily lead down the road to

fascist dictatorship, the fact that it was firstly and presently still democratic weighs conclusively in its favor. This shows the promise and the limitations of democracy: nothing is guaranteed except what the citizens enable; everything is possible; but it can still be corrupted by propaganda and the preying on of the basest human emotions of hate, greed, and intolerance.

In the years after 9-11 in America, the people made the mistake of allowing fear and the illusion of security eclipse their freedoms. There is still much work to do to dismantle the security and surveillance state that was erected during those years of democracy in its lowest ebb. Similarly in Europe, leaders feel pressure from the right-wing parties that scream for closed borders and a stop to immigration, and for added security measures that will sacrifice hard-won freedoms for an illusion of safety. It must not be. Just as free speech must be protected at all costs, Western countries must not give in to the fear that terrorists aim to create. As Franklin Roosevelt famously said, "We have nothing to fear but fear itself." That is still true in that our society remains fundamental strong, free, and open, and there is nothing that terrorists can do to change that other than make us fear them so much that we remake our society in their image, and waging more endless wars of their choosing.

Wise men are able to say things that echo long after they are gone, and it's the same once again with Voltaire, one of my favorite Parisians, who said, "Those who can make you believe absurdities, can make you commit atrocities." It was hard to miss the fact that one of the six Paris attacks was on a theatre on Voltaire Boulevard. Though this could be coincidental, it is not hard to imagine the attack planners targeting such a symbol of everything they hate: music and drama, philosophy, satire, reason, and enlightenment. The quote applies quite easily to the insanity that is Daesh, but let's not hesitate to look at our own recent past. European

civilization is easily the bloodiest in history, and that is why it is crucial for us to remember our own past in order to forge a new future.

Let me close with the words of another wise humanist and antiwar activist, Bertrand Russell, whose message to the future (which is the present for us) was the following: "The moral thing I should wish to say to them is very simple: I should say, love is wise, hatred is foolish. In this world which is getting more and more closely interconnected, we have to learn to tolerate each other, we have to learn to put up with the fact that some people say things that we don't like. We can only live together in that way – and if we are to live together and not die together, we must learn a kind of charity and a kind of tolerance, which is absolutely vital to the continuation of human life on this planet."

The Espionage Act and the Cult of Secrecy

The most important compromise that allowed for the passage of the U.S. Constitution was that there be included a series of amendments called the Bill of Rights, which guaranteed certain freedoms to the individual, a counterpoint to the Articles of the Constitution itself which merely delineated the powers of the branches of government. The most important and revolutionary of the amendments was the first, which simultaneously protected from government censure the individual free exercise of religion, freedom of speech and of the press, and freedom to peaceably assemble and petition. These freedoms are the bedrock of civil liberties and have become universally accepted as the preeminent hallmarks of a

free society. In practice, however, there have always been difficulties interpreting the limits of these so-called individual freedoms in relation to the authority of the State. This is especially true in times of war, in which it has often been supposed that nothing, not even freedom of speech or of the press, can stand in the way of State security, secrecy, and success in the war effort. Though these individual freedoms have been enshrined into the U.S. Constitution as the foremost rights of the citizenry, there have been many setbacks and the long battle to protect these very freedoms continues even into the present day.

For example, only seven years after the ratification of the First Amendment, John Adams signed into law the Sedition Act of 1798 in which it was made illegal to write or say anything "false, scandalous, or malicious" against the government. The legal basis for this was that, while freedom of speech was allowed, it did not mean freedom from prosecution for seditious or "dangerous" speech after the fact. This would seem to seriously undermine the notion of free speech itself. Moving forward in history we come to another similar piece of legislation that is still enforced and impacts us directly today, and which will be the focus of the rest of this essay: the Espionage Act of 1917.

Woodrow Wilson, after campaigning in 1916 on the fact that he had "kept us out of war", was elected to a second term as president and immediately brought America into World War One in 1917. Three months later, Wilson signed into law the Espionage Act, in which it was punishable by death or 30 years in prison to convey information that would interfere with the success of the military or promote the success of its enemies. This included the intent to cause insubordination, disloyalty, mutiny, refusal of duty, or even to obstruct the recruitment of conscripts into the military. It was also intended to silence all dissent against the war, to monitor and punish any pro-German or anti-British sympathies, and to block the

distribution of printed materials through the Post Office (this was a time in which the Post Offices were one of the most extensive arms of the federal government throughout the states and the Postmaster General was actually an influential and powerful position—made more powerful by being able to block or intercept anything sent through the mail). The Espionage Act has been amended many times since 1917, and is arguably stronger than ever in our own time. In 1933 a provision was added to prohibit the disclosure of anything sent in code; in 1961 a provision was removed that had restricted the law's jurisdiction to U.S. territory or to American citizens; at least two times it was amended to increase the penalties it imposed; in 1950, during the McCarthy era and the growing militarization of the Cold War, the McCarren Internal Security Act changed the scope of possible crimes from the "intent" to harm or aid to "mere retention" of information. Not only open and free speech, but even secret information are now under the control of the Espionage Act.

Government authorities wasted no time after the law's passage to begin enforcement. A disproportionate number of its victims were Socialists and members of unions such as the Industrial Workers of the World, which were strongly against American intervention in the war. Eugene V. Debs, the four-time Socialist candidate for President, was convicted and sentenced to 10 years in prison for making a speech that "obstructed recruiting". Even a film called *The Spirit of '76* was seized and its producer imprisoned and fined; apparently the film portrayed too much British cruelty during the American Revolution which could undermine support for the current close American ally in the war effort. After the war, the law was invoked in order to arrest and deport several hundred foreign socialists and anarchists, allegedly due the bombing of Attorney General's house by an anarchist agent. If you are wondering how this broad limitation of free speech held up at the Supreme Court, I will direct you to the 1919 case of

Schenck v. United States in which the Court decided that the law was justified if such speech constituted a “clear and present danger” to the government, the same as if a man shouted “Fire” in a crowded theatre according to the famous Justice Oliver Holmes. Schenck had denounced the war conscription law as “involuntary servitude” and his arrest as an abridgment of freedom of speech and of the press. Rather than Justice Holmes’ “fire”, could we consider Schenck’s act more like warning people of a fire in the theatre before entering? Is not war itself a “clear and present danger”, much more dangerous than a mere argument against it? What is the fine line in which citizens are allowed to object to war without creating a danger to the government?

During the Cold War, the McCarran Act and the red-baiting of Senator McCarthy breathed new life into the Espionage Act. While the Act was originally intended to apply only during wartime, it has been continuously in force since 1950 – the long years of the Cold War, the permanent militarization of American policy and economy, and even the recent “War on Terror” show how far such justifications can be stretched to protect the government from its own citizens (not vice versa, which is the ideal). Public speech and print have been superseded by the possession of secret information as the main focus of the law. In 1971, Daniel Ellsberg and Anthony Russo were charged under the Espionage Act of publishing classified documents that came to be known as the Pentagon Papers. They consisted 7000 pages of top secret records of the Department of Defense’s involvement in the Vietnam from the 1940s-70s, leaked by Ellsberg and Russo to the New York Times because of their indignation about the crimes of the United States against the people of Vietnam. The Nixon administration attempted to block the publication but it was ruled freedom of speech by the Supreme Court; the administration then indicted the leakers under the Espionage Act. They would have almost certainly been convicted and served long sentences but were instead released because of a legal technicality – the

Watergate scandal that caused Nixon's downfall came about when Nixon's henchmen tried to steal compromising information about Ellsberg from his psychiatrist's office. The Pentagon Papers case obviously had major historical ramifications, but also made it clear that the government considered the distribution of secret information to the press for the purpose of exposing secrets of the same government to be espionage. We must ask ourselves which is the worse crime: sanctioning injustice, oppression, and murder around the world, or the disclosure of these secret indiscretions to the public?

The final section of this essay concerns the recent cases of Chelsea Manning and Edward Snowden, both of which are related to the Pentagon Papers case. Manning has been sentenced to 35 years in prison for violating the Espionage Act by stealing government intelligence and diplomatic cables that revealed governmental corruption and giving them to WikiLeaks to be published. Edward Snowden has been charged with violating the Espionage Act for stealing and publishing secret government information that revealed the extent of the widespread secret surveillance powers of the National Security Agency. Just as the Pentagon Papers, the crimes of Manning and Snowden only involved the transmission of information to the public that had been classified by the government as secret.

There are a few issues at play that we can discuss after this brief historical synopsis of the Espionage Act. You will have noticed the prevalence of the word "secret" in the examples I mentioned. It seems that the pervasive cloud of government secrecy is an excuse for any number of illegal or immoral acts to be committed. The reason the Pentagon Papers, the Manning leaks, and the Snowden leaks are such captivating events is not only that they reveal secrets protected by the state, but that the revealed contents of these state secrets are so shocking to the public. The government naturally wants the focus to be on the importance of maintaining secrecy and the punishment for violation of the Espionage Act, but polls show

that the public is much more concerned with the harmful content of the secrets than the comparatively harmless crime of revealing them (harmless except to the reputation of the government). This is because the government is intended to be "of the people, by the people, and for the people", and many people still hold this democratic ideal close to heart. When it is revealed how much the government hides from its citizens, we have the right to be shocked, outraged, and demand accountability; the people to be held accountable are not the ones whose conscience and sense of moral outrage drove them to provide us with the secrets, however, and they should probably be rewarded rather than punished.

Another aspect is the fine line between Freedom of Speech and state security. The Espionage Act and the cases above show exactly where the line stands between what is considered the right to free speech and what is considered the government's prerogative to limit any expression that supposedly endangers state security. In my opinion, there is a clear solution to this problem, which is the absolute protection of Freedom of Speech and the other freedoms of the First Amendment. Whenever state security is invoked in order to limit fundamental rights, it is a slippery slope that takes us further away from the idea of the open democratic society towards something on the opposite end of the spectrum that could be called either tyranny, fascism, or totalitarianism. If we imagine George Orwell's *1984* today, there would surely be a Ministry of Freedom which would limit Freedom of Speech to active daily repetition of the mantra: "War is Peace. Freedom is Slavery. Ignorance is Strength."

Additionally, we should remember that a feature of the Espionage Act, however we feel about it, was that it was only meant to be enforceable and enforced during "wartime". This is a crucial point if we consider that the traditional idea of wartime changed after World War II to be replaced with the idea of the continuous "Cold War", or the state of being

permanently on war footing against global enemies. The militarization of the American economy was central to its growth and success in the post-World War II years, and was important for protecting American corporate profits around the world. This did not change after the end of the Cold War; the Clinton Administration determined that the U.S. military must be able to fight two regional conflicts simultaneously, the Bush and Obama years have seen the invention and proliferation of the ill-conceived concept of the War on Terror. There are also at least 800 American bases and military installations in at least 156 countries around the world ([link](#)). If this still does not qualify as a permanent state of war, it is surely a state of hyper-militarization against enemies more imagined than real. It must be mentioned that the type of state and military secrets revealed by the aforementioned cases are not tactical, operational, or strategic in nature – I am not advocating something akin to reporting on troop movements to the Germans during World War II; rather, these are systemic and institutional secrets that hide crimes and corruption of government agencies and their corporate partners. In comparison, Julius and Ethel Rosenberg were convicted and executed under the Espionage Act for purportedly providing the Soviet Union with plans for nuclear weapons. However dubious the evidence against them, the nature of the crime is different from the argument I am attempting to make; giving detailed military information or weapons to hostile nations or groups is something else entirely from revealing moral injustices and atrocities of a government to its own people in the name of transparency and justice.

Let us now consider the Patriot Act and the system of state surveillance. In the weeks after 9/11, the Bush Administration and Congress created and easily passed a new law with the Orwellian name of the Patriot Act, which allows for a very broad interpretation of government access to any information that it claims could be used to maintain security (The Obama administration and a new Congress easily renewed the law in

2011). The last decade and a half has seen a huge expansion of the state security apparatus in general, headlined by agencies such as the new Department of Homeland Security, the infamous CIA, and the venerable National Security Agency (there are at least 16 separate government intelligence agencies and an untold number of private intelligence contractors, such as Stratfor, whose ignoble mission of trading secret information to governments and corporations was revealed in another recent leak by the hacker Jeremy Hammond). It was Ben Franklin who said that "they who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety." Never has this aphorism been so apt. The most recent revelations of the Snowden case show us just how pervasive and perverse the NSA has become (or maybe it was always this way, but with less amenable technology and/or publicity). What we are dealing with is the interception, collection, and monitoring of personal email, internet searches, phone conversations, and more, all over the world and on American citizens in their own houses. The NSA, we have learned, has virtually unchecked power and resources with no limitations or oversight. It is unclear who is being made more secure from whom.

In conclusion, we must remember that the things in this article are just the tip of the proverbial iceberg in the larger issue of Free Speech versus state secrecy and security. Indeed, the First Amendment has needed protection from government infringement since before the ink was even dry on the Bill of Rights. It will continue to be so in the future. A democracy (or what passes for one) will always depend on the active involvement of citizens to defend their own rights against the class of the Power Elite who would happily curtail those rights for their personal and financial gain. A government "of the people, by the people, and for the people" will be so in fact, as well as in name, only as long as its citizens force their elected leaders to work for them. A corollary to this is that citizens can only be involved in

decision-making and accountability if they are in possession of relevant information on what exactly their government has been doing in their name (and with their tax money). This is why we should honor transparency rather than secrecy, and give courageous whistleblowers medals rather than prison sentences. We should not acquiesce in the expansion of the surveillance state and the cult of secrecy, giving up freedoms in the name of security. Such a systemic evil can lead only to an Orwellian future which must be avoided at any cost.