

# HARVARD POLITICAL REVIEW

## Self-Censorship: The Hidden Gag Order

Nicolas Sawaya

January 28, 2015

Instead of sinking into fearful paralysis after the machine gun murder of seven of its employees, Paris-based Charlie Hebdo printed another issue just a week after the attack. Its pages defiantly contain more of the material that supposedly motivated the killings: provocative drawings of the prophet Mohammed.

Contrast the magazine's decision with the behavior of most American movie theater chains, who didn't need much by way of intimidation to remove Seth Rogen's *The Interview* from their schedules at the end of 2014. A few violent threats of dubious credibility caused the movie's distributors to throw down their arms before even seeing the battlefield.

When violent threats are issued, the theaters' reaction is more typical than Charlie Hebdo's. The likely effect of intimidation tactics is that creators and distributors alike will censor themselves more, resulting in artistic content that departs from original concepts. This risk is discussed less often, since most debates about free speech focus on official government censorship. But even though self-censorship may go undetected, it often has the same effect as the overt criminalization of speech: a smaller marketplace of ideas and a society poorer in artistic content.

A related set of events transpired in 2005, when a series of Mohammed caricatures were published in Denmark. The reactions from some members of the public were much worse than anticipated: death threats were issued, a widespread boycott of Denmark was initiated, Danish embassies were set on fire, and several protest-related deaths resulted. Flemming Rose, who commissioned the 2005 cartoons as cultural editor of the newspaper *Jyllands-Posten*, recently released his book on the so-called cartoon crisis. In *The Tyranny of Silence*, the man principally responsible for the Danish cartoons' publication writes about his new life as an object of hatred and about his free speech philosophy, in a manner that would make any free speech libertarian nod without pause.

The cartoons were not just a test of Danish society's conflicting opinions on multiculturalism, opinions that had emerged after the influx of immigrants in the preceding decades from devastated war zones like Iraq and Somalia. Unsettling news reverberated across the art and journalism communities: Theo Van Gough had been stabbed to death in 2004 for the production of a film about violence against Muslim women. The next year, there was a high-profile story of a Danish author who had found it nearly impossible to hire an illustrator brave enough to draw

pictures for a children's book he had written about the prophet. Jyllands-Posten had asked cartoonists to submit cartoons of Mohammed as commentary on these events.

Should we really care about protecting these forms of expression to begin with? We might wonder whether the world is worse off without another silly comedy with which to spend Christmas. And are the scribbles of a few underpaid cartoonists worth protecting, especially if their publication can be indirectly linked to the deaths of innocent people?

For several reasons, yes. The purpose of publishing the 2005 cartoons, Rose says, was to highlight the self-censorship and fear that had affected the European press. In the artistic mode of "show, don't tell," the publication was partly a social experiment in which the intended message becomes clear not through the art itself but through the public's reaction. It is not true that the only effect of the cartoons was to offend. Just as with other forms of speech, the purpose of political satire is to enhance political debate. Of course art and the media do not reach the public if the creator, publisher, or government so choose. Regardless of who is blocking the creation or distribution of content, the result can be detrimental.

One effect of censorship, self-inflicted or not, is the deprivation of art and useful debate in the public sphere. The French and Danish cartoons were similar to other political cartoons in at least one way: they molded the political conversation and prompted important, if disturbing, questions. For instance, the most famous of the twelve Danish cartoons, which were reprinted by Charlie Hebdo, is a drawing of Mohammed with a bowling ball bomb in his turban. Does the cartoon imply that extremists have hijacked the peaceful teachings of a respectable prophet? Or that some religious teachings inevitably lead to violence? Maybe the illustrator intended an entirely different story.

Regardless of the author's intent, a cartoon prompts people to consider the implications of these interpretations and leads them to examine whether its implied statements are valid. A dry news article does not always have the same thought inducing effect. The Interview provokes its own set of questions. For some, the movie was relevant because it laid bare Hollywood and America's oblivious insensitivity to the starving citizens of North Korea. In that sense, art can inform arguments even for those who are disgusted by its expression.

Just as importantly, satire is a direct way for citizens to challenge power. National governments and organized religions may be the two most powerful types of institutions that exist. Decisions from heads of state have the potential to drastically change the lives of a country's citizens. And religion's influence on beliefs is enormous, often heavily affecting the results of democratic elections. The act of poking fun is itself important, as it demonstrates that institutions and leaders will not be assumed infallible. It is an egalitarian exercise. And the more powerful the target, the more important it is to allow all forms of ridicule, even low-rated movies and coarse drawings that aren't normally assigned much importance. "Freedom," according to philosopher Rosa Luxemburg, "is always the freedom of dissenters."

With all forms of expression, satire or not, it is not just political utility that we risk losing. Something that is hugely offensive to one person may be aesthetically meaningful to another. The Tyranny of Silence includes mention of a painting by Louzla Darabi, an artist with a Muslim

background. The painting shows a man and a woman having sex, with words from the Koran written across the canvas. Her purpose was partly to state that women can and should enjoy sex as much as men, a notion that she says is not present in many patriarchal religious communities. But its main message was positive. Islam, according to her, sees marital intimacy as holy, and the Koranic excerpt was meant to positively portray an Algerian custom of praying before intercourse. As she phrased it, “love leads to the spiritual, and therefore to God.” The aesthetic feeling she attempts to convey is so powerful to her that she “cannot read those written words without shivering.”

And yet there were enough emailed threats to convince a Swedish museum to remove the painting, because some did not see it as art, but as blasphemy. Both the narrow-mindedness and the success of the threats makes one wonder whether the pleasure we derive from art is too often discounted in the debate over political correctness. Some of Charlie Hebdo’s brash political cartoons might be intended to provoke. But I do not doubt that its readers see meaning in them nonetheless. It seems unlikely to me that any painting, sculpture, or prose could be purely pornographic, entirely devoid of aesthetic importance to anyone.

But assuming we allow provocative speech, how do we mitigate the dangerous effects of prejudice? After all, xenophobia is widespread in the West and there is a legitimate and urgent fear that racist, anti-Islamic, anti-Semitic, and misogynistic thoughts will lead to violent action.

Though the risk of violence against minorities is serious, historical evidence does not necessarily suggest that government censorship will solve the problem. Partly because of a martyr effect, laws curtailing hate speech often seem to be ineffective. One frequently cited reason for censorship is to prevent a repeat of World War II’s colossal genocides. The connection to Charlie Hebdo is apparent: its cartoons are of the same flavor as those of Nazi propagandist Julius Streicher.

However, as Rose points out, the Weimar Republic did have hate speech laws, resulting in multiple prosecutions of influential Nazis like Joseph Goebbels and Streicher. According to Rose, some of the early Nazi party’s most potent recruitment fuel was its use of the courtroom both as a platform for anti-Semitism and as a way to play the victim. The key is not that we limit expression, but that that the police become involved the instant violence begins or is explicitly threatened. Bizarrely, the Weimar government prosecuted so-called hate speech but often did nothing to protect the victims of violent pogroms.

The opposite occurs in the United States, where the law protects the expression of virtually all viewpoints. The obligatory example is of the Ku Klux Klan, whose right to protest is regularly and successfully defended by the ACLU. Yet there are very few citizens who are moved by their rallies and pamphlets to join the organization. Americans have the options of ignoring the KKK or simply articulating the reasons their racist views are false or damaging. Neither of these choices eliminates racism, but they marginalize the costumed knights more than arresting them would. To paraphrase Justice Louis Brandeis’s cliché, the best response to bad speech is more speech.

We often conclude that a person's consumption of art or literature implies her approval. This is a fallacy even for the most offensive and radical content, but it is the force behind the modern push for censorship. You don't have to be a Nazi sympathizer to read Mein Kampf; indeed explaining the reprehensible ideological roots of Nazism would be difficult without reading it. Still, possessing the book is illegal in several Western European countries. This particular book cannot be categorized as satire, but if we accept that banning the infamous text will not alleviate hate crime, then the same argument clearly applies to any cartoon or film. Societies would take an important step forward if they stopped equating consumption with endorsement.

There is perhaps nothing new to be written about free expression. Variations of these arguments are used after any incident like the Charlie Hebdo executions, and they should be restated as often as possible. But I would highlight that self-inflicted censorship is slier than overt government censorship. Self-censorship's most insidious danger is that the art and literature we enjoy morphs without giving notice, without any sensational headlines about arrests or death threats.

This contrasts with official state suppression. When a Swedish preacher is arrested for giving a homophobic sermon, for example, we know which opinion we have been deprived of hearing. And the whole nation would find out if a newspaper editor were brought to public trial for disobeying censors, as it did during the 1971 Supreme Court case *New York Times Co. v. United States*. But once voluntary silence becomes prevalent, there will be few obvious indicators that the shift ever occurred.