

Free Speech Versus Censorship

Satire, as a form of commentary on current political and other topical issues, inherently calls into question the dichotomy of free speech and censorship. Since its very purpose is to criticize hegemonic figures, institutions, and ideals; satire has been at the center of countless conflicts. Arguments have been made for both free speech and censorship as both sides have their pros and cons. Some criticize censorship, both external and self-imposed, as undemocratic; while others believe the limitation of speech and expression is sometimes necessary. This essay seeks to make sense of each argument and determine how to best approach the two competing beliefs. After extensive research of both sides, I argue that properly exercising judgment when it comes to satire is much more appropriate and effective than any form of censorship.

A case that discusses the issue of free speech and censorship is that of German satirist Jan Böhmermann and German Chancellor Angela Merkel's decision to allow him to be prosecuted, analyzed in Peter Ronald deSouza's article "Satire and policing the boundary of free expression." After a video titled "Erdowie, Erdowo, Erdogan" was broadcast on the television program Extra 3 mocking the Turkish President Erdogan, the Turkish government demanded that the video be banned. Böhmermann further fueled the fire by reading a satirical poem titled "Defamation Poem" about Erdogan in the form of a fake news broadcast on his show Neo Magazin Royale (deSouza). In his poem, Böhmermann claims that Erdogan watches child pornography, beats up minorities, commits bestiality, etc. (Lane). In Germany, satire is protected under free speech legislation, but "abusive criticism" of a foreign state leader is not. After the broadcast, Merkel permitted Böhmermann's prosecution, and in his examination of this case, deSouza states: "Böhmermann's prosecution for an offense within the secular domain...raises some interesting issues about the limits faced by offensive expression, especially satire, in democratic societies."

While examples of religious satire such as the infamous Muhammad cartoons are problematic for more obvious reasons (the Muslim precept against depictions of Muhammad is one example), Böhmermann's prosecution is significant because it reveals just how limited free speech and expression can be. Satire is often looked at "in terms of the political, legal, and moral issues raised and is usually cast in terms of a binary between free speech and censorship, artistic freedom and offense, and democracy and tyranny" (deSouza). This binary is the foundation on which the rest of this essay is based.

Satire has a long history involving censorship. In his article "Satire, Persecution, & Charlie Hebdo," John Schulman points out that "it is only since the mid-18th Century...that satirists, at least of the gentler Horatian type, could expect to practice their wit without fear of imprisonment or worse." For many years, satirists operated under the fear that they could be tried, exiled, or even killed for what they were saying. While censorship has its flaws, there is one that stands out: it restricts citizens' ability to criticize their political leaders and the systems under which they are governed. When it comes to satire, it is important to differentiate between what *can* be said and what *should* be said. Unfortunately, there have been many instances throughout satire's history where this distinction was not made. One example is the Danish newspaper *Jyllands-Posten* and its series of Muhammad cartoons. In his article "Religion and Freedom of Speech: Cartoons and Controversies," Robert Post further differentiates between what *can* be said and what *should* be said, and how this principle pertains to the *Jyllands-Posten* case. He states: "all that is legally permitted is not ethically advisable." (Post). He discusses Carsten Juste, the editor-in-chief of *Jyllands-Posten*, and his remorse for the violence that resulted from his publication's Muhammad cartoons. Juste said: "if I had known that the lives of Danish soldiers and civilians would be threatened...as my finger hovered one centimeter above

the send button for publishing the drawings, would I have hit it? No.” Here, Juste is making the important distinction between legal right and ethical propriety. As editor, he had the legal right to publish the offensive and provocative cartoons; however, it may not have been ethical for him to do so as it led to violence (Post). Unfortunately, the case of *Jyllands-Posten* is one that required foresight to anticipate the disastrous results of the cartoons. “The law protects speech in order to safeguard the values that freedom of speech enables a society to fulfill” (Post). Freedom of speech operates under the assumption that citizens will exercise their judgment over what should and should not be said, to preserve the values of democratic society; such as truth, liberty, equality, and the common good (Democratic Values). It does not account for any potential violence that results from insensitive speech and expression. In this way, censorship, though flawed, can be more effective in ensuring safety and protecting against violent retaliations for offensive content. In his article “Balancing Free Speech and Censorship: Academia’s Response to the Internet,” A. Graham Peace elaborates on the issue of free speech, and suggests there are some instances that require censorship. To determine whether information should be censored or not, one must consider its legality and ethicality. Similar to deSouza’s binary between free speech and censorship, information is *either* legal or illegal, and *either* ethical or unethical. He calls this concept a “two-by-two matrix.” Peace’s matrix acknowledges that censorship is appropriate in situations where speech is both unethical and illegal. It is also sometimes necessary in situations where speech is either unethical or illegal, and this is where great consideration is needed on behalf of lawmakers.

Just like censorship, free speech is a significant part of the discourse surrounding satire. Peter Ronald deSouza cites author Henri Bergson for his opinion on the benefits of satire. Bergson states that satire is:

A necessary corrective for society which, in the absence of such humor, may become too inelastic. The idea that a society must retain a degree of elasticity...as social norms evolve, is indeed a valuable idea. Laughter...in the face of the emerging inelasticity of power, becomes a valuable corrective. It prevents the exercise of power from becoming too rigid and too arrogant. (deSouza)

When looking at the aforementioned Böhmermann case, it is helpful to consider Bergson's statement. "Defamation poem" was Böhmermann's attempt to criticize the inelastic Turkish government, by poking fun at Turkish President Erdogan. According to German law, Böhmermann's "abusive criticism" of Erdogan was illegal. Nevertheless, it served a crucial purpose: to explore and test the limits of free speech. In this case, "satire, in addition to being a corrective to an emerging inelasticity in Turkey, also compels German society to debate the social and legal limits of what is permissible" (deSouza). Free speech is an essential part of modern, democratic society. Without it, citizens are unable to participate in the formation of public opinion, and true, honest satire does not exist. Free speech and satire are tools that citizens possess to expose the rigidity and hypocrisy of those in power, while giving "the state, and the powers that be, a sense of how much capacity society has to live with (if not accept) the purported offense" (deSouza). The binary between free speech and censorship, democracy and tyranny, points out that the two sides cannot really coexist. If censorship is allowed, real freedom of speech is not.

The solution to the struggle between free speech and censorship is judgment. Any time a government censors its citizens, it is taking away their ability to critique their government and disallowing democracy. However, an important factor to consider when exercising free speech is context: "social and cognitive context is important for humor to be effective" (deSouza). This

is where judgment becomes important. While a satirist may have complete legal freedom to publish something, it may be unethical to do so. Peace's "two-by-two matrix" concerning legality and ethicality is a useful tool for satirists when deciding if they should or should not say something. As long as proper judgment is exercised, censorship is not necessary.

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