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## *Arbitrariness and censorship are back in the West*

Upon the invention of printing, many authors challenged the preconceptions of their time. It took four centuries of struggle for the West to finally guarantee freedom of expression. However, with the invention of the Internet, authorship was democratized and freedom of expression was immediately challenged. It may take several centuries to absorb this shock and restore freedom of expression. In the meantime, censorship is back.

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When we founded the Voltaire Network in 1994, our first concern was to defend freedom of expression in France, and then around the world.

Today, however, this concept is, in our view, distorted and fought against. We will therefore try to define this ideal further.

The circulation of ideas experienced a considerable boom with the invention of modern typography at the end of the 15th century. It was no longer possible to blindly believe authorities; everyone could make up their own mind.

It was agreed that although debate was indispensable to the evolution of human thought, certain ideas would be harmful to society and should therefore be censored. The authorities had to determine what was useful and what was harmful. But the creation of the famous *Index librorum prohibitorum* (Index of Forbidden Books) by Pope Paul IV did not prevent the spread of anti-Papist ideas.

Our view, on the contrary, is that in most cases censorship is more harmful than the ideas it prohibits. All societies that practice censorship end up being frozen. That is why all censorship authorities were once overthrown.

At that point, two great schools clash. Article 11 of the French *Declaration of the Rights of Man and of the Citizen* (1789) stipulates that the law must determine and repress abuses of freedom of expression, while the *First Amendment to the US Constitution* (1791) states that no law may limit this freedom.

The United States was a nation in formation, newly emancipated from the British monarchy. It was not yet aware of the difficulties of living in society, but it had already suffered from the abuses of the Power of London. They therefore had a conception of freedom without limits.

It took nearly a century for the French legislature to determine the limits of freedom of expression: provocation to commit crimes or misdemeanors, insult and defamation. Compared to the censorship regime, control is no longer exercised before publication, but after.

Latin countries call defamation the act of reporting derogatory elements without being able to produce proof, it being understood that certain facts cannot be proven (for example amnestied facts, prescribed crimes or simply elements of private life) and therefore are not publishable. On the contrary, the Anglo-Saxon countries only call defamation imputations that can be proven false. In practice, Latin laws require the author to prove what he or she claims, while Anglo-Saxon laws on the contrary state that it is up to the defamed person to prove that the author is telling nonsense.

In either case, the courts can only protect freedom of expression if they are composed of popular juries (as in Belgium) and not of professional magistrates (as in France) likely to defend their social class. This was the great struggle of Georges Clémenceau, which was

brought to an end during the Second World War, when governments regained control of proceedings.

The freedom of expression that the West had taken four centuries to develop was totally called into question with the appearance of new computerized techniques of diffusion that broadened the number of authors. As in the sixteenth century, after a short period of flourishing freedom, it is on the way to being completely controlled.

In the past, the French and Americans spoke of both freedom of expression and freedom of the press (i.e. the possibility of exercising freedom of expression in newspapers). Today, however, freedom of the press is often invoked to deny freedom of expression to mere mortals accused of being "conspiracy seekers", that is to say, uncultured, irresponsible and dangerous to society.

Usually the advocates of prior censorship do not invoke their desire to control the political opinions of the masses, but place themselves in the realm of religion (protecting society from heresy) or morality (preventing the corruption of youth through pornography). The appearance of "social networks" offers a new context for bringing out old arguments.

As established religions are in gradual retreat in the contemporary West, they are being replaced by a new one without God, but with its dogmas (consensus) and clerics (formerly journalists, today the owners of Twitter, Facebook, Instagram, YouTube, etc.). For example, a referendum should be called in France to enshrine in the Constitution the following sentence: "The Republic guarantees (1) the preservation of biodiversity, (2) the environment and (3) the fight against climate change". Three meaningless proposals since biodiversity is not a stage, but a process; that the environment has never been preserved, but always modified; and that the climate is not subject to any regulation. There is already talk of censoring this remark, which disturbs the consensus, first on social networks and then in society in general.

Each of us is shocked by the pornography inflicted on children and would spontaneously wish to protect them from it. True, but in the past little peasants used to watch farm animals—not always very tender and moral—, today small schoolchildren are convinced that animals only mate to perpetuate their species and watch films—not always very tender and moral—on their smartphone. Historically, most authoritarian regimes started by censoring pornography before attacking political ideas. It is therefore much less risky for everyone to implement parental control procedures rather than opening the way for the loss of our freedoms.

Last remarks: a big step backwards was taken in 1990 with the European laws repressing "Holocaust denial", then in the 2000s with the privileges granted to social networks, and finally in the 2010s with the rating agencies.

One would have understood that laws repress forms of rehabilitation of the Nazi racist regime, but not that they set themselves up as guardians of the Truth. Above all, and this is the most important point, they have reinstated prison sentences for offenders. It is therefore possible today in Europe to find oneself in prison for one's ideas.

Internet forums (including Twitter, Facebook, Instagram or YouTube) have obtained a staggering privilege in the United States in order to conquer the world. They are considered both as carriers of information (like the Post Office) and as regulators of the information they convey; as if the Post Office had the right to read what they convey and to censor what they don't like. Ensuring that they are only neutral carriers, these forums protect the anonymity of their customers. As a result, they all carry among their messages some that provoke the commission of crimes and offenses, insulting and defamatory, and they cover up for their perpetrators. Whereas in the print media, the printer who refuses to reveal the name of his client is considered responsible for the comments he has printed, these "information carriers" have set themselves up as "regulators". They always refuse to reveal the names of the guilty parties, but sovereignly destroy the accounts that they judge contrary to their ideas. In doing so, they set themselves up as judges, without laws, debates or appeals.

On May 28, 2020, President Donald Trump took away this privilege, paving the way for regulation by the judiciary, but it is unlikely that the US Congress will transform this Executive Branch decision into law. All the more so since the owners of these forums have already set up rating agencies with NATO for websites that are beyond their control (including NewsGuard). For them, it is a question of burying bad thinkers in the depths of search engines until they disappear. Arbitrariness and censorship are back.

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