

Freedom of Communication - Problematic Aspects in the Horizon of International Relations

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Abstract: The issue of freedom is one of the fundamental issues of the philosophical thought. In the European cultural area, there is a strong tradition in this respect, starting from the Greek antiquity and reaching to the philosophies of the 20th century. Existentialism, as an exemplary philosophical trend of the last century, is founded in the horizon of freedom. Freedom is an element which allows us to classify the political regimes in democratic and non-democratic. The democratic regimes are defined as forms of government which allow for the manifestation of freedom, while the non-democratic ones are defined as governments which forbid individual freedoms. The concept of freedom is theoretically shaped in the philosophical thought. We distinguish between the individual's inner freedom and his outer freedom. According to the philosophical doctrines, each individual's inner freedom may be almost immune to any type of constraint, while our outer freedom is problematic. Constraints are exerted in the horizon of the individuals' outer freedoms. This outer freedom makes itself felt in the public space and it is the only form of freedom which can manifest concretely, visibly. The concept of freedom is related to the concepts of communication, policy, and politics. These elements theoretically shape the issue of the freedom of speech. The truth and correctness of the information presented to the public opinion will be correlated with the issue of the freedom of communication and the issue of the freedom of speech in the public arena. In order to highlight this aspect even better, we have presented a case concerning the freedom of speech in recounting the facts in the Gaza Strip. At an international level, the public opinion is informed that in that area of eternal conflict there are "good characters", namely the Jews, and "bad characters", namely the Palestinians. But things are far from being that simple. To conclude, the issue of the freedom of speech in the public space represents, just like in Constantin Noica's thinking, "an open concept", opened towards questioning and conceptual clarification.

Keywords: freedom of communication; freedom of speech; freedom of public opinion; Gaza Strip; freedom of the Palestinians

1. Introduction

The contemporary society is accustomed to a sum of rights and freedoms, related to which there are almost no debates concerning their necessity, opportunity or usefulness; the right to life, to property, and to private initiative, the freedom of

consciousness and speech, the right to justice and to social protection are just as many landmarks of our world, common points of our manner to conceive the relationship between the individual and society, basic obligations of any state claiming to be democratic. But this inventory of rights and freedoms has not always existed; moreover, even nowadays, there are political regimes and forms of community organization which deny either the private property, or the freedom of consciousness and unrestricted expression of ideas, or the human right to labor, social protection, education and health, etc. Many inhabitants of this planet are still confronted with various forms of discrimination and limitation of those freedoms which we like to call “natural” (meaning they define “human nature”). Modernity – with its whole system of democratic values and practices - was first constituted by defining the fundamental human rights and freedoms, the citizen’s rights and obligations within the state, and by establishing the juridical instruments to guarantee those rights. Separating itself from the system of the medieval feudal dependencies and from the multiple jurisdictions characterizing those times, the modern world stated the principle of the freedom of the individual and of the equality of all citizens in front of the law. However, freedom and equality, as central values of modernity, have not been accepted from the start by the political authorities, used to the privileges of the absolutist monarchy. In order to be able to structure society, freedom and equality had to break several political, juridical, and mental barriers.

These values first had to become desires of the social corpus, then to turn into revolutionary claims, and finally, to be conferred a juridical identity in the bourgeois constitutions of the modern era. In order for all of this to happen, in a world still dominated by religion and the absolutist political model, a profound change of mentalities was needed, not only among the cultural and social elites, but especially in the large mass of the common people.

For large strata of society to be able to claim freedom and juridical equality, they had to pass through a gradual cultural and educational process, to escape the limits to knowledge imposed by religion and to use ever more their reason and experience in understanding the world around them. In this complex process of reorganizing the collective European intellect, during the modern era, an essential part has been played by the freedom of consciousness, together with the correlative right, called freedom of speech. From our point of view, the freedom of speech is a true fundament of the modern world and, at the same time, the principle which lies at the base of contemporary democracy. Having the freedom to think and to express

his own opinions, the modern man got to consider that the respective freedom is part of his very nature. Yet, the freedom of consciousness and of speech did not manage to permanently hold its status of universal political and cultural value. In the last two centuries, the authoritarian and totalitarian sideslips became annoyingly frequent, and entered into conflict, first of all, with the citizens' right to their own opinion, to criticize power and to state their freedom. Communism and fascism have been the peaks of the reactions against the freedom of speech.

The militarist or fundamentalist authoritative regimes have also bitten into the freedom of speech. Yet, paradoxically, even in democracy, the issue of limiting the right to free speech has often been raised, invoking the "evil" that certain ideas may cause by public dissemination, appealing to the state's interest or, as the case may be, to the need to protect the sensitivities of certain minority groups or religions. Eventually, the result was a series of debates concerning the limits of exercising one's freedom of speech.

Some of these debates were carried on a philosophical ground; others targeted the juridical dimension; the political aspect of the freedom of speech has also been examined thoroughly, especially in the context of the rebirth of the pluralist democracy in East-Central Europe. From all of these perspectives, we shall try, further on, to support the thesis that the freedom of speech is a true fundament of the modern and contemporary world. The freedom of speech cannot be understood unless we look into other concepts first, concepts which help it define its content. Among these, the most important is, by far, the concept of freedom in itself. Then, the concept of communication is also relevant. However, above all, there rules the politics or the policy – the frame within which human freedom reaches its maximum significance and within which it is important to be able to speak freely.

2. The Concept of Freedom

From ancient times and until now, few things have changed concerning the meaning of freedom. Thus, being free has almost always meant not to be compelled to do things which you do not want to do, to dispose of your own person as you like and to be able to express your own ideas and beliefs with no hindrance whatsoever. As such, freedom is usually conceived as the lack of any outer constraint: this usual meaning of the word *freedom* (from the Latin *liber*) also defines its initial meaning.

At the origins of our civilization, freedom is the condition of the man who is not a slave (*servus*) or a prisoner. As opposed to the slave, treated as a soulless tool deprived of any rights, the master or the citizen disposes freely of his person and actively participates in the community's life. "Thus, freedom is first a status, meaning a social and political condition, guaranteed by a set of rights and duties, before being conceived by philosophers and theologians as an individual trait purely psychological and moral. For, as Hannah Arendt points out, in the absence of a public life guaranteed politically, freedom, in any form whatsoever, cannot embody any reality". (Şuhan, 2004)¹

Conceived as self-determination power, as free will or even as arbitrary will, freedom would be incompatible with the existence of society, because everybody would then do only what they like, this displeasing others. For Jean-Jacques Rousseau, as well as for Immanuel Kant, there is no freedom without law; in fact, although the law limits our freedom, it is at the same time its condition. Why so? Because man's dignity is based on this capacity of his to determine himself function to a moral or even legislative will and not function to its indications, which he can only abide by.

Thus, freedom is, paradoxically, the power to obey the moral law. This conception on freedom through the law finds its political expression in the Declaration of the Rights of Man and of the Citizen, in conformity with the principles set forth by Montesquieu in his work, *The Spirit of Laws*: "In a state, meaning a society directed by laws, freedom cannot consist in anything else but in the power of doing what we ought to will, and in not being constrained to do what we ought not to will." In this context, the term of freedom has been used to designate that condition of the individual who, although living under political authority, has the natural right to a segment of private life with which no one should meddle. Naturally, all individuals have certain inalienable rights, such as the right to life, to freedom, to property, and to happiness. In the main, humans are able to recognize and exercise these rights.

Yet, the capacity to live according to one's own nature is explained differently by the philosophical trends called rationalism and empiricism. Rationalism considers that humans are capable of living free because they are sensible beings; empiricism considers that, most of the times, humans have passions and desires which obscure

¹ http://www.pna.ro/rum/doctrina/html/bd1_2004_gheorghe_suhan.htm.

their reason; however, they can master their impulses, should a motivation strong enough appear. The two conceptions on human nature and the way the individual assumes freedom have generated two distinct liberal philosophies and implicitly two types of political practice in their endeavor to demolish the Old Regime and to build the state of freedom. In the continental rationalist space, freedom (considered in a direct relation with freeing man from religion and obscurantism) is understood as a community effort of an educational nature, meant to teach humans how to use the powers of their reason. For the rationalists, freedom is not implicitly and from the beginning found in the human nature, but it is conquered step by step, through an effort of “enlightening” the people. In the Anglo-Saxon environment, marked by empiricism, freedom is not a public business, but an individual one, the result being the fact that the political authority must not interfere with the individual’s private life. Beyond the individual and community dimensions of freedom, the modern era saw the birth of a conception according to which freedom means pushing aside any obstacle in man’s way in his effort to accomplish his own interests and find happiness.

The main obstacles identified by the modern philosophers were: social traditions, the system of feudal dependencies and other institutions of the Old Regime, religion and all sorts of prejudices. Were these barriers removed from the way of happiness, man might choose his own way in life and establish an equality of chances for success for all individuals. But how could freedom be obtained in the modern era, for the individuals to reach their ideals? “From a philosophical perspective, freedom had not to be obtained or conquered, because it was inscribed in the initial human condition. For the modern philosophers, the free individual comes before the state, and any legitimate political organization is established on his will to enforce authority.

However, in the political practice, things are quite the opposite: first comes the state, with its constraining institutions; first we deal with a political regime which restricts freedom, and then, through successive concessions coming from the sovereign (who is not the people or the social corpus, but a monarch), the individuals are granted more and more rights and freedoms. At this level of the praxis, the way to freedom shall be marked either by willful acts of the enlightened monarchs, or by revolutions by which the sovereigns are compelled to give up their absolute power and to accept civic freedoms, guaranteeing them by the constitution.” (Bocancea, 2002, p. 156) Thus it happened, for example, in the England of the 17th century. In 1763, the idea to obtain freedom by revolution

appears in the North American space as well, when, as opposing the attempt of the British to increase the taxes in the colonies, the Americans will launch the famous formula: "No taxation without representation!" The refuse to pay the taxes imposed by a parliament in which they had no representatives led the colonists in North America to an open conflict with the metropolis and to proclaiming their independence on July 4th, 1776. The French will also obtain their freedom through revolutionary methods in 1789, introducing into the continental Europe a new and controversial method of political action, method which, in the opinion of certain exegetes, meant civilizing Europe, while in the opinion of some others - its collapse into fanaticism. Revolution was to be accomplished in the name of freedom, but the form of accomplishment was to contradict the value of freedom in the first instance.

3. The Concept of Communication

Freedom has manifested, even from two and a half millennia ago, in the space of public life, space in which the citizens used to debate the government's problems. "In the 5th century B.C., in ancient Greece, the free citizens were overthrowing the tyrannical regimes and were establishing the first rules of democratic cohabitation. The citizens who mastered the art of persuasive communication gained more easily a higher position in society and protected their interests better. Back then, the art of persuasive communication was called rhetoric. The interest for assimilating this art and the study of human communication became predominant at that time, together with the art and science of war.

It seems that the first theoretical elements of human communication were elaborated by Corax of Syracuse. He wrote "The Art of Rhetoric", in which he presented to his fellow citizens various ways and techniques of communication, useful in the processes of recovering their fortunes. Later on, Tisias, a former student of Corax's, introduced this theory to Athens, a fertile ground in which the theory of human communication knew a great development. Specialists in rhetoric quickly appear, and they are called "Sophists". The first renowned Sophist was Protagoras. (5th century B.C.) The first acceptance of the notion of rhetoric, a word with Greek origins, was that of "the science and art to persuade". Rhetoric mainly targeted the communication in the juridical and political spheres". (Dâncu, 2000, p. 5)

In the age of maximum development of the Athenian culture, Plato (427-347 B.C.) introduced rhetoric into the Greek academic life, placing it next to philosophy. For Plato, rhetoric meant the science of human communication itself. In the process of communication, he distinguished five steps: conceptualization, symbolization, classification, organization and accomplishment. The first deals with the study of knowledge, the second, with the study of the meaning of words, the third with the study of the human behavior and ways of life, the fourth with putting them into practice, while the last one deals with the study of the techniques and instruments to influence people. Plato's most important disciple, Aristotle (384-322 B.C.) will draft a famous work, *Rhetorike*, which opens new paths in the study of the systems of human communication.

At the same time, Aristotle elaborates the first treaty of logic (*Organon*), in which he discovers the syllogism and builds the types of reasoning and argumentation based on the syllogism. After the philosophical period by excellence of the classical Greece, there are the progresses made by the Roman philosophers and their distinction between the practice and theory of human communication: rhetoric is the theory, oratory is the practice. One of the great theorists and practitioners of that time was Cicero (106-43 B.C.). But, with the decline of the Roman Empire, because of the barbaric migrations, and with the restrictions imposed by Christianity on the freedom of reason and speech, for several centuries, the theory of human communication ceases to know any other important progresses, until the Renaissance, when the face of the world changes dramatically. The Renaissance, with its humanist spirit, may be considered an era of this boundless audacity in the sphere of communication, both as to the content conveyed (laic ideas, poetry and stories on worldly love, outward anecdotes, etc.), and as to the agents of communication (simple people, women, writers, together with priests and scientists, literates and political figures).

Starting with the 17th century, from the modern era and up to our times, the study of human communication was again brought in the centre of the preoccupations of several categories of thinkers: philosophers, semioticians, linguists, psychologists, sociologists, epistemologists, stylists, and, finally, marketing people, diplomats, communicators, animators, advertisement creators, press agents, public relations representatives, moderators, mediators, and contemporary negotiators. "In the last decades, the sciences of human communication enjoy an explosive development. It is the moment of appearance and development of the Transactional Analysis (Eric Berne, in the '60s), of the Neuro-Linguistic Programming (Richard Bandler and

John Grinder in the '70s), as well as of the techniques of the Palo Alto school of psychology and communication or of the revolutionary conception of Marshall McLuhan, for whom “the media is the message”, and the “electric” communication causes the retribalization of the structure of the psychic and social consciousness”. (Dâncu, 2000, p. 6) The concept of communication, used both in the common language and in the terminology of various fields of the social sciences (and not only), misleads by the multitude of its hypostases and tends to constitute into a permanent source of confusions and controversies.

Attempting to understand and even control this process of semantic proliferation, the American researchers Frank E.X. Dance and Carl E. Larsen tried, nearly 20 years ago, to gather in a book the definitions of communication suggested by various authors, limiting themselves to the most representative 126 ones. On that occasion, it was shown that, in almost any subfield of biology, sociology or the sciences of information, the term is used in a particular, specialized acceptance, found not once in disagreement with the meaning rooted in others sectors of knowledge. The psychologists and sociologists do not conceive communication in the absence of a subject endowed with consciousness, even if not permanently aware of the information it transmits. They would probably be inclined to accept the definition suggested by Carl I. Hovland, Irving I. Janis, and Harold H. Kelley: “Communication is a process by which an individual (the communicator) transmits stimuli (usually verbal) with the aim to change the behavior of other individuals (the audience).” (Dâncu, 2000, p. 7)

The act of communication supposes an emission-reception process of certain messages, in the form of knowledge, feelings, emotions, habits and abilities of some sort. To communicate means placing something in common, in a relation. The Latin *communicare*, adopted in most European languages, together with the significance of contact or relation, also includes that of “placing in common, sharing, putting together, mixing, uniting”. People communicate meanings and implied meanings.

Among people, to communicate means to place in common sensations, affections, emotions, feelings, ideas, opinions, and facts. This means more than “making known, letting someone know, informing, announcing, telling” or than “talking with, placing oneself into contact with, being in contact with someone”. To communicate means to transmit and receive messages, to send stimuli and to collect answers. Once transmitted and received, the message belongs to you, in

common, both to the one who “gave” and to the one who “received”. Human communication is a transactional process, by which people transfer energies, emotions, feelings and exchange significances. It always has a purpose, that of making the interlocutor feel, think or behave in a certain way. The purpose exists even when the communication partners are not aware of it. The stimuli are waiting for an answer.

Communication exists as long as sensorial stimuli, symbols, signs, and signals are transmitted and received, and these ones carry, upon their departure, the significance attributed to them, upon their arrival. According to Vasile Dâncu, the study of communication targets three important objectives: 1) explaining the theories and concepts related to the various forms of communication; 2) developing the abilities and competences of communicator, moderator, negotiator, orator, and auditor; 3) developing the critical sense and creating ethical norms for communication, in order to protect the individual and human communities against manipulation and brainwashing.

4. Politics and Policy

The terms of “policy” and “politics” pose us, paradoxically, much greater defining problems than the rarely used concepts; more the word seems to designate an ordinary reality, a daily fact which everybody knows and can explain, more it manages to put the intellect into difficulty, because it ignores the traps set by the déjà vu feeling. The impression that, when you are asked to define policy, you are forced to place yourself into a truism represents only the first difficulty of this endeavor. The second difficulty comes from the fact that, in the case of policy (like in that of history), the same word is used to denominate both a certain reality and the science studying it.

And, to benefit of a full confusion, nor politics (as a fact, an “object”), nor the political science enjoys a precise and undeniable identity: the former is at the same time relation, action, idea, and institution; the latter is sometimes presented as philosophy, sometimes as history, and only rarely as positive science. Trying to clear matters up in this nebula, we see that, instead of discovering an operational definition of the policy and the science having it as object, we must build a whole conceptual system, meaning a set of terms and meanings appeared at the crossroads between the political life and its scientific-philosophical research. As Anton Carpinschi and Cristian Bocancea specify, “the collocation ‘conceptual system of

the policy' is meant to underline the fact that, no matter whether we envisage the reality (political praxis) or the science (sciences) which studies (study) the respective reality, we are invariably faced with a linguistic and theoretical complexity, the dynamics of which – diachronic and synchronic – leaves no element free from any conditioning. Thus, the language we use to talk about policy and politics, as well as the theories we resort to to evaluate their substance, follow a historical and ideological order, a natural and metaphysical one. This because policy is not only a given fact, not only a structural-functional reality identical in itself regardless of the historical era and the cultural space; policy is also a construct, a product of civilizations, in which we decipher multiple subjective meanings, overlaid over what seems to be the invariant: the organization and management of the great communities.” (Carpinschi & Bocancea, 1998, p. 53)

The most frequently used is the feminine form of the noun: politics. It designates two types of activities: the practice of organizing and managing the great human communities, on one side, and the study of the principles which form the governments and which should conduct them in their relations with the citizens, on the other side. Most dictionaries and encyclopedias do not clearly distinguish between the practical activity supposed by politics and the theoretical knowledge of this activity, assuming the opinion that government is a form of action which necessarily includes a manner of knowledge (meaning a science, an art, or both). Therefore, we shall find synthetic definitions like: “Politics, art or science of public affairs.” (Julia, 1996, p. 123)

As specific activity, politics supposes three elements: a diversity of opinions, either concerning the objectives to reach, or the means which are to be used to reach the aim on which the community has agreed; a second element of politics is the decisional process, meaning the mechanism of negotiations and synthesis of compromise (or, at the border, imposing a particular will as general will, without the consent of the ones interested in the decision); finally, politics supposes that the decision taken (regardless of the way by which we got to that decision) impose itself upon the group as compulsory, even resorting to constraint or public force. Seen under the sign of the sensible organization and efficiency, politics can be considered “the science of state governing”; and if we add the fact that a good decision also requires inspiration, then politics is “an art of governing”. But, so as not to get lost in the multitude of the significances of the noun politics, we shall use it further on to designate, as Julien Freund does, that “social activity which aims to ensure by force, usually founded on the law, the external security and internal

concord of a particular political unit, guaranteeing the order in the middle of the fights emerging from the diversity and divergence of opinions and interests.” (Freund, 1965, p. 751) What does the masculine form of the noun politics mean? The French politological literature strongly emphasizes the difference between politics (*la politique*) and policy (*le politique*): while the former designates the governmental action (and generally any activity which is aimed at conquering or exercising power inside a determined community), the latter designates an “object of study”. Indeed, policy designates a distinct domain of the social, namely “the whole of the adjustments which insure the unity and perennality of a heterogeneous and conflicting social space” (Baudouin, 1996, p. 3), as compared to politics, seen as “the stage on which the individuals and groups competing for the conquest and exercise of power confront.” (Baudouin, 1996, p. 5)

The distinction between the two linguistic realities also appears in the English terminology: “politics” and “policy” manage to efficiently render the content of what the French call “*la politique*” and “*le politique*”, respectively. Thus, politics means the science or art of governing (the confusion between action and the theoretical knowledge being preserved in English as well), as well as “coercive use of social power”.

Yet, the consistency of the term politics resides in the idea of competition or fight for conquering power, either within the state, or inside certain organizations. Policy designates the cautious administration of a well-established domain of public life, managing the state’s affairs and, hence, insuring the unity and perennality of the collectivity, its will to last as a whole (global society). Another term, *polity*, means the organized society (or state), the civil order condition (in order to differentiate it from the natural state), and the form or process of civil governing. (acc. to. *Concise English Dictionary*, 1993, p. 345) All these terms come either from ancient Greek (*polis*), or from Latin (*politicus*), or from modern Greek (*politikos*). Their evolution depended both on the linguistic creativity of the European peoples, and on the paradigms of the dominant political knowledge in various historical eras. However, what we notice related to all these significances of the policy or politics is the unmediated reference to the reality of human communication: be it a leader announcing his objectives, or political negotiation (which first of all means dialogue), the protest against the authorities and so on, politics means expressing certain stands of the various social actors, through the verbal language and other symbols specific to the public arena.

5. Political Communication

Communication and politics are consubstantial. The communication relations cannot be separated from the power relations, which depend, by their form and content, on the material or symbolic power, accumulated by the political institutions and the agents involved in these relations. The political communication is characterized by the manifestation of a tension between cooperation and conflict. The political discourse allows for the finding of the agreement, but the same type of discourse encourages conflict and domination. Be it persuasion, negotiation or intimidation, resorting to the political language represents an alternative to physical violence. The public space has a conflicting character, but within it compromise is negotiated: differences are leveled, the representation of those who are not leading becomes easier, those who are leading adjust their discourse. Jack C. Plano, Robert E. Riggs, and Helenan S. Robin define the concept of political communication as the activity to transmit “meaning relevant to the functioning of the political system.” (Plano, Riggs & Robin, 1993, p. 37)

It may express itself by any sign, symbol or signal carrying the meaning (voting, political assassinate, street demonstrations, political posters, advertising, etc.). However, what is dominant in the political communication is the word, written or spoken. Within the society, any problem may become political. Politics evolves in the dynamics of the economic, social, cultural, religious, ethnical, and linguistic stakes. The political activity focuses on the emergence of collective problems, on constructing the questions asked to public authorities, on elaborating solutions, on the conflict between these projects and on their regulation means. Communication is involved in each of these processes, and its contribution to the political activity is omnipresent, be it socialization and participation, scheduling things, mobilization or negotiation. Communication impregnates all political activities, to the extent that almost all behaviors of this type involve resorting to some sort of communication. The specificity of the contemporary political relations and activities is represented by the crisis of political faith, which forces the political figures, as Gabriel Thoveron states, to invest more and more in communication: “as soon as there appears any difficulty between them and those who appoint them, it is immediately considered a ‘communication problem’, to convince the citizens of the legitimacy of their deeds or decisions.” (Thoveron, 1996, p. 17)

Characterized by conceptual ambiguity, by the ubiquity of phenomena, communication may be analyzed more efficiently in its relations with the policy by researching the actual discursive practices, which turn into political practices. The political life nowadays may be characterized as a continuous communication effort of the political communicators to legitimate their actions, discussion being the main means to accomplish political participation. In Camelia Beciu's opinion, the political communication involves several distinctive elements: a) a network of interactions (the political communication does not imply two actors only – be it competitors, enemies or friends – or a single vertical relationship between the interlocutors, but a configuration of communication projects belonging to certain social actors with different identities, interests and legitimacies); b) a representative dimension (the participants have a consecrated public status); c) ritualizing; d) the role of the mass-media; e) the democratic practice. (Beciu, 2002, pp. 16-17) All of these make the political communication the privileged means by which the members of a society, just like the members of the international community, share their visions on civil order, present their ideals and priorities, project the ways to accomplish them and, in general, state their identity. This being said, a democratic society needs, in the first place, the freedom of communication of political, religious, philosophical and other type of ideas, through these ones diminishing conflicts, accomplishing the inter-human knowing and building the tolerant attitude, in the spirit inaugurated by the philosophers of the first modern eras.

6. Liberty of Public Opinion – Fundament of Democracy

Democracy feeds on the fight between divergent opinions. Generally speaking, it needs, at all society levels – family, school, associations and work - a certain social climate to favor the open discussion of opinion differences. Supporting one's own opinions must be tolerated and encouraged, and so must the constant repetition of the "why"-s. Actions, which must always be open to criticisms, must not start from directives which are not based on prior discussions and motivations, but which start from solid arguments. It goes by itself that these debates must take place in public. What would the opposition have to gain, if their criticisms against the government stayed hidden behind closed doors? Their arguments would have no effect anymore, because the opposition can only exert pressure on the leadership when, by public criticisms, they can influence the electorate. Only when a party in power sees itself threatened by some elections which could end unexpectedly, will it take

the opposition's criticisms seriously, the electorate thus becoming some sort of arbiters between the power and the opposition. But because the voters are the target in this competition among the parties, they must reach them somehow. The premise of a solid opposition is, therefore, the chance to be able to represent one's own convictions freely and publicly. On the other side, the parties in power are forced, in order to keep their position, to contribute to the formation of the public opinion, placing at its disposal, their own perspectives and convictions.

The control, criticism and stimulation function does not only pertain to the parliamentary opposition, but to the whole public opinion. The public character is first determined by the fact that anyone can contribute to the formation of opinions. All must have the possibility to gather information and to contribute to the formation of the public opinion. On the other hand, the concept of "public opinion" also supposes that its object is of public, and not private, nature. Thus, its object is *res publica* in the widest meaning of the term. Hence, the public sphere includes all the citizens in a state or the civic associations in a state concerned with society's fate, who express their preoccupations in a public way as criticisms and attitudes of rejection or approval, thus trying to influence the forming process of the political will. They make the public opinion. But, because in a pluralist society, there are usually several opinions concerning the public sphere, there shall never exist a single public opinion, generally valid, but more. "The public character of the democratic structure comes to the surface right from this independent position, situated at the pole opposite to the state apparatus.

In democracy, everybody has the right to express their political opinions freely. This does not mean that we all have the right to our own opinions. Our own opinions are above that, they are the fundament on which the active participation at the public life is built." (Besson & Jasper, 1990)¹ At this point, the right to the free formation and expression of opinions is at its tightest relation with the right to free gathering and association, as well as with the liberty of the press and of the audiovisual. These rights present political relevance, because, in their absence, the right to participate in the forming of the public opinion could no longer be guaranteed. A single individual cannot make personal propaganda for his opinions within the forming process of the public opinion. His opinions will gain political relevance only when they are amplified by the written press, the radio and the TV. In the modern states, public debates would be unconceivable without the

¹ <http://www.dadalos.org/rom>.

orchestration of the mass communication means. Thus, each individual's right to take part in the formation of the public opinion is closely followed by the necessity that the mass communication means be free from any state constraint. The leadership of a state must not be able to interfere with the contents of the newspapers or the radio or TV programs. The parties in power must not give up using the modern mass communication means in order to explain their policy, but they must do this accepting the role of simple partner of other parties within the forming process of the public opinion, without claiming to hold a privileged position. When power has something to say, the opposition must be given the chance to speak as well.

The freedom of the press is not only ensured by blocking the interventions of the power or forbidding censorship. The public instances must also ensure that no part of society takes the monopole over the public opinion. Because the danger hidden by the modern mass communication means is obvious. They allow for the information to be transmitted to a high number of viewers, listeners or readers, but not all of the population can access these mass communication means. There are people who can't even afford a newspaper. Due to the technological development, the control over the newspaper editions became stricter, and thus the diversity of opinions limited considerably.

And this process can no longer be reversed. The "good" newspapers must enjoy a certain spreading. The legislative bodies must prevent the appearance of monopolies; where these monopolies exist, they must be kept under control. The state must ensure that, in the newspapers' editorial offices, the right to free speech of the journalists is abided by the internal regulations in force. Fortunately, the same new printing and multiplication techniques also led to the growth of the number of the various local and regional publications, which determined the increase of the possibilities to spread the information and comments of a political nature. Spreading the multiplication devices thus became a political factor of the first rank. The appearance of monopolies in the radio and TV field is even harder to avoid. The capital investments needed, as well as the technical advantages that these environments present allow for any group to be able to find its audience in the ether or in front of the TV screen. Therefore, this field witnessed the creation of regulations meant to ensure that all of the attitudes present in society would be projected in the ether and the TV screen as well. The forming process of the public opinion must develop, especially in the radio and TV field, in a pluralist manner,

needing a strict control of the manipulation attempts come from the groups in power.

Those who wish to exercise their right to the freedom of opinions must have the possibility to be informed upon the things they are interested in. One cannot form his or her own judgments if they don't know what it is all about. Those who agree with the concept of politically active citizen, who participates in the formation of the public opinion, accepting him as a sovereign source of the state's authority, must inform him upon all the political decisions to be taken. This is the other facet of the freedom of the press and opinions. All matters of public interest that the citizens must know in order to be able to form justified political judgments must be discussed publicly. However, we will never be able to strictly define the matters of public interest. It is more about the style, will, and self-discipline of the journalists and less about the legal regulations. Of course many journalists will take advantage of the freedoms offered, especially when they reveal details from a political figure's life. However, those who will transgress their competences in an exaggerated manner shall be punished according to the laws in force, but this sanction must not equal with stopping the gab of the written press, the radio or the TV.

Those who appreciate information will have to also take into consideration the problems which can appear as a result of the abuse of freedoms. The state must refrain from resorting to censorship in order to prevent such abuses, because, this way, the freedom of the press would shake from the grounds. As the German philosopher Karl Jaspers stated, "we cannot say for sure whether truth comes forward by using freedom. But it is certain that, through censorship, it is perverted." (Besson & Jasper, 1990)¹ Only in these conditions can a free public opinion be formed, able to emit criticisms, to control, and to give impetuses. Only in a functional public sphere can people shape valid judgments, becoming able to prove their political importance within and outside the elections.

Democracy and free public debates are two facets of the same thing. Opinions almost ceased to form spontaneously, they are created most of the times. Power, parties and associations have a public activity. The pluralist society acknowledges a multitude of public opinions, often controversial. The one who claims to render and represent the only valid public opinion, wishing to impose certain guidelines

¹ <http://www.dadalos.org/rom>.

on the policy, is suspected of desiring to confer his own interests undeserved amplitude, by resorting to this unique public opinion. Because only by a real dialogue, in which the divergent opinions can be contrasted, may a “real” public opinion be obtained. The guidelines in politics are formulated within the pluralist society less through public debates or by a unanimous public opinion. They usually appear as an expression of a series of compromises which have to be made by the various social-political powers in the state. Today, Parliament no longer is as it was depicted in the modern theory, an assembly of individuals who discuss, who, involved in certain free discussions, find solutions for the welfare of the community; it is the last instance, the place where the compromises between the social forces and the community’s claims are settled. Today, the public opinion is no longer dominated by the participation at debates of certain individuals who represent certain political interests, but the occasions to take a stand by the power, parties, and associations.

However, the decisions are not made on the “market” of this public informing; they are often negotiated behind closed doors, meaning the public opinion can only register the final results. Yet, we must not underestimate the influence power, often overwhelming, that certain political figures, journalists or important analysts have on the forming process of the public opinion. Only those regimes which are brought to the attention of the public opinion take the political maturity of their citizens seriously. And because both parties and associations are today part of the public authority, they must also open towards the public opinion.

Today, we must not limit ourselves to discussing only at the level of the voters and in Parliament, but especially within and among parties and associations, civil initiatives and social movements. Under the spotlight, things concerning the parties and associations could be different. Certainly, modern democracy cannot be consolidated only through advertising. Democracy, parties and associations need to enter the public sphere, accessible to all. Here, a central part within the democracy is played by the press, radio and TV, and they can do so only if through their agency, the public controversies and the diversity of opinions clearly stand out.

Thus, the citizen succeeds in modeling his community, democracy managing to place its roots deep into the nation. Public opinion is the instrument which controls the whole political machinery. The community, which enjoys the principle agreement between the decisional instances and the public opinion, found that democratic fundament, based on which we can develop a free and consistent

politics. All these aspects pertain more to the ideal conditions under which the freedom of speech would develop.

In our daily reality, most of the times, the public opinion is manipulated by the mass media communication means and it is intoxicated only with certain information agreed by the official institutions of the democratic state. We shall exemplify a famous case for this situation: the situation in the Gaza Strip, as it is presented to the international public opinion.

7. Case Study – The Situation of the Palestinians in the Gaza Strip

The freedom of speech is most frequently approached from the perspective of the manifestation conditions of the press and of the political opponents within the contemporary states, regardless of their political regime. However, we must say that the freedom of speech deserves to be examined in the context of the international relations as well, from the angle of “what may be said” and of what disservices the political stability, the peace plans, etc. In this chapter of our paper, we shall present two cases of restriction of the freedom of speech, related to the hot area in the Near and Middle East: self-censorship of the greatest part of the press concerning the treatment applied by Israel to the population in the Gaza Strip, on one side; the tensions and violence triggered by the publication, in Europe, of the cartoons of Prophet Muhammad (in connection to the terrorism of the radical Islamic groups), on the other side.

Following an assertion on February 29th, 2008, of the Israeli Minister of Defence, Matan Vilnai, the journalist Gilad Atmon promptly reacted by a complex article: Freedom of speech: the right to place the equal sign between Gaza and Auschwitz (Invitation to Learn, March 1st, 2008). The declaration which led to a whole “theory” concerning the freedom of speech in the case of the sensitive problems in the space of the international politics is the following: “They (the Palestinians) shall draw upon themselves a bigger holocaust, because we shall make use of our entire power to defend ourselves”¹.

It is clear beyond any doubt that the Israeli Minister of Defence did not refrain at all from placing the equal sign between Israel and the Nazi Germany, when he revealed the future genocide that awaited the Palestinian people, and yet, for a

¹ <http://palestinalacrimamea.blogspot.com/2008/03/libertate-de-exprimare-dreptul-de-pune.html>.

certain reason, this very equality is not accomplished by the Western mass media. Despite the events that take place right before our eyes, despite Gaza's starving, despite an Israeli official confessing to have genocidal tendencies towards the Palestinians, despite the carnage and the endemic death, we are still afraid to admit that Gaza is a concentration camp and that it is one step away from becoming a death camp. For odd reasons, many of us still find it hard to admit that, as long as we talk about Evil, Israel is a world champion at mercilessness and revenge. In his priceless text, *On Liberty*, John Stuart Mill claimed that there would always be a fight between liberty and authority. In other words, liberty and hegemony are meant to fight one another. Still, the Western egalitarian liberal ideology comes with a political alternative. It entertains the myth that the "authority" and the "liberty" could be seen as the two sides of the same coin. Or, we can easily notice that our so-called "freedom" is the one which prevents us from thinking freely and ethically. The image of "freedom" attempts to nourish and to maintain our narcissistic discourse, and thus allow us to continue to send soldiers to kill millions in the name of "democracy". We shall start by elaborating the distinction between "freedom of speech" and "freedom of thought". The freedom of speech may be accomplished as someone's freedom to express his or her own thoughts.

Considering that people are endowed with the gift of speech, there is no easy way to guarantee the silencing of the dissident voices. Given that speech is inherent to human nature, any attempt to challenge such an elementary right is rather complicated: You forbid someone to read books? They will spread leaflets in the streets. You seize their leaflets? They will stir the waters on the Internet. You cut the power, take the computer away from them? They will scream from the bottom of their lungs. You cut their tongue? They will nod while others repeat their leaflet. You have no other option left than to chop their heads off, but even then, all you get is turning them into martyrs. Two are the methods used by the liberals to silence the dissidents: a) prohibition (financial penalties and jail); b) social exclusion.

However, it is highly important to mention that, in the so-called liberal discourse, any attempt to eliminate an idea or a dissident voice is counter-efficient, actually speaking, it impacts negatively on the liberal authority and the system. Therefore, the liberals try to facilitate certain methods of censorship and thought police, rather sophisticated, which would imply a reduced authoritarian intervention. In the liberal society, censorship and the thought police are mainly self-imposed. If it is very difficult to cancel the freedom of speech, blocking the freedom of thought is

almost impossible. The freedom of thought may be accomplished as the freedom to think over, to feel, to dream, to remember, to forgive, to forget, to love and to hate. As difficult as imposing some sort of thinking is, just as utopian is the attempt to stop people from seeing the truth themselves. Yet, there are a few methods to suppress and restrict the intuitive thinking and the ethical perspicacity.

Obviously, one is the feeling of guilt. Guilt, mainly induced by a set of axioms transmitted under the name of “political correctness”, is the most efficient method to keep society or any other discourse in the state of “self-censorship”. The so-called social liberal autonomous partner is transformed into a submitted, self-moderated, menial citizen. Yet, authority is exempted from making any direct intervention. The social liberal partner is the one who obliges itself to accept a set of fixed ideas which support the egalitarian image of freedom and the ecumenical society. At this point, we notice that, despite the liberal claim to promote social peace, the liberal societies, in general, and the Anglo-American ones in particular, are often involved in crimes against humanity at the level of genocide.

Consequently, the more odious the West becomes, the greater the gap between “the freedom to think” and “the freedom to speak”. This gap may easily evolve into a cognitive dissonance which, in many cases, turns into a severe form of apathy. As the saying goes, “All that is necessary for evil to triumph is for good men to do nothing.” This adagio perfectly renders the apathetic negligence of the Western masses. Not many are those who care about the genocide in Iraq (one committed in our name) or the serial crimes in Palestine (committed with the help or at least the silent accord of the Western governments). Why are we so apathetic? Because when we want to rise and say what we think, when we want to celebrate our so-called freedom and to place the equal sign between Gaza and Auschwitz or Baghdad and Dresden, something inside us prevents us from doing it. It is not the government, legislation or any other type of authority, it is rather a self-implanted “microchip of guilt”, tiny, but highly efficient, which acts as a police-like regulator in the name of “political correctness”. We shall try to follow the historical and philosophical evolution which has led us from the libertarian-egalitarian utopia to the present disaster in the ethical plane, the self-censorship concerning some painful truths.

John Stuart Mill says that any doctrine should be allowed to see the light of day, no matter how immoral it might seem. This is, obviously, the superlative expression of the liberal thought. But, although Mill undertook the full form of the freedom of

speech, he suggested a restriction concerning freedom, in order not to “harm the others”. It is undoubtedly very difficult to defend the freedom of speech when it leads to invading the rights of others. The question is: “what type of discourse can be harmful?” Mill makes the distinction between the legitimate and the illegitimate harms. According to Mill, only when the discourse leads to a direct and obvious violation of rights, is it right to establish a restriction. But then, what kind of discourse can cause such a violation? For example, the feminists have claimed that pornography degrades, puts at risk and harms the lives of women.

Another difficult case is the one of the discourses instigating to hatred. Most European liberal democracies present restrictions when it comes to discourses instigating to hatred. However, to what extent forbidding pornography or this type of discourse can be related to the harm principle, as it was analyzed by Mill, is debatable. It should be proven that such a discourse or imagery violates rights, directly and in the first instance. Hence, Mill’s harm principle is accused of being too obtuse, but also too generous. It is too obtuse because it does not manage to defend the right of the marginal.

It is too large because it interprets extensively, it may lead to a potential annulment of approximately any discourse of political, religious or social orientation. Taking into consideration the minuses of the “harm principle”, it did not take long until an “offence principle” was invoked. The offence principle may be formulated as such: “Someone’s freedom of speech must not be restricted, except for the situation when it leads to offending others.” The basic reasoning behind “the offence principle” is ordinary. It is meant to protect the rights of the marginal and the weak. Its purpose is to compensate for the breach created by a way too generous harm principle.

The offence principle is obviously efficient enough when it comes to censoring pornography and the discourse instigating to hatred. Just like in the case of the violent pornography, strictly speaking, the offence brought by a Nazi manifestation which passes through a Jewish neighborhood cannot be avoided and must be denounced. In any case, the offence principle may be criticized for placing the standard quite low. Theoretically speaking, anyone can be “offended” by anything.

There is no doubt that the broad use of the offence principle confers a whole lot of political power to some marginal lobbies in general and the Jewish lobby in particular. Based on the premise of the “offence principle”, the nationalist Jewish activists cry they are offended by any type of criticism against the Jewish state and

Zionism. Actually, things go even further: in practice, what they want is not only to eliminate the criticism against Zionism and Israel. The left-wing Jews insist on the fact that we must avoid any discussion related to the national Jewish project, Jewish identity and even Jewish history. Shortly, with the large support of the offence principle, the Jewish leaders, left-wing and right-wing, managed to demolish the possibility for any criticism against the identity and politics of the Jews.

Using the offence principle, the right-wing, left-wing and center Jewish lobbies practically silenced any possible criticism against Israel and its crimes against the Palestinians. And, more worryingly, the left-wing Jewish intellectuals and political activists request avoiding any criticism against the Jewish lobby in the US and Great Britain.

As we can see, the “offence principle” regulates and even serves certain notorious Zionists, as well as the left-wing political Jewish lobbies at the heart of the so-called liberal democratic West. In practice, we are terrorized by a group of small leaders who limit our freedom through the agency of a dynamic and elastic operator which is here to suppress our thoughts before they grow into an ethical perception. The manipulation planned by the political correctness is the nourishing soil of our cognitive dissonance. It is the very point in which the freedom of speech does not meet with the freedom of thought. We tend to agree that the marginal discourses should be protected by the offence principle, so that the marginal voices should maintain their positions. We obviously agree that such an approach should be applicable to the marginal Jewish discourses as well (religious, nationalist, Trotskyist, etc.).

As it seems, the radical political lobbies want much more than that, insisting upon the delegitimization of any intellectual reference to the current political activity of Zionism as a whole. As this wouldn't be enough, any reference to the modern Jewish history is forbidden unless approved by a “Zionist” authority. No matter how bizarre it would seem, the Jewish Holocaust has now been defined from an intellectual point of view as a meta-historical event. It is an event of the past which will never allow for a historical, ideological, theological or sociological analysis.

Based on the offence principle, the Jews have the right to claim that any type of speculation concerning their past sufferance is “offending and the cause of new sufferance”. Yet, someone may request certain explanations. How is it possible that the historical research that can get to several different interpretations of some past

events, occurred six decades and a half ago, offend the ones who are living among us today? Clearly, it is not easy to suggest a sensible answer to such a curiosity. Objectively, the historical research should not cause sufferance or any offence to the contemporary Jews, not more than to any other human being. Except for the possibility that the Holocaust itself be used against the Palestinians or the ones accused of being “enemies of Israel”.

As Minister Matan Vilnai recently stated, the Jewish state would not refrain from causing a holocaust to the Palestinian people. The Israelis and their supporters do not refrain from using the holocaust rhetorically, either. Yet, the Jewish lobbies refuse to use the holocaust as a criticism instrument against the Israeli aggressions.

As anyone can predict now, with a view to censor the research of the Jewish history and a better understanding of the current Israeli harm, political correctness will be invoked. Its purpose is to prevent us from seeing and expressing the obvious. Even so, one could easily wonder, what exactly is this political correctness? Political correctness is fundamentally an attitude which does not allow criticism. Political correctness is an attitude which cannot be fully justified in sensible, philosophical or political terms.

It is implanted as a set of axioms at the heart of the liberal discourse. It acts as a self-imposed regulator promoted by a self-induced guilt. Political correctness is, actually, the harshest assault against the freedom of speech, the freedom of thought and the human freedom; yet, manipulatively, it presents itself as a last incarnation of freedom. At this point, we may state that the greatest enemy of human freedom is this political correctness, and all those who impose these axioms and plant them in our discourse are the greatest enemies of mankind. We could also state that, since the Palestinians are confronted with the terrorism of a state which thinks it is entitled to apply forceful measures, the holocaust discourse and its significances belong to them as well, at least just as much as they belong to the Jews or anyone else. What remains is to obtain the courage to fight this “political correctness”...

8. Conclusions

The statement that the freedom of speech is a fundament of the modern world must not be treated hastily, from the perspective and with the instruments of a popularization thesis of the liberal doctrine. On the contrary, we find ourselves faced with a more complex assertion, which lends itself to several types of

demonstrations – historical, philosophical, juridical and journalistic. Although it seems a definitive conquest of our civilization, the freedom of speech is frequently placed between brackets by totalitarian political regimes, by inhibited religious precepts or occult networks of economic power. Sometimes, even the most refined academic debates advance the theory of the necessity of limiting the freedom of speech. The freedom of speech is, indeed, the necessary condition for the political debates specific to democracy and for the progress of human knowledge. It is the combat instrument against dictatorship and fundamentalism; it is the barometer of a normal and tolerant society.

Yet, just like any other freedom, the one concerning the unrestricted expression of ideas, opinions and beliefs of any kind needs a series of reasonable restrictions, in order not to endanger other values - maybe just as important - of our world. The freedom of speech is a mass consumption product, which we must write on, with all our conviction: “To be consumed moderately!”

The freedom of speech can be used positively at the level of the public opinion, so that, on one hand, we would not mention the manipulation of the public opinion through the mass media again, but, on the other hand, a consequence of the freedom of speech is the very manipulation of the public opinion.

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