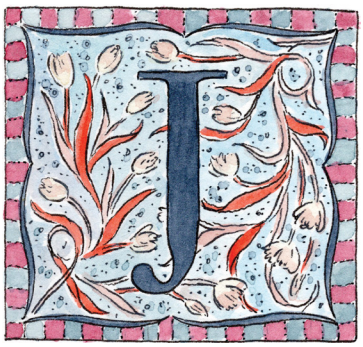
YASCHA MOUNK

Censorship Won't Help the Jews

Or anyone else



JEWISH AMERICANS have historically been among the most principled defenders of free speech. When a group of neo-Nazis planned to march through Skokie, Illinois, home to many Holocaust survivors, it was a Jewish attorney who stood up for their right of assembly. David Goldberger, then the legal director of the ACLU of Illinois, was no self-hating Jew, and he certainly harbored no sympathy for the National Socialist Party of America. But he realized that "the constitutional guarantees of freedom of speech and press would be meaningless if the government could pick and choose the persons to whom they apply."

Goldberger's position might read as the credo of a universalist Jew who prioritizes abstract principles over the interests of his group. But

there was a deeper and less self-abnegating logic to his position. Like me, Goldberger was convinced that these universal principles are in the long-term interest of all ethnic and religious minorities, including Jews.

Minorities often have good reasons to feel threatened. One understandable response to this feeling is to look to the powerful for protection. But whenever you look to the powerful for protection, you become dependent on their whims.

This is a story that the Jews of the Old World knew all too well. For a few decades, they would thrive under some tolerant monarch who gave them relative freedom to go about their lives with relatively little harassment. But when that monarch changed his mind, or was succeeded by a less tolerant heir, all those precious liberties would evaporate quickly. In fact, that pattern is literally as old as the Old Testament: As Exodus 1:8 notes, "A new king arose over Egypt who did not know Joseph," setting off the chain of events that led to the enslavement (and eventual liberation) of the Israelites. American Jews have historically put their trust in a less precarious promise: that of constitutional principles that deprive the powerful of their ability to play favorites — even if the price consisted of neo-Nazis holding speeches in a community of Holocaust survivors.

This preference for free speech has been sorely tested over the past years. Social media has brought the poison of antisemitism, largely relegated to the fringes of public debate in the second half of the 20th century, into much wider circulation. Some of the people with the largest followings on social media — Tucker Carlson, Candace Owens, Hasan Piker, and Jackson Hinkle, among others — now delight their audiences with a litany of antisemitic tropes. Hateful ideas, whether coy insinuations that the Jews have once again grown too powerful or outright conspiracy theories painting Jews as the dark forces behind just about every tragedy or social failure, are now being streamed to millions on TikTok, YouTube, and other platforms.

Tragically, the rise of detestable speech has coincided with a steep increase in physical violence against Jews, from the deadly shooting at a synagogue in Pittsburgh in 2018 to the vehicular attack on a synagogue in West Bloomfield, Michigan, earlier this year. I have come to consider the rise of physical violence against Jewish communities around the country, and its psychological impact, as the Europeanization of American Jewry. When, as a teenager growing up in Germany, I first visited America, I was struck by how little protection Jewish institutions needed in the New World; now, it is nearly as easy to spot a Jewish kindergarten in New York as it long has been in Paris or Berlin: Both are marked by the presence of security guards. Back then, I marvelled at how much less beleaguered Jews in America seemed to feel; now, the same unceasing sense of fear and vigilance is taking hold of Jewish life in the United States.

It is little wonder that a growing number of Jews are desperate for any form of protection, and even that more and more are willing to discard their long-held commitment to free speech in exchange for promises that things might somehow go back to normal. And as it happens, Jews are hardly alone in responding to the rise of social media with a desire to censor its contents: Many Gentiles are now similarly tempted to drain the poison out of our politics by embracing new forms of censorship. As many politicians and political commentators are quick to claim, the principal reason for the scary times we are now living through is the omnipresence of "misinformation." If only we could find the right way to "regulate" social media, they say, things would finally go back to normal.

I understand the temptation. If it were possible to preserve all the advantages of new communication technologies, which make

access to information easy and painless, while banishing from the public sphere all the narcissistic influencers and psychopathic politicians using these tools to advance their own interests, the offer would be compelling. But I worry that the world they imagine simply doesn't exist.

Let us imagine, for the sake of argument, that we become sufficiently convinced of the unsustainability of the current situation that we are willing to "creatively reinterpret" the First Amendment. One question to ask is whether the trade-off would be worthwhile: Would we want a manicured public sphere that hands the powerful the ability to enforce their own views even if it did drain some of the poison of antisemitism? But thinking of this choice as a trade-off presumes that the promised outcome, the establishment of a more sane and rational public sphere, would actually materialize. And I very much doubt that it would.

The case for believing that such regulations of social media would bring about a better public sphere rests on three tacit premises:

1. The people who make decisions about what speech is allowed and what speech is verboten will be reasonable and rational.

2. The reasonable and rational people who make such decisions will be able to enforce their preferences without making the censored content more popular than it was before.

3. Bad ideas have flourished in recent years because we lack appropriate regulation, and increasing regulation can therefore eradicate such ideas.

The first assumption is that the people who are empowered to make decisions about what should or should not be censored will in fact make good decisions. At a time when mainstream institutions were thoroughly shaped by a stable political consensus based on a number of broadly shared ideals, such an idealized view of the world might have been warranted. But America today is more

polarized than it has been at any point in recent memory. Those who disseminate points of view that, until a few years ago, would have been considered disqualifyingly extreme are no longer on the margins; they hold the reins of formal political power and enjoy some of the biggest platforms anybody could wish for. Under these circumstances, it is deeply naïve to think it would be a good idea to let the government pick and choose who enjoys the freedoms guaranteed by the Constitution.

The smartest case for free speech has never turned on denying that some utterances are so vile that all of us would be better off if they somehow disappeared from the public sphere. Rather, it was always based on skepticism that any institution, private or public, would consistently make these determinations in a reasonable and selfless manner. The growing influence of extreme views and the immense power that extreme political movements now hold should be a reason to double down on, not discard, that insight.

The second assumption is that attempts to censor speech are likely to succeed in discrediting terrible ideas. There is some superficial plausibility to this. While it is always important to pay attention to how political actions might backfire, the presumption should be that, most of the time, political actors aren't so ignorant or incompetent that they'll harm their own cause.

But in the case of free speech, we have plenty of evidence to suggest that — unless repression is, as in some dictatorships, extremely severe and wide-ranging — attempts at censorship usually fail. The appeal of the forbidden fruit is so strong that many of the most successful idea entrepreneurs often portray themselves as censored even when, by any objective standard, they are not. Indeed, it is sometimes hard to know what accounts for the success of some of today's most vile media personalities if not for this appeal; a substantial portion of the audience for people such as Nick Fuentes are as attracted to the

frisson they derive from breaking the biggest possible taboos as they are to the actual claims that Fuentes is making.

Both the idea that we can trust the would-be censors and the idea that their efforts would be effective are downstream from the third key assumption: the belief that institutional changes, rather than technological realities, stand at the root of the problem.

There may have been a time when the structure of mass communication made it possible to keep certain ideas from broad circulation. Reaching a mass audience used to require enormous financial investments as well as the cooperation of a large number of highly trained professionals. In that era, an ethos widely shared between journalists and the owners of big television networks could, porously and imperfectly, restrict the scope of public debate.

But those days are long gone. Nowadays, the costs of production and dissemination are negligible. Anybody can put together a near-professional studio in his own home for a few hundred dollars. The ability to reach a mass audience has been radically democratized. Established media outlets, while still influential, have lost their capacity to gatekeep. Today, a single episode of the *Joe Rogan Experience* draws far more viewers than the nightly audiences of CNN, MSNBC, and Fox News combined.

These technological changes are the real cause of our transformed public sphere. Attempts to turn back the clock by introducing strict regulations are unlikely to rein in the conspiracy theories that have so quickly proliferated on social media. Indeed, many countries in Europe have all along had in place the kinds of guardrails fervently desired by those Americans who wish to curtail the First Amendment. They criminalize all kinds of political speech, from denial of the Holocaust to anything that might be thought liable to incite hatred. They routinely compel social media platforms to delete any

posts that could even remotely be considered illegal. Countries such as the United Kingdom have arrested thousands of people for violating these rules every year.

And yet, none of these practices have marginalized the extremists or restored the placid discourse of an earlier era. Jews are no safer in Europe than they are in America. And while extremists still remain in the opposition in most countries in Western Europe, polls suggest that they may be only one election away from storming the gates of power. The reason should, by now, be obvious: The problem is not political but structural. The nature of communication in the age of social media has allowed previously fringe ideas to flood the mainstream. Short of the extreme censorship practiced by some of the world's most repressive dictatorships, regulation can't bring back the past.

None of this is to say that all forms of regulation are in principle unwise. There are some strong reasons for (as well as some real reasons against) banning the use of social media for children, for example. And I have long believed that those social media companies that effectively do act like publishers, by favoring some content on the basis of the views expressed, should also be treated as such — which would make them much more liable for the content they amplify. But any attempt to regulate social media must conform with the letter and the spirit of the First Amendment.

It isn't hard to see why many Jewish leaders and organizations have lately grown less supportive of free speech. But anyone who gives in to these understandable temptations neglects a crucial historical lesson: Any power that can arbitrarily grant us rights (such as being protected from the offensive chants of antisemites) can just as arbitrarily deprive us of those same rights (such as decreeing that advocacy in support of our own causes and concerns constitutes offensive speech that must be silenced).

Jews have historically thrived in free societies that grant rights to all of their members without regard to the groups into which they happen to be born. Free speech is among the most fundamental of these rights. Jews must remain among its most ardent defenders. ✳

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