# A.-C. RATH BOŞCA

# Albert Camil Rath-Bosca

University of Oradea

ORCID ID: <a href="https://orcid.org/0009-0004-6815-9509">https://orcid.org/0009-0004-6815-9509</a> Email: <a href="mailto:camilend@yahoo.com">camilend@yahoo.com</a>

Abstract: Free speech is a highly debated topic, it became a topic of cultural wars, lawsuits and dishonest propaganda. This is doubled up by the finicky nature of free speech as it is. There is no sole ideal definition that can satisfy all needs. There are many barriers in regards to creating a solid foundation of thought even in an attempt to explain free speech. In this article we will attempt to look at the right to free speech as a historical ideal in American and European history and from the perspective of Deleuze and Guattari's idea of the rhizome as presented in their seminal work A Thousand Plateaus: Capitalism and Schizophrenia. We may have anything to add to such a debated topic only through the dissolution of the apparently opposed. Only by dissolving the arborescent and the rhizomatic structures we may achieve any semblance of a solution to the digitalised zeitgeist of our day to day lives.

**Keywords:** Freedom of Speech, Freedom of Expression, Rhizome, Martin Heidegger, Jill Deleuze, Felix Guattari, religious reformation.

#### INTRODUCTION

In a world saturated by a cloud of obsessive consumption, we find ourselves under a peculiar constellation. Many philosophers have either predicted such issues in a form or another or have warned us. Martin Heidegger was asked during an interview with the German publication Der Spiegel was asked what can save us from the modern world, his answer was "Only a God can save us" (<a href="https://www.youtube.com/watch?v=cqFGUel8MYI&ab\_channel=Fragmented">https://www.youtube.com/watch?v=cqFGUel8MYI&ab\_channel=Fragmented</a>).

He probably was not referring of a Christian God. Most probably he was talking more broadly of a form of spiritual unity amongst the members of society. Jean Baudrillard declared that the world has entered a stage of hyperreality or simulacrum. A point in which the real and the fake are functionally indistinguishable (Mambrol, 2016). Freedom of speech is guaranteed in most constitutions in developed or developing countries with few exceptions. We will see that from the earliest days attempts to suppress the right, to destroy it, to control it would fail but still a new threat has appeared with the development of humanity. In this article, we will try and make sense of how the right to free speech has firstly appeared, how it developed until the current day and where it is in the digital age.

## 1. The origin of free speech and a few select instances of battles fought to gain such rights

The first step in this enterprise of understanding the mechanics of free speech is to observe the birth of what will become the modern usance of the *freedom of expression*. We will observe the concept of *parrhesia* in ancient Athens, the Middle Ages and grandiose efforts to preserve and spread the knowledge of the ancient world, the wars for religious reform against

the Catholic Church which profoundly revitalise the notion of free speech and of course, the constitutional right to free speech of the US and its developments.

Ancient times ( $5^{th}$  century B.C.)

Ancient Greeks, *parrhesia* or uninhibited speech is the first widely accepted concept of free speech. This idea in itself can and should be scrutinized and debated. According to David Konstan, the idea of *parrhesia* is not a fundamental right granting the freedom of expression as much as it is the result of the social lives of Athenians. If a person was not sufficiently frank they would be deemed as a coward, if they were too frank and direct they may be seen as insolent (Konstan, 2012:46). On a fundamental level, *parrhesia* was more of an expected behavioural pattern than a right onto itself. In many Greek plays and remaining texts, the notion is invoked but not strictly as a right (Konstan, 2012:4).

Parrhesia is invoked as a right in Hippolytus that is granted to citizens of Athens (Konstan, 2012:5). Aristotle considers it a normality amongst friends and brothers. Scholars such as Arlene Saxonhouse consider parrhesia to be less of a right and more of a form of speech which holds no shame even if the topic or opinion is quite rude by most standards (Konstan, 2012:7). The conception of Konstan that parrhesia was not a right but a result of citizenship that holds some level of social discomfort and necessary self-censorship is the one we will land on (Konstan, 2012:10). This conception, to a certain degree makes the clarification that we cannot speak of rights as they are understood today. Even if parrhesia is not a fundamental right as it is understood today, it's still the origin of our journey.

This is might be the explanation of why Socrates was killed as it is told to us by Plato. Socrates was found guilty of refusing the gods, the state and for corrupting the youth (Konstan, 2012:7). In his defence speech he claimed the following:" I know that my plainness of speech makes them hate me, and what is their hatred but a proof that I am speaking the truth? (Plato, 2020:7)". We will be confronted with such hypocrisies and inconsistencies through the length of free speech even in contemporary history.

Some important thinkers of The Golden Age of Islam and the Middle Ages (the 11<sup>th</sup> century to the 14<sup>th</sup> century A.D.)

After the fall of the Roman empire the west entered in a mire of territorial struggles and wars. In the meantime, the first Caliphate has developed and embarked on its road to the golden age of Islam. In this period thinkers such as Ibn Rushd (Latinised to Averroes) and Ibn Sina (Avicenna) have captured the writing of the Greek philosophers and have integrated them into Islamic teachings. This also allowed western thinkers such as Thomas Aquinas to enter in contact with the Greek classics. There are two important aspects that allowed the Islamic scholars to maintain and elaborate upon classical knowledge. The first one is the investment and competition between study centres. The primary centre of knowledge was the Bagdad House of Wisdom which served as a library, translation institute and an academy (<a href="https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/">https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/</a>). To this centre we must also acknowledge the cities of Cordoba and Cairo. These centres of studies were crucial in translating and developing upon classical knowledge. These scholars were paid huge sums of money by the Islamic Caliphates and regal families of the age. In the case of the scholar Hunayn ibn Ishaq al-Ibadi, he was paid the equivalent of a professional athlete's salary for his translation work. Through these investments we observe the birth of

extraordinary polymaths (<a href="https://www.hamad.qa/EN/All-Events/8SRIS2018/Pages/Hunayn-ibn-Ishaq-al-Ibadi.aspx">https://www.hamad.qa/EN/All-Events/8SRIS2018/Pages/Hunayn-ibn-Ishaq-al-Ibadi.aspx</a>). The second one is the creation of paper. Paper was an essential tool for the wisdom of the Bagdad school to be transmitted. It was more resilient to weather, it was more absorbent so ink can be better laid upon it and hold on for longer periods and with the ingenuity of creating what can be called an early printing press system by which many people worked to create books in mass it became essential to the transmission of knowledge.

In the dark ages we see the appearance of the first universities in Paris and Bologna. This new paradigm unavoidably leads to the explicit persecution of all figureheads that even dare to propose any freedom of speech or thought. Such thinkers as Thomas Aquinas, William of Ockham or Peter Abelard who proposed that "reason is in man as God is in the world" and that" Purely philosophical assertions which do not pertain to theology should not be solemnly condemned or forbidden by anyone, because in connection with such anyone at all ought to be free to say freely what pleases him" (https://www.freespeechhistory.com/timeline-2/page/3/).

These initial wars of ideas will prove to be important. These first few ideological rebellions guided by the ideas of the ancient Greeks as preserved by Islamic scholars were fundamentally the proof that both the freedom of expression and the freedom of thought were held hostage by the catholic church. Not only was the freedom to speak or express one's self limited by church rules, but even to philosophise or think against doctrine or outside of the realm of theology was fundamentally fought against.

The Western Schism, the invention of the printing press and the religious reformation period (the  $14^{th}$  to the  $17^{th}$  century)

In the period known as the Western Schism (<a href="https://www.britannica.com/event/Western-Schism">https://www.britannica.com/event/Western-Schism</a>) the Roman Catholic Church had 2 popes, and later 3 popes fighting over the power of the papacy. After the 70-year period known as the Avignon Papacy (<a href="https://www.britannica.com/event/Avignon-papacy">https://www.britannica.com/event/Avignon-papacy</a>) the throne has returned to Rome. Pope Urban the 6<sup>th</sup>. One of his first actions as pope was to limit the power of the cardinals who grew to seize many rights during the Avignon period. The cardinals who were displeased with the rule of Urban 6<sup>th</sup> retreated to the city of Anagni and chose a different pope, Clement the 7<sup>th</sup>. They motivated such a choice by the way of fear, the cardinals claimed that they have chosen Urban the 6<sup>th</sup> under duress. This fundamental schism created animosity between royals and the nobility of all catholic countries that was split (<a href="https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/the-western-schism/">https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/the-western-schism/</a>).

There was an attempt to solve the issue at the Council of Pisa. The council met in 1409 and decided to choose another pope, Alexander the 5<sup>th</sup>. Shortly after, pope John the 23<sup>rd</sup> is named in place of pope Alexander the 5<sup>th</sup>. Instead of solving the issue of legitimacy, this created a three-way schism from a short period until the Council of Constance.

In 1414 the council has decided to depose pope John the 23<sup>rd</sup>. The pope of Rome, Gregory the 12<sup>th</sup> decided to resign and the claims made by the Avignon pope, Benedict the 13<sup>th</sup> were dismissed. In the year 1417 pope Martin the 5<sup>th</sup> is elected, ending the schism. This event in itself created an enormous loss of prestige for the papacy.

Another event that has occurred in the time period of the Western Schism was the rise, judgement and execution of Jan Hus (<a href="https://www.britannica.com/biography/Jan-Hus">https://www.britannica.com/biography/Jan-Hus</a>). In the year 1416 Jan Hus was burned alive due to him being considered a heretic. One of his "heresies" were the cat of preaching in Czech and believing that only the Bible contains the teachings of

God. Again, we see the suppression of free speech and the moulding of ideas in a form of attempted thought control. The death of Jan Hus would spark the Hussite wars which were fundamentally fought for religious freedoms (<a href="https://www.worldhistory.org/Hussite\_Wars/">https://www.worldhistory.org/Hussite\_Wars/</a>). This is, again, a crack in the monopolised power of the Catholic Church which will eventually lead the period of religious reformation and the enlightenment.

Before we reach the stage where we can talk about the religious reformation we must talk about the mechanical means by which the propaganda was made accessible for the religious reformation. Johannes Gutenberg was a German inventor and craftsman that created the printing press. We know little of his personal life, most of the data that we have of him come the few remaining vestiges legal documents and of his (https://www.britannica.com/biography/Johannes-Gutenberg). We know that he was the maker of the printing press in its original form and the Forty-two-Line Bible, the first fully printed book that was finalised between the years 1450 and 1455. This achievement functionally creates a mechanism to quickly created and disseminate literary works, not too dissimilar from what the Islamic academics were doing.

Martin Luther, the father of religious reformism publishes his 95 theses on the door of the Castle Church of Wittenberg, Germany in the year 1517 (<a href="https://www.britannica.com/event/Ninety-five-Theses">https://www.britannica.com/event/Ninety-five-Theses</a>). This gesture of defiance would spark the era of religious reformation. This is the moment that solidified the destruction of a monopole on the freedom of expression. Ulterior to this event, the protestant movement will take rise through popular support giving birth to many plots (Saint Bartholomew's day, year 1572, where French Huguenots were massacred), revolts (the peasant revolts in Germany, in the year 1542 that were directly inspired by the ideas presented by Luther) and religious wars (the thirty-year war is the prime example of a religious war). Trough the invention of the printing press many protestant pamphlets and religious writings were distributed on mass.

The religious reformation is not only the period where the Catholic Church will lose the power over who can speak, but it also represents the moment where freedom of expression and thought has shifted from a religious issue to one that is political. It is now in the hands of the states and noblemen to censor and forbid free expression that may either challenge or threaten the power they hold. The job of censorship was made much more difficult due to the immense danger posed by mass printing of literature to support the protestant cause.

A few notable instances of American censorship

The American revolution has shifted the fundamental ideals of free speech as it is the first instance of such a right being granted to a population by law. The first amendment of the US constitution grants freedom of religious expression and speech. Even so, there were numerous attempts to supress the freedom of expression. We will observe a few notable instances in legal history:

1. The Alien and Sedation Acts of 1798 is the first clear instance whereas a politician tries to supress speech. As a war with France looked to be imminent the Federalist Party enacted laws to deport any "aliens" and to imprison anyone who "print, utter, or publish...any false, scandalous, and malicious writing" (<a href="https://www.archives.gov/milestone-documents/alien-and-sedition-acts">https://www.archives.gov/milestone-documents/alien-and-sedition-acts</a>) against the governments. Notably, Benjamin Franklin Bache, the nephew of Benjamin Franklin, was arrested for libelling then president John

Adams. In 1801 president John Adams allows the Sedition Act to expire and pardons all the people arrested due to them (<a href="https://www.thefire.org/history-free-speech#timeline-23542--3">https://www.thefire.org/history-free-speech#timeline-23542--3</a>).

- 2. The Comstock Act of 1873 (<a href="https://www.britannica.com/event/Comstock-Act">https://www.britannica.com/event/Comstock-Act</a> ) is a law named after the main force behind the lobbying campaign, the man named Anthony Comstock (<a href="https://www.britannica.com/biography/Anthony-Comstock">https://www.britannica.com/biography/Anthony-Comstock</a>). The law itself was meant to suppress abortion medicine and methods (<a href="https://www.pbs.org/wgbh/americanexperience/features/pill-anthony-comstocks-chastity-laws/">https://www.pbs.org/wgbh/americanexperience/features/pill-anthony-comstocks-chastity-laws/</a>) but it was still a form of suppression of free expression. The law in itself forbid the obscene literature and immoral or indecent materials (<a href="https://firstamendment.mtsu.edu/article/comstock-act-of-1873/">https://firstamendment.mtsu.edu/article/comstock-act-of-1873/</a>).
- 3. The Espionage Act of 1917 and the Sedition Act of 1918 were adopted by congress as the US was entering WW1. The idea of these laws was to fundamentally keep communists, pacifists and any other possible group of people from slandering or spreading false information during the war (<a href="https://constitutioncenter.org/the-constitution/historic-document-library/detail/">https://constitutioncenter.org/the-constitution/historic-document-library/detail/</a> espionage-act-of-1917-and-sedition-act-of-1918-1917-1918). The Espionage Act section 3 explicitly states that if a person were to "convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States" would be legally punished with a fine of 10.000 dollars (in the year 1917 would be worth about 262,436 dollars in 2023), 20 years of prison, or both (Espionage Act of 1917, sec.3). A notable court case was that of Eugene Debs against the US. The Supreme Court decided to uphold the previously enacted doctrine from the case of *Schenck vs United States*. Even after the American Congress decided to repeal the Sedition Acts in 1921 the legal system has found reasons and motives to jail various publicists and communist party members.
- 4. The arrest of comedian Lenny Bruce for obscenity in 1962 marks yet another instance of suppression of free speech for what we may perceive as unacceptable. In this first instance Bruce Lenny was found not guilty by the Illinois Supreme Court. After that acquittal Bruce will be in and out of jail for obscenity until his accidental overdose and subsequent death (<a href="https://firstamendment.mtsu.edu/article/lenny-bruce/">https://firstamendment.mtsu.edu/article/lenny-bruce/</a>). Even in death, authority has mocked and persecuted him. The police allowed journalists to come in pairs of two to photograph the dead body of Lenny Bruce as a last insult towards him, he notoriously hated having photos of him taken (<a href="http://www.thestacksreader.com/the-last-show/">http://www.thestacksreader.com/the-last-show/</a>).

## 2. Free speech in the current times

In the current period, most free countries have adopted article 19 of the Declaration of Human Rights, which states that all individuals are born with the right to free thinking and to free speech. The legal text itself is clear an oddly freeing, but, if we are to look at how this idea was applied in national legislation we will notice that there are many forms of suppression, some more reasonable than others.

Free speech in France

In the case of France free speech has emerged out the French revolution. The fundamental protection for free speech is the maxim "freedom, equality, and fraternity". By these ideals both article 1 and 4 of the French Constitution (*La Constitution du 4 octobre 1958*,

art.1, art.4) grant the freedom of thought and expression. Even so, there are clear limits regarding what can be stated. A reasonable interdiction is the ban on child pornography (Article 227-33 of the *Code Penal de la Republique Frances*). Such interdictions are unfortunately necessary in order to protect minors and to allow the judiciary ignore the argument of free speech that some may abuse in a court of law.

A more controversial form of speech suppression is the "Loi de Sécurité Globale". Article 24 of the aforementioned law forbids the dissemination of pictures of any police or that might indicate their personnel identity or personal (https://www.publicinternationallawandpolicygroup.org/lawyering-justice-blog/2020/12/13/ frances-global-security-law-article-24-and-the-right-to-information). If a person would commit such an action they could spend a year in jail and they could be fined 45.000 euros. At first glance such a law may not pose any problems, it was made to defend the police force from any possible threat outside of working hours. If we are to look at the effervescent and volatile social climate of France (https://www.france24.com/en/france/20231228-riots-protests-and-climateuprisings-2023-was-a-tumultuous-year-in-france), we realise that this law basically forbids any journalist to properly report on riots. This may be conceived as less of a way to protect the hand of the state as much as it is a way to cover and manipulate the truth in an age of governmental distrust.

# Free speech in America

America's constitution has the right to free speech as the first amendment. As we have already seen, many attempts and excuses were used in order to fundamentally supress free speech. Even if there is a lot more leniency regarding what is and what is not free speech due to the common law system, the right in itself is sensitive to the political formation of the US Supreme Court. The US Supreme Court has been under major scrutiny after the decision in the case of Dobbs v. Jackson Women's Health Organization. Even if judges should technically be free of any political influence, the fundamental method by which they are chosen they unavoidably become political. They are chosen by a political entity for their political record and work in the legal field. The best possible example of such machination is Amy Coney Barrett, she repeatedly worked against the interest of workers, minority groups and in favour of companies before and during her sit as Supreme Court Justice (https://www.afj.org/nominee/amy-coney-barrett/.).

### Free speech in Romania.

In Romania, article 30 of the constitution grants the freedom of expression. Point 1 of the article grants the right of individuals to express themselves through speech, trough writing, trough images, sounds and any other way of public communication. Point 2 forbids any form of censorship. Point 3 grants the right to free press and the freedom to create a public press endeavour.

Where the law shoes it's almost fearful nature are points 6 and 7. Point 6 forbids the prejudice brought to dignity, honour, private life and the right to one's own image. Point 7 bans the bad mouthing of the state or of any nation, lobbying for war, hate speech based on race, religion, class or nationality, inciting discrimination, territorial separatism or public violence or against good morals.

In those clarifications there are a few notably reasonable limits such as inciting hate due to one's race or religion but there seem to be a few intentional vague indications. What can be considered the defamation of a country? If I were to say that "every institution in Romania is corrupt and worthy of dissolution and has criminal liability for any and all tragedies such as buildings burning down due to poor inspection standards and corruption", would I be liable for defamation of the Romanian state? This is a purely hypothetical question that doesn't have a clear answer.

A clearer attempt of the government to ban speech was article 7, point (1), letter e) for the modification of the Law of National Education nr.1/2007 (Law No. 1/2011 of National Education). By this specific article the Romanian Parliament tried to forbid any discussion of gender and sexuality in universities. The Constitutional Court of Romania has decided that the article would not be constitutional, hence, it was forbidden by them (Decision nr.907 of 2020 emitted by the Constitutional Court of Romania).

#### 2.1. What is a rhizome even and how do we use it?

Now that we have understood where freedom of speech started, observed some instances of wars fought over the right to express oneself and saw a few current legislations we must finally understand the rhizome and how to apply this philosophical instrument to our research.

The rhizome

In its original field of botany, a rhizome is a plant stem that develops horizontally underground. Another specific property of the rhizome is to create other plants as they reproduce vegetatively (without the need of pollen transfer) and create new plants from the mother plant (https://www.britannica.com/science/rhizome).

In the philosophy of Deleuze and Guattari (D and G) a rhizome is a a-central multiplicity, this concept was elaborated in their book, *A Thousand-Plateaus*. By this we understand a system of thought that has no central ideal and it creates a plethora of interlinked concepts that have no defined path.

D and G compare traditional reasoning that proposes binary structure (one idea leads to two, then two to four and so on) (Deleuze et al., 1987:5) to a tree, or, the arborescent form (Deleuze et al., 1987:8). The fundamental issue presented is the lack of strength of a simple arborescent form to comprehend ideas in an interconnected manner that may elucidate the true and profound meaning of an idea. The premise of the rhizome is that normal semiotic or logical structures can't fully understand ideas to get to the core, the multiplicity (Deleuze et al., 1987:7).

The rhizome has 6 main principles:

Principles 1 and 2 are those of connection and heterogeneity (Deleuze et al., 1987:7). By these two principles, any two points of the rhizome have a way to connect and traverse. All points we analyse are interconnected, also, they traverse not only one scientific or humanist field. The rhizome is heterogeneous, it is diverse, it is not stuck in one register or modality. A rhizome will traverse all the possible connections until it is fulfilled and multiple in itself.

The third principle is that of multiplicity. A rhizome has no primary object or subject, it is not bound to any object or subject. It must be taken as a multiplicity. The rhizome can only be defined by determinations and magnitudes. With all this, a rhizome still has clear dimensions and if those dimensions would expand or shrink we will see the birth of a new rhizome (Deleuze

et al., 1987:8). The multiplicity of the rhizome exists on one plane and if it we were to add or remove dimensions or to move the concepts we may deterritorialize the rhizome.

The forth principle, the asignifying rupture, imposes the nature of eternal reconstruction. No matter how much we may try to unearth the rhizome, it will recreate itself from the remains, either a new rhizome will spawn or a wholly new one will form (Deleuze et al., 1987:9). A great example are ants, ants are notoriously hard to get rid of precisely because they have to be wholly eliminated, and still, if a few remain a new colony may appear.

The fifth and sixth principles are those of cartography and decalcomania. By cartography we understand that, fundamentally, a rhizome is a map (Deleuze et al., 1987:12). One can enter from any point of the map. The physical map may be turned, reversed, modified, and used in many other instances. A rhizome is not a mere tracing on a map, it's not a clear line from A to B, from presupposition to conclusion. One is free to circulate through all possible roads until they find something of use to them. In the analysis of the rhizome, one is expected to create tracings from a plateau to another plateau (Deleuze et al., 1987:22) for the sake of efficient analysis. The premise of how arborescent thinking has been more detrimental for humans is reinstated (Deleuze et al., 1987:15). The proposed method to avoid the arborescent form is what the authors call Schizoanalysis (Deleuze et al., 1987:18). By Schizoanalysis one is expected to think not of the central idea, but on as many elements as possible and as they are unveiling to the budding "schizoanalyst".

The rhizomatic structure of free speech.

Now that we have the tools, we must create the concrete territory that may be filled and to understand how or if free speech is a rhizome or something else entirely.

A first possible structure is that of freedom of expression as the root and the freedom of speech as the tree. Of course, this structure is not sufficient, generally speech is used to mean all forms of expression, and those are plenty. The many forms of expression or speech cannot be easily attributed to branches or arborescent forms of thinking.

The second possible structure, and the one that fits our needs goes as follows. The freedom of thought is the central root of the rhizome, the middle or *milieu* (Deleuze et al., 1987:21) as D and G call it and that all other forms of expression are plateaus in the rhizome. This structure works for a simple reason. Not all forms of thinking get expressed, and not all forms of expression involve thinking. For the first example, we may see on the street a person we dislike, the why is unimportant. No matter how much we think of our displeasure, we will most probably not express it. For the second example, we may think of dressing codes. Whenever we get dressed we still fundamentally express ourselves. We express aesthetic notions, social status, revolt, obedience and so on. Maybe, by instinct, we pick up a shirt that has so form of a band logo and without realising we break the dress code of the occasion we attend. In such a scenario, we have committed an act of expression in a wrong context, without having a clear line of thought as to why.

From this point onwards, we will refer to our structure as the *rhizome of free expression*.

## 2.2. The deterritorialization of the rhizome of free expression in the digital age

So far, I have incessantly avoided the role of the internet in our little quest for knowledge. This was intentional as we needed a strong infrastructure before we observe how

the internet has truly affected not only the freedom of speech, but also the important *milieu*, the freedom of thinking.

Through history and in the current age we have observed how the rhizome of free expression was planted to develop the first roots in the pot of *parrhesia*. We have seen the Catholic Church try and unroot it with no success, only temporary suppression. As the rhizome has found new soil trough the protestant reform, through the American Revolution and getting to be reinvigorated until the development of the internet we always notice a clear pattern of repetition. Whenever the rhizome extends, authority will try and stomp it or remove it entirely. This did not destroy the rhizome of free expression, but it did reterritorialize it until today. Today, the rhizome is bound by borders imposed by authority.

As previously stated, some limits are absolutely necessary. These borders also give us clarity in regards not only to legal, but also to social limits when we express ourselves. So, what did the internet do to the rhizome of free expression?

The internet has profoundly deterritorialized the rhizome of free expression to the point that no institution can fully contain its extension and remodelling of the self. No church, no politician, no monarch, no private corporation and no law can fully contain the internet in an efficient manner. The borders imposed by states or society are all but useless in front of the vast expanse of the internet, hence the rhizome of free expression has become a superstructure of many entangled rhizomes and many connected plateaus that still hold the freedom of thought as a middle. Regardless of morals and ethics, if there is a will, there is a how. If you wish to create art but don't want to be held down by any publisher, you can do so. If you wish to harass people you can create an anonymous account on any platform to do just that.

In a strange twist of faith, private corporations have done a better job at delimitating this ultra-rhizomatic structure of free expression through terms of service. This legal structure is normally relegated to contract law, but in our world, we are bombarded by such terms from every single website that we visit. Making any account or just perusing a site will require us to terms of use such as forbidding nudity or (https://help.instagram.com/477434105621119). Again, we may see some reasonable standards regarding the way we can express ourselves, on the other hand, to maintain such huge internet traffic there must be an efficient way to control posts and discussions. One tool used is to allow other users to flag content that breaks community guidelines, after such an action is done the content will be reviewed by an algorithm.

## 2.3. The algorithm

An algorithm is fundamentally a set of instructions given to a machinery or a software to act upon when it is required (<a href="https://techtarget.com/whatis/definition/algorithm">https://techtarget.com/whatis/definition/algorithm</a>). Most social media sites have some sort of algorithms for a few different reasons. The first was previously mentioned, to judge if forms of expression online are not infringing general rules. A secondary, more insidious reason may be to recommend more content based on what this latter machine has learned about you. How do machines learn about us? By the information we give voluntarily to the companies and by the content that we consume and the behavioural patterns we engage in (<a href="https://blog.hootsuite.com/how-the-youtube-algorithm-works/">https://blog.hootsuite.com/how-the-youtube-algorithm-works/</a>). This later form of the algorithm may be useful for the average consumer that just wants to engage with content and find more regarding their topic of interest, but, there is a more insidious element to this.

All social media or content applications have some sort of recommendation algorithm. Even if they gage different metrics in order to establish what it recommends to a consumer, they fundamentally do the exact same thing. The job of all algorithms made to recommend content is to keep the consumer constantly browsing through endless hours of content. They are one fundamental tool shared by all major content platforms. Regardless of company, there is only one algorithm by way of function.

Using Heidegger's philosophy and H.P. Lovecraft's horror to give The Algorithm a body. Both Martin Heidegger and H.P. Lovecraft are controversial figure due to their beliefs. Regardless of that, their works may give us some tools in order to create a reasonable representation and proper explanation for The Algorithm.

In his lecture *The Question Concerning Technology*, Martin Heidegger posits the following problem: what is technology at its core? His initial analysis reveals the obvious answer, technology is a means to an end (Heidegger, 1977:5). But this answer does prove insufficient, it is technically correct, but not the whole answer. He posits that the correct way for us to use and develop technology in a correct manner is to bring it forth (Heidegger, 1977:10-13). This is a feature of old, pre-modern technology. It coexisted with nature as it brought forth characteristics that were not obvious when interacting with the necessary materials. Of modern technology, Heidegger calls it *The Challenge* (Heidegger, 1977:14). His issue with modern technology is that it reveals itself in an immediate way, everything is there, ready to use. Modern technology becomes standing reserve (Heidegger, 1977:17). Everything is readily available and present at all times; hence, it loses a part of its value.

H.P. Lovecraft is generally credited as the father of cosmic horror. His many short stories such as *The Doom That Came to Sarnath* or *The Cats of Ulthar* present the reader with a type of monster that is not clear. There is not easy to identify evil person or entity that the reader can hate, and yet, there is something disturbing that goes beyond human understanding and senses.

The Algorithm is, in Heidegger's terms, a form of standing reserve technology. But it is much more than that. If standing reserve technology is immediately available, The Algorithm gains a new dimension. Instead of it simply being a comfortable machinery, the consumer becomes the standing reserve. The real function of this creature is to understand you, the consumer. What do you like to see? What do you like to watch? What do you wish to engage with? It is an extremely insidious process of a creature of no *corpus, anima* or *animus* slowly goes trough the trial and error of understanding a human. This is beyond any reason, this is something no one predicted in science fiction in this specific format.

Humanity has created this Lovecraftian monstrosity which is an organism that is not alive. It is a pure instrument, it is a means to and end that treats humans as standing reserve. We are at it's mercy to be manipulated to consume time engaging with content. If anything, The Algorithm is not a rhizome, it is not a plateau, it is a living poison lacking in any other direction but that of gathering data and using it. This living poison slowly erodes the rhizome of free expression.

## 2.4. The effect of The Algorithm on the rhizome of free expression

There are obvious effects of The Algorithm on the rhizome of free expression such as the limitation of who can express themselves to as many people as possible. Sure, there is an element of democracy to this process. If many people love a piece of content it will be recommended further. The real danger posed by The Algorithm is that is eroding at the *milieu*, the freedom of thought.

How does this happen? Through the power of suggestion. The Algorithm is constantly throwing suggestions regarding what we should watch, listen to, buy and generally consume. A person might ask, how is this different from radio and television? And the answer is by its omnipresent nature. The average human using the internet for any reasons will be bombarded by targeted advertisement and suggestions regarding what they should offer their time, energy and money to. In this way, The Algorithm gnaws at the freedom of thinking by corrupting the consumer's general disposition while a television or a radio can be simply shut down.

The proof of this occurrence lies in some unspeakable acts that become more common as history unfolds in this cursed paradigm. Amongst such horrors we find: the growing rate of suicide amongst minors (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6278213/), the distortion of reality by bad actors in regards to the issue of masculinity (https://www.thelexingtonline.com/blog/2023/4/17/red-pill-ideology-how-alpha-male-influen <u>cers-are-threatening-feminism</u>), mass shooters being inspired by algorithmic recommendations (https://www.theguardian.com/us-news/2023/may/12/news-social-media-effect-massshootings), and the shrinking rate of literacy children amongst voung (https://psmag.com/ideas/theres-a-crisis-of-reading-among-generation-z).

These are serious systemic issues that go unaddressed by most states and unavoidably grant private corporations more power over not only the finances of people, but also to the minds of human being by eroding the freedom of thought.

#### **CONCLUSIONS**

What the Catholic Church could not achieve, the control of man's thought, was finally achieved centuries later by private industry. Without realising, humanity has allowed corporations that don't have any other interest but to use the consumer as in reserve resources to limit the spread of the freedom of expression rhizome and to infect it with the living poison of The Algorithm. The proverbial "baby with a smartphone" is no longer just a usance by older generations complaining about the youth, it became a matter of global catastrophe.

In most developed or developing countries, a culture of obsessive consumption has emerged, fuelled by advertising and recommendation machinery that was designed to be of use until it became the master of the consumer.

There is no easy solution or any discovered panacea or even a happy ending to this issue, there are personal steps that individuals can take regarding their cyber security and their personal use of the internet, more so, to keep the rhizome of free expression alive in their spirit and brain.

The only real solution that can have a long-term impact is for collective action to force elected bodies to take such issues seriously and to protect the youth not from what we may personally perceive as "bad speech" but from the dangers of being easily manipulated in mass by The Algorithm.

#### **REFERENCES**

- 1. Code Penal de la Republique Frances
- 2. Decizia nr.907 din 2020 a Curții Constituționale a Statului Român
- 3. Deleuze Gilles, Guattari Felix, *A Thousand Plateaus: Capitalism and Schizophrenia*, University of Minnesota Press, Minneapolis, London, 1987
- 4. Espionage Act of 1917, sec.3
- 5. Heidegger Martin, *The Question Concerning Technology*, GARLAND PUBLISHING, INC. New York & London 1977
- 6. Konstan David, *The Two Faces of Parrhêsia: Free Speech and Self-Expression in Ancient Greece*, Antichthon magazine, volumea 46, 2012
- 7. La Constitution du 4 octobre 1958
- 8. Legea educației naționale nr.1/2011
- 9. Mambrol Nasrullah, 2016. Baudrillard's Concept of Hyperreality
- 10. Morse v. Frederick (2007).
- 11. Plato, *The Apology of Socrates*, Online version published by the Gutenberg project
- 12. The American Constitution
- 13. The New York Times Co. v. United States (1971)
- 14. The People v. Bruce (1964)
- 15. The Universal Declaration of Human Rights
- 16. <a href="http://www.thestacksreader.com/the-last-show/">http://www.thestacksreader.com/the-last-show/</a>
- 17. <a href="https://blog.hootsuite.com/how-the-youtube-algorithm-works/">https://blog.hootsuite.com/how-the-youtube-algorithm-works/</a>.

  <a href="https://constitutioncenter.org/the-constitution/historic-document-library/detail/espionage-act-of-1917-and-sedition-act-of-1918-1917-1918">https://blog.hootsuite.com/how-the-youtube-algorithm-works/</a>.

  <a href="https://constitutioncenter.org/the-constitution/historic-document-library/detail/espionage-act-of-1917-and-sedition-act-of-1918-1917-1918">https://constitutioncenter.org/the-constitution/historic-document-library/detail/espionage-act-of-1917-and-sedition-act-of-1918-1917-1918</a>
- 18. <a href="https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/the-western-schism/">https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/the-western-schism/</a>
- 19. <a href="https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/">https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/</a>
- 20. <a href="https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/">https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/</a>
- 21. <a href="https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/">https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-islamic-golden-age/</a>
- 22. https://firstamendment.mtsu.edu/article/comstock-act-of-1873/
- 23. https://firstamendment.mtsu.edu/article/lenny-bruce/
- 24. <a href="https://help.instagram.com/477434105621119">https://help.instagram.com/477434105621119</a>
- 25. https://literariness.org/2016/04/03/baudrillards-concept-of-hyperreality/
- 26. <a href="https://psmag.com/ideas/theres-a-crisis-of-reading-among-generation-z">https://psmag.com/ideas/theres-a-crisis-of-reading-among-generation-z</a>
- 27. https://techtarget.com/whatis/definition/algorithm
- 28. <a href="https://www.afj.org/nominee/amy-coney-barrett/">https://www.afj.org/nominee/amy-coney-barrett/</a>
- 29. https://www.archives.gov/milestone-documents/alien-and-sedition-acts
- 30. https://www.britannica.com/biography/Anthony-Comstock
- 31. https://www.britannica.com/biography/Jan-Hus
- 32. https://www.britannica.com/biography/Johannes-Gutenberg
- 33. https://www.britannica.com/biography/Johannes-Gutenberg

- 34. <a href="https://www.britannica.com/event/Avignon-papacy">https://www.britannica.com/event/Avignon-papacy</a>
- 35. https://www.britannica.com/event/Comstock-Act
- 36. <a href="https://www.britannica.com/event/Ninety-five-These">https://www.britannica.com/event/Ninety-five-These</a>
- 37. https://www.britannica.com/event/Western-Schism
- 38. https://www.britannica.com/science/rhizome.
- **39.** <a href="https://www.france24.com/en/france/20231228-riots-protests-and-climate-uprisings-2023-was-a-tumultuous-year-in-france">https://www.france24.com/en/france/20231228-riots-protests-and-climate-uprisings-2023-was-a-tumultuous-year-in-france</a>.
- 40. https://www.freespeechhistory.com/timeline-2/page/3/
- 41. https://www.hamad.qa/EN/All-Events/8SRIS2018/Pages/Hunayn-ibn-Ishaq-al-Ibadi.aspx
- 42. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6278213/.
- 43. <a href="https://www.pbs.org/wgbh/americanexperience/features/pill-anthony-comstocks-chastity-laws/">https://www.pbs.org/wgbh/americanexperience/features/pill-anthony-comstocks-chastity-laws/</a>
- 44. <a href="https://www.publicinternationallawandpolicygroup.org/lawyering-justice-blog/2020/12/13/frances-global-security-law-article-24-and-the-right-to-information">https://www.publicinternationallawandpolicygroup.org/lawyering-justice-blog/2020/12/13/frances-global-security-law-article-24-and-the-right-to-information</a>
- 45. https://www.thefire.org/history-free-speech#timeline--23542--3
- 46. <a href="https://www.theguardian.com/us-news/2023/may/12/news-social-media-effect-mass-shootings">https://www.theguardian.com/us-news/2023/may/12/news-social-media-effect-mass-shootings</a>
- 47. https://www.thelexingtonline.com/blog/2023/4/17/red-pill-ideology-how-alpha-male-influencers-are-threatening-feminism
- 48. https://www.worldhistory.org/Hussite\_Wars/.
- 49. https://www.youtube.com/watch?v=cqFGUel8MYI&ab\_channel=Fragmented