

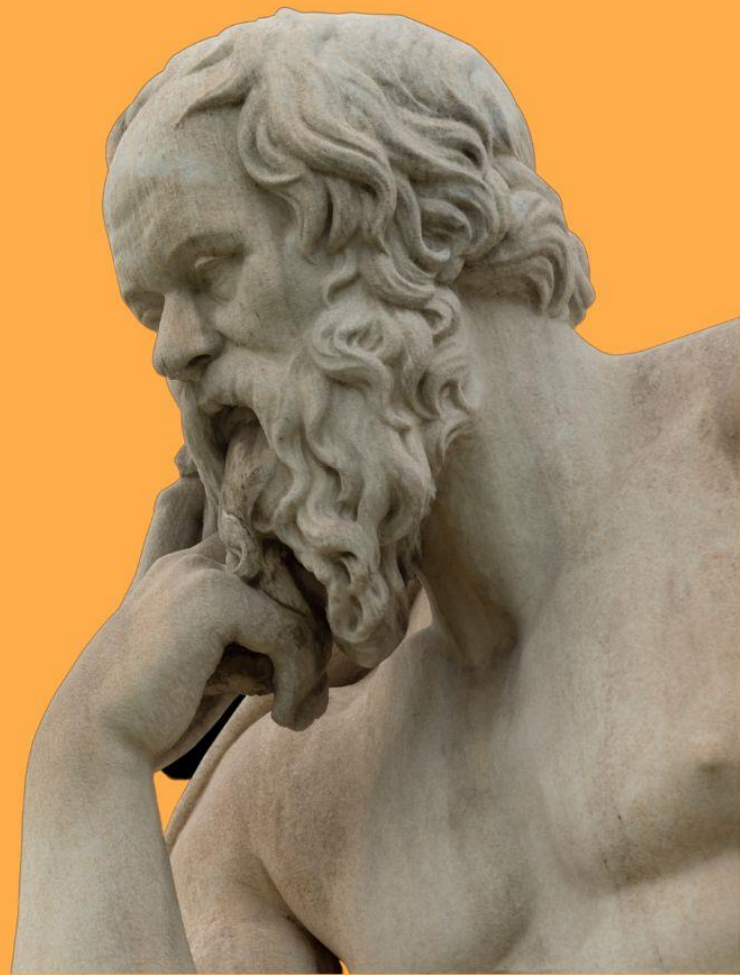
FREE SPEECH

TEACHER RESOURCES



UNIVERSITY OF
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Faculty of Classics



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Free Speech: Teacher Resources

Free Speech in the Modern World

Freedom of speech or freedom of expression is a human right. Article 10 of the Human Rights Act protects your right to hold your own opinions and to express them freely without government interference.

This includes the right to express your views aloud (for example through public protest and demonstrations) or through:

- published articles, books or leaflets
- television or radio broadcasting
- works of art
- the internet and social media

The law also protects your freedom to receive information from other people by, for example, being part of an audience or reading a magazine.

Restrictions

Although you have freedom of expression, you also have a duty to behave responsibly and to respect other people's rights. Public authorities may restrict this right if they can show that their action is lawful, necessary and proportionate in order to:

- protect national security, territorial integrity (the borders of the state) or public safety
- prevent disorder or crime
- protect health or morals
- protect the rights and reputations of other people
- prevent the disclosure of information received in confidence
- maintain the authority and impartiality of judges

An authority may be allowed to restrict your freedom of expression if, for example, you express views that encourage racial or religious hatred.

However, the relevant public authority must show that the restriction is 'proportionate', in other words that it is appropriate and no more than necessary to address the issue concerned. (Reference equality and human rights commission)

Debate topics:

- Should everyone have free speech?
- Should there be exceptions to the right to Freedom of Expression?
- Do the exceptions to the right to Freedom of Expression go far enough/too far?

List types of people that may need to consider freedom of speech and why- *eg. Comedians, Journalists, Police*

How does social media impact free speech? What are the positives and negatives of social media in this context?

Discuss the positives and negatives of Freedom of Speech in the following scenarios:

1. In the school canteen a pupil starts saying loudly to their friend that they think everyone eating meat is a murderer and should be beaten up.
2. An article appears in a magazine criticising the modelling industry for using models below a size 8, saying they look disgusting.
3. An anti-vaccination protestor outside a community centre is handing out leaflets which say people who have had the covid vaccination may get dangerous side effects.
4. The news reports on several large companies receiving fines for spilling sewage into rivers.
5. A parent informs another parent in front of their child that another child in the class has come out as gay.

Key events in the history of Freedom of Speech:

399BC The Trial of Socrates. He says, 'If you offered to let me off this time on condition I am not any longer to speak my mind... I should say to you, "Men of Athens, I shall obey the Gods rather than you."'

213BC China's first emperor Qin Shi Huang orders the burning of books on history and philosophy. This is the first book burning in recorded history.

1215 Signing of the Magna Carta, later regarded as the cornerstone of liberty in England.

1516 Erasmus, a Dutch philosopher, writes in 'The Education of a Christian Prince' "In a free state, tongues too should be free."

1633 Galileo, an Italian Astronomer, must answer to the Inquisition after claiming the sun does not revolve around the earth.

1644 'Areopagitica', a pamphlet by the poet John Milton, argues against restrictions of freedom of the press. 'He who destroys a good book, kills reason itself.'

1689 The Bill of Rights grants 'freedom of speech in Parliament' after James II is overthrown and William and Mary installed as co-rulers.

1770 Voltaire, a French writer, historian and philosopher, writes in a letter: "Monsieur l'abbé, I detest what you write, but I would give my life to make it possible for you to continue to write."

1789 'The Declaration of the Rights of Man', a fundamental document of the French Revolution, includes provisions on freedom of speech.

1791 The First Amendment of the US Bill of Rights guarantees four freedoms: of religion, speech, the press, and the right to assemble.

1859 'On Liberty', an essay by the philosopher John Stuart Mill, argues for toleration and individuality. 'If any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.'

1859 On the Origin of Species, by Charles Darwin, expounds the theory of natural selection, which is opposed by religious fundamentalists. TH Huxley, a fellow biologist, publicly defends Darwin and his work despite being undecided on his findings.

1948 The Universal Declaration of Human Rights is adopted nearly unanimously by the UN General Assembly. Promoting human, civil, economic and social rights, including freedom of expression and religion in member states.

1960 After a trial at Old Bailey, Penguin Publishers wins the right to publish D H Lawrence's sexually explicit novel, Lady Chatterley's Lover.

1962 Aleksandr Solzhenitsyn writes One Day In the Life of Ivan Denisovich, which describes life in a labour camp during Stalin's era. Solzhenitsyn is exiled for this in 1974.

1989 Iranian leader Ayatollah Khomeini issues a fatwa (ruling on a point of Islamic Law) calling for the assassination of Salman Rushdie over the 'blasphemous' content of his novel, The Satanic Verses. The fatwa is lifted in 1998. Rushdie is attacked, being stabbed onstage, in 2022.

2002 Nigerian journalist Isioma Daniel incenses Muslims by writing about the Prophet Mohammed and Miss World, provoking riots which leave more than 200 dead.

2005 The Serious Organised Crime and Police Act bans protest without permit within 1km of the British Parliament.

2018 Journalist Jamal Khashoggi is executed as he enters the Saudi embassy in Turkey for expressing views that were critical of Saudi Rulers. He had been in self-imposed exile from Saudi for a year prior to his death.

2020 J.K Rowling, Author of the Harry Potter Series, is 'cancelled' for her comments on Transgender identities.

2022 Comedy performances are cancelled at the Edinburgh Fringe Festival because of alleged 'unacceptable' content.

Look up other historical events related to free speech and add them to the timeline.

Do you think speech is becoming more or less free?

Athenian Democracy

The term 'Democracy' first appeared in ancient Greek political and philosophical thought in classical Athens. The word comes from *demos*-people and *kratos*- rule/power.

In 508-507BC a political reformer called **Cleisthenes**, often called the father of Athenian Democracy, made changes to the political system in Athens that are widely considered to be the first steps towards the democratic state, though he himself did not refer to his reforms as democracy. Some of these reforms were:

- Reorganising the traditional tribe structure in favour of a system that grouped people by where they lived- their *deme*. This undermined the power of the old elites and ensured that each tribe had representatives from different regions (the city, inland, and the coast).
- Introducing random selection of administrative and judicial officials rather than people inheriting positions.
- Increasing numbers (from 400-500) and therefore representation on the *Boule*- the council, which prepared business for the *Ekklesia*- the assembly where any adult male citizen* could speak and vote on matters of state.
- He may also have introduced Ostracism (see section 3) though this was not used until a later date.



Figure 1. Nineteenth-century painting by Philipp Foltz depicting the Athenian politician Pericles delivering a speech in front of the Assembly.

Athenian democracy took the form of 'direct democracy' which is different from the type of democracy that we have today- 'representative democracy' where we elect officials to govern on our behalf. Athenian democracy was direct in the sense that decisions were made by the people gathered in the *Ekklesia*, and also that the people via the *Ekklesia*, *Boule* and *Dikasteria*- law courts, controlled the entire political process and a large proportion of citizens were involved in public business.

*Athenian citizenship excluded women, slaves, foreigners, and youths below the age of military service. Approximately, only 1 in 4 residents in Athens qualified as citizens.

How does modern Democracy compare to Ancient Athenian Democracy? Create a table comparing the two systems. Which system do you think is better and why?

Try having a debate in the style of modern democracy and then Athenian democracy. In the first debate one person is chosen to represent each side and debate the issue, in the second debate, like in the Athenian Assembly, anyone is allowed to pitch in. What was different about the debates? Which worked better? What did you like and dislike about each system?

Other forms of government and their Greek origin words

Aristocracy- aristos-best and kratos- rule/power, rule of the “best”/ an elite class.

Monarchy- Mono- one and arkhe- rule

Oligarchy- Oligoi- few and arkhe-rule

Try forming your own words for new types of government. Look up the Greek words for who you want to rule then combine it with one of the endings above. *For example, rule by horses (hippos) could be hippocracy or hipparchy!*

Some prompts: rule by women, rule by tall people, rule by trees, rule by birds etc.

Ostracism

Ostracism was an Athenian democratic procedure in which any citizen could be expelled from the city-state of Athens for ten years. It was designed as a way of minimising threats to the state by those who were potential tyrants, though some people were ostracised for other more mundane reasons.

The name is derived from the pottery shards that were used as voting tokens, called ostraka in Greek. Broken pottery was abundant in Ancient Athens and virtually free, so it served as a kind of scrap paper. The words "ostracism" and "ostracise" continue to be used to describe social exclusion in English today.

Each year the Athenians were asked in the assembly whether they wished to hold an ostracism. If they voted "yes", then an ostracism would be held two months later. Citizens would then inscribe a potsherd with the name of the person they wanted to be banished. If they were unable to do so, for example if they were illiterate, they could have a scribe do this for them. The Boule supervised this process that took place in the Athenian Agora- a market place/square. The person who received the most votes would be banished for 10 years! The person who was ostracised had 10 days to leave and returning to the city was punishable by death.

However, the person who was ostracised still retained his property and status, and after his 10 years away would be allowed to return with no issues. It was also in the power of the assembly to recall people from ostracism early. This typically happened in times of war when they felt it necessary to recall competent generals and leaders.

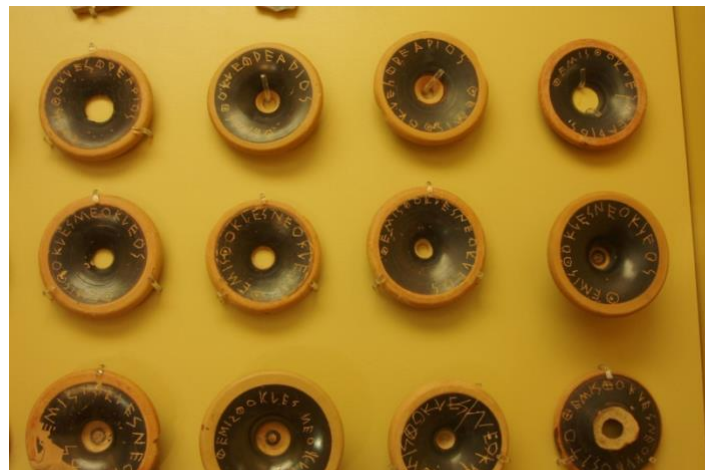


Figure 2. Ostraka from 482 BC voting in favour of ostracizing Themistocles

Try making Ostraka, with potsherds, if possible, if not then on scrap paper.

Try writing your name in Greek (for detailed guidance on this use this [CREWS sheet](#))

Aristides was the general in Athens and in 482 he was Ostracised. This is particularly interesting because he was known as 'Aristides The Just' as he was a very fair person- not necessarily the sort of person that you'd expect to be ostracised. Historians tend to agree that he was likely to have been ostracised for opposing the policies of Themistocles (another prominent politician of the time), which the people wanted to support.

Plutarch tells the following story about the ostracism of Aristides:

"As the voters were inscribing their ostraka, an illiterate country man handed his ostrakon to Aristides, who he thought was just another member of the crows, and asked him to write Aristides on it. Aristides was shocked and asked the man what Aristides had done wrong. 'Nothing at all,' was the answer, 'I don't even know him, but I am tired of hearing him everywhere called 'The Just.'" On hearing this, Aristides made no answer, but wrote his name on the ostrakon and handed it back" – Plutarch Aristides 7

The story, whether it is true or not, is supposed to show us how fair-minded Aristides was but it also tells us some interesting things about ostracism.

Can you think of any celebrities that you would like to ostracise? Why would you want to get rid of them?

Think about the following questions:

Is either reason for ostracising Aristides in line with the principles of ostracism?

Is everyone who votes for someone to be ostracised doing it for the same reason?

Is everyone who votes for someone to be ostracised doing it for a sensible/reasonable reason? (were you fair in the reason you gave to ostracise your chosen celebrity?)

Was Aristides right to write his own name as the man asked?

Do you think there should there have been further restrictions to being able to vote in an ostracism?

Mary makes the argument that ostracism is like cancel culture. Do you agree with her? Write out reasons why they are similar and reasons why they are different. TOP TIP Alex mentions some reasons why they are different in the film.

Aside from being ostracised people in ancient Athens could also be in exile for other reasons. They could be in self-imposed exile or exile could be the legal punishment for breaking the law.

Thucydides, was an Athenian general and historian. He was in exile because he was blamed for the military loss of a city called Amphipolis to the Spartans. In his history of the Peloponnesian Wars* he presents his exile as a good thing:

"I lived through the whole of [the war], being of an age to comprehend events, and giving my attention to them in order to know the exact truth about them. It was also my fate to be an

exile from my country for twenty years after my command at Amphipolis; and being present with both parties, particularly with the Peloponnesians by reason of my exile, I had leisure to observe affairs somewhat uniquely.”

What are the positives and negatives of him being in exile from Athens in relation to him writing a history of the Peloponnesian Wars?

Thucydides seems to imply that being in exile gave him a more unbiased view of the conflict- do you think this is likely?

If someone is labelled “an exile” how does that effect your view of them and/or anything they write.

*The Peloponnesian Wars were a series of conflicts between the Greek states of Athens and Sparta (+many of the Peloponnesian states)

Other historical “exiles”

- Seneca
- Vladimir Lenin
- Napoleon Bonaparte
- Dali Lama
- Bertolt Brecht

Research these figures and the reasons for their exiles. What type of exile were they in? How does this change your opinion of them? How do you think people in their contemporary societies saw/see them

Socrates

Socrates was an Athenian philosopher who is credited as the founder of Western philosophy. He doesn't leave any writings and is known mainly through the works of his students Plato and Xenophon. These accounts are written as dialogues, in which Socrates and various others examine a subject in the style of question and answer.

Contradictory accounts of Socrates and his philosophy make it difficult to reconstruct his beliefs. This is often referred to as the Socratic problem.

Socrates was a controversial figure in Athenian society. In 399 BC, he was accused of impiety and corrupting the youth. After a trial that lasted only one day, he was sentenced to death, which was a punishment that he chose himself. He spent his last day in prison, refusing offers to help him escape.

So what exactly was he being accused of?

Meletus, the person who brought Socrates to court, claimed that Socrates's irreverence resulted in the corruption of the city's young men (Euthyphro 3c-d). Evidence for his irreverence was of two types:

1. Socrates did not believe in the gods of the Athenians- he had said on many occasions that the gods do not lie or do other wicked things, whereas the Olympian gods of the poets and the city were quarrelsome and vindictive.
2. Socrates introduced new divinities- he insisted that a *daimonion*- personal god had spoken to him since childhood

These were serious accusations as religion was a fundamental part of Athenian life and the law regulated participation. Because he was often in conversation with the young men of Athens, the fact that he voiced these opinions had the potential to influence them away from the official religion of the state.



Figure 3. *The Death of Socrates*, by Jacques-Louis David (1787). Socrates was visited by friends in his last night at prison. His discussion with them gave rise to Plato's *Crito* and *Phaedo*.

But was this the only reason for putting him on trial?

Another reason for the Athenians wanting to put Socrates on trial was that they may have considered him a threat to Democracy. At the end of the Peloponnesian war (404BC) an oligarchy was established in Athens. The Oligarchs are referred to as the Thirty Tyrants and their 8-month rule was characterised by harsh governance, including the killing and exiling of many pro-democratic citizens. Because Socrates was not harmed by the oligarchs, and indeed several of his students were closely aligned with the regime, people tend to assume that he was anti-democracy.

However, he actually failed to align himself politically with oligarchs or democrats; rather, he had friends and enemies among both, and he supported and opposed actions of both.

Try using the Socratic method on your friends. Here's how:

Socrates' method works by asking and answering questions. The point is to clarify someone's position, and then to consider the implications of their view, perhaps asking about other things they believe, and then to see if these are consistent.

What do their *key terms* mean? Clarifying a position involves the giving and taking of reasons for a claim. Why does someone think X? Explain your reasoning and what has led you to believe that X? Once a position is clarified in this way, you can see that the person's belief also involves some other beliefs and presuppositions.

You can then use these to challenge and test the original proposal. The person might then reformulate their position, to take account of challenges.

Keep going and testing the original belief, by seeing whether it is consistent with other beliefs the person holds.

A set of statements are consistent if they can all be true at the same time.

Here is an example from Plato's Euthyphro:

Euthyphro claims that piety is loved by the gods. Socrates asks for clarification and it turns out that Euthyphro also believes that the gods sometimes disagree: what is loved by one god is hated by another. On this view, then, it turns out that what is loved by one god is hated by another; so piety cannot be what the gods love, for one and the same thing/action can be both god-hated and god-loved.

Euthyphro then reformulates his definition so that piety is what is loved by ALL the gods, to take account of this challenge.

Socrates raises a further challenge, which again clarifies Euthyphro's position. If something is pious because it is being loved, then things are pious because the gods love them. That implies that actions and people are not pious all on their own independently of the god's love; they are pious because of the way the gods treat them.

Socrates asks Euthyphro whether he accepts this. Euthyphro does.

Socrates then tries to show that Euthyphro cannot accept this because it is not consistent with other beliefs he holds - namely that the gods love pious actions because they have the independent nature of being pious. Pious things have something lovable about them and it is this feature that elicits the god's love.

So, Euthyphro has made claims that are inconsistent. On the one hand, he claims that things are pious because the gods love them; on the other that the gods love them because they are pious. These cannot both be true.

Need more guidance? Try [this resource](#).

Martin Luther King and Socrates

Two thousand years after Socrates was imprisoned and put to death, Martin Luther King Jr. also found himself in a cell. In 1963 King was arrested in Birmingham, Alabama, after participating in several sit-ins and nonviolent demonstrations. During his time in jail, King wrote an open letter discussing the need for nonviolent resistance and civil disobedience- it is known as *The Letter From Birmingham Jail* and would become an important work for the American civil rights movement.

The letter outlines how the use of nonviolent protest must be implemented to bring about lasting and fundamental change to systems of racial inequality. He says that active refusal to follow unjust laws is necessary for social activists and any individual who believes in justice and human dignity.



Figure 4. Martin Luther King, 1964

A key point of non-violent civil disobedience (demonstrated by Socrates and Martin Luther King Jr.) is that one must not do people harm even if people have wronged you. This is called the principle of non-retaliation and is important because MLK considered it to be the root of all justice and fairness.

And yet they still both followed the laws and accepted the consequences of their civil disobedience. Socrates accepted his execution and King spent time in a jail for holding a peaceful demonstration. By suffering punishments, the unfairness of society is highlighted in the hope that we can show these problems to others who can bring about change, without undermining the community by creating anarchy or general disregard for the law.

King directly mentions Socrates in his Letter several times. Here is one example:

“Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.”

– Martin Luther King, Letter From Birmingham Jail

Why do you think Martin Luther King thought Socrates was a good person to refer to in his letter?

Does Martin Luther King’s use of Socrates change your opinion of either of them at all? Why?

Do you think non-violent protest does a similar thing to Socrates’ methods? Why/Why not?

Do you think non-violent civil disobedience is effective? Are other methods of protest better or more effective?

Do you think accepting punishment for civil disobedience is ‘justice’?

Imagine you are Martin Luther King in prison for non-violent protest- write a letter to explain your motivations.

Write down the arguments for and against Socrates from the film.
Do you think Socrates should have been punished for what he did?
Imagine you are Socrates. Write a speech in your defence.

Free speech and Comedy in the Ancient World

We have spoken to a modern comedian about free speech, but what was it like to do comedy in the ancient world and were there similar concerns about free speech?



Figure 5. Theatre mask 2nd-century BC.

In Athens there was a strong tradition of comedic plays. The most famous comedic playwright was called Aristophanes and he was known to make jokes about prominent figures in Athens at the time- including Socrates!

There are several times when the issue of freedom of speech is significant when it comes to the works of Aristophanes.

Plato seems to suggest that Aristophanes' presentation of Socrates in *The Clouds*, which quite cruelly caricatured him as a thief and a fraud, was slanderous and contributed to the court's desire to condemn him for impiety. Though it is not clear that this was an influential factor in the trial, it does raise questions about the extent to which public representations of people, even in comedy, could be a serious matter.

Cleon, an Athenian general, claimed that Aristophanes' play *The Babylonians*, which sadly doesn't survive, was slander against Athens in a time of war. It is possible that the case was even brought to court. This highlights that comedy could have been considered to impact on national security, if it aroused the 'wrong' sentiment at a difficult time.

Aristophanes also caricatured Cleon in his subsequent plays, especially *The Knights* and *The Wasps*. Perhaps this is an indication that he felt quite free to speak his mind despite previous conflict over the content of his plays.

Is there anyone we shouldn't be allowed to joke about?
Does the case of Aristophanes show that the ancient Athenians had a similar understanding of free-speech and comedy, as we do today? Why do you think that?

Religion, Persecution, and Free Speech

The paganism of the ancient world- particularly ancient Greece- is often described as being quite tolerant of other religions, in contrast to the monotheistic religions of the modern world. This is because their pantheons were large and the gods worshipped in different parts of world could often be rationalised as being similar to their own. We can also call Greco-Roman religion syncretic, which means that it readily adopted different practices from different religions and cultures that it came across.

So how can we square this with ideas that Socrates was prosecuted for impiety?

Professor Paul Cartledge argues that Ancient Greeks were, instinctively religious people, who believed that their cities were protected by gods who needed to be appeased. To many, it must have seemed as if these gods were far from happy after the years of disaster leading up to 399BC, for example defeat in the Peloponnesian Wars and the harsh reign of the Thirty Tyrants. Athenians probably genuinely felt that undesirables in their midst had offended Zeus and his fellow deities.

Socrates, was an unconventional thinker who questioned the legitimacy and authority of many of the accepted gods, so he fitted that bill. Worse, he claimed to be guided by his inner *daimonon* – a term which he may have intended to mean “intuition”, but which could also be interpreted as a dark, supernatural influence inaccessible to conventional believers and practitioners.

And crucially, Professor Cartledge argues that these charges were entirely acceptable in a democracy of the Athenian type. Unlike in modern democracies, he points out, accusations were brought by amateur prosecutors before a jury of 501 ordinary citizens of “good standing” who acted on behalf of what they took to be the public interest. If the prosecution could prove that a defendant was responsible for jeopardising the public good, he was likely to be found guilty. With the gods clearly furious and more disasters perhaps just around the corner, a charge of impiety was not only appropriate, but clearly very much in the public interest.

Does this change your opinion on the trial of Socrates?
Do you think Freedom of speech should be limited by popular religion and/or morality?

Read More

Ancient Texts

For more on Athenian Democracy:

Constitution of the Athenians The Old Oligarch.

This text often attributed to Xenophon, though this is debated, the text is dated to the late 5th Century BC, during the Peloponnesian Wars. Though the author is not pro-democracy they describe the Athenian system in detail and acknowledge some benefits.

For the life, death, and trial of Socrates take a look at:

Apology Plato

Phaedo Plato

For an example of an Athenian comedy:

Wasps Aristophanes

In this play Aristophanes critiques the judicial system and prominent politicians.