

Free Speech in the USSR and in the US

by [Lev Tsitrin](#) (August 2022)



Subway Exit, O. Louis Guglielmi, 1946

Those who think that the rough treatment of dissidents in the

former USSR proves that the country did not have free speech should think again. Consider this—taken straight from the [“Stalin’s Constitution”](#) of 1936.

ARTICLE 125. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

1. freedom of speech;
2. freedom of the press;
3. freedom of assembly, including the holding of mass meetings;
4. freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

Those same rights, expanded to newer technologies—radio and TV—were retained verbatim in the [Soviet Constitution of 1977](#).

Article 50. In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations.

Exercise of these political freedoms is ensured by putting public buildings, streets and squares at the disposal of the working people and their organisations, by broad dissemination of information, and by the opportunity to use the press, television, and radio.

So who says that there was no free speech in the Soviet Union?

The answer to this is well-known. Those rights were

unenforceable, a mere dead letter serving propaganda purposes. Soviet judiciary was not independent, and deaf to appeals to the law. Besides, judges could declare unapproved speech to be counter to “the interests of the people” and “the socialist system” –and therefore, unprotected by the Soviet constitution. In America, the argument goes, judges have only one allegiance—to law; the First amendment guarantee of free speech applies across the board to speech from the right and to speech from the left. You need not fear a revenge from the state for speaking up.

I will laugh off the allegiance of American judges to the law, but I will agree with the (non-)consequences of speaking up. Sure, getting “cancelled” –that is, locked out of on-line platforms like Twitter is unpleasant—but it is not government’s action (Constitution applies only to government, not to private companies like Twitter). As far as US government is concerned, all speech is OK. An American will not wind up in exile for speaking up (as happened to Soviet nuclear scientist and famous dissident Andrey Sakharov), and will not be sent to prison (as happened to so many lesser Soviet luminaries who lacked the relative protection offered by Sakharov’s fame and status).

Unlike the USSR, in the US the “consequences” part of speaking up is not a problem—you can get away with anything you managed to say. But like in the USSR, managing to say what you wish to say is a real problem. Getting yourself heard is what’s hard.

To get heard, Soviet dissidents developed what they called “samizdat” –literally translated, “self-publishing.” Works that could not be published through the government-owned outlets were clandestinely typed up in multiple copies—using up to nine layers of carbon paper, I heard—by the brave typists (every typewriter in the USSR had to be registered with the KGB, so typing up “samizdat” literature was a very risky proposition, and some brave young ladies wound up in prison for doing it), and the typed sheets were given to

friends to read, and to pass to reliable others; they were retyped down the line, thus increasing the "publication run," so to speak.

In the US, contents is no barrier to publication, so no such heroism is needed. But this does not mean that everything gets published. Far from that indeed. Publishers operate within their circle of friends; many reject outsider submissions outright. Some publish only the books they commission. And—just as their Soviet counterparts routinely did—they get cold feet when faced with sensitive subject matter—and what is "sensitive" changes with the passage of time, of course (for instance Islam, that was routinely treated in mainstream literature as a militant religion, became on 9/11 a "religion of peace," and addressing it in the pre-9/11 way became, for any mainstream publisher, an absolute no-no. Nowadays, rethinking the value and validity of race-related classics like *To Kill a Mockingbird* is all the rage. Gender-related books have to be treated with particular care too, so as not to offend.)

So how does an author whose ideas are unpalatable to a "polite society" publish his work? Big publishers won't take it up. For one, it makes zero business sense—there is enough perfectly bland, uncontroversial stuff from which to make a living. Looking for a publisher who is brave enough could take a very long time—and success is by no means assured. So the best, most logical option is the do-it-yourself "samizdat." After all, in the US you can print anything you want no matter how controversial it is, excepting perhaps the bomb-making instructions, so self-publishing seems both proper and easy.

But printing a book is one thing; getting it to the market and in front of readers' eyeballs is a different matter entirely. Speech has two endpoints—the speaker and the audience. Without the audience, a book fails its purpose of communicating its author's message—and, for that matter, it fails as a commercial product. The access to a reader is critical.

Corporate publishers understand this perfectly well—and they do all they can to make it well-nigh impossible for a “samizdat” outsider to get into the mainstream marketplace of libraries and bookstores, competing for their dollars. And they enlisted the government as a gatekeeper to the so-called “the marketplace of ideas” –creating in the US a situation that is by no means dissimilar from that in the former USSR.

For a book to become visible to nation’s libraries and bookstores (and thus to have a chance to be ordered), it needs government services—and the government expressly denies those services to American “samizdat.” Of course, the Soviet “samizdat” was lauded to the skies in the West as courageous and creative, as the best that USSR’s literary scene had to offer, as the very epitome of free expression—because it dispensed with the blandness of mandatory “Socialist realism” of official Soviet literature. Is American “samizdat” that dispenses with the equally bland culture of “political correctness” any less courageous, any less refreshing, or any less creative than the Soviet one? No one cares to give an answer, but the Library of Congress’ key to the mainstream marketplace of ideas—the subject matter keywords it assigns to the upcoming books, by which libraries and bookstores find and order books, is reserved for the corporate publishers alone—and the [rules](#) are very strict. Only corporations need apply; “samizdat” is expressly blocked: “Every publisher/imprint must have already published a minimum of three titles by three different authors. All three titles must have been acquired by at least 1,000 U.S. libraries, either in print or e-book format. CIP Program staff search in WorldCat to determine how many libraries hold a copy of the titles. Authors and editors who pay for or subsidize publication of their own works are ineligible for the CIP Program.” “Samizdat” that was lionized when practiced in the USSR, exemplifying the noble ideal of free expression, has become—when used in the US—sufficiently uncool to be blocked by US government. Not violently blocked, to be sure—but

blocked nonetheless, the volume of “samizdat” speech being turned down to an almost inaudible whisper, its reach nearly nil.

This turns the creative process that is book-making on its head. A mere middleman—an editor—becomes a big hero for daring to publish a book, rather than the author for conceiving and writing it. Novelist Colm Tóibín, quoted in the *Publishers Weekly* [piece](#) titled “*How Free Is Free Expression?*” speculates that ‘he “couldn’t see” two classics—Thomas Mann’s novella *Death in Venice* and Vladimir Nabokov’s *Lolita*—“being published today. They’d be too problematic.” But why? Could they be *written* today? Of course. Hence, in Colm Tóibín’s opinion, today’s publishers wouldn’t agree to publish those books.

If things were normal, their refusal wouldn’t matter: books would get published simply because the author had something to say, and not because some middleman-editor kindly agreed to undertake to exercise the author’s free speech rights on the author’s behalf—which is a bizarrely perverse situation that obtains in today’s US where the author’s free speech has to be exercised by another party—a publisher, the author not being in possession of his rights. In the normal world, Thomas Mann and Vladimir Nabokov (and anyone else, for that matter) would publish their books themselves—and lose nothing by the absence of a third-party middleman-publisher. But that natural, direct transmission of art and ideas from the author to the reader inherent in “samizdat” is interrupted by a government-mandated need for a middleman. Like a licenser in Milton’s *Areopagitica*, the government-enforced corporate editor is a “judge to sit upon the birth, or death of books.” Milton’s ideal of free, unlicensed speech that existed for two millennia before Milton, to judge by the quote from Euripides with which he prefaced his magisterial defense of free speech from four centuries ago,

*This is true Liberty when free born men
Having to advise the public may speak free,*

*Which he who can, and will, deserves high praise,
Who neither can nor will, may hold his peace;
What can be juster in a State than this?*

is dead in the water. There are many who "can and will" "advise the public," but allowing them to "speak free" –that is, speak out of their own mouths directly into public's ear—is not deemed desirable by the powers that be—be they in the US, or in the USSR. Both governments try hard to ensure that the censor does his work first, so what reaches the public is sufficiently bland and innocuous to be socially acceptable. Just as in the USSR, in the US "samizdat" is not welcome, for all the noise about free speech.

The methods of speech control practiced in two countries are, of course, very different. In USSR, undesired speech was put, so to speak, into handcuffs of steel, "samizdat," its authors, and distributors were roughed and manhandled. In the US, those handcuffs are much softer, having been made of, figuratively speaking, rubber that is soft enough to allow some movement. Authors can still type up their words—but those words won't get very far, the privilege of full-throated speech being reserved by the US government for the corporate middlemen-publishers.

This kindlier and gentler handling of undesired speech proved to be wise. USSR's rough methods backfired, resulting in public's mistrust (if not near-contempt) for the officially-published product, and in glorification of "samizdat" by the intelligentsia as the only truly genuine article in the "marketplace of ideas." American gentleness, which ostensibly permits an individual to speak while reducing the range of that speech to near-zero, reserving the big-audience, big-bucks mainstream conversation for corporate-publisher resulted in a misguided view that in the US one can actually speak freely, and that the adequate distillation of whatever is worthwhile in American public discourse is indeed getting put into books by the corporate middlemen—so American "samizdat"

is worthless, and should be sidelined and ignored.

This is utter baloney. Corporations are—as is to be expected—playing it safe. Having plenty of submissions, and knowing full well that, courtesy of the government, the “samizdat” outsider has been pushed out of competition, they can easily afford to make a good living off ho-hum stuff coming in via the network of friends and friends of friends. So the end result is that whatever is placed on American library and bookstore shelves is not particularly earth-shaking, and is not very enlightening. This is hardly different from the Soviet bookstores and libraries. Whether book publishing is controlled by the government (as it was in the USSR), or by the corporations that are aided by the government via an undisguised act of crony capitalism (as is the case of the US), the outcome is similar: “free speech,” while loudly and proudly trumpeted in respective constitutions, takes a back seat and is ignored—presumably for the greater good: that of Communism in the case of the USSR, or, in the US, of avoidance of “discomfort” for those who are too sensitive. The difference is that of approach—the USSR not only made it extremely difficult to speak, but brutally punished those who managed to do so through “samizdat,” while the US takes a different tack—it still makes it extremely difficult to speak, but trivializes and marginalizes the resulting “samizdat” so as to make it easy to block it. But similarity in goals and in results remains: there is no disagreement that when it comes to perceived “greater good,” free speech that is epitomized in “samizdat” can—and should—be suppressed. In their mistrust of free speech, both the US and the USSR ultimately converge.

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Lev Tsitrin is an attorney and founder of Coalition Against Judicial Fraud. He has been published in *New English Review*, [Jerusalem Post](#), [American Thinker](#), [The American Spectator](#), [The Jewish Voice \(New York\)](#), and [Attorney at Law Magazine](#). He notes that while Physics is by no means his forte, he was moved to those thoughts after reading a bio of Niels Bohr, the founder of quantum mechanics. One thing he learned from it, is that crazy thoughts should not be instantly dismissed, for they may not be crazy. Isn't that a reasonable excuse to articulate some?

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