

Impacts of technology on civil liberties



The Impact of the Widespread Use of Information and Communication Technologies on Civil Liberties

Abstract

Advances in information and communication technologies have presented new opportunities and problems for the society. The opportunities that have become obvious with regard to the application of these technologies include meeting the changing demands of the public for enhanced service delivery, an ability to communicate instantaneously over vast distances and being able to store or retrieve vast amounts of information as well as being able to interact with a large number of individuals or organisations by providing them with information over the internet etc. However, these new developments often leave the public sector actors confused because they are often bound by legacy values and outdated socio – economic morality. As democratic societies debate the ethics of the new situation with which they have been confronted, a potential exists for the occurrence of a large number of cases involving a serious misunderstanding of computers and computer based communication with implications for civil liberties in a society. Such misunderstandings can mean that a large number of individuals may have their privacy encroached upon, their computing equipment seized and their lives hampered for no real reason. Although governments do have a duty to ensure that various actors are not indulging in activities that are harmful to the society as a whole or to members of a society, it is also important that innocent individuals are not maligned. Information and communication technologies have placed an awesome power in the hands of those who have the imagination to dream up new uses for such technologies and lawmakers have to some how balance the rights of

the individuals and those of the society as a whole. This brief essay takes a look at some of the implications of the widespread use of information and communications technologies on civil liberties.

Contents (Jump to)

Introduction

Advances in Technology Provide a Wider Range of Options on Civil Liberties

Conclusions

Bibliography/References

Introduction

Civil liberties refer to the freedoms that are enjoyed by the citizens of a state without interference from governments. Examples of civil liberties include freedom of assembly, freedom of speech, freedom of religion, right to privacy, right to self defence and the right of due process in law as well as the right to a fair trial by a competent court(Wikipedia, 2006, Civil Liberties).

The previously mentioned freedoms and rights are usually granted to citizens by virtue of legal enactments that have been written into the laws of a country, including its constitution. The constitutions of various states provide a varying degree of emphasis to civil liberties that can be enjoyed by citizens, but nearly all countries of the world today do offer some degree of protection against interference by a government or others in the lives of a private citizen. As an example, the Australian Constitution guarantees freedom of religion, the South Korean Constitution requires that the government protect the privacy as well as dignity of its citizens and the

Constitution of the United States of America, through the first ten amendments that are called the Bill of Rights, requires that the government guarantee freedom of speech, freedom of press, freedom of assembly, freedom of religious worship, the right to bear arms, prevent search and seizure without just cause, cruel and unusual punishment and self – incrimination as well as ensuring that a citizen is provided the rights to due process and a fair trial by an impartial jury. Any powers related to civil liberties or human rights that have not been explicitly granted to the Federal government in the United States Constitution are reserved by the citizens or the States of the Union. Although the United Kingdom lacks a codified constitution, this country along with many European countries are signatories to the European Convention on Human Rights, which stipulates the standards related to civil liberties and human rights in European countries that are signatory to this instrument. The Human Rights Act of the United Kingdom has been the vehicle for incorporation of many of the European Convention rights into United Kingdom law (Answers. com, 2006, “Civil Liberties”). Thus, many countries around the world have laws that extend guarantees associated with civil liberties to its citizens.

Proliferation of computers, information technology and communications in the present pervasive computing age has made it very convenient to maintain records related to persons and to indulge in surveillance as well as identification of individuals. Maintaining detailed records about all aspects of an individual’s private life, rapid searching and retrieval of information related to an individual, tapping of phone conversations and identification of suspicious communications from keywords as well as relatively foolproof

identification of individuals from fingerprints or other biometric signatures such as dental records, DNA or the unique patterns of the iris and the transmission of very detailed records over vast distances in an instant are now quite possible(Akdeniz, 2001, Pp. 1 – 10),(Ashbourn, 2006, Pp. 1 – 20)and(Hassan, 2004, Pp. 1 – 7). It is, therefore, possible for a state or other vested interests to defame and abuse or try to take advantage of individuals as well as to deny them opportunities or to malign them in many ways through the power of information that can be manipulated by technology.

This brief essay takes a look at the impact of the widespread use of information and communication technologies on civil liberties in a society.

Advances in Technology Provide a Wider Range of Options on Civil Liberties

Whereas the menace of international terror and the activities associated with organised crime have meant that governments do have a duty to be vigilant about the safety and security of its citizens and the nation, it is also important that a state, its functionaries or other powerful or mischievous interests in a society desist, or be prevented from undue interference in the private activities of an individual(Greenberg, 2004, Pp. 165 – 168). Such interference may have an appeal for many who may want to try and take undue advantage of information about a citizen that can be readily gathered, stored, transmitted and analysed using the new information and communication technologies. However, technology not only provides a potential for abuse, but it also provides benefits and enhanced safety for all in a society(Campbell, 1998, “ The Social Impact of New Communications Technologies”). Thus, the advent of technology has given a society and

individual members of a society a greater power and a lot more options about what can be done to gather detailed information about an individual and to use such information in a number of ways by making it known to others. However, protecting civil liberties requires that such powers be controlled and that the gathering or release of information about individuals be restrained, unless sanctioned by competent and responsible members of a society in the wider interests of other members of the society, so that an individual is not unduly disadvantaged, threatened, abused or taken advantage of by the state or other vested interests in the society. The protection of civil liberties is essential for the evolution and development of an individual's personality as well as for the protection of any advantages that may have been made available to an individual through their ingenuity, hard work, force of circumstance, manipulations by nature or as a result of a gift from the Divine (Tabata, 2006, Pp. 10 – 20 and 79 – 80), (De Boni, 2001, Pp. 1 – 3) and (Hutson, 2005, Pp. 7). However, it is equally important to safeguard the interests of all members of a society so that the activities of individuals or a group of individuals do not have a destructive impact on others (Lau, 2002, Pp. 1 – 3). Technology has, therefore, provided a greater number of options to a society about the values that it may want to maintain.

It is obvious that advances in technology do make it possible for the government of a nation, or other vested interests, such as private telecommunication companies or ISP providers etc, to take advantage of these advances in order to either liberate or to oppress the masses. Thus, the society is presented with choices and depending on what the interested

powers want, a balance is struck between what may amount to oppression and what may be considered to be the legitimate authority of the state or others to protect their interests. Debates about civil liberties have always been carried out in democratic societies, even though such debates may have been discouraged or censored in the more authoritarian countries(American Civil Liberties Union, ACLU, 2000, “ Letter to the Senate on Legislation to Increase Law Enforcement Electronic Surveillance”). The more advanced nations have attempted to promote universal standards associated with civil liberties and human rights, but despite such efforts, what is acceptable as public law varies from one country to the other(Statewatch, 2006, “ Current Lead Stories”). A dictatorial regime in a third world country will not feel any remorse about using all the technology at its disposal to neutralise its opponents or to repress the masses. However, in the more developed world, civil rights groups, public interest groups, the judiciary, business interests and various branches of the government come to some sort of an agreement about how the civil liberties of citizens ought to be protected and what can be considered to be acceptable conduct on the part of the government and other interests. Certainly, the widespread use of information and communications technologies has provided greater opportunities to abuse the civil rights of individuals(Taylor, 2001, “ The Council of Europe Cyber crime Convention: a civil liberties perspective”). However, the previously mentioned technologies can also be used to safeguard civil liberties, educate the masses and provide better service to the community.

In the United Kingdom, a very substantial increase in the number of phone tapping warrants has been observed in recent years and although this can be attributed to the war against global terrorism and organised crime, it has to be appreciated that no one can intercept private communications in the United Kingdom without a judicial warrant(Akdinez, 2001, Pp. 1 – 5).

Disclosure of any data that is considered to be private is also an offence against the Regulation of Investigatory Powers Act 2000. Although the use of covert human intelligence gathering about suspects is not illegal under the previously mentioned Act, such activities can be challenged under the Human Rights Act. Thus, the British and European societies in general have placed a reasonably high value on the protection of civil liberties and human rights in matters that are associated with the proliferation of information and communication technologies. In the lesser developed nations, such high standards are less likely to be maintained(Waters, 1997, “

Telecommunications interception — extending the reach or maintaining the status quo?”). Surveillance is not just limited to law enforcement authorities, but in the United States such activities may also be carried out by an employer or others with a vested interest, without the consent of an employee or the individual(National Science Foundation, 1998, “ Privacy Issues”)and(Hutson, 2005, Pp. 7).

Apart from an enhanced threat of surveillance or monitoring and threats to an individual’s privacy, advances in technology have also produced new problems related to what can be done to prevent interested parties from violating the human rights of others. The awesome power of the internet makes it possible to libel anyone anonymously by writing messages about

them as web content. Also, any information that ever makes it to the web can be readily copied and distributed all over the world (Electronic Frontier Foundation, 2006, “ Free Speech”). In addition to activities that are designed to bring persons into disrepute, it is also necessary to control the so called investment companies, online gambling websites and the High Yield Investment Pools that seem to regularly rip off individuals by tantalising them with huge returns on their investment of E-Gold or other similar electronic currency (Pokerpulse. com, 2006, “ Internet gambling and the Patriot Act”). Despite warnings about financial scams that are posted on law enforcement websites by governments of the so called developed world, it appears that the regulators of the World Wide Web have little interest in ensuring that any web content is not fraudulent. It also appears that law enforcement agencies, even in the developed countries, are unable or unwilling to locate financial scam websites despite these being registered by authorised web registrants (Goldpoll. com, 2006, “ HYIP Ratings”). Not a single HYIP has ever delivered anything resembling the investment that an unsuspecting individual makes as a payback, yet these websites are operating with great impunity under the very noses of the global law enforcement agencies and regulators of the World Wide Web. Surely, civil liberties which include freedom of speech and freedom to engage in commerce do not extend to activities that are harmful to other members of the community. However, it has been observed that governments of the great democratic nations are willing to do precious little to regulate financial scams on the web, even though they have tried to control what can be posted on the web (Center for Democracy and Technology, 2006, “ Reports and Articles – CDT Sends Letter Opposing Mandatory Labelling”). Thus, many

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new problems with a potential to damage members of a society by persons or groups with a vested interest have been created by advances in information and communication technologies. Although issues related to these new problems are being debated within societies and legislation is being gradually introduced to regulate new technologies, the process seems to be too slow and cumbersome to protect many who have already been victimised. Because of the global nature of the World Wide Web and the global reach of information and communication technologies, global cooperation is essential to regulate these new technologies in an ethical manner (Brousseau, 2002, Pp. 24 – 32). However, despite a dire need for cooperation, practical results have been exceedingly slow in materialising.

Conclusions

From the previous discussion it can be concluded that the widespread use of information and communication technologies has created new opportunities as well as new dangers for the protection of civil liberties and human rights. Technology offers power which can be used to do good or to do evil and societies around the world are grappling with the issues of just how to balance civil liberties in relation to protecting the broader interests of the society at large and those of its other members. Different countries have drawn different lines in the air, but a great need exists for a global understanding of the issues involved and some sort of a global cooperation to regulate these new technologies with a global reach.

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