

Free speech in the digital world under threat?

Literature



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COMMENTARY Free Speech in the Digital World under Threat? Kirsty Hughes

We are at a moment where the digital world can go either way - it can become a space of genuine free expression, one enjoyed by ever larger numbers of people or it can become a controlled and monitored space. Like any battle for free speech and fundamental rights, governments and other major players - in this case big web companies and internet service providers - must be held to account and challenged to defend our rights. The digital world continues to open up huge opportunities for communication, interaction, sharing views and exchanging information across and within borders. It is even rather dated to say we are all our own publishers now, we can all be citizen journalists - though we are and can be. And as millions more people in the next couple of years join that digital world as the price of smart phones fall, the digital revolution is surely not over. Or is it? Are Governments Hardwired to Snoop and Censor? Kirsty Hughes

(om) is with the Index on Censorship, London, United Kingdom. The ability of both governments and big corporations to monitor the internet, to gather data on us all, to determine what we can and cannot do or see on the web is another key but less welcome part of our digital world. And censorship and surveillance of digital communications is on the rise - not only in countries such as Iran, China and Russia, but also in India, the United Kingdom (UK) and the United States (US). While China's "great firewall" and army of snoopers does its best to block a whole gamut of politically-sensitive topics and debates - sensitive that is to China's authoritarian elites - the democratic world is increasingly looking at using the technological opportunities out there, either to block content, or to monitor their own citizens. Earlier this year, Indian authorities came top

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in Google's transparency report - which shows government requests to Google to remove material and how many Google complied with - with the largest number of requests for Google to take down posts not backed by court orders.

The US and Brazil had the highest number of takedown demands backed by court orders, while in Twitter's similar transparency report, the US was the number one country demanding information on users. Google and Twitter also go along with many but not all of the requests. NOVEMBER 17, 2012 they receive - private companies playing a crucial role in determining the extent of our free speech and our privacy. Meanwhile in the UK, a draft Communications Data Bill currently being scrutinised in Parliament, would, if it became law, lead to monitoring and retention of a vast array of digital data across the entire population.

From tracking who our emails go to or come from, likewise our phone calls, to storing the data our mobiles give up on our locations or our web searches, showing what topics we are investigating, the draft UK Bill certainly deserves its popular name "a snooper's charter". Iran is also aiming to develop its own intranet that would operate in a way detached from the wider world-wide web, and so be much easier to control by state authorities. But how can India or the UK or US stand up to Iran and pressure them not to cut their citizens off from the wider digital world, if they are not fully respecting basic rights of their own citizens online?

What Is Driving the Urge to Control? Freedom of expression is a fundamental right - and without it democracies cannot function and power cannot be held to account. So why are so many governments increasingly looking at control

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of our digital lives? There are two overlapping justifications at the heart of this. Do we need protecting from being offended? Attempts to justify censorship often appeal to the protection of public order, or public morals, tackling hate speech, or promoting national security.

But unless highly limited, such censorship rapidly intrudes on open democratic debate, serious discussion, on art and entertainment, on all our communication and interaction. In the UK, a recent spate of cases indicate a deeply worrying trend towards criminalising speech – individuals have received jail sentences or community service orders for publishing sick or bad jokes online or on Twitter (or in one case for strong anti-police sentiments on a t-shirt). And while the “Innocence of Muslims” video was highly offensive to some (though not all had seen it) is it really

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EPW Economic & Political Weekly 18 COMMENTARY the job of governments to decide what is offensive or not? And if they do, and all governments between them censor all that is offensive on the web, then there will be very little left for us all to read or debate or write. We will end up in the opposite of a digital world – in a controlled and fragmented set of confined digital spaces. The other main justification governments use for controlling the digital world is in order to justify monitoring and surveillance.

We need it to tackle crime and terror, the authorities say with great urgency – the criminals are technologically leaps and bounds ahead of us. But do democracies really need to monitor and survey their entire populations just because digital technology makes it easy to do? Surely tackling crime needs a focused, targeted, intelligent approach – not a population-wide sledgehammer. And if democracies do mimic the mass snooping behaviour

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of the East German Stasi, or of today's China or Iran, then they will be undermining their own democratic systems.

Free speech does not prevail where everything is being monitored, or collected, or stored so one day it may be checked on. And while governments need to be challenged not to censor and monitor and undermine the global digital space we share, private companies have become an increasingly important part of the equation - but one less easily held to account. Facebook's users hit the one billion mark this autumn. But not only does Facebook make a lot of money out of the private and public information that the one billion share on its pages, it also sets the rules for the conversations in its space.

Fair enough you may say, so do plenty of clubs or newspapers or societies. But telephone operators do not set rules of what you can and cannot say on the phone; cafes do not ask you to sign up to what you can and cannot say at the door. And as Twitter, Google and others respond to governments' requests to take material down - or stand up to governments (as they sometimes do) and defend what has been posted - we are witnessing a major privatisation of censorship in the digital world. Can We Defend the Digital Revolution?

So have we lost the digital revolution while it is still in its infancy? Not necessarily. Some big web companies are issuing transparency reports, as Google and Twitter do, so we can all see and judge what they as companies are doing - though we cannot get that picture yet for any individual country. This is an important but partial step. Beyond this, some of the big companies, as well as many democratic governments, have made clear

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statements supporting an open, free digital space that respects human rights including the right to free expression.

And the European Union (EU) and US are currently standing up to a push from China and Russia for top-down regulation of the internet. The next summit where this battle will continue is the International Telecommunications Union (ITU) meeting in Dubai in early December. Which way will India, or Brazil, or South Africa go at that summit - with the US and EU or with China and Russia? We are at a moment where the digital world can go either way - it can become a space of genuine free expression, one enjoyed by ever larger numbers of people, or it can become a controlled and monitored space.

Like any battle for free speech and fundamental rights, governments and other major players - in this case big web companies and internet service providers - must be held to account and challenged to defend our rights. If democracies like India, the EU, the US or Brazil do not defend free speech in the digital world, and hold back from the temptation of censorship and surveillance almost at the click of a mouse, then we are on a dangerously slippery slope. It is a moment to stand up and defend our digital freedoms - for if we do not, who will?

N EW The Adivasi Question Edited By INDRA MUNSHI Depletion and destruction of forests have eroded the already fragile survival base of adivasis across the country, displacing an alarmingly large number of adivasis to make way for development projects. Many have been forced to migrate to other rural areas or cities in search of work, leading to systematic

alienation. This volume situates the issues concerning the adivasis in a historical context while discussing the challenges they face today.

The introduction examines how the loss of land and livelihood began under the British administration, making the adivasis dependent on the landlord-moneylender-trader nexus for their survival. The articles, drawn from writings of almost four decades in EPW, discuss questions of community rights and ownership, management of forests, the state's rehabilitation policies, and the Forest Rights Act and its implications. It presents diverse perspectives in the form of case studies specific to different regions and provides valuable analytical insights.

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