

Lecture- 11



What kind of free speech fights have broken out over the internet?

The way the internet developed, spontaneously and unregulated, led to many of its users to idealise its uniquely free, decentralised and democratic character. Their celebration soon turned to condemnation when big business and government colonised the internet, with the latter in particular, seeking to regulate and control its immense, potential, power.

This has led to a series of bitter disputes, particularly in America. Despite the USA's constitutional reverence of free speech, the debates surrounding free speech on the internet are fiercer and its censorship is further advanced in America than in Britain. This is probably because the US is several years ahead of Britain in terms of internet use - there are more providers, more sites and more users across the Atlantic.

The relevance of legal wrangles in the US for the internet in Britain is that their findings, like their technologies, are likely to be exported here. The internet is also such a global phenomenon that restrictions in the US obviously affect the availability of US "free speech" in Britain.

The US government first attempted to regulate the internet with the President Clinton's Communications Decency Act which, after massive protest from the civil liberty groups and online enthusiasts, was dismissed by the Supreme Court as unconstitutional in 1997.

Last autumn, Congress passed the Child Online Protection Act (COPA) which made it a crime for commercial websites to communicate material considered "harmful to minors." However, on February 2, 1999, a federal judge ruled that the law would restrict free speech in the "marketplace of ideas."

"Perhaps we do the minors of this country harm if First Amendment protections, which they will with age inherit fully, are chipped away in the name of their protection," Judge Lowell Reed ruled.

But the US courts are creating different precedents concerning internet law almost daily.

Just a day after Judge Reed's ruling in Washington, an Oregon jury awarded damages of \$107.9 million against anti-abortionists for making thinly-veiled death threats to doctors on their "Nuremberg Files" website.

This, potentially, creates a potent precedent for curtailing the threat - and the freedom - of hate speech on the internet.

Other than legislation, how else can free speech on the internet be stopped?

Another way free speech on the internet can be controlled is through industry self-regulation.

The Internet Watch Foundation (IWF) was founded in 1996, grouping the two major British ISP associations, ISPA and LINX, with the police and the government. It particularly aims to check the use of the internet to transmit illegal material, like child pornography, through encouraging the classification of internet sites.

There are many other kinds of self-regulation on the internet. ISPs often have their own regulations and conditions of use.

ISP Demon Internet has an acceptable use policy, referring to their customers' homepages. Demon users are responsible for "ensuring that the contents of these pages do not violate English law" and a producing a "clearly readable warning page before any adult material is displayed."

The anti-abortionist site, The Nuremberg Files, would not have passed Demon Internet's acceptable use policy. Its publication of lists of abortion doctors' names and addresses would have transgressed the UK's Data Protection Act, cited by Demon's conditions of use list.

Can free speech on the internet be stopped by technology?

Technology is used to censor and evade censorship, although it seems likely that censorship tools will grow in sophistication and use as legislators struggle to censor the internet.

Three of the main ways in which free speech on the internet can be curtailed are ratings, PICs and filters.

What are ratings?

Put simply, website rating is like giving films certificates. Site-developers may "rate" their sites and a family may decide to set their browsing software so it only accesses sites below a certain rating. Until recently, ratings have only existed in a fairly experimental form.

What are PICS?

In December 1997, a 200-strong internet industry group agreed to accept a common standard of labelling called PICS - the Platform for Internet Content Selection.

PICS was designed in particular to help family users prevent their children from accessing material like pornography on the internet. But PICSRules is a complex and flexible ratings language, enabling many different systems of ratings to be constructed, such as the censoring of radical political groups by an authoritarian government.

What is filtering?

But PICSRules, and the different classificatory schemes, only label sites. Filters actually cut access to sites. At present, most filters do not use PICSRules, because the technology is still quite new.

Most censoring groups and governments use automatic software agents to scan the internet, searching for clues to a sites content before they "filter" out access to these sites. Other organisations, like SurfWatch, employ teams of researchers with specialist knowledge of pornography or hate-speech to track down and ban offensive material.

Both are still somewhat clumsy. Filtering programmes have blocked access to benign sites on "Mars exploration" for instance, because the letters "s-e-x" appear consecutively in the phrase. But when PICSRules are properly allied to filters, censorship will become more searching and more subtle.

Millions of internet users in big offices, cybercafés, education institutions and libraries will use machines or ISPs which have filters installed in them. As filtering techniques become more sophisticated, this stealthy form of censorship is likely to flourish.

Increasingly it is recognised that the most effective techniques of censorship are "bottom up". In the US there have been several bills in Congress which have sought to compel institutions like schools and libraries to install filtering software on their computers.

What can you do if a site offends you?

In 1999, the EU launched an action plan, "Promoting Safer Use of the Internet", which provides for a hotline, where people can report sites which have caused offence. They stress, however, that responsibility for prosecuting and punishing those responsible for illegal content remains with national authorities.

Other than calling the law in, which may prove a large and cumbersome sledgehammer to crack a small nut, people can report offensive sites to the ISP which hosts them. As the growth of industry self-regulation shows, most of these are large corporations, anxious to be seen as respectable pillars of the responsible internet community. Given this they will act quickly to shut down offensive sites.

More maverick tactics include the use of the e-mail bomb - sending a massive amount of e-mails to a site, causing it to crash - which require technical expertise and tend to be the preserve of lonely and bitter netheads.

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Conclusion

The internet is a very important aspect of today's communication needs and people must be allowed to exercise their freedom of expression but at the same time, negative aspects of this media should be handled in a logical manner.