The Great Debate: Should we censor the Internet?

Caspar Hewett reports on the proceedings of a discussion held
on 26 November 2002 at Gateshead Civic Centre

Chair
David O'Toole

Speakers
Bill Thompson
Ruth Dixon
Avedon Carol
Chris Evans

The chair, David O'Toole, who also convened the discussion, describes himself as a technophile. He opened the proceedings by outlining how his interest in Internet censorship arose. O'Toole is an IT consultant who has worked in the industry for about sixteen years, most recently in the sphere of Internet consultancy. In that time he has become a big fan of the Internet. However, during that time he has become increasingly frustrated and fascinated by the contradictory nature of society's twin attitudes to the Internet; On the one hand it is seen as the cure to all of societies problems - not only is it expected to provide new jobs and solve economic problems but also we are told that it can provide solutions to social exclusion and now the digital divide; On the other hand it is seen as highly problematic – it is commonly supposed to be awash with pornography and to provide a home for racists and paedophiles and recently fears have been flamed that it is the place best suited for terrorist to ply their trade.

So, O'Toole asked, are we all technophobes or technophiles? He hoped that some of these points would be addressed in posing the question for the evening's discussion: Should we censor the Internet?

The chair then introduced the four speakers; Bill Thompson, Ruth Dixon, Avedon Carol and Chris Evans. Bill Thompson is a well-known freelance journalist, writer, commentator, radio broadcaster and consultant. He is a founder member of Nexus, the virtual think tank. Ruth Dixon was responsible for developing the Internet Watch Foundation (IWF) hotline from its launch in 1996. In November 1999 she was elected president of INHOPE Association which brings together Internet hotlines across Europe. She is currently an Internet Consultant specialising in Online Safety and Policy. Avedon Carol is author of *Nudes Prudes and Attitudes: Pornography and Censorship* and edited *Bad Girls and Dirty Pictures: The Challenge to Reclaim Feminism*. She is a member of Feminists Against Censorship and a former member of the executive committee of the National Council for Civil Liberties (Liberty). Dr. Chris Evans founded Internet Freedom one of the UK's leading cyber liberties campaigns in 1996 and lectures in Multimedia Computing in the School of Business and Management at London's Brunel University.

Bill Thompson thinks that we should censor the Internet. As a journalist and writer he finds it difficult to argue for censorship because he is in favour of free speech. In the case of the Internet, though, calling for it to be free of control would be against his own beliefs. Complete freedom is OK in principle but reality is different. He argued that it was time to speak out for a regulated network and to draw attention to the need for a net that can be censored. While the title of this discussion emphasised the Internet Bill Thompson said that we should ask: **"Should we censor?"**

Thomson made the point that the present model of the net distorts people's thinking; the idea of cyberspace is a myth. He thinks we should get away from the idea that the net is outside the real world. He emphasised the mundane reality that no one has an existence on-line. William Gibson invented the name Cyberspace and it has become widely used to describe the net. However, the connotations of the name are highly misleading. It is not a different space. Cyberspace is not there at all. This underpins Thompson's argument that we do not need to treat censorship of the net differently to any other media. He is not for complete freedom anyway.

Thompson's key point, then, is that a free society should be able to set limits. He gave a number of examples. First, one cannot subject a person to immediate danger even in the US, which has a constitution that guarantees freedom of speech. Second, racist hate speech is bad in the street or on a website and it is generally considered unacceptable to allow it. Third, Thompson asked, do we argue for the freedom to release viruses?

Thompson thinks that we should not be surprised that Google, criticised for censoring on the behalf of the Chinese government, operates in China according to the laws of China. We may have criticisms of Chinese censorship but China has an absolute right to its sovereignty. Any country should be able to defend its online borders.

In conclusion, Thompson drew attention to the fact that the global nature of the net does present problems. However, we can still regulate and what we really need to decide is what is acceptable and what is not.

> "In order for the enormous individual, societal and global benefits of the internet to be enhanced and fully exploited, it is essential to foster public confidence in the medium by having reasonable, workable and transparent mechanisms for tackling criminal content, and for empowering users to make and implement their own choices as to what they do and don't wish to access." **Ruth Dixon**

Ruth Dixon sees the debate as revolving around two issues. First, how you apply the law to the online environment and second, how people deal with material that isn't illegal. She argued that removing legal material from the Internet is censorship, while removing illegal material is just upholding the law.

Dixon is very upbeat about the Internet. She feels that its benefits are enormous. Shutting down the net would be terrible and there are those who call for this. For Dixon, one of the best things about the net is that it provides everyone with the opportunity to become their own publisher. It is very difficult to do this in any other way. Nothing has made this possible before. The Internet can be a level playing field for adults and children. It gives people a voice they wouldn't otherwise have. Thus, she argued, we need to conduct the debate with these benefits in mind.

On the negative side, Dixon pointed to the potential for misuse of the Internet. It can be used for criminal or harmful purposes. As a society we cannot ignore that. Thus Dixon supports regulation of the Internet. She argues that the rule of law should be upheld. Where the law is broken it needs to be enforced.

An important point for Dixon is that denying the net to children is worse than the risk of them coming across certain material. This underlies her argument for the need for regulation. She thinks we need to foster confidence in the medium, which means tackling the abuses that there are.

Dixon went on to argue for a co-regulatory framework. She thinks that it must be recognised that the Internet industry cannot possibly monitor everything on a server. If there is illegal material the Internet service provider (ISP) is advised of that material and is required to take it down, which is entirely reasonable, while to expect ISPs to identify such material themselves would be unreasonable. She made the point that this approach has worked for illegal photographs of children because the photos themselves are illegal.

With the need for these restraints in mind, Dixon argued that we should be suspicious of arguments about harmful or offensive material. These are subjective terms and it should not be up to governments or agencies to decide what we can or cannot view. It is the right of individuals to make decisions about what they do and don't see. Here Dixon raised the idea of self-regulation in the sense that there are tools to allow people to make those choices. Such tools are a good idea. For example, filters and labels provide the opportunity for freedom of expression and freedom of choice.

In conclusion Dixon re-iterated the benefits of the Internet and said that we need better education and awareness of what it can offer. The benefits are so great that it is imperative that abuses are tackled.

> "Feminists Against Censorship believes that the dangers of censorship are far too great to allow such a weapon to be given to those in power. The harms claimed for entertainment materials are overblown and for the most part based on myth and misrepresentation of research. There is no evidence that censorship protects the public, and we should be very wary of those who claim to censor for our benefit."
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> **Avedon Carol**

Avedon Carol is a strong advocate for freedom of expression. She opened by noting that there is essentially little new about the net. Technology may have changed but people have been writing letters for centuries - paper has been around for a long time! The essential difference is that there is less of a time lag with e-mail. The downside is that the feedback one gets is often poor! Similarly, she pointed out that none of the arguments about censorship are new. All of the discussions currently taking place about the Internet have been held before; about the printing press, the novel, the radio and the television each in their turn. New technology is always seen as a new threat and it is little surprise that it becomes a new excuse for arguments for censorship.

Carol pointed out that the First Amendment of the US constitution protects freedom of speech and is supposed to be absolute, yet many laws have been introduced restricting speech in the US. Here there is no First Amendment. To advocate censorship is to advocate the libel laws. Under the defamation laws you are not allowed to express your own opinion. This is too much power for government and such power is always used against the powerless.

Carol highlighted the fact that adding more technology brings more problems. For example, she gets loads of spam, especially because she is a public figure. However, she doesn't decode porn or get viruses because she uses software which is suitable to the task of filtering incoming material to her specifications. Thus, she asked, why are people complaining about all this filth on the net when they quite clearly don't have to look at it?

Chris Evans centred his introduction on the question; what is freedom of speech? He noted that there is a common confusion between speech and acts. You cannot get burnt by a cyberflame and cybersex is not sex. Without a knife the threat to stab someone is not a crime. There is a difference between saying that you do not want blacks in the country and trying to enforce it. We live in democracy which means that we accept that we need laws to stop acts, but speech is a different matter. You should be able to say what you think.

Evans thinks that the Internet has been unfairly presented as a gift to racists, pornographers and demagogues. The truth is free speech empowers Internet users. You decide if you agree with something. Free speech allows you to judge for yourself. Thus Evans would also like to redefine the question framing this debate; **"Should you be allowed to make up your own mind?"**

Evans pointed out that the net has been censored for over six years. The Internet Watch Foundation (IWF) is the body behind the removal of material from the net. IWF is backed by the police and the government and is funded by industry and the EU. It removes over 5,800 items per year. Since 2001 it has openly removed legal material. Less than 5% of this material is referred to the UK police i.e. 95% of cases would not go to a court of law.

In practice most of the regulation is carried out by ISPs. If you want to publish a site you need access to an ISP. This means accepting a whole range of conditions restricting what you can publish. Most worryingly this includes anything considered to be causing annoyance or inconvenience. This is what the industry refers to as self regulation and it is worse than old-style state censorship. Unlike the courts, there is no need to prepare a case for the prosecution, there is no defence, there is no public discussion since the ISPs do not have to tell the public why sites have been removed, there is no jury and no process of appeal or redress. Most revealingly, self regulation or co-regulation includes the removal of legal material and hate speech.

In conclusion Evans argued that self regulation is undemocratic and a highly misleading term since it does not include the self but rather hands over excessive control to the ISPs. Finally, he emphasised that free speech is a universal democratic right – you either have it or you don't.

Discussion from the floor began with a question about the relationship between thought and deed. It is clear that we are not born with all our dispositions and it was suggested that images that we are exposed to could have an effect on our development, in particular the way that sexual desires are formed. Chris Evans agreed that there was a relationship between thought and deed. As a political activist, he is often arguing FOR acts but there is still a difference between the two. Human beings reflect on what is being said to them and decide whether to act. They weigh things up and make judgements. This ability is part of what makes us human.

In contrast, Ruth Dixon argued that images perpetuate abuse. She sees investigating images as important and thinks that details of certain images should be passed on to law enforcement agencies. However, when the point was raised about child pornography being an emotive issue which is often used to argue for broader censorship, Dixon emphasised that we must guard against the use of this argument.

All the speakers agreed that the best way to deal with something that you disagree with was to argue against it.

Avedon Carol argued that stopping free speech encourages racist views, if you don't hear all the arguments there is no reason for you not to believe anything that you're told. She also made the point that often it is the things that offend us the most that open our eyes. She despaired at the way that the obscenity laws are used over and over again to restrict free speech. She also pointed out that the defamation laws in this country allow the rich and powerful to use the law to prevent publication of the truth. We are being prevented from communicating.

Chris Evans argued that we live in a climate in which people don't think that they can change society and that this is the context in which free speech comes under question. He drew attention to the trend towards regulation and against annoyance, a trend he thinks will continue to grow. The Internet is nowhere near realising its potential and imposing restrictions on annoying anyone will stifle that potential further.

Bill Thompson found Carol's lack of faith in government depressing. Governments can sometimes do right. He asked whether we should reclaim the word censorship, because of its negative connotations.

In the course of the discussion, Ruth Dixon felt under pressure to defend the Internet Watch Foundation. However, she was reluctant to do so, because she felt that it was moving away from its original remit. She agreed with the danger of self-regulation which had been raised by other speakers. However, she defended the right of ISPs to define their product as does any other company. For example, AOL sell themselves as family friendly. The sense in that she was speaking about self-regulation in her introduction was that in which one is able to filter incoming material. Regarding self-regulation in the industry, she felt that the terms and conditions imposed on users were unreasonable. What is more, they are lengthy and boring so people don't read them – they simply click on "accept". Thus she argued for the need for more accountable rules for self-regulation in the IT industry.

Avedon Carol argued that we have to use ISPs, therefore the restrictions that they impose should not hold up in court. She would prefer the government to defend us from ISPs. Carol made the point that many of the arguments for censorship rest on the idea of "doing something" - about abuse, for example. However, she argued, images of abuse upset people because they are of abuse, not because the images actually do harm. Banning images solves nothing. What is more there is a real danger that the idea of child porn is manipulated to expand the discussion of censorship.

Chris Evans made the point that there should be no reason for convicting someone merely for possessing a picture. They are "abusing no-one but themselves". He reiterated that there is a difference between act and image, and this should be recognised in relation to child porn, as with any other issue.

Bill Thompson argued that Evans' comments about images of child porn takes things out of social context. This, he felt, is unrealistic. We cannot take an absolute view on freedom of speech.

In summary, all four of the speakers were positive about the potential of the Internet and were wary of arguments for censorship, especially when it comes to the removal of legal material. Thompson and Dixon, though, felt that there is a genuine need for regulation, especially when it comes to illegal material. Carol and Evans, on the other hand, were of the view that freedom of expression needs to be defended and that people should be trusted to form their own opinions and make their own choices about what they view. The panel failed to come to a consensus, but all agreed on the importance of continuing to rehearse the arguments in public. May the debate continue . . .