COMPETING NARRATIVES OVER INTERNET FREEDOM
A reflection on the 2012 Milton Wolf Seminar by Sandra Ristovska

An underlying theme of the two days of discussion at this year’s Milton Wolf Seminar was whether and how political systems influence and/or interfere with media systems. This theme was particularly apparent in the conversations about the global struggle for internet freedom. Questions that emerged included: How do competing narratives over the definition of internet freedom play out in policy and advocacy efforts? What are the new realities of power, freedom and control in the internet age? Is there a normative framework for internet governance? Who gets to decide the norms and regulations?

Over the past few years, concern over preserving the internet’s essential attributes as a free and open means of communication has grown exponentially, fueled in part by the belief that it is and can continue to be a platform for social, political, and economic change. Government, civil society, and IT industry actors around the world grapple with issues over internet freedom. Although various actors have outlined components of internet freedom—open and decentralized, neutral and non-discriminatory, user-centric and user-controlled, abundant, global and borderless—the aspirational terms used to define internet freedom conflict with digital realities. As states like China and Iran seek to extend their regulatory authority over the internet, there is a rising anxiety among internet freedom advocates about the ramifications of a territorialized digital environment. Yet, we should remember that although free access to information enables communication and exchange of ideas, it does not automatically lead to democratization.

With internet penetration hovering around 50% in Iran, the Iranian government, for example, relies on internet and technology to spread its ideas and to promote a national narrative of regime legitimacy.1 Chinese internet censorship is old news for most people. As Rebecca MacKinnon—whose work was referenced by Seminar participants—argues in her book Consent of the Networked: The Worldwide Struggle for Internet Freedom, the Chinese government promotes “authoritarian deliberation.” China’s parliament has an “e-parliament,” a website that encourages open dialogue on a wide spectrum of topics including local corruption, financial reforms, and the controversial one-child policy. The difference between democratic and authoritarian deliberation is that in the authoritarian regime setting, the state establishes the parameters of political speech. In this sense, the authoritarian regimes—such as China and Iran to an extent—indeed have created a digital environment in which they can benefit from lively online discussions on numerous issues that are in line with the national narratives. MacKinnon, for example, explains that, while China would immediately censor an online discussion about multiparty electoral reform, it would support postings about the one-child policy since in the last couple of years the government has been modifying this policy. Hence, the central Chinese government sees

the online discussions helpful in measuring potential public reaction to upcoming policy changes. The China case highlights the existence of various definitions and policy implementations of internet freedom. Indeed, China argues that it supports its own internet democracy.

Various government, corporate, and civil society actors use both aspirational and factual terms to construct narratives that influence internet governance. These narratives make distinguishing between freedom of, via, and with the internet not only a rhetorical activity but also, perhaps, a methodological one. As academics, it is our responsibility to explore the ways in which these internet freedoms are constructed because they have important implications for media law and policy. How do we frame internet freedom on a global scale? What happens to countries where governments have figured out ways to use the Internet as a space that spreads populist discourse and supports the status quo? These are ongoing concerns for promoters of internet freedom.

The IT industry corporations that produce the technologies necessary for Internet connectivity also play a complicated role in the debate. While simultaneously opening up new communicative spaces through providing advanced networking technologies, corporations like Cisco and Nokia Siemens have been also involved in furthering governmental control of information, which in some cases has resulted in human rights abuses. For example, Nokia Siemens was accused of facilitating torture in Bahrain. Privacy International has been vocal about the danger of surveillance technologies, and Former White House Official Andrew McLaughlin calls surveillance a free expression issue.

The inconsistent narratives over internet freedom are not exclusive to the non-Western world. The principle of intermediary liability—which holds the content creator not the ISP or website host responsible—has been a source of controversy in both the United States and the European Union. Very recently, we witnessed protracted debates about three pieces of legislation: Stop Online Piracy Act (SOPA), Senate counterpart Protect IP Act (PIPA) and the Anti-Counterfeiting Trade Agreement (ACTA). SOPA and PIPA proponents argued that the bills would inhibit online copyright infringement. Opponents of the bills were vocal and organized in their assertions that minimized intermediary “gatekeeping” assists freedom of expression online and that the legislation would move the Internet towards rigorous censorship and control. They also argued that important online platforms would cease to exist if they were faced with the burden of reviewing enormous amounts of content for copyright violation. Moreover, SOPA and PIPA could become powerful and often non-transparent tools for corporate and state censorship. As described in an Electronic Frontier Foundation summary, ACTA opponents raised “concerns for consumers’ privacy and civil liberties for innovation and the free flow of information on the Internet legitimate commerce.” Legal rulings around the world have also challenged the principle of intermediary liability. In 2010, an Italian court found Google executives guilty of privacy violations after a student posted a video of the bullying of an autistic boy online. At the very least, the examples suggest that we—civil society, governments, and citizens—have yet to negotiate how best to address the issue of intermediary liability, how best to formulate regulatory responses about internet freedom, and how best to regulate
technology companies in order to ensure they are not assisting foreign governments in human rights abuses.

Many Seminar participants stressed the problems surrounding the normative framing of internet freedom, which has typically focused on freedom of expression and international human rights. Freedom of expression, as articulated by Article 19 of the International Covenant of Civil and Political Rights (ICCPR), includes the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Numerous civil society groups who advocate for free and open internet around the world, such as the Center for Democracy and Technology, have adopted it as a guiding principle. This perspective is partial because it limits the definition of the internet as a means of communication while potentially ignoring its function as a social space.

Equating offline and online human rights and freedom, therefore, is a way of broadening public understanding about internet freedom. In her well known January 2010 “Remarks on Internet Freedom,” Secretary of State Hillary Clinton asserted the United States' perspective, “the Internet is a network that magnifies the power and potential of all others. And that’s why we believe it’s crucial that its users are assured certain basic freedoms. Freedom of expression is first among them.” She later describes the “freedom to connect ... to the Internet, to websites, or to each other” as the final freedom, which recognizes the function of the Internet as a social space. Some Milton Wolf Seminar participants questioned whether the universal human rights framework could work better especially since there are inconsistencies between how Western democracies articulate online freedom of expression norms and how they implement them at home, which authoritarian governments can easily point out. Moreover, the focus on freedom of expression often overlooks the importance of freedom to connect. Regardless of whether we situate conversations about internet freedom within the international freedom of expression norms, such as the Universal Declaration of Human Rights, or the right to connect discourse, we confine the discussion to political contexts. Yet, Shanthi Kalathil in her background paper on internet freedom prepared for the Aspen Institute International Digital Economic Accords (IDEA) Project points to another critical aspect of internet freedom—which has grown in relevance but still is not widely discussed—that of economics and trade. Given the commercial implications, can and should internet censorship be treated as a trade issue?

Various concluding remarks at the Seminar stressed the critical nature of information rights. Normative regulatory responses to the protection of information rights however, are often at the heart of the tension between containment and interaction. On one hand, countries like Iran and China attempt to contain information rights within geographic nation-state boundaries. On the other hand, even vocal objections to norms such as “the right to connect” are best characterized as dialogic, an entry into a conversations. Norms can be created, modified, and changed. Therefore, governments, civil society and private sector need to keep the conversation alive.
About the Author

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Sandra Ristovska was selected as an Emerging Scholar Delegate to the 2012 Milton Wolf Seminar. She is a rising third year doctoral student at the Annenberg School for Communication at the University of Pennsylvania. As a documentary filmmaker, a former radio journalist, and an aspiring communication scholar, she thinks broadly about media narratives and their resonance locally and internationally. Specifically, her dissertation examines the historical resonance and situated nature of Romani cultural and media narratives within three different contexts—the Balkans, the European Union, and the United States. Her scholarly work has been presented at numerous conferences including the International Association for Media and Communication Research, International Communication Association, and the Society for Cinema and Media Studies. Her documentary film Kaleidoscope was a Region II finalist for Student Academy Awards. Ristovska is a recipient of 13 November- the City of Skopje Award, a prestigious award that the National Committee of the City of Skopje, Macedonia, gives to selected citizens in recognition of high achievements.

About the 2012 Milton Wolf Seminar

Launched in 2001, the Milton Wolf Seminar Series aims to deal with developing issues in diplomacy and journalism – both broadly defined. Using case studies such as Hungary, Iran, Syria, Egypt, and Tunisia, the 2012 Milton Wolf Seminar, Transitions Transformed: Ideas of Information and Democracy Post-2011 explored the evolving relationship between media and democratic transition in light of rapid technological change and the shifting structure and dynamics of the international communication system. The seminar was jointly organized by the Center for Global Communication Studies (CGCS) at the University of Pennsylvania’s Annenberg School for Communication, The American Austrian Foundation (AAF), and the Diplomatic Academy of Vienna (DA).

More information about this and previous seminars is available on the Milton Wolf Seminar website [http://global.asc.upenn.edu] and our Facebook Page [https://www.facebook.com/MiltonWolfSeminar].