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SECURITY AND DEMOCRACY

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Talk: UMC Nottingham - The Great Charter 2.0: Democracy for a Digital Age.

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Abstract: There is an increasing tendency of governments around the world to strengthen their political power in monitoring communications and censoring information. Censorship and surveillance are becoming essential components of the mechanism of security, the aim of which is to preserve the safety of the public sphere. The small pitch of today will focus on the impact of Internet censorship and surveillance on democracy. In particular I will discuss which consequences the Tories' Political Manifesto, the Snoopers' Charter and Counter-Terrorism and Security Act, have from the point of view of human rights; how these consequences will affect citizens and why this will be no security for the interest of the public, but for the interests of those in powers.

CENSORSHIP AND SURVEILLANCE

Internet is unlimited, not blocked, not censored or filtered flow of information. Internet is, for those who grew up on it and for those who helps build it, coextensive to our freedom of speech and publish. These, we consider to be fundamental rights (Assange 2012, p.127). The article 19 of the Universal Declaration of Human Rights declare that: "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". The article's aim is to guarantee freedom of speech from all forms of censorship and to favor a social organization based on respect of human rights and their decision capabilities (Williams 1981; Lyon 2014).

Censorship, on the other hand, is the thesis that certain ideas and forms of expression are threatening to both individuals and society. It affects their wellbeing, at least as defined by those contingently in power. It assumes that (i) all individuals, not just children, are vulnerable and need protection from offending material –whether pornography or radical criticism of existing political and religious authority– (ii) all individuals cannot be trusted to decide what they wish to see and read or to freely form their own opinions (iii) the public welfare's interest and security must be protected (Marx 2001, chp.2).

The main by-product of censorship is surveillance; (iii) implies that the public security, itself, is a public interest to protect; and protection flows through control. Censorship radicalizes the scope of tactical surveillance into strategical surveillance; and the state's collection of data on citizens becomes justified in term of "e-government" initiatives. Like those that, justified by school safety enhancement, measure and monitor an increased number of people, from kindergarten through university (Agar 2003; Higgs 2004; Monahan&Torres 2009). These forms of surveillance play a crucial role in the decision-making of aggregate populations and individual citizens.

Surveillance is the monitoring of people's activities and information for the purpose of influencing, managing, directing, or protecting them (Lyon 2007). If there is something as offending material, government should be able to interfere. But to interfere requires to know where it is and who is looking at it. Thus, in order for the government to protect or direct citizens, it should be at least legitimately able to look and see what's happening in their communication; and have special access to their mind, so to check if they are engaging in harmful activities. Surveillance makes this censorship efficient by adding a layer of prevention to a first layer of intervention.

Governments that support censorship and surveillance know that Internet is unlimited, not blocked, not censored or filtered flow of information; that's why they believe is dangerous. Government makes security a public priority, making room for censorship as a public service. Thus, they propose a safe use of the Internet, according to which citizens know they're monitored for their private safety, and by accepting that control, they contribute to the public security of the society, as a whole.

Today I want to argue against censorship. What I want to claim is that (iii), according to which censorship helps protecting the public interest, is wrong. In particular, that the only protection is political protection against citizens. I want to discuss this point together with some documents related or directly supported by Tories. The strategy, then, is to deny that censorship and surveillance are services for the public interest. This will be enough for this small talk.

However, I will try to push a far more controversial argument later in the discussion. What I want to do is arguing that even (i), according to which all individuals, not just children, are vulnerable and need protection from offending material, does not hold. The question is: is there such thing as negative affecting information? I tend to think, and I will try to show, that the answer is no; that there is nothing to stay safe from. Let's turn now to more urgent issues.

WHO IS SAFE?

There is value in having a safer country. Or so the British government claims. Three documents are of particular interest here. First, the Snoopers' Charter, a draft law proposed by the Home Secretary Theresa May, with the aim of increasing government control over citizens' communication. Second, The Conservative Manifesto 2015, to which most of you are already familiar with, that

specifies the political plan of conservatives' party. Last but not least, the Counter-Terrorism and Security Act 2015 which basically enforces what was already defined in the original Charter; but it also extends the consequences of the surveillance power to education, as the new Prevent Duty Guidance describes.

The 2015 Conservative manifesto claims "Keeping you and your family safe is our overriding priority", "The first duty of government is to keep you safe", "We will always do whatever is necessary to protect the British people" (Cameron 2015). So then, what is necessary?

(A) First, censorship. It is necessary to filter the negative affecting information, so to make people safe. On July 2013, Prime Minister David Cameron announced that by default pornography and other abusive material (such as suicide, alcohol and violence-related content) would be automatically filtered from the Internet by the end of 2013 (BBC 2013).

In order to suppress what Theresa May claims to be "harmful activities" of an extremist individual, which are generally defined as "threat to the functioning of democracy" or "purposive of overthrowing democracy", the charter forces whoever is claimed to be "terrorist" to contact and wait for the approval of the police for any proposed publication on the web and social media or in print (Wintour 2015).

But: censorship's filters applied to the negative information go far beyond abusive material. In the process of censoring pornographic information through the Internet it has been reported by the Open Rights Group (ORG) that there is widespread over-blocking. Filters that are used lead to the incorrect blocking of political commentaries, personal blogs, restaurants' sites and community websites. Accordingly to the last report, one on five websites are blocked by default filters (Cowburn 2014).

In regard of public censorship, the new implementation of the Snooper's charter entails interesting consequences. For instance, if I'm accused of terrorism or activities that do not promote certain values, then I'm prevented from publishing any declaration of innocence without the previous consent of the police itself.

Not all censorships rely on the same control, nor does all arise from government. Some often influence pre-publications and is rarely exposed. People self-censor all the time. This form is often defined as "censorship through consensus", a collective form of censorship that can be reached by propaganda techniques (Mathiesen 2008). For instance, if no chance of reply is given to those who are publishing, it is then better not to expose and be treated as a subversive of democracy in the first place (Wintour 2015; BBC 2015). Those who usually suffer from self-censorship do it to avoid being publicly censored in the first place.

(B) Second, surveillance. Every barrier between the government and the citizens should be removed to check what people are going to publish or with which information they are going to engage with. In the words of Cameron "we want to allow a means of communication between two people that we cannot read? ... My answer to that question is no, we must not. The first duty of any government is to keep our country and our people safe." (Killock 2015).

The Snoopers' Charter, proposed by Theresa May 2 years ago, will be on the table again. The

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charter will ban every crypto tool as a possible threat for democracy (May 2012). The charter will require Internet service providers and mobile phone companies to maintain records of each user's Internet browsing activity (including social media), email correspondence, voice calls and mobile phone messaging services for 12 months.

But: it has been shown that surveillance is ineffective in the “war on terrorism”. The mass surveillance programs are usually not helpful in discovery terrorist’s threats or at preventing attacks. As the EU Committee on Legal Affairs and Human Right claimed “mass surveillance, contrast to targeted surveillance, does not appear to have contributed to the prevention of terrorist attack.”

(C) Third, propaganda. It is necessary to defend security as a value; the next government will scrap the Human Rights Act and introduce a British Bill of Rights. This will break the formal link between British courts and the European Court of Human Rights, and make the Supreme Court the ultimate arbiter of human rights matters in the UK. With Cameron’s word “we have been a passively tolerant society. This government will turn the page on this failed approach. As the party of one nation, we will govern as one nation and bring our country together. That means actively promoting certain values against the extremization of behavior” (Cameron 2015).

But: the extremist behavior consists exactly in promoting certain values by criminalizing others. According to this view the production of negative information should be banned. But the Snoopers’ Charter is extremely vague on what this negative information consists of. It has, nonetheless, interesting applications. The British government presented the guidance for its “Prevent” scheme for education, which aims to stop young people from being exposed to dangerous ideas. The scheme is anticipated and discussed in the Counter-Terrorism and Security Act, as well in other former educational scheme (May, T. & Bates 2015a). With the exception of Oxford and Cambridge, students should not be exposed to idea that are in “active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual tolerance of different faiths and beliefs.”.(May, T. & Bates 2015b) Both higher and further education institutions are subject to the duties of the scheme (Jamdar 2015).

As far as I’m concerned here as Phd in philosophy, political philosophy is now declared as illegal. After all, am I not exposing my students to dangerous ideas when it comes to discuss totalitarianism?

Governments that support censorship and surveillance know that Internet is unlimited, not blocked, not censored or filtered flow of information; that’s why they believe is dangerous. Government makes security a public priority, making room for censorship and surveillance as public service. This mechanism of security foster a safe use of the Internet, according to which citizens know they’re monitored for their private safety, and by accepting that control, they’re contributing to the public security of the society, as a whole. Security is about building safe roads for citizen to travel. But those roads really are not the roads you drive everyday. Does your roads have cameras? Sure they have; but do they also have microphones, and sensors that can listen and record whatever you do or say along the road? No.

I claim this is no security for the interest of the public. Why? Because If we restrict our knowledge of society, if we make people less resolute in challenging the authority, if we strip out from them the right of standing in defense of themselves and, finally, if we criminalize ideas that don't contribute British –or whoever– values, then, nothing public is left to defend.

We have removed, together with negative materials, the citizens' ability to affect governmental affairs. Mass surveillance and censorship make our society so secure that we are not able anymore to change it because this security already affected our freedom of speech and publish. The freedom we gain with this security means nothing if we restrict our critical sensibility according to the ideologies of the majority; democracy means nothing if critical thinking becomes a harmful activity. Indeed, one of the major concern of the contemporary Surveillance Studies is not if Internet surveillance is compatible with democracy. Rather what kind of democracy we are going to shape in the digital age, if privileged individuals will gain access to more accurate, efficient, representative and thus more ethical surveillance which protects them and their position; whereas the less advantaged are disproportionately subject to a blunt instrument which continually disadvantages them? (Lyon, Ball, Haggerty, 2014).

Censorship and mass surveillance do not make people safe, they make government safe from people; especially when people have better ideas than government on what public policies should be. That's why resisting censorship and mass surveillance requires and informed and motivated citizenry. Public security should not be coextensive with political security; this would come at the high cost of suppressing any civic ability and changing human rights into political one.

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