Issues in Internet Regulation

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Benefits of Cheap Communication

- increases diversity of ideas
  - Example: conventional media do a poor job of covering views from the mainstream
    - Recent hagiography of Mother Teresa;
    - suppression of Parker Barss Donham's critical article by Halifax Daily News
  - Example: those who can't afford to speak in conventional media can do so on the Internet
- increased flow brings us closer to economies of perfect information
  - Example: when telephones were introduced in rural towns in Sri Lanka, small farmers increased their prices to middlemen from 50 to 60% of the Colombo price to 80 to 90% of the Colombo price
- removes isolation
  - Example: use of shortwave radio by native communities in northern Canada for schooling, medical emergencies, etc.
  - Tero Sand, contributor to `talk.origins`

Benefits of Cheap Communication (Continued)

- weapon against tyranny
  - When a French judge banned *Le Grand Secret*, an exposeé of Mitterrand's ill health while in office, written by his personal physician, copies appeared on the Internet
  - e-mail said to have played a crucial role in preventing the Russian military from toppling Yeltsin
  - Stalin, on the proposed construction of a national telephone network in the USSR: "I can imagine no greater instrument of counter-revolution in our time."

Rationales for Regulation

- "cultural protection"
  - Micro-Bytes case (Canada)
    * Micro-Bytes, a Québec computer store, was forced under threat by the Office de la Langue Française to remove most of its web site because much of the text was in English.
  - Georgia Tech Lorraine case (France)
    * was threatened because much of its web site (devoted to an American campus in France) was in English
    * charges eventually dropped
  - simultaneous substitution
    * financial rationale startling in its frankness
    * Canadian Association of Broadcasters: simultaneous substitution "has done a good job protecting broadcasters' rights by keeping hundreds of millions of Canadian advertising dollars from flowing across the U.S. border."
- copyright and intellectual property
  - JET report case (England)
  - Mondex case (Canada)

Rationales for Regulation (Continued)

- national security
  - cryptographic export restrictions (USA & Canada)
  - domestic cryptography restrictions (USA)
- protecting minorities
  - hate speech on Internet
    - Zundel hearings before CHRC
- defamation
  - In 1998, Philip Services Corp. obtained a court order to reveal the identities of posters who had been critical of the company
  - In March 1999, "Raytheon sued 21 anonymous posters on Yahoo message boards for making negative comments about the company."
  - Mulroney and Copps lawsuits

Rationales for Regulation (Continued)

- ensuring accurate information
  - "The Singapore government isn't interested in controlling information, but wants a gradual phase-in of services to protect ourselves. It's not to control, but to protect the citizens of Singapore. In our society, you can state your views, but they have to be correct." – Ernie Hai, director of the Singapore Government Internet Project
- protection of minors
  - For example, Winnipeg's adoption of "decency filters" for public library computers
- international treaty commitments
  - Example: McGill's Irwin Cotler argues that as a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, Canada has a statutory obligation to legislate against hate speech on the Internet

Pornography and the Internet

- Amount of pornography on the Internet is vastly overstated
  - Anti-pornography activists like to cite a "study" by Carnegie-Mellon student Marty Rimm, but this study has been discredited.
  - Traditional media have jumped on the porn hysteria bandwagon
- Nearly all hard-core pornography is only available to those with a credit card
- Most pornography constitutes protected expression under the Charter of Rights and Freedoms

Blocking Software & Public Libraries

- 45% of users access the Internet at public libraries
- Blocking software, or filters, enable the browser to block certain sites deemed objectionable
- Sites may be blocked based on analysis of the text or on human ratings
- List of blocked sites is considered proprietary information
- Some software blocks sites based on ideological lines, e.g., sites offering pro-gay views are blocked, but not anti-gay views
- The conservative American Family Association found itself blocked by CyberPatrol under the category "intolerance"
- Filters sometimes block innocuous sites and fail to block desired sites.
- Sample sites blocked:
  - Religious Society of Friends (Quakers) was blocked by X-Stop
  - American Association of University Women Maryland was blocked by one package

Censorship at the University of Waterloo

- In January 1994, James Downey, President of the University of Waterloo issued a new policy under which five Usenet newsgroups were banned by recommendation of the Ethics Committee
- The five were:
  - alt.sex.bestiality
  - alt.sex.bondage
  - alt.sex.stories
  - alt.sex.stories.d
  - alt.tasteless
- Not banned were:
  - alt.sex.intergen
  - alt.sex.pedophilia

  as well as many newsgroups in alt.binaries.pictures
- The justification used was Canadian obscenity law
- The University refused to release the text of the legal advice on which the censorship was based.
- Meanwhile, the University bookstore was selling Celeste Paul's *Women's Erotic Dreams* which contained content similar to that in the banned newsgroups

- When I tried to read from this book to illustrate the similarity of the content at a public meeting, the Chair of the Ethics Committee attempted to take my microphone away.

The Futility of Internet Censorship

- States may succeed in enforcing laws against individuals
- However, the offending documents themselves will still be available
- Censorship simply draws more attention to the document in question
  - Example: when Ernst Zundel's web site was shut down, it was quickly mirrored around the world
  - When the "Nuremberg Files" anti-abortion website was removed after a successful US civil suit, it was mirrored by a Dutch pro-choice writer.
- Censorship applied to foreign states may result in retaliatory action
- Which is more important, that Canadian ideas are available for world consumption, or that Canadians are "protected" from unpleasant or offensive foreign ideas?