



FREEDOM VS SECURITY

Once again, the competing discourses of freedom of expression and national security are in play, as **MONROE PRICE** discusses in the context of global media policy

The cruel shadow of terrorism is affecting, often in substantial ways, the practices and relationships of governments to telecoms, media companies and internet service providers. Surveillance, takedown requests, demands for counter narratives, and concerns about cybersecurity are among the categories for vastly enhanced activities. As all of this intensifies in states throughout the world, it is important to find ways to gain perspective. A clue can be found in one of the characteristics of modern debate: the always accompanying demand for respect for human rights and, particularly, adherence to principles of freedom of expression. The result is a tricky dynamic interweaving two discourses – the discourse of security and the discourse of free expression and human rights. Watching how these discourses interact, what emphases occur, and what is embraced in law becomes a key to understanding future developments.

The eloquent former governor of New York, Mario Cuomo, once said, quite brilliantly: “We campaign in poetry, but we govern in prose.” I want to adapt that insight for the communications field: “We dream in the poetry of freedom of expression, but we often are governed or operate according to a regimen of national security.”

The intersection of these ways of thinking and framing is hardly new. The search for maintaining a

free and independent media for a society of active and informed citizens has always had a national security related edge to it. Depending on the state, the national security aspect has often been at the very centre, while in other contexts or other times, sometime more towards the margin. Companies and governments, civil society groups and scholars all have to evaluate trends, for example that emphasise safety and stability. Assertions of sovereignty, as well, increasingly shape elements of communication policies.

Of course, the Edward Snowden revelations yielded an even more heightened global reassessment of the rhetoric of security as it intersects with the rhetoric of rights. Now, as well, has the threat of ISIS and the proliferation of terror. Indeed, these phenomena underscore the shifting emphases between the two goals – security and ‘rights’, depending on locus, area of inquiry and existence of intruding practices. Everywhere, there is an intensified review of government involvement in the monitoring of data flows. Heightened debate over the government role occurs in countries all along the scale of adherence to democratic practice.

And it seems clear that after adjusting many conditions, bringing new legislative initiatives to bear and revising administrative practices, arrangements may have changed – but it is hardly clear that government involvement has lessened. Fears of terror have accentuated the demand for greater access and use of information flows for avoidance of cataclysmic events.

We can look to history as a guide to understand how states, businesses and other stakeholders deal with these great pressures, mediating between expression concerns and national security. Indeed, the history of communications policy in the

← 20th and 21st centuries (and undoubtedly before) can be understood only by looking through the prism of national security. The late Asa Briggs' monumental five volume work on the BBC uses the two world wars as pivots to explain critical aspects of BBC structure and the relationships between government and the public service broadcaster. The American legal scholar, Timothy Wu, compellingly tells a story of the long and necessary cooperation between AT&T and the US government in *Master Switch: The Rise and Fall of Information Empires*.

One could think of communications regulations as running in cycles, often tuned to fears related to national security. The very system of organising spectrum distribution – making it so state-centred – was and continues to be a product of the Westphalian way of seeing the world and the arbiters of security within it.

The world – or much of it – may be recalibrating its balance related to free expression to one where security is more paramount. At the rhetorical level, the aspiration towards freedom of expression remains prime, but increasingly, in the analysis of the day to day, control becomes more salient. Again, we may dream in the spirit of free expression and privacy, but the quotidian becomes strongly influenced by security.

In this connection, one can speak of two grand anxieties arising out of the new media technologies: the anxiety of those in control of states and institutions that their hold on power is being diminished, and the anxiety of those who celebrate the new technologies that they are turning from technologies of freedom to something far more limiting and that opportunities are slipping away.

Let me conclude with specific areas where there are moving tectonic plates in the overlap of security and human rights, rethinking of free expression and privacy. How do shifts in technology, in geopolitics, in levels of threats to national security, alter the way we think and talk about media and communications policy?

INCREASED 'WEAPONISATION' OF INFORMATION FLOWS

The deep conflict between Russia and Ukraine and the civil conflict within Ukraine show how information becomes a tool or weapon of war. Media is being used by Russia, allegedly, aggressively to undermine legitimacy of the Ukrainian government and to alter loyalties of tens of thousands of its inhabitants. There are reverberations throughout the Balkans. Freedom of expression becomes the freedom to receive fiercely directed propaganda, with origins in the state and questions of state regulation of its own narrative of legitimacy. Oddly, the conduct of the conflict between Ukraine and Russia aroused new interest in Article 20 of the International Covenant of Civil and Political Rights – prohibiting 'propaganda for war'.

Information becomes a battleground in the area of 'countering violent extremism'. Governments see the use of communication to recruit young people for ISIS as terrorism subject to criminal punishment. The words of ISIS are powerful weapons outside the usual scope of free expression

discourse. In a different context, Iran sees itself, or has in the past, as subject to 'soft war', a pattern in which states in the West use media power to put the very authority and legitimacy of the Iranian revolution in question. Russia and other countries newly characterise NGOs, foreign financed, often, that are engaged in media development, as modes of improper foreign intervention.

NEW DIRECTIONS FOR INTERNATIONAL BROADCASTERS

Tony Hall, director general of the BBC, has justified expansion of the World Service on the grounds of a new and more intense competition at the global level. Hall took note of aggressive efforts by Russia, China and Qatar to expand platforms that can project points of view and influence public opinion and approaches of elites. Interestingly, all this can



There is greater attention to strategic telecoms infrastructure.



be said to be part of a move to instrumentalise public service broadcasting, making it closer to the state. This is certainly and obviously true for RT (formerly Russia Today) and CCTV-9 (China), but it becomes more general as the World Service is integrated into the BBC itself.

RT, here, is a kind of harbinger. Radical in its approach, Russia seems to be using its broadcasting entrant to question the institutions of the West. It is using an unorthodox programming approach to gain segments of an appealing audience. It is departing from a heuristic of objectivity by questioning the very notions of objectivity and certainly the practice of it in the West. RT is a novel mode of building a counter-narrative that undercuts the fundamental reliance on traditions of reporting, editing and public service presentation.

THE SHIFT TO MORE WHOLESALE SURVEILLANCE AS A MODE OF CONTROL

Noticeably, despite revelations, there is a tendency to increased surveillance, but as a control mechanism. In the information world so flamboyantly transfrontier in terms of diffusion of information, national regulation has its limit in terms of effective jurisdiction and consequent power. If the entity that transmits information can only be regulated with difficulty, the theatre for control shifts to the recipient. Surveillance increases where alternative modes of control diminish in effectiveness. The internet presents a case where states seek both power over intermediaries and effective direct monitoring of ultimate recipients.

STRATEGIC ARCHITECTURE AND CONTROL OF INFRASTRUCTURES

As an aspect of this need for surveillance, there is greater attention to what might be called strategic infrastructure of the telecoms sphere. Governments give greater and greater thought to choke points, and point of information monitoring and collection. Satellite systems, internet backbones, and areas of interconnection are scrutinised for their compatibility with perceived security needs. A suite

of prospective and enacted internet measures relate to this impulse. Data localisation laws are an example, forcing a structure on internet transactions that facilitates jurisdiction. Similar impulses characterise blogger registration rules and the over-restrictive regulation of internet intermediaries.

INCREASED CONCERNS ABOUT CYBERSECURITY AND CYBERWARFARE

States and other stakeholders must come to grips with appropriate and increasing preoccupations with cybersecurity and cyberwarfare. Both defensively and offensively, this becomes a challenge to thinking about the structure of debate. It is one of the foci for anxieties about new technologies and an area where the conflict between control and the dissipation of power into splintering individual hands is compelling. It is an overarching and increasing theme that will continue to have great influence on telecoms.

REVISITING INTERNATIONAL NORMS

Much of the structure of reasoning about communications regulation rests on an assumption of stable and widely recognised international norms. The frequent response when restrictive legislation and policies are adopted, especially by authoritarian regimes, is to turn to documents such as Article 19 of the International Covenant of Civil and Political Rights, which recognises the right to receive and impart ideas regardless of frontiers. Increasingly, differences over the meaning of Article 19 are intensifying in terms of how full throated the

right is and how limited the categories for exception. Even the European Court on Human Rights blinks from time to time.

Norms change through usage patterns. This becomes true even when the norms, embedded in international agreements, are considered immutable principles. Some Asian leaders have viewed Article 19 as a post-World War II exercise of the cultural hegemony of the West. Despite the wording of Article 19, some states seek to redefine its application to new media.

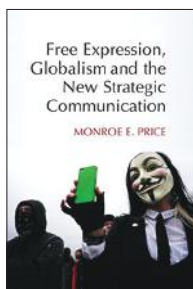
A RENEWED INTEREST IN REGULATING STRATEGIC COMMUNICATION

All of this amounts to a collective impact on the collective sense of significant policy implications in communications: in the interplay between the language, for example of freedom of expression and human rights, on the one hand, and national security on the other, the see-saw of policy sees national security somewhat rising. It is a highly vulnerable and distinctive time for those concerned about media structures and media freedoms. The debates on the future of the internet, competition for models of independence and free flow of information pit entities such as the Electronic Frontier Foundation with others around the world. Deep concerns over stability, the old understandings of state sovereignty and the meaning of international aspirations for principled ideals of human rights – all of these and more are at risk in the debate over communications structures.

What it means to be a private company – how tied to public policy, how intimately affected by the state – is in play as it has always been in historic times of national security concerns. The consequence is institutional amid popular anxieties and uncertainties as various stakeholders strive for advantage.

MONROE PRICE is on the faculty at the Annenberg School for Communication at the University of Pennsylvania and the Benjamin N. Cardozo School of Law of Yeshiva University. He is the author of the 2015 book, Free Expression, Globalism, and the New Strategic Communication (Cambridge University Press).

MORE ABOUT STRATEGIC COMMUNICATION



What effect does the internet and globalisation have on freedom of expression? The emerging debate posits a new freedom and openness in communication and its capacity to transcend borders, against a growing power of states and other powerful entities to monitor and control information flows. This dichotomy is strong, but some argue there is a third effect on freedom of expression that is not being as strongly considered: the internet and a new global communication regime has resulted in competing theories of free expression – held by different cultures and countries – to cross borders, clash, and transform discourse and debate. Changes in technologies and global communications has meant that freedom of expression and what this concept entails, has become both the battleground and the weapon used by states and other major players in the information age. This is one of the subjects of Monroe Price's book, *Free Expression, Globalism, and the New Strategic Communication*. It's a successor to Price's book, *Media and Sovereignty*, in which he discussed the effect of globalisation on media practices, institutions and content.

In the recent book he reflects on the current dichotomy of information policy – though the internet has created an unprecedented amount of freedom and fluidity in information flows, it is also providing states and other powerful entities

with new ways to surveil citizens and monitor communication. Price argues that, to overcome this doublethink, states and other major players are using 'strategic communication', rhetorically embracing transparency and openness, while increasing surveillance and other modes of control. Building on examples such as the Arab Spring, Wikileaks and Iran's perception of foreign broadcasting, Price describes what he argues are two competing anxieties of free expression within the current information era: the anxiety of the loss of control over information flows, and the anxiety of missed opportunities for greater freedom of expression.

A lot of questions can be raised:

- What is the role of the state in ensuring free speech?
- Are we entering into an era of 'free speech absolutism' and what cultures will define the limitations or expansion of free speech in the global digital age?
- How are information architects, like Google, building free speech into or out of information technologies?
- What is the emerging role that data is playing in the spread of social values? How are we embedding values into the data being released by governments, corporations, or other entities, to the public?

Though he does not promise to answer all of these questions, Price's book is a great start for those interested in how freedom of expression is being shaped by geopolitics and technology within the current information era.

Robyn Caplan, researcher at Data & Society, a research institute in New York