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THE PLACE OF FREE SPEECH IN INTERNET GOVERNANCE DEBATE

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Introduction

In an outline of cultural construction of computers in terms of an opposition between sacred and profane, Alexander states that '[w]e must learn to see technology as a discourse, as a sign system that is subject to semiotic constraints and responsive to social and psychological demands' (Alexander 1998, pp. 35-36). He illustrates this thesis with historical examples of practices of naming computers in popular magazines. For example, an early computer was called a 'transistorized prophet' or a 'figure factory'. Its broader descriptions were filled with aspirations and fears almost religious in their character. These meanings, in turn, have influenced technological development. By extension, the Internet may be seen as a more recent example of technological innovation embedded in different discourses and social contexts where its meaning is reconsidered.

It is usually taken for granted that the Internet supports freedom of expression. This connection is not stable, though. The Internet rather poses a challenge to our understanding of free speech and undermines its previous conceptions. For example, as an alternative to the strict judicial interpretation of free speech as a right, in this context there appeared a more broad interpretation of it as a set of values. The latter include interactivity, popular participation and cultural creativity (Balkin 2004). In the political sphere, the debate on free speech is roughly characterized by division between liberal and communitarian conceptions. It is based on the philosophical distinction between negative and positive conceptions of freedom understood as freedom *from* and freedom *for* something. Critical theory has problematized the very connection between free speech and Internet services and technologies (Fuchs 2013). Moreover, in an attempt to challenge existing institutional structures supporting Internet regulation, there occurred a shift in regulatory approaches. The multilateral top-down regulatory model was countered by a horizontal multistakeholder model.

Since different theoretical and practical perspectives on freedom of speech and the Internet might have implications for businesses, policies and everyday practices, different parties engage in discursive struggles to support their interests. These struggles are supposed to be resolved (or at least suspended) in the context of multistakeholder deliberations. This process entails elaboration of new meanings of

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core concepts, including freedom of speech. How does this happen in practice? In an attempt to answer this question, I analyze discussions at the Internet Governance Forum (IGF, see Pavan 2012), applying a neo-institutional framework and a mixture of quantitative and qualitative text analysis methods. In this perspective, the IGF is an organization that exploits institutionalized opportunities for behavior. The latter include formal rules (e.g., the ethical code, the UN mandate that established and supported the IGF), informal rules (the norms of neutrality and objectivity that govern discussions) and ideas (accessibility, education, participation, technoromanticism and so on) (Phillips, Lawrence & Hardy 2004; Scott 2013). In this paper, I focus on the ideas provided by institutional structures and contextualized in actual debates on Internet governance.

Data and method

Analysis focuses on the texts produced in dynamic coalitions of the IGF – internal thematic subgroups with sometimes overlapping membership. The dataset consists of transcripts of talks given at 12 dynamic coalitions at the 2014 IGF meeting. Texts were collected from the IGF website¹. The total amount of words is 136 118. In order to grasp the structural features of these texts, I conduct semantic network analysis. This approach allows one to understand how meanings are shaped by their contexts, which is supposedly the case in IGF meetings. I use Automap (Diesner & Carley 2004) to perform basic text cleaning procedures (word stemming, removal of punctuation and noise words) and create per-text semantic networks of concepts (stemmed words). The relations between concepts are created based on their co-occurrence in original texts, and tie strengths indicate the frequencies of co-occurrence. In order to reduce network size and complexity, ties with value less than four are removed. The resulting networks are interpreted as representations of core semantic structures driving production of texts and reflecting the relational nature of meanings (Doerfel 1998). In other words, this approach captures how the meaning of concepts depends on other concepts expressed in narratives. Thus, central concepts which have the largest amount of connections are interpreted as either important for the community under consideration, or as highly ambiguous and easily redefined. For example, ‘content’ is a word which gains specific meaning only when used in a particular context. In a sense, central concepts are institutionalized meanings providing legitimacy to the group and its discourse. At the same time, they drive continuous change thanks to their unstable connections to other concepts. After identifying contextual meanings of the focal concepts related to freedom of speech, I provide examples of their usage in original texts. I assess the differences in contextual meanings and then draw conclusions.

Results and discussion

The core semantic networks are of different size and complexity. Some have a large connected component and several central concepts, while others have one central concept and few ties between surrounding concepts. The following central concepts relevant to the free speech debate were identified: ‘access’, ‘content’, ‘imag[e]’, ‘internet’, ‘network’, ‘right’. It is peculiar that the concepts ‘speech’, ‘expression’ and ‘freedom’ are not central or even absent from these structures. This indicates that their

1 <http://www.intgovforum.org/cms/igf-2014/igf2014-transcripts>

meaning is either stable and unproblematic, or they fall out of scope of a thematic group. In general, concepts 'content' or 'inform[ation]' are used as substitutes for 'speech'. This change of core vocabulary, needless to say, make it difficult to apply the traditional theories of free speech. Instead, we see an emerging repertoire of core concepts specific to digital communications which may be appropriated by different discourses – technological, legal, feminist, liberal, etc.

Central concepts identified earlier are used in several dynamic coalitions, at the same time being put into different contexts. For example, 'access' is a central concept in dynamic coalitions on Accessibility and disability, Public access in libraries and Gender and Internet governance. Their contextual meaning is shaped by the topic of dynamic coalition. In the first case the strongest tie is to concept 'disabl[ed]', in the second – to concepts 'public', 'inform[ation]' and 'internet', in the last case – to concepts 'internet' and 'women'. To a certain extent, the concept 'access' is rather important for these discourses to be cohesive. Its meaning may be redefined during the talks, as in the following quote: 'So if we are talking about access, actually besides the infrastructure we are also talking about the access to the minority groups in Indonesia, how they marginalize us'². By contrast, the same concept is peripheral in several other cases. In the semantic structure of the dynamic coalition on Child online safety, it is placed between concepts 'block' and 'image', and thus has an unambiguous meaning. Surprisingly, this concept is not included in the semantic core of the dynamic coalition on Freedom of expression, although it is used with regard to information: 'to get access to content which is legitimate and lawful'³.

While the reconceptualization of free speech as access to the Internet was taken up by other dynamic coalitions, it did not become central in this case. Instead, the central concept there is 'content'. It has the strongest connection with the concept 'remov[e/al]' and weaker ties to concepts 'block' and 'legitim[ate]'. The core semantic structure seems to be focused on censorship, which fits well into the scope of the group. Yet, it contains concepts which exemplify the changing vocabulary of free speech regulation. In place of speech there is user-generated content, and in place of censorship there is blocking, removal and filtering of websites, content and images. In one case the word 'censorship' is used reluctantly: 'When you are being, well, I'll say censored, but when your information is being blocked or content removed, it's really hard to challenge it'⁴. In another it is used plainly: 'They [Internet Watch Foundation] engaged in censorship effectively, with no accountability, no real formal due process or appeal'⁵. Yet, the concept is not included in stable semantic structures in any dynamic coalition. One reason for this may be a persistent opinion that censorship is non-existent in contemporary democratic societies. Its meaning conflicts with descriptions of Internet as an open and inherently democratic platform. Regarding this problem, there are attempts at reflecting on this ambiguity: 'I think it's not just governments that are threats to freedom of expression online. I think we face a lot of private censorship from platforms'⁶.

2 Participant, dynamic coalition on Gender and Internet governance.

3 Participant, dynamic coalition on Freedom of expression.

4 Participant, dynamic coalition on Freedom of expression.

5 Participant, dynamic coalition on Core Internet values.

6 Participant, dynamic coalition on Freedom of expression.

The concept of 'rights' is invoked and reconceptualized in a number of cases. The concept is central in the semantic core of the dynamic coalition on Internet rights and principles. It is connected to concepts 'human', 'privac[y]', 'internet' and others. Besides human rights, 'Internet rights', and a right to privacy are discussed. Here the latter topic is reflected upon in connection with freedom of speech: '... from a freedom of expression import, the right to privacy is not historical or traditional'⁷. At the same time, this relationship is a difficult one: '... what you're talking about very often is a breach of privacy for something that has little free speech value'⁸.

Conclusion

I have attempted to show how different understandings of freedom of speech are brought up and contested in the deliberations at IGF. Moreover, I have emphasized that the meaning is often constituted by contextual relationships to other concepts. The shift is sometimes substantial. For example, while for traditional media free speech was threatened by censorship, for the Internet the threat is exemplified by content removal. In addition, there is increased focus on privacy, anonymity, and surveillance. Overall, the discursive dynamic is characterized by redefinition of key concepts (such as speech) and struggle to impose certain definition on other parties (either by way of dialogue or by way of rhetoric). There is a number of distinct and relatively stable types of discourse on free speech: legal, political, technological, commercial, feminist and philosophical. These discourses may influence, legitimate and contest each other. For example, while technological discourse claims that decentralized infrastructure supports free speech, a skeptical theoretically informed view argues that social, cultural and political contexts of implementation of free speech matter. It is crucial to understand that different perspectives on the relationship between freedom of speech and the Internet are based on power relationships which often remain implicit. Moreover, these positions may be disguised as merely theoretical differences, grounded in different ontological assumptions (about the nature of technology, relationships between law, technology and society, the role of users in regulation, etc.). The power of discourses and shifting meanings is closely tied to changes in institutional structures. While present analysis was concerned with discourse, future research has to analyze power relationships underlying discursive change in the Internet governance domain.

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