



Internet Filtering Trends in Western Liberal Democracies

French and German Regulatory Debates

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Censorship around the World

- A global norm, not an exception.
- Much study focuses on China, Iran, Syria, and other dramatic cases.
- Western democracies should not be ignored.

Western Europe

- Stable countries with strong traditions of free-speech and human rights.
- Democratic.
- Strong rule of law.
- Strong internet penetration.

Motivation

- 'Perverse learning' taking place – democracies adopting techniques from authoritarian states.
- Understand the nature of the debate surrounding trends in internet filtering.
- What arguments are made by opponents and proponents?
- What has worked and what hasn't?

Internet Regulation

- 1990s: Can states regulate the internet?
- 2000s: How do states regulate the internet?
- Three trends (McIntyre, 2012)
 - Technical solutions for political problems. (Lessig's 'code as law')
 - Indirect enforcement through intermediaries.
 - Preference for self-regulation.

Blocking Attempts in Europe

- UK: Self-regulatory mechanisms imposed under threat of regulation.
- France: LOPPSI2 broad security bill, including censorship of 'obvious' child pornography without a court order.
- Germany: Initial self-regulatory agreement led to calls for a specific blocking law.
- EU-wide: CIRCAMP¹² project producing CSAADF³ filter on UK model.

¹COSPOL Internet Related Child Abusive Material Project

²Comprehensive Operational Strategic Planning for the Police

³Child Sexual Abuse Anti Distribution Filter

Details of Blocking

- DNS filtering is the *de facto* standard
 - Cheap and easy, with bypass not considered a major problem.
 - Debate shifts from prevention to protection of innocent users.
- ISPs typically have 'common carrier' status.
 - Filtering deputises to ISPs, brings in notions of intermediary liability.
 - Governments can avoid some level of political backlash.
 - Raises concerns of transparency and democratic accountability.

Study

- Analyse the debates surrounding filtering in two key European states.
- France and Germany both recently considered internet filtering legislation, with opposite results.
- What can be learnt from the claims surrounding the filtering attempts?

Political Discourse Networks

- Discourse constrains political action. (Schmidt, 2008)
- 'Frames' of the debate are key. (Snow and Benford, 1992)
 - "... [an] interpretative schemata that simplifies and condenses the 'world out there' by selectively punctuating and encoding objects, situations, events, experiences, and sequences of actions within one's present or past environment." – Leifeld, P. & Haunss, S. 2012
- 'Discourse coalitions' form around shared narratives. (Hajer, 2002)

Successful Discourse Coalitions

- Wide constituency.
- Internal ideational congruence.
- Dominate core frames.
- Consistent narrative.
- Broad, but not too diverse, 'frame bundling'.
- Stability over time.



Examine Media Debates

- 'Quality' newspapers analysed for policy debates.
 - Lexis/Nexis database, from August 2008 to December 2011.
 - Five newspapers in Germany, three in France.
- Social media and blogs not analysed – policy makers don't read them.

French and German Context

- Civil, as opposed to common law, legal systems.
- Right of free speech, but more restrictive than US 1st amendment.
 - Ban on religious, sexual, racial hate speech.
 - Holocaust and, in France, Armenian genocide denial illegal.

Background to German Blocking Legislation

- Considered self-regulatory mechanism in early 2009.
- Resistance by ISPs and Social Democrats – lack of a legislative basis.
- Agreement for self-regulation by 5 ISPs.
- Extended to a legislative approach in 2009 but revoked, without ever coming into force, in the 2011 elections by the liberal coalition.
 - Major electoral issue.

Background to French Blocking Legislation

- Blocking proposed as part of the *LOPPSI2* broad security law package in 2011.
 - Buried in a larger bill.
 - Far from the most controversial article – complementary punishment for foreign criminals, forced evacuation of illegal settlements.
 - 13 articles ruled unconstitutional, but not internet filtering.
- An agreement to block child abuse images was signed by ISPs in 2008, but actual measures were first discussed in 2009.

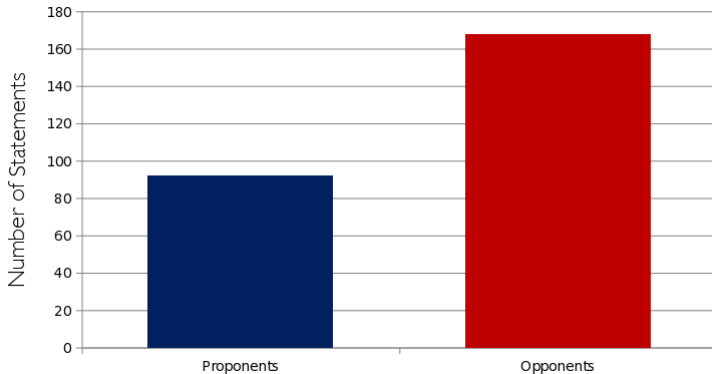
Analysis

- Germany
 - 270 articles
 - 1780 statements
 - 16 categories
 - 5 newspapers
- France
 - 76 articles
 - 265 statements
 - 13 categories
 - 3 newspapers

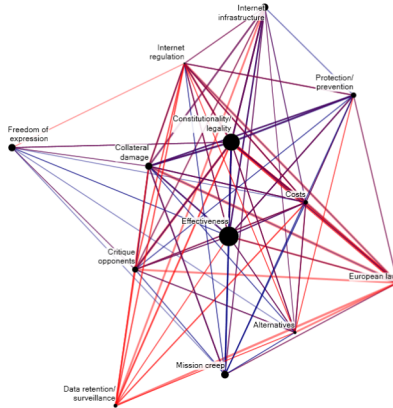
Approach

- Articles read, and coded for statements according to frame and support for topic.
- Core frames identified for overall debate.
- Analysed for engagement of opponents and proponents with frames.
- Also analysed over time for stability and ideational congruence. Not discussed here.

France: Number of Statements

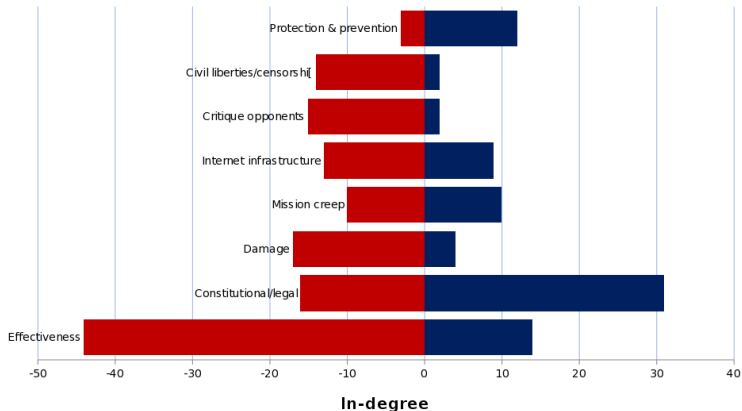


France: Frames



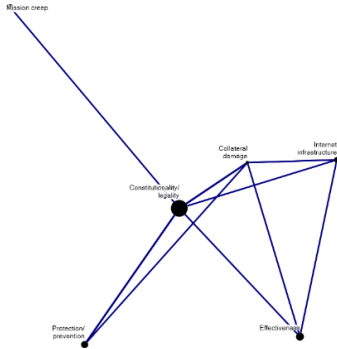


France: Core Frames

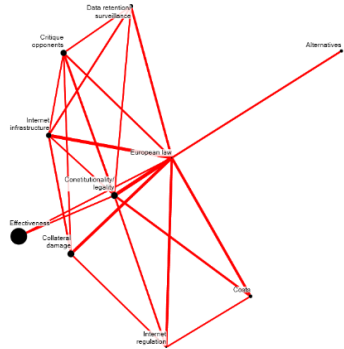


France: Frame Bundling

Proponents

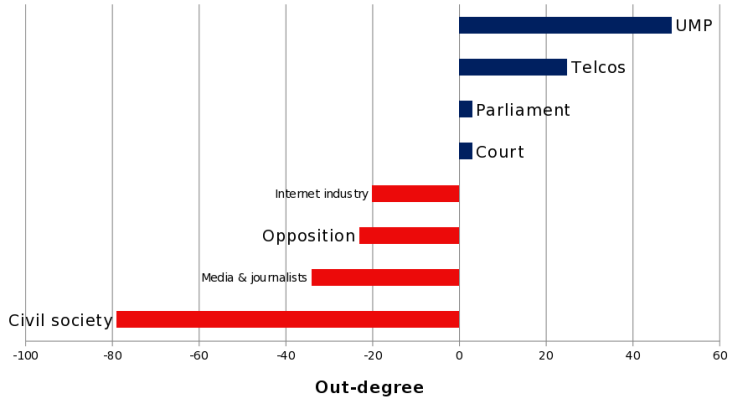


Opponents

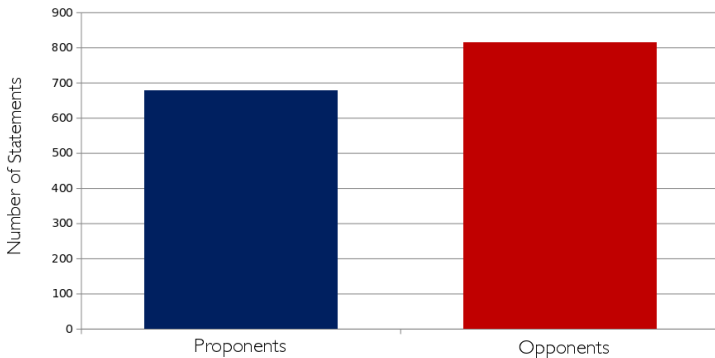




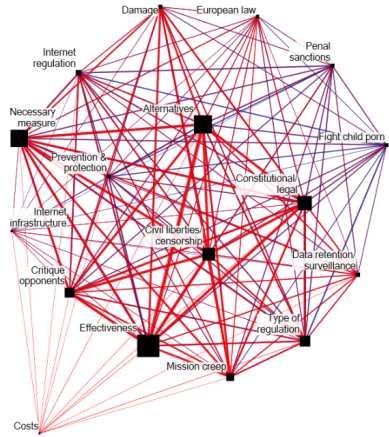
France: Actor Statements



Germany: Number of Statements

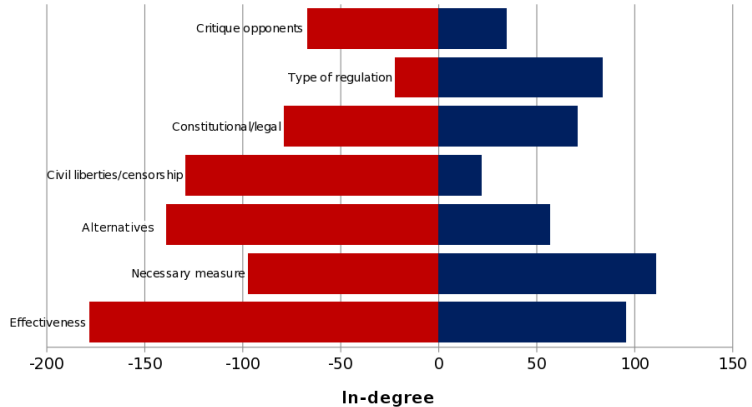


Germany: Frames





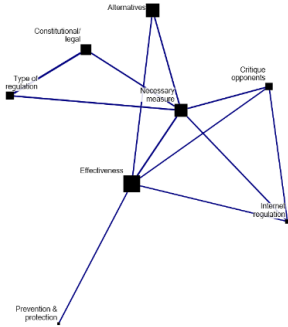
Germany: Core Frames



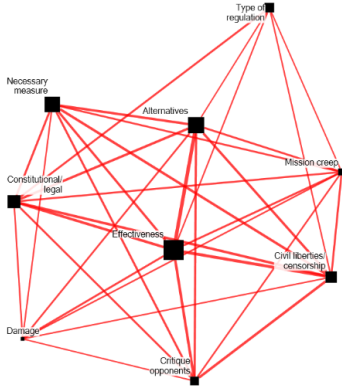


Germany: Frame Bundling

Proponents

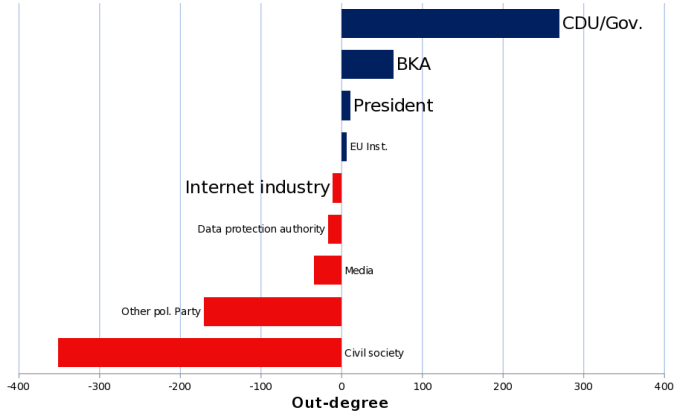


Opponents





Germany: Actor Statements



Debate Engagement

- In France, proponents dominated 'principled' debate (constitutionality) and avoided 'practical' debate (effectiveness).
- In Germany, both sides engaged in both principled and practical debate.
 - Proponents backtracked on effectiveness, and moved debate to avoiding accidental access.

Overall Points of Interest

- Germany
 - Broader debate
 - Diverse range of opponents
 - Many core frames in debate
- France
 - Large constituency
 - Proponents include Telcos
 - Two main frames

Limitations

- Only two cases, with many important factors.
- Hidden actors.
- Social media.
- Limited scope of analysis.

Future Work

- 24 countries across Western Europe, US, Japan, Canada, New Zealand, Australia.
- Other network metrics for discourse, such as clustering and centrality.
- Conflict networks.
- Role of actors.
- Deeper examination of the proposed technologies and the actors involved.
- How does censorship on the ground interact with political debates?