

Freedom of Expression under Censorship is a threat to Democracy

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Abstract

The right to freedom of expression is universally accepted foundational human right in all democracies of the world. It is a key to the protection of all human rights, lynchpin of democracy and essential to human dignity. Internationally accepted norms and standards of human rights are often violated by the governments by misusing or taking the cover of laws. Media has been regarded as a free space where different opinions can be expressed without limit. So, the way in which democracies negotiate seemingly contradictory positions regarding control of media and freedom of expression is a field of research worthy of exploration. Maintaining an orderly state is a common reason for censorship, while the underlying motive is to prevent the public from knowing information that may threaten the authorities. Throughout the history, censorship has been used to control public awareness, monitor public morality and to silence opposition. The main argument of this study is that freedom of expression is a backbone of democracy.

Keywords: democracy, freedom of expression, internet, censorship

Introduction

It is required to form a model of a democratic society that pays more attention to social values and solidarity- to what people feel, think and talk about politics. Political scientists defined the formal characteristics of democracy. Without share of people as described by Aristotle, without the liberal state and freedom of speech as recommended by Mill and Locke there would be no worth of democracy (Alexander, 1997). Freedom of expression is recognized worldwide as the basis of human rights, protected by a multitude of international and regional treaties, frameworks and charters. Simply, freedom of expression is a guarantee for citizens to effectively participate in the functioning of democracy (Sun, 2014).

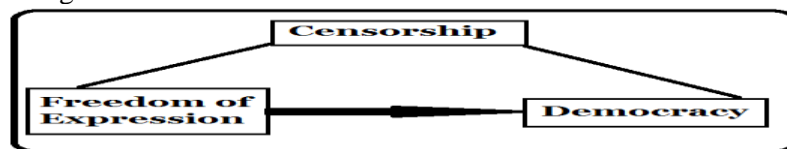
Democratic governments, today, face few challenges regarding freedom of expression. One of the major challenges is how to balance between the assurance of freedom of expression amid peace and security, ensuring law & order with the state that owns diversity in terms of faiths, beliefs and views. Interestingly, even in the United States, the most liberal country of the world, freedom of expression is conditionally restricted (Chaudary, 2014). In the modern era of

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connectivity, “new media” defined as the digitization of information- has recognized to be a vital tool in organizing groups and disseminating information in their search for the realization of the promotion of democracy and human rights. The Internet as a source of new media is an essential means for people to share opinions and information about matters that directly affect them. It is sufficient to take into account the recent developments in the world to note that the arrival of social media has fostered vigorous change and opened the avenues for to new networks of internal dialogue between the ruler and ruled and among masses (Virak, 2011).

This paper is based on international norm that freedom of expression is a basic human right for all the citizens irrespective of any kind of discrimination. In this connection, UDHR under Article 19 says that “freedom of expression and to hold opinions without interference and to receive, seek, and impart information and ideas through any media and regardless of boundaries”. The Human Rights Council, in 2012, affirmed the applicability of Article 19 to the Internet. As an international standard, the right to freedom of expression should be the norm. The aim of this research paper is to expand the issue by applying Grounded Theory method. The researcher identified main themes from the archival study of newspapers and interviews and analyzed the facts by following the steps of grounded theory i.e. open coding, axial coding, and theoretical coding.



Democracy

Democracy is to be considered as essentially contested and debatable term (Sabharwal & Berman, 2013). Political scholars and thinkers have differed about the basic characteristics of democracy. I will here use a working definition of democracy that put forward by Anthony Arblaster, “All the definitions of democracy have one common idea – all the power and authority is possessed by the people. In other words democracy revolves around the concept of popular power”, but it does not advice any particular mechanisms. This definition associates with that given by David Beetham, who says that democracy is concerned with the making of collective binding rules. David argues that democracy is such a procedure by which those who are expected to respect collective rules will participate equally in their formation. This view can be broadened to include the argument that democracy is historically based on the idea of an enlightened

understanding of the population and has promoted its development (McClaverty, 2013). It is argued that an indispensable feature of democracy is that people have right to access to information, right to opinion and right to freedom of expression. "...free speech is the basic human right under national and international laws and the source of generating public opinion..." (A. Khan, Interview, August 12, 2018). The aim of this paper is not to place rigorous definition of democracy. Nearly all would agree with definition put forward by Abraham Lincoln that "democracy is the government of the people, by the people, for the people" (Lincoln, 1863: 210). According to the Athenians, liberty and equality are two of the vital defining characteristics of democracy. In democracy people had retained the right to conduct their personal affairs as per their own desires and interests, and simultaneously an equal share in the political world, as long as they didn't breach the law or infringe upon the others' liberty. More importantly, one of the interesting features of democracy in which Athenian citizens were as equal and free was their fundamental right to "*isegoria*" i.e. "*Freedom of expression*" (Xenophon, 1986).

It is reasonable to say that in order to enable us to pursue this emancipatory promise of democracy, freedom of expression is unavoidable factor. No doubt, freedom of expression is a very base to the democracy, but this right is often violated in developing countries like Pakistan where democracy has not been yet deep rooted.

Freedom of Expression

It widely recognized that free expression is a foundational human right that has great importance. It is a key to the protection of human rights, lynchpin of democracy, and base to human dignity. It has also been widely recognized that right to freedom of expression is not granted by the government in its true spirit and every democracy has established some system of restrictions (Isakhan & Stockwell, 2011). If we look into history, the temple community in early Dynastic states such as Lagash³ exercised various political power and presented democratic character (Frankfort, 1978 [1948]: 221). Collective political action was generated by the temple against state-imposed oppressive systems of power and corruption, which led for the 1st time use of the word "freedom". As a result of such struggle, Lagash king, Urukagina, around 2300 BC established liberty as fundamental tenant of the society (Bailkey, 1967: 1231).

Ideals of equality and liberty were not confined to Lagash. There are other many examples that the fundamental rights of the

³ Lagash an ancient city located northwest of the junction of the Tigris and Euphrates rivers and east of Uruk, about twenty-two kilometres east of the modern town of Ash Shatrah, Iraq. Lagash is one of the oldest cities of the Ancient Near East.

people and basic freedoms were apprehended in high Honour and esteem across ancient Middle East. For example, throughout the Assyrian, Israelite, and Babylonian assemblies every citizen had the right to freedom of speech and opinion (Wolf, 1947). Another important example in the history can be traced back during the foundation laid in Persian Empire of Achaemenids by Cyrus the Great⁴. In those days an allegedly cruel, unholy, and incompetent king, Nabonidus, rule the Neo-Babylonian Empire. In 529 BC, Cyrus conquered the city and determined to restore the fundamental rights of the people and to encourage personal freedom and religious tolerance (Cogan, 2003: II.124).

Toby Mendel argues that Article 19 of the UDHR by UN General Assembly resolution, and Article 19(2) of ICCPR, formally binding legal treaty ratified by 165 countries, both guaranteed the right to freedom of expression (Mendel, 2011). So, it is unchallengeable that right to free expression is a most significance right. UN General Assembly in its first session in 1946 declared that freedom of expression is a basic human right (Balkin, 2004). All above examples illustrate my point.

According to the report of freedom network, the free expression has huge challenges in Pakistan. From May 1, 2017 to April 1, 2018 there are 157 cases of violations have been recorded in 2018 in Pakistan against media groups and journalists. The journalists are harassed by government, political and religious parties and by non-state actors in the form of censorship, life threat, killing, abduction, and physical asserts (Freedom Network, 2018). "...there is a noticeable decrease in overall extremism in Pakistan but journalists and journalism are still more vulnerable and the environment for freedom of press is deteriorated in Pakistan..." (I. Khattak, Interview to VOA, May 3, 2018). "...Pakistan is no exception. Pakistan does not want to lag behind as far as seeking full control over the media by mean of PEMRA and cyber laws..." (I. Khattak, Interview, July 3, 2018).

Some professional are of the view that due to coercive approach to destabilize the freedom of expression, the media organizations are compelled to adopt to measure of self-censorship. Mehdi Hassan, the chairman of HRCP revealed in his interview to VOA that, '...Many TV channels and newspapers have adopted the policy of self-censorship. He termed it as plague because it blocked the freedom of expression and also crated blackout regarding the right to information. Hassan added that state and non-state actors are forcing

⁴ Cyrus II, known as Cyrus the Great and also called Cyrus the Elder by the Greeks, was the founder of the Achaemenid Empire, the first Persian Empire. Born in 600 BC (in Anshan Iran) and died in 530 BC, buried in Iran.

the journalist from the last seventy years...’ (M. Hassan, Interview to VOA, May 3, 2018). Senior media person, Amir Ilyas Rana told that, ‘...Peaceful environment, without fear, should be provided to journalists. They should be saved from killing during reporting and also media organization should observe the policy of self-censorship...’ (A. Ilyas Rana, Interview to VOA, May 3, 2018).

The Pakistan Electronic Media Regulatory Authority (PEMRA) and the government of Pakistan are under severe criticism that it has blocked the signal of Pakistan most famous Geo News Channel. A famous political analyst, Rasul Bakhsh Rasees during his interview with VOA, ‘...The blockage of Geo TV and to block the coverage of PTM has said a lot about themselves. There is unannounced censorship in the country. Has it a solution? No one has the answer...’ (R. Bakhsh Rasees, Interview to VOA, May 03, 2018). It has been reported in The Dawn that, ‘...The intensified crackdown against social media has created a state of great concern for law-abiding, all right-thinking and democratic citizens...’ (Daily Dawn, October 23, 2017).

Internet as source of new media

The global advancement of ICTs made the access to information and communication easier than ever before. A large number of web communities have been formed both at local as well as global level. It enabled people to communicate and share information and common interests. It seems, on the surface, that we are evident of new-age phenomena, which could settle the age-old problems of democratic deficit (Splichal, 2009). Researchers and political scientists are of the view that this open communication on Internet is beneficial and more significant for the development of democracies. The new censorship challenges have created by Internet due to its trans-national nature (Mendel *et al.*, 2012).

Freedom of expression is the primary tenets of democratic nations. So, how democracies negotiate apparently contradictory stances regarding freedom of expression and Internet censorship is a research area that is worth investigating. WikiLeaks, officially launched in 2007, main aim was to publish leaked information on wide range of subjects, mainly to denounce unlawful acts of governments and corporations. In 2010, the site gained notoriety as it released a video of United States air attack on civilians in Iraq. Soon after it, Julian Assange, the founder of WikiLeaks on received of arrest warrant from Swedish government and was taken into custody by the British authorities on the charges of sexually assaulting two women (McGreal, 2010; BBC, 2011).

Many scholars are of the view that internet facilitated the people participation in the progress of democratic culture and true

democratic system. They further asserted that internet to support for the production of democratic culture, there should be no restriction on freedom of expression (Balkin, 2004; Beyer, 2014). The essence of free expression is that the true information is accessible without the fear of punishment and censorship. Fariha Aziz, Director Bolo Bhi said that, ‘...Pakistan wants to follow the footprints of China to strict online censorship, as it is the source where the users can exchange their views and ideas freely...’ (Reuters, September 18, 2013).

Censorship

Maintaining an orderly state is a common reason for censorship, while the underlying motive is to prevent the public from knowing information that may threaten the authorities. It is used officially to suppress and control expressions that may endanger state order. Throughout the history, censorship has been used to control public awareness, monitor morality and to silence opposition. Governments are not willing, in the new world, to renounce the control and wants to maintain the old world in which respect for law and borders, authority, life rooted in one place, and stability (Delaney, 2010). In 399 BC, Socrates was the first convict of censorship. Governments censor books, magazines, newspapers, movies, and news broadcast traditionally before release to read out censorable content. The advocates of anti-censorship consider it curtailment of freedom of expression, and of information. The struggling democracies and dictators use censorship as an instrument to maintain law & order with the motive to sustain public ignorance (Bennett & Naim, 2015). “...Censorship of media is more about to silence the masses over so-called sensitive issues...” (A. Khan, Interview, August 12, 2018).

The advent of internet has made it easy for everyone to access information and express his/ her views freely even without the governmental control. However, soon governments have managed to control the information and attentively stay two steps ahead from the public. The content or activities which are considered harmful for ruling class dealt with criminal charges not only in dictatorial regimes but also in well-established democracies. U.S. also failed to comply the principles of freedom of expression on internet when its own interest is on risk (Sabbagh, 2011).

According to 2018 ranking of Reporter San Frontier (RSF) regarding Internet Freedom, Pakistan is at 139 rank out of 180, whereas United States is placed at 45 whereas in 2013 U.S. was 32 out of 180 (RSF, 2018). ‘...Censorship of media through media laws is against the basic international norms of democratic regimes...’ (S. Baloch, Interview, May 22, 2018). As per report of Voice of America,

in Pakistan as user of internet to upload sensitive subject online has been killed and according the independent study Pakistan placed on the top among Brazil, Mexico, and Syria. According to annual report of “Freedom on the Net” Pakistan is declared “NOT FREE” for the last many years (The Express Tribune, May 3, 2018). According to one of the reports of Daily Dawn, ‘...Government agencies have the ability to restrict reporting, to encourage censorship on self-basis with indirect and direct mechanism and also to instigate violence against media personnel...’ (Daily Dawn, September 12, 2018). “...Censorship on internet will curtail the digital rights and social liberties in developing countries like Pakistan. Many bloggers were picked up in the name of national security...” (A. Tehseen, Interview, January 23, 2018).

In an interview with Shahzad Ahmad, the founder of Bytes for All, said that, “... Secular, progressive and liberal opinions are gradually being targeted in Pakistan, campaigning for media freedoms, and everything can be banned without argument. Liberal voices are gradually shushed while militants speak freely ...” (Reuters, 18 September 2013). Pakistan, from a German company specialized in surveillance technologies, acquired three types of FinFisher⁵ software. It enters a computer and lives in it, gathering records and real time transactions in the backdrop, apparently for the administrators of the software, for example law enforcement agencies (Shahid, November 15, 2014). As reported in Daily Dawn that, ‘... states introducing online monitoring and censorship practices that are more sophisticated and more aggressive in targeting internet users...’ (Daily Dawn, December 5, 2014).

Conclusion

Freedom of expression, the essential element of democracy, has always been in restraining since its evolution in one or other form. The lynchpin of democracy is universally acknowledged in connection with the freedom of human rights. The edifice of democracy has its glory due to the freedom of expression because of all road democratic avenue spring from here. Whereas, media is one of the important tools of freedom of expression in democratic societies. Media personnel, cable television operators, and Journalists have been targeted for a decade because they raise voices for freedom of expression and freedom of expression in Pakistan.

⁵ FinSpy, is surveillance software which markets the spyware through law enforcement channels. FinFisher can be installed covertly on targets’ computers by exploiting security lapses in the update procedures of non-suspect software.

The internet has brought new challenges for democratic governments, to their interpretation of freedom of expression. It is concluded that internet freedom is declining all over the world and in this new world order, sovereigns are not ready to give up control and trying to preserve the old-world order in which respect for law and borders, authority, stability, and life rooted in one place, dominated. A common objective for censorship is the maintenance of law and order, while the underlying aim of the governments is to keep the public ignorant of the information that have potential to threaten authorities. Without freedom of expression, whether through traditional media or new digital media, true democracy is not possible.

References

- Alexander, J.C. (1997). The paradoxes of civil society. *International Sociology*, 12(2), 115-133.
- Bailkey, N. (1967). Early Mesopotamian Constitutional Development. *The American Historical Review*, 72(4), 1211–1236.
- Balkin, J.M. (2004). Digital speech and democratic culture: A theory of freedom of expression for the information society. *New York University Law Review* 79(1): 1–58.
- Bennett, P., & Naim, M (2015). 21st-century censorship. *Columbia Journalism Review*, 53(5), pp. 22.
- Beyer, J.L. (2014). The emergence of a freedom of information movement: Anonymous, WikiLeaks, the Pirate Party, and Iceland. *Journal of Computer-Mediated Communication* 19: 141–154.
- Chaudary, Z.A. (2014). Freedom of Speech and its Parameters. *Daily Times*, Retrieved from <http://www.dailytimes.com.pk/opinion/05-May-2014/freedom-of-speech-and-itsparameters>].
- Cogan, M. (2003). Achaemenid Inscriptions: Cyrus Cylinder. In W. W. Hallo and K. L. Younger (eds), *The Context of Scripture: Monumental Inscriptions from the Biblical World* (Vol. 2). Leiden: Brill.
- Correspondent Reporter. (2014, December 5). Pakistan at par with China, Saudi Arabia on Internet Freedom. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1148927>].
- Delaney, B. (2010). Assange's cyber nomads shed their born identity. *The Sydney Morning Herald* 11 December: 26.
- Frankfort, H. (1978 [1948]). *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature*. Chicago: University of Chicago Press.
- Isakhan, B & Stockwell, S. (Eds.). (2011). *The Secret History of Democracy*. Palgrave Macmillan Publishers Limited, U.K.
- McGreal, C. (2010). Hacker turns in U.S. soldier over Wikileaks Iraq video. *The Guardian* 7 June.

- Mclaverty, Peter. (2013). Civil society and democracy. Carfax Publishing, Taylor & Francis Group, *Contemporary Politics*, 8(4).
- Mendel, T; Puddephatt, A; Wagner, B; Hawtin, D & Torres, N. (2012). Internet Privacy and Freedom of Expression. *United Nations Educational, Scientific and Cultural Organization*.
- Mendel, Toby. (2011). Restricting Freedom of Expression: Standards and Principles. *Centre for Law and Democracy*.
- Newth, M. (2010). The long history of censorship. Retrieved from http://beaconforfreedom.org/liste.html?tid=415&art_id=475
- Reuters. (2013, September 18). Pakistan's Internet censors seek help from Canadian company. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1043768>].
- Sabbagh, D (2011) Clinton's speech: An important argument, with shades of hypocrisy. *The Guardian* 16 February: 20.
- Shahid, J. (2014, November 15). No Safeguard to protect people from government snooping. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1144575>].
- Splichal, Slavko (2009). Why Be Critical? *Communication, Culture & Critique*, 1(1): 20–30.
- Staff Reporter. (2017, October 23). Clampdown on free speech. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1365560>].
- Sun, L. (2014). The role of diversity on freedom of speech in democratic societies. *International Journal of Sustainable Human Development*, 2(2): 44-51.
- Virak, Ou. (2011). Internet Censorship: The Ongoing Crackdown on Freedom of Expression in Cambodia. *Combodian Center for Human Rights*.
- Wolf, C. U. (1947). Traces of Primitive Democracy in Ancient Israel. *Journal of Near Eastern Studies*, 6(2), 98–108.
- Xenophon. (1986). *The Persian Expedition* (R. Warner, trans.). Middlesex: Penguin.

Interviews

- Khan, (August 12, 2018) Azam Khan, Correspondent, Geo News, A reputed Journalist and writer.
- Tehseen, (January 23, 2018). Abid Tehseen, Senior Producer, Radio Pakistan, Islamabad.
- Khattak, (July 3, 2018) Iqbal Khattak, Executive Director, Freedom Network.