NEW OPPORTUNITIES AND IMPASSES: THEORIZING AND EXPERIENCING POLITICS

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POLITSCI '13 CONFERENCE
CONFERENCE PROCEEDINGS
OCTOBER 31 — NOVEMBER 2, 2013
İSTANBUL UNIVERSITY
DEPARTMENT OF INTERNATIONAL RELATIONS

DAKAM Publishing

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INTRODUCTION

The conference aims to provide a platform for a variety of academic discussions on "theory" and "praxis" based on original researches that will broaden our insights into the field of political science.

It also aims to constitute a forum for prolific exchanges between different theoretical perspectives, interests and concerns prevalent within this exciting field of study.

In addition to this, we like to discuss on subjects in disciplines other than political science hoping to engage in trans-disciplinary dialogues that will be helpful for adding to our understanding of what political theory may mean for people today living in rapidly changing national, social and cultural contexts.

Our hope is to initiate fruitful discussions for expanding the horizons of political theory which aims to overcome the limits of traditional boundaries, mainstream perspectives and concerns.

INFORMATION FREEDOM AND INFORMATION VIOLENCE

ANDREY V. STOLYAROV

The revolution in information-related technologies, which happened in the last quarter of XX century, made significant changes to social relations and demonstrated certain problems and difficulties that appear to be new for the society. The information revolution is based on three key inventions.

First of them is the ability to use computers in areas outside of computations as such, specially for handling text-based information, followed by creation of cheap personal computers affordable for individuals; the second, known as 'multimedia', is, in effect, invention of digital representations for virtually all existing information, which allows lossless copying of any information at almost no cost; and the third is foundation of Internet, a universal, distributed, decentralized communication engine, which, in fact, can not be controlled (as a whole) by any particular person, corporation or government. M.Castells (2001) compares invention of the Internet by its significance to invention of the printing press and, among many other authors, points out the well-known strong orientation of Internet community towards personal freedom, specially the freedom of speech, or, generally speaking, communication freedom.

The possibility for every Internet user to do whatever (s)he wants was not a problem in the early years of Internet, when the Internet itself was small and known only to few professionals. As the network grew, however, such absence of regulation produced some unexpected problems. First of the problems was different kinds of unauthorized access to computers and the information stored in them, as well as attacking computers to break their normal functioning. Persons doing such things can have a wide range of intentions, from plain vandalism to bank robbery and military espionage. However, attacking computers looks too much like a crime, so the problem in fact was quickly solved by most of governments adopting the notion of cybercrime and outlawing it (see, e.g., Schjolberg, 2008).

The other major problem proved to be not that easy to solve. Unsolicited commercial emails (and messages of other service types), widely known as 'spam', destroyed the newsconference service ('Usenet news') and put the existence of worldwide email system under a serious danger. Advertizing is lawful under most judical systems; furthermore, spam advocates often argue that freedom of speech, being one of the most important human rights, gives everyone the right to transmit or broadcast any information with any means not denied by law, and, therefore, no restriction must be put on spam as it would be a freedom of speech violation; sometimes antispam measures are claimed to be 'censorship'. From the other hand, many people use the spam problem as an argument against the freedom of speech, claiming that in the contemporary society the freedom of speech cannot be implemented for various reasons, and the spam problem is an illustration of this fact.

It is easy to see that the contradiction between freedom of speech as a key part of human rights, from one hand, and obvious impossibility to tolerate some cases of information transmission, from the other hand, is not new. For example,

law systems of many states contain statements about freedom of speech guarntee and censorship prohibition, but, at the same time, prohibit certain kinds of public (or even private) speech, such as hate propagate, interracial or interreligion discriminating statements, personal insults, etc. Society simply can't afford to tolerate them. Spam is also a thing society (and The Network) can't afford, as long as we want to continue using global communication systems such as electronic mail. But, from the other hand, can society afford to sacrifice freedom of speech?

This contradiction is not the only one sharpened by the digital epoch. Until early 1990s, copyright law was a thing most people never heard of, because it was physically impossible for an average individual to violate someone else's copyright. Today, when virtually every copyrighted object can be (and, almost in every case, is) represented in digital form, lossless and costless copying is technically available to every person who owns a computer, so everyone can become a copyright violator. Stallman (2001) points out that industrial regulation, which was copyright law before the digital age, eventually became a law that affects public freedom. Copyright holders demand to outlaw perspective technologies such as peer to peer file exchange, and to put other technologies, such as video mastering, under strict control of selected entities. For instance, in 2005 in USA a so-called 'Analog Hole Bill' (Bangeman, 2005) was proposed. Should it be adopted, it would lead to prohibition for open source video-processing software, effectively granting a few vendors a monopoly in this area. Obviously all this is against interests of wide public, people in general, who want to benefit from new technologies. Furthermore, according to various researches in sociology and social philosophy (Kinsella, 2001; Stallman, 2004; Boldrin and Levine, 2008), the very notion of intellectual property has disputable value for the society and effectively serves interests of publishing and media industry (not authors) on the cost of wide public's freedom. It should be noticed that intellectual property didn't attract public attention at all in pre-digital epoch.

There are other contradictions as well, and all them can be reduced to one general question: what actions with information should be (in an ideal world) considered legal/lawful and what should be outlawed. Some argue that there cannot be any logic-based demarcation line here and the law in this area will always be a result of disputes and compromises; however, such solution actually seems to exist. In the rest of this paper the information freedom will be given a strict definition, based on the classic liberal notion of freedom as absence of violence (Hobbes, 1651; Locke, 1689).

It is clear that some restrictions put on persons' actions appear to raise personal liberty rather than lower it; the most obvious example of this is the prohibition of an aggressive violence towards human beings, because, despite this imposes a restriction on everyone, it also provides everyone with freedom not to be a victim of aggressive violence. As John Stuart Mill (1869) stated, 'All that makes existence valuable to any one, depends on the enforcement of restraints upon the actions of other people.' Actually, the maximum of personal freedom is achieved when any interaction between two or more persons is considered legal if, and only if, it is done upon explicitly indicated mutual consent between all involved persons, and the consent indication itself is made basing on full information about the situation, or, at least, none of the involved parties tries to conceal anything related

to the deal; that is, every party understands well what is going on, and having such understanding, explicitly indicates the consent to take a part in the interaction.

Besides that, any society in which there's a collaboration between individuals must allow individuals to make deals, which effectively means voluntary accept of certain non-cancellable restrictions or obligations, in exchange for some obligations from the partner.

Returning to the information exchange domain, we might notice that any act of information transfer involves at least two persons: the one who transmits information, and the one who receives it; sometimes there's also the owner of the communication media to be taken into account. Basing on this fact, we can now give a new definition for freedom of information exchange, or, simply, the information freedom: individuals are free to communicate any information, provided that the one who transmits the information agrees to transmit it, the one who receives the information agrees to receive it, the one who owns the communication media allows the media to be used for the communication (possibly in exchange for a fee), and noone of them has any obligations under previously made deals that make the communication impossible.

Any violation of this rule can be considered to be violence, and we will call violence of this kind an information violence. It is possible to name three major types of information violence. The first is transmission of information without the recipient's consent; this includes, for example, direct personal insults; unsolicited advertizement, including spam (but, strictly speaking, not every advertizement); almost all social and political propaganda, not only governmental, but oppositional too, including street protests; proselytism, be it religious or not, in any form of it; door-to-door selling, and other kinds of selling outside of specially dedicated areas such as shops; finally, various types of begging. It is easy to see that telling lies or, generally speaking, transmitting information which is knowingly false, is information violence of this type, too, because hardly anyone would explicitly agree to be fooled. Defamation can be considered a special case of this.

The second type of information violence is obtaining information without its holder's consent, e.g., espionage and privacy violations, wiretapping, eavesdropping, any communication network traffic interception, be it 'lawful' or not. Direct theft of physical media that carries information is not information violence as such, but information violence can be said to be a *part* of such theft. Besides that, almost all jurisdictions assume forced testimony; obviously this is also a kind of information violence.

The third type is unauthorized interference of third parties into a consensual information exchange, such as censorship — that is, the receiver and the transmitter both agree to transfer the information, and there's no problem with communication media (e.g., they can meet together, or they can contact each other by a channel owned by one of them, or lawfully rented), but due to someone else's will they are unable to commit the information transfer. Besides censorship, it is easy to see that copyright enforcement falls to this category, too, so it appears to be information violence of the same kind as censorship. The interesting thing here is that the real intention of the earliest known copyright law, the 1709 'Statute of Anne', was establishing of government control over the printing press, that is, censorship (MacQueen, Waelde and Laurie, 2007).

From the other hand, it is only copyright that appears to be information violence, but not the so called moral rights that traditionally belong to the author, such as the right of attribution, the name right (which means the author has the right to decide whether the work will be published under the real author's name, or under a pseudonym, or anonymously), and the right to the integrity of the work. Furthermore, a violation of moral rights, such as plagiarism, can be considered information violence, because, in effect, it means to provide false information regarding who is the real author of a work, and transferring false information as such is information violence, as it was noted above.

It is very important to underline that information as such cannot be considered violence until it is transferred, one way or another. Keeping some information effectively means owning some storage media, which does not tend to explode, or shoot someone, or whatever. Actually, if someone owns a storage media with some information, this mere fact cannot be violence on others in any way, regardless of what information is actually stored; since the owner of a material thing can on his/her sole discretion decide what to do with the property, the owner of an information storage media can therefore decide what sequences of digits to place on the media— or, in other words, what information to store on it. Any statements that try making it illegal or unlawful to own information of any special kind are therefore in conflict with the notion of corporeal property.

Adopting the notion of information violence and considering it a crime just like any other aggression on an individual, we can strictly (and consistently) define what information exchange is acceptable and what is not, as any inacceptable information flow appears to be the information violence of one of the abovementioned types.

Among the things recognized as information violence, there are lots of things that are traditionally found illegal, such as personal insults, hate and violence propagate, diffamation, espionage, etc.; there are things of questionable legality, e.g., that are legal under some judicial systems and illegal under the others, such as begging, censorship or forced testimony. Finally, the notion of information violence covers nearly all kinds of advertisement, propagate of 'socially positive' matters such as smoking ban, political manifestations (such as street protest), copyright and patent law. All these are traditionally considered legal and useful for the society; however, actually every of these types of activity, despite of their traditional legality, contradicts with interests of significant amount of people and makes these people unhappy and, in some cases, angry; so, all them are sources of social tension.

As the Internet epoch has shown, some advertisement methods (namely, spam) make it hard to use communication channels such as electronic mail. From the other hand, it was already noticed long ago that nearly any advertisement methods produce social problems. Some famous writers, including Henry Kuttner (1953) and Ray Bradbury (e.g., 1953), devoted their novels to dangers of advertisement in early 1950s.

Political manifestations are traditionally considered a lawful method for certain social groups to express their will to the government; however, political manifestations in the form of street protest make obvious inconvenience to civil people, such as residents of districts where the protest occurs. From the other hand, the information society can provide more effective— and non-violent— methods to express the people's will, simply making street protests obsolete and unneeded;

this requires some certain steps from the government, and street protests as such, as long as they still occur, clearly indicate that government's attention to public opinion is inadequate (while, in the contemporary society, it **can** be adequate).

Smoking ban, which is now in effect in Europe, makes millions of people angry on their governments; most of the adult smokers believe they know what they do and have the right to do anything they wish to their own health, so they consider all these governments' initiatives an unauthorized intervention into their private lives. For such persons, it is not necessary to know the term 'information violence' in order to feel being under a pressure.

Finally, many famous people, including Richard Stallman, claim that intellectual property (especially patents and copyrights) does not serve the purposes it was initially intended for, but instead helps publishers fight authors, provides additional capabilities for large corporations to control the world by nonmarket means, and makes other negative effects within the society.

The abovementioned definition of information freedom is based on libertarian model of freedom; however, it is not necessary to share libertarian views to recognize the importance of information violence. It is easily seen that each information violence case, just like any other violence, makes some citizens unhappy and therefore raises the risk of social conflict. As information society develops, social relations bound to information processing become more and more critical for the society; therefore, information violence as a source of serious social tensions will soon become (if not already became) a factor that cannot be safely ignored. Hence, the information violence concept adoption and implementation of the information freedom in the above-explained sense can solve some well-known contradictions in contemporary world, providing a consistent base for universal information exchange legality principles. Definitely this paradigm is relatively new, and it will take a while to adopt it and settle the appropriate changes in various aspects of society existence, such as law, public opinions etc.; and, certainly, strong resistance will be faced on this way. However, the model of information violence helps to explain the origins of social tensions that come from the information technology domain, so at the very least this model can be used to predict where we should expect social conflicts from. Even in case we dislike the libertarian point of view and do not consider personal freedom an important thing to focus on, we need at least to take some measures to lower social tension influenced by this kind of violence.

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