



# Freedom with Responsibility

**Dr Andre Oboler**

CEO, Online Hate Prevention Institute

& Distinguished Visitor, IEEE Computer Society

[oboler.com](http://oboler.com) | [ohpi.org.au](http://ohpi.org.au)



This work is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

## Lawrence Lessig: “Code Is Law - On Liberty in Cyberspace”<sup>1</sup>

- “Every age has its potential regulator, its threat to liberty... Ours is the age of cyberspace. It, too, has a regulator. This regulator, too, threatens liberty. But so obsessed are we with the idea that liberty means “freedom from government” that we don’t even see the regulation in this new space. We therefore don’t see the threat to liberty that this regulation presents.”
- “This regulator is code—the software and hardware that make cyberspace as it is. This code, or architecture, sets the terms on which life in cyberspace is experienced. It determines how easy it is to protect privacy, or how easy it is to censor speech.... unless we understand how cyberspace can embed, or displace, values from our constitutional tradition, we will lose control over those values. The law in cyberspace—code—will displace them.”

<sup>1</sup> <http://harvardmagazine.com/2000/01/code-is-law-html>)

# Are coders the right people to govern society?

- If code is a form of regulation society, what training and expertise do we as coders have in this field?
- Does a development team have the sorts of checks and balances of a Parliament in a democracy?
- Do we have a mandate from the people?
- Does a service provider have the impartiality, wisdom, and procedural rule of a court? Are they bound by the rule of law?
- What do we call a system of government run by an unelected few, who have power due to skills irrelevant to governance?
  - If those skills were the skills to make war and control territory we wouldn't hesitate to call it a dictatorship.

## Returning to Lessig...

- “In some contexts, for some, this unregulability [of cyberspace] is a virtue. This feature of the Net, for example, protects free speech. It codes a First Amendment into the architecture of cyberspace, because it makes it relatively hard for governments, or powerful institutions, to control who says what when. ”
- “But in other contexts, in the view of others, this unregulability is not a virtue—take the German government confronted by Nazi speech, for example, or the U.S. government faced with child pornography. In these contexts, the architecture disables regulation as well. But in these contexts, unregulability is viewed as a vice.”

1 <http://harvardmagazine.com/2000/01/code-is-law-html>

## F.C. Kohli, “The Information Society”

- “Systems must operate in many environments - Technical, economic, social and political, as they interact with culture, history, heritage and traditions.”
- **Question:** Is the code that regulates us taking account of these factors?



THE ONLINE HATE PREVENTION INSTITUTE

**LET'S LOOK AT SOME ISSUES...**





**Take back Australia**

September 15, 2012 ✱

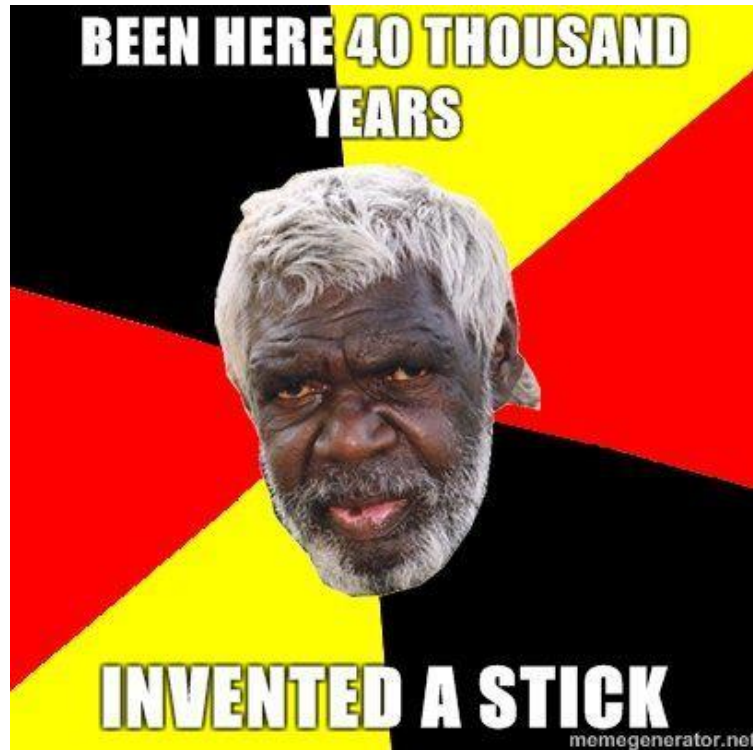
Are we really going to take this ?? let's start talking about arranging permanent payback, it's time to fight.



Like · Comment · Share

👍 6 💬 6

# Racial Vilification



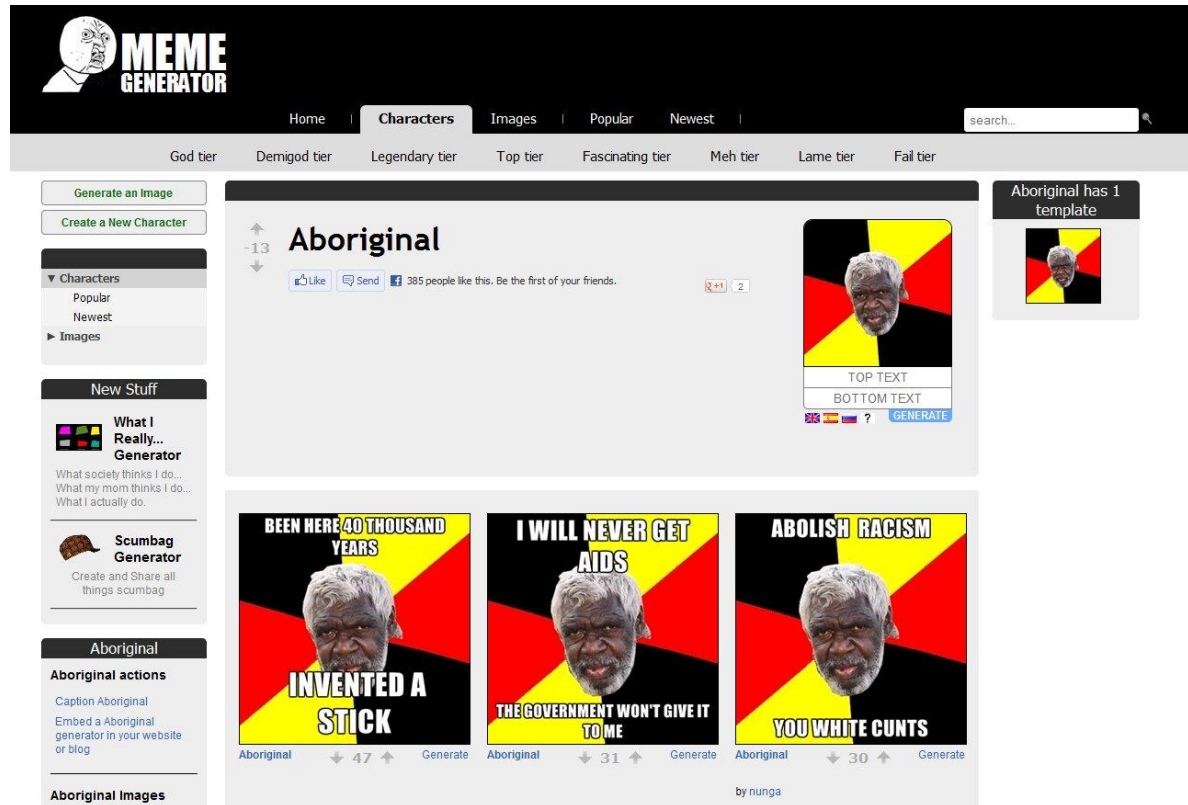


# Racial Vilification

From the artist:

“I am very sad and incensed that one of my copyrighted photographs had been used, without my permission, in such a racially abusive manner.”

Original Work copyright by  
Mr Peter Puddiphatt



Images used with permission of the photographer

# Racist Griefing



William John Bligh was a 9 year old Aboriginal child from Queensland who died in tragic Circumstances in February 2013.



Knock knock

## Who's there

Not Willy, he's dead. LOL!



### Shut down the fake 'Justice For William John Bligh' page

53 minutes ago

We laughed.

# LOL I DIED



Like · Comment · Share

# Impact of hate speech on Society

- Legal scholar Jeremy Waldron (2012) argues that hate speech:
  - undermines the ‘public good of inclusiveness’ in society
  - becomes embedded in ‘the permanent visible fabric of society’ and victim’s ‘assurance that there will be no need to face hostility, violence, discrimination, or exclusion by others’ in going about their daily life vanishes
- Hate speech undermines democracy and prevents participation in society
- Online the embedding of hate occurs quite literally with websites, Facebook pages, etc becoming part of the internet

# Impact of hate speech on individuals

- Exposure to a higher level of racism is correlated with
  - Greater emotional harm
  - Higher infant mortality
  - Lower life expectancy
  - Greater levels of substance abuse
  - Greater levels of truancy from school
- Research shows that racism can cause physiological stress i.e. It has physical effects impacting health as well as the mental harm it causes
- The American Journal of Public Health had a special issues on the health impacts of racism in May 2012

# The “value add” from the internet

- A Canadian court in 2006 said the Internet changed the ‘slow, insidious effect of a relatively isolated bigoted commentary... [in]to a form of communication having a widespread circulation’
- Racism can be posted anonymously, which may make responding impossible, there is a power imbalance between an identified responder and an anonymous instigator
- Individuals can be targeted by a virtual mob, the volume making any meaningful response impossible (death by a 1,000 cuts)
- The hate can flow across borders creating difficulties for law enforcement who may lack authority to gather the evidence they need





# **SOME CASE STUDIES**

# The Take Back Australia Case

Facebook recently banned the “Take Back Australia” Facebook page. The page was inciting against Muslims leading to comments like the one shown below. After banning the page Facebook implemented a work around to allow it to be seen in Australia in order to “encourage debate” rather than “censorship”. This decision was reversed late last night ahead of news stories in the media today (20/12/14).

The exception was a violation of their own terms of service prohibiting hate speech, and they had themselves designated it as hate speech. This content also had the potential to put the public at risk.

██████████ fucking dead man,, muslims will bleed in this country,, u dont know what blood is,, our streets will be washed clean with muslim blood,, fuck islam,, allah is a cunt,, muslims are weak minded cowards who rape kids and bully women,, fuck every muslim,, eat pig shit u islamic dogs, die muslim die,, every muslim in australia will be dead within 12 months,, this is our promise to islam!  
Like - Reply - December 17 at 1:48pm

## The Leigh Rigby Case

- Lee Rigby was a British soldier who was hacked to death in London on May 22nd 2013.
- Last month it was revealed that a social media company had data on one of the killers, and if authorities had this data, the murder could have been prevented
- There were also trolls who used his death to cause public outrage, over 100 people called the British police about one Facebook page

www.facebook.com/pages/Lee-Rigby-was-a-rapist-and-deserved-to-die/392169994232505

facebook

Search for people, places and things



Andre Oboler

Home

Create Page

Now

Joined Facebook  
May



## Lee Rigby was a rapist and deserved to die

24 likes

Like

Message



Community

We will not be forgotten and nor will the horrific acts of Lee Rigby!



Photos

24

Likes

About - Suggest an Edit

Highlights

Post

Photo / Video

Write something...



Lee Rigby was a rapist and deserved to die

about an hour ago

<https://www.facebook.com/onlinehate?fref=ts> Andre has our back you fucking rapist lovers!



Online Hate Prevention Institute

To be a world leader in combating online hate and a critical partner who works with key stakeholders to improve the prevention, mitigation and responses to online hate.

Page: 549 like this

Like · Comment · Share

2 people like this.

View previous comments

2 of 130



**Stephen Sinden** I know this page is disgusting and the person/s who put this on Facebook need to be caught and held to account for it. But believe me when I tell you this page will be being monitored by authorities. Yes report this page but be careful what you write on it as what you write could be deemed to be inciting racial/religious

Recent Posts by Others

See All

Likes



Lee Rigby Remembrance

Community

Like



Lee Rigby RIP Our Fallen Soldier Never forgotten

## The @samiwitness Case

- In the early hours of last Saturday morning Police traced the owner of the @samiwitness twitter account, Mehdi Masroor Biswas, and arrested him
- The account had over 17,000 followers and posted beheading videos, and interviews with people going to fight for ISIS (before they left and after)
- Charged under Section 125 of the Indian Penal Code, the provision prohibits the waging of war, attempted waging of war, or abetting the waging of war with “any Asiatic power in alliance or at peace with the Government of India”.

## The Australian Lindt Case

- Last Monday gunmen took people, including children, hostage in a Lindt chocolate shop in Sydney on Monday morning
- The hostages were made to hold a black flag with Arabic text
- A Facebook page was created almost immediately in support of the terrorists



Lindt Cafe Bombers Support Page

Andre Home 16



## Lindt Cafe Bombers Support Page

Amateur Sports Team

Like Follow Message

Timeline About Photos Likes Videos

PEOPLE >

74 likes


Invite your friends to like this Page

Post Photo / Video

Write something on this Page...

The page was a false flag designed to stir up hate against Muslims in Australia

## A counter speech response:

 **Online Hate Prevention Institute**  
Posted by Andre Oboler [?] · December 15


Please be aware that bigots are trying to take advantage of the hostage situation in Sydney. They are create false reports and pages on Facebook, claiming to be from Muslims, and in support of ISIS. Please ignore these pages, the police and Facebook are in the process of dealing with them.


If you would like to take a stand against this promotion of bigotry, please share this post and encourage others to like the [Online Hate Prevention Institute](#), Australia's national charity dedicated to combating online hate. Again, please do not share the links to the fake pro-ISIS pages, even to encouraging reporting. That problem is being dealt with.

265,344 people reached [See Results](#)

Unlike · Comment · Share 1,356 Shares

 Online Hate Prevention Institute, Christine Jennifer, Ittay Flescher, Christopher Busietta and 2,608 others like this.

 View previous comments 2 of 210

# The Ben Garrison Case

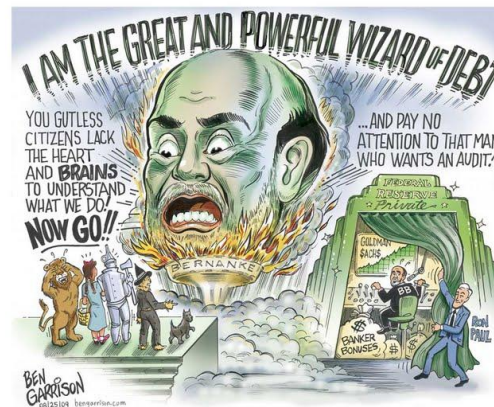
- Ben Garrison is a libertarian political cartoonist
- For years 4chan's /pol/ have been editing his images to turn them into Nazi propaganda
  - they keep his signature on the cartoons falsely attributing the racist content to him
  - They have created fake accounts, blogs, etc in his name promoting the fiction that he is a Nazi
  - His signature is pasted on to things that have nothing to do with him
- They have now flooded the internet through image hosting sites and social media displacing his original work
- This has impacted on his ability to get commissions, it's just "too risky" for potential clients to get involved



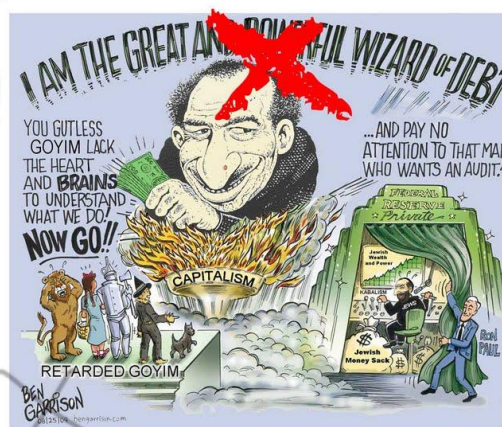
## My original anti-Federal Reserve cartoons:

Copyright owned by  
the artist, Ben Garrison

Images used  
With permission  
of the author



## Hijacked by bigoted, anti-Jewish Nazis:



Doctored and changed by some anonymous coward who left MY name on his offensive hate.

# Effort to remove the hate

- Most platforms have taken down the fake Ben Garrison content on the basis of DMCA requests
- One open source platform for image hosting has a policy of ignoring DMCA takedown requests
- The administrators (who were also the developers of the software) eventually removed images after a long discussion re: ethics
- In the discussion the platform stated that they only followed laws they agreed with and would actively ignore other laws

An image they removed:

"The day will come when all nations amidst which the Jews are dwelling will have to raise the question of their wholesale expulsion, a question which will be one of life or death, good health or chronic disease, peaceful existence or perpetual social fever."

BEN

"THE SYNAGOGUE SLAUGHTERER"

GARRISON





## **Let's remember, hate speech is a human rights violation**

- UN Treaties
  - ICCPR Art 20(2). Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.
  - ICERD Art 4 obliges states to criminalise hate speech
- National laws against racism
  - E.g. Laws implementing the above treaties
- Additional Protocol to the Convention on Cyber Crime
  - A number of European countries have signed up to this, enabling a sharing of data to prevent online hate crimes



# Professional ethics

Social media platforms, and their systems for internally handling hate speech, are all built by Computer Professionals. Management may also be Computing Professionals.

- Members will ‘improve the understanding of technology; its appropriate application, and **potential consequences**;  
– *IEEE code of ethics*
- Members will ‘**avoid harm** to others’ and ‘Improve public understanding of computing and its **consequences**’  
– ACM Code of Ethics and Professional Conduct
- ‘Software engineers shall act consistently with the **public interest**’ and ‘Software engineers shall act in a manner that is in the best interests of their client and employer, **consistent with the public interest**’  
– Joint IEEE Computer Society / ACM Code of Ethics for Software Engineers



# Freedom with responsibility

- The embedding of hate speech in the online environment damages the internet, it damages society, and it can serious harm individuals
- The technology is disruptive, it creates freedom, including the ability to subvert laws
- Hate speech is dangerous, and I argue we have a responsibility to build protections against it into our technology and our licenses
- Determining what is hate speech needs to be done locally and the hard cases must be decided by the courts. Once the law is known, and we know what sort of content is not permitted in a legal jurisdiction, we should make its enforcement possible.
  - Obviously there are times to ignore the law as well, when it is ethical to do so for the good of society. Hate speech is not a blanket exception.


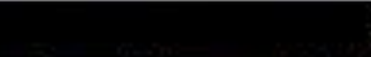



# THANK YOU, QUESTIONS?

NB: Next slides have some comments from Facebook on Freedom with responsibility

 Alexandra  When I read your question I immediately thought of the rape threats female programmers and games reviewers have received this year. Why is it okay for men who simply don't like or don't agree with a woman's perspective to stalk and threaten her? Can't they merely state their opinion, not harass someone to the point where they actually have to go into hiding, in fear for their safety? Freedom of speech should not include the right to ruin someone else's life by making them so afraid they can no longer express their own freedom of speech. My two cents, for what it's worth.

Like · Reply ·  12 · 15 hours ago

  Absolute freedom is anarchy. Speech is not harmless or artistic when it is used to to propagate hate. Pogroms and genocide doesn't just happen because someone bad is in power, they happen because of the seeds that hate speech plants in the hearts and minds of ordinary people, eating away at their tolerance levels until they are willing to allow or even participate in atrocities.

Like · Reply ·  13 · 3 hours ago · Edited



Freedom of speech is fantastic for 2 reasons, 1) It allows for the free sharing of ideas in the scientific community, even when those ideas go against long held belief systems and dogma, making it an essential factor in mankind's evolution out of the dark ages & 2) It allows people to feel free to speak out against their government making it an invaluable asset to democratic societies. When people abuse their right to free speech to spread hate and ignorance, it works against the ideals of liberty, equality and enlightenment that freedom of speech was meant to enhance.

Like · Reply · 8 · 15 hours ago

Words = actions. As with all actions there are consequences, these consequences can have either a positive or negative outcome. As a civil society we place limitations on actions which may cause harm. The ideal of 'free speech' does not exist in a vacuum, rather it can only exist within the parameters of civil society.

Like · Reply · 7 · 14 hours ago



██████████ A matter of priorities. What is more important? Freedom to say X whatever you like regardless of the harm it can do, or the dignity that is as intrinsic to each human being as the most basic of human rights. Rights and responsibilities are two sides of the same coin. Human rights are inalienable and the dignity of a human being is too.

Like · Reply · 👍 1 · 13 hours ago

██████████ You cannot have freedom of speech without responsibility. When a person engages in vilification they limit speech to their own terms, excluding others and stifling free speech. Freedom of speech is valued in our society because it creates knowledge through an open contest of ideas. No contest can be deemed fair, much less free, without all participants respecting the dignity of their opponent.

Like · Reply · 👍 7 · 13 hours ago

██████████ A concept as new as social media needs to be treated as such. A world in which what we say is delivered faster than the time we sometimes take to form our thoughts completely is a world to be formed with caution. Should we be allowed to say what we wish under a cloud of anonymity? Real anonymity? Without bounds, consequences, social responsibility? My heart says no. Hate speech, bullying, trolling, etc to name a few problems. But my head fears what comes of the no.

Like · Reply · 👍 2 · 12 hours ago