EDITED BY DIANA AYTON-SHENKER

FOREWORD BY ANDREW ZOLLI

A NEW GLOBAL AGENDA

PRIORITIES, PRACTICES, AND PATHWAYS

OF THE INTERNATIONAL COMMUNITY

Ch. 6 A New Global Agenda
Digital Information Access
By Courtney C. Radsch

Internet governance has become one of the most important issues impacting media and press freedom in the modern era. From censorship and the free flow of information, the role of bots, algorithms and artificial intelligence (AI), to big data and surveillance, the forces affecting media and journalism are becoming inseparable from those of the digital age. The future of internet governance can also be considered the future of media and press freedom. The way that governments, companies, and individuals communicate and get their news is reconfiguring the information ecosystem and challenging the hegemony of the state over the media ecosystem. This, in turn, is reconfiguring the contours of the public sphere, with profound implications for public policy and geopolitics. The journalistic field has traditionally played a central role in constructing and maintaining the public sphere, but technology companies are increasingly influential and even determinative by setting the boundaries and terms of visibility.

The role of states, and traditional concepts of sovereignty and power, are in flux amid tensions about the power of internet giants and social media firms, tussles over national law and its applicability online, and concerns about what shifts in dominant information and communication trends mean for the future of journalism and press freedom, and thus for politics more broadly.

Striking the right balance between government regulation, self-regulation by tech companies, and the role of the public will define the future of information in the digital age. At the core of this balancing is the question of who should decide what content is permissible and what is not. A look at abuse of media laws by authoritarians around the world is a clear warning against government regulation of information. At the same time, relying on internet platforms to filter or verify information could result in the privatization of censorship. Particularly as online activity and information is consolidated across a few hegemonic platforms, nearly all of which are based on the West Coast of the United States.

Internet and mobile phone penetration continue to rise in every region of the world, and about 2.8 billion people globally use social media on a monthly basis, with more than 91% of them doing so via mobile devices.[1] According to Reuters, more than half of all online users across 36 countries (54%) say they use social media as a source of news each week.[2] Nearly as many get their news on their smart phones and on Facebook. Facebook, with over two billion users, has become a dominant publishing platform and, in some cases, is synonymous with the internet.[3]

---

[1] https://wearesocial.com/special-reports/digital-in-2017-global-overview
[2] https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_0.pdf
[3] https://qz.com/333313/milliions-of-facebook-users-have-no-idea-theyre-using-the-internet/;
http://www.zdnet.com/article/who-really-wins-from-facebooks-free-internet-plan-for-africa/

Internet platforms depend upon quality journalism to populate their feeds and give their platforms value. As Klint Finley wrote in 2016 in Wired magazine, telecommunications companies are becoming media companies, and media companies are becoming telecoms.[4]

The dominant communications platforms of any particular era configure the potentiality for expression and power dynamics in the public sphere. Mass media, for example, enabled the formations of publics by portraying the normative and constitutive rules of the collective, whereas the networked, AI-inflected, personalized nature of new ICTs facilitate the formation of public spheres shaped by contestation between agents actively involved in constructing, shaping, and creating norms.

Therefore how these platforms are governed and the ability of journalism to adapt to their logic must be at the center of the global agenda. They enable or favor certain forms of communication and practices over others, as those that conform to or leverage the properties of the dominant platforms are more likely to succeed than those that do not. Institutional, cultural, and social factors also exert influence, and ultimately the forms of organization, power, authority, and trust that emerge depend on decisions about how they are governed and the way people are able to use them.[5]

For example, scholars have argued that printing ushered in new sociocultural and politico-economic practices, like industrialization, nationalism, and venacularization, and enabled the development of new forms of political organization – the nation-state – and new ways of thinking – like the Enlightenment and nationalism.[6] The process by which a particular medium, such as TV or the internet, becomes a dominant force in a given society includes compelling other institutions, such as the press or the political class, to conform to that medium's logic, resulting in new political forms and social practices, such as cable news or electoral campaigns focused on raising money[7] Harold Innis, who argued that the medium of writing was essential to the extension of government and military power across vast distances, believed that modes of communication are fundamental to understanding the development of cultural forms and their consequences, whether they be the division of political power, the organization of the economy, or the evolution of social practices such as journalism. Similarly, social media and ubiquitous internet has ushered in an era in which finding and disseminating information, communicating across vast distances, and personalizing one's information diet is easier, faster and cheaper than at any point in human history.

---

[4] https://www.wired.com/2016/10/att-buying-time-warner-future-google/
[5] Diebert, Ronald. "Parchment, Printing, and Hypermedia." (1997). Postman, Neil. *Amusing ourselves to death: Public discourse in the age of show business*. Penguin, 2006.
[6] Anderson, Benedict, and Imagined Communities. "Reflections on the Origin and Spread of Nationalism." *London, New York* (1991). Harold, Innis. "Empire and communication." *Toronto UP* (1950). McLuhan, Marshall. *The Gutenberg galaxy: The making of typographic man*. University of Toronto Press, 2011.
[7] Bourdieu, Pierre. *Practical reason: On the theory of action*. Stanford University Press, 1998. Altheide, David L. *Media logic*. John Wiley & Sons, Inc., 1979.

The internet era has forced the journalism field to adapt to a new logic in which journalists and the media are no longer the gatekeepers and values like immediacy, personalization, affinity and hyperbole have become dominant. Revolutionary change in the economics of the news business has upended traditional paradigms of advertising, dissemination, and production. In 2016, Google and Facebook took the lion's share of online advertising dollars at 49% and 40% respectively, according to the Interactive Advertising Bureau. Much has been written about the economic reconfiguring of the news industry as digital platforms decimated profit margins so suffice to say that choices about online advertising, tracking, cookies, and revenue models were made at each step of the internet era, from websites to social media platforms to the Internet of Things (IoT). Early choices to offer online content for free on a website or later on social media platforms created a path dependency and expectation from the audience that content, regardless of its quality, should be free. Particularly news content.

The ubiquity of the internet and the increasing prevalence it plays in news consumption habits, including via mobile and various apps, mean that people are carrying little news devices around with them wherever they go. Facebook, Google, Yahoo deliver news they think you'll like based on your previous viewing and engagement habits and those of your friends. They use collaborative filtering, algorithmic personalization, and artificial intelligence to serve up a menu of news and information they think will resonate most a given user. The assumption at the heart of their newsfeeds and news apps is that you should get more of what you and your friends like. Not necessarily what is in the public interest or what you might not like but need to know. The result is filter bubbles and echo chambers that foster insulated communities at risk of becoming increasingly isolated from those who hold different views.[8]

Media convergence, audience fragmentation, algorithmic personalization, new media players, and the intersection of copyright, intellectual property and expressive freedom with algorithms are just a few of the forces at work impacting the logic of how journalism functions and what "press freedom" means in the digital age. The technologies through which we make, impart, receive, and engage with journalism and other forms of information and communication have shifted considerably, at once democratizing media but also leading to new forms of media capture and censorship.

The so-called "Right-to-be-Forgotten," online extremism, and combatting fake news have become some of the most important issue areas impacting how the internet is governed and by whom. How these debates play out will have significant impact on our communications system, and the values on which it is premised values: privacy versus transparency, free speech versus illegal speech, freedom of expression and surveillance, and the artificial intelligence and algorithmic design versus human curation. The role of big data runs through each, as do questions about the state sovereignty and the privatization of censorship. Yet despite the great promises of the internet era, the technologies that have liberated journalism have also been turned against free and independent reporting amid pervasive surveillance, censorship, and online harassment.

---

[8] Castells, Sunstein

Around the world journalists and bloggers have turned to social media as the publication platform of choice. But the past few years have seen a proliferation of cybercrime legislation, anti-terrorism laws that target online speech, prohibitions against spreading "false news", and the more traditional criminal defamation and blasphemy laws are being expanded to the Internet often with more severe penalties than offline speech. In many less developed countries and illiberal democracies, vaguely-worded laws and a lack of basic technological understanding by policymakers and judicial branches have created an increasingly perilous situation for journalists and activists. Such deliberate ambiguity serves the interests of authorities seeking to restrict independent reporting and criticism, and enables them to equate such speech with terrorism or crime. Criminalizing the creation and dissemination of a range of vaguely defined content opens up journalists, activists and others to prosecution for engaging in standard reporting and commentary and restricts the topics that can be discussed in the public sphere.

Nearly half of the 259 journalists imprisoned in 2016 worked online. The majority were jailed on anti-state charges like terrorism or undermining national security, and at least nine of them were jailed on false news charges. Turkey, the leading jailer of journalists, closed down several online news outlets, destroyed the digital archives of one of the country's leading newspapers, and arrested a journalist in part because he had encrypted information on his computer. In Ethiopia, the Zone 9 bloggers were sent to prison on charges of terrorism, in part for participating in an email encryption training session. Jordan has prosecuted dozens of people who posted messages the government viewed as supportive of Islamic State and arrested at least four journalists for reporting or commenting on anti-terrorism operations.[9] More than 110 journalists and activists in Egypt were targeted in what appeared to be a state-sponsored surveillance and hacking operation known as NilePhish.[10] A recent anti-terrorism law makes it illegal for journalists to contradict official accounts of terror attacks, imposing fines of up to $65,000 and a minimum of five years in prison for reporting information that differs from that of the Egyptian Defense Ministry.[11] In the UK, police used anti-terrorism legislation to demand communication between a BBC journalist and a man in Syria who said he was an Islamic State member, to obtain information on journalists' confidential sources; and to require Internet Service Providers to do more to track and take down extremist content. Draft legislation would oblige telecommunication companies to enable real-time surveillance and remove encryption.[12] But such attempts by governments to control the public sphere and punish those who digress are only half the equation.

The other half is shaping the dominant narratives in the public sphere. Russia has a host of media organizations dedicated to disseminating propaganda, interacting with news and its users, and perpetuating a certain worldview that is not hospitable to journalists or press

---

[9] http://www.theguardian.com/world/2014/nov/27/-sp-courts-jordan-crush-support-isis;
https://cpj.org/2015/07/jordanian-court-orders-arrest-of-journalist-over-t.php
[10] https://cpj.org/blog/2017/06/how-surveillance-trolls-and-fear-of-arrest-is-affe.php
[11] https://cpj.org/2015/08/egypts-new-anti-terrorism-law-deepens-crackdown-on.php
[12] https://cpj.org/2017/05/expanded-surveillance-powers-could-threaten-work-o.php

freedom. Its Internet Research Agency reportedly employs hundreds of people to engage on social media platforms and promote a pro-Russian perspective, and appears to operate a network of pro-Kremlin websites including the Federal News Agency. With a reported budget of at least 20 million rubles (roughly $400,000) a month and competitive salaries, it surpassing that of many news organizations at an estimated, the IRA has" "industrialized the art of trolling."[13]

In the EU, the European External Action Service's StratCom team, which is charged with countering and uncovering what it calls Russian disinformation, received a boost in its 2017 budget. East StratCom maintains the EU Mythbusters Twitter account and distributes the Disinformation Review, a weekly bulletin highlighting examples of pro-Kremlin mis- and disinformation.[14]

Politics has always blended with the dominant media of the era. From the use of papyrus by the ancient Egyptians to extend their empire, to the role of the printing press in the secularization of politics in Europe, to the use of television commercials by political candidates in contemporary America, and geopolitics in the era of social media.[15] In the era of social media and the network society, one would expect that more governments will set up departments to counteract fake news/propaganda in the near future, even though there is little evidence that government-funded counter narratives have an impact, which will make it harder for democratic governments to criticize countries like Russia, China and Iran that already fund bots farms pay internet commentators to promote their views and sow disinformation.

But even as governments seek to govern the internet, they need the help of tech companies. Internet intermediaries face increasing pressure to get involved in deciding what information should flow through their networks or platforms or moderating the content available through their services. In many cases states are outsourcing some of their oversight and censorial power to private companies in which there is a lack of public oversight or democratic input. This is not just the case in repressive regimes or illiberal democracies, but is in fact being led by Europe and other Western countries. And in these cases they are often responding to public pressure.

An example is the delisting requirements mandated by European law. The so-called "Right to be Forgotten" ruling in the EU required that Google remove "personal data" from search results when requested, under certain exceptions, with no requirement for truth or public interest. The ruling was vague and left it up to Google to create and enforce the implementation mechanism, which is did by interpreting the ruling narrowly as applying to the relevant country-level domain rather than its entire platform. This tactic has come under fire from EU officials, who have called for a much broader interpretation of the ruling. Meanwhile, in Canada, a judge ruled that (Google) had to delist a copyright infringement across the full set of domains, irrespective of whether that country was subject to Canada's laws or not. The R2BF set a precedent for other

---

[13] https://www.nytimes.com/2015/06/07/magazine/the-agency.html?_r=0
[14] https://twitter.com/EUvsDisinfo and https://euvsdisinfo.eu/
[15] Deibert.

delisting efforts, with the approach spreading to Brazil, Indonesia, Argentina and elsewhere, led by both government and civil society. The R2BF exemplifies tensions between governmental, public, and private sector approaches to balancing privacy with openness and the free flow of information.

There is a tension between normative, regulative, and legal approaches that in some cases are tipping the balance away from state control. Governments of all stripes have called for increased surveillance powers and encryption backdoors following terrorist attacks, and are increasingly seeking to hold social media firms responsible for the monitoring and removal of extremist propaganda and accounts that promote radicalization or violence.

In early 2015 following the deadly attacks on the satirical French newspaper *Charlie Hebdo*, France, E.U. interior ministers, the U.S., and Muslim-majority states called for greater restrictions on online extremism, including holding social media platforms partially responsible for content.[16] That same year the U.N. Security Council Counter-Terrorism Committee called for Internet platforms to be held liable for hosting or indexing extremist content. Australia has said it will treat extremism content in the same way it treats child pornography and actively seeks its removal.[17] Several Western governments have set up Internet Referral Units specifically designed to get alleged terrorist material offline and often leverage the tech company's own Terms of Service to justify removal requests, rather than a court order. And more than 90 percent of these requests appear to be honored.[18] But governments are not content with having to do all the work to flag problematic content and demand that tech companies do more and do it more quickly and proactively.

The same dynamic has been seen with the issue of "fake news." Fake news, like terrorism is rarely defined but used by the public, tech firms and policymakers alike. The trouble with this is that "fake news" has become a catch-all term encompassing both false information portrayed as news, disinformation and misinformation, counterfeit news, and propaganda, as well as news or information someone disagrees with or doesn't like. Revelations about hacking and the scourge of "fake news" online during the 2016 U.S. election, the U.K.'s Brexit vote, and concerns about Russian influence in a range of European elections, has put the issue of combatting fake news and propaganda online front-and-center of the international agenda. How governments and tech firms respond will favor certain species of thought, organization, authority, and truth over others, with significant epistemological and ontological repercussions that will influence our ways of knowing and the evaluative means for establishing veracity and authority.

---

[16] http://www.wired.co.uk/news/archive/2015-01/12/charlie-hebdo-isp-internet-surveillance; http://www.bloomberg.com/news/2015-01-27/france-seeks-to-sanction-web-companies-for-posts-pushing-terror.html; http://www.msnbc.com/msnbc/senators-introduce-social-media-bill-after-terror-attacks
[17] http://www.abc.net.au/news/2015-02-20/brandis-announces-program-to-combat-terrorist-propaganda/6160406
[18] http://cima.ned.org/wp-content/uploads/2016/10/CIMA-CVE-Paper_web-150ppi.pdf; http://www.theverge.com/2015/1/28/7931043/european-union-flag-terrorist-youtube-videos

Although China has led the way in seeking to restricts news and rumors and to deter journalists and bloggers from reporting breaking news as its leaders strive to maintain their power. But it is the more recent debates emanating from the United States and Europe that have provided cover for governments of all stripes to crack down on what they consider fake news.[19] False news restrictions are used to shutter critical outlets, censor content, and send a chilling message to the media more generally that is likely to encourage self-censorship. The proliferation of cybercrime bills have exacerbated this trend as legislation often includes language prohibiting and even criminalizing the publication or sharing of false news and/or information.

A rash of arrests over the past two years related to spreading false news, rumors or insults on social media have been seen throughout the Middle East, including in more liberal countries like Jordan and Lebanon, Africa, and Asia. In Cameroon, the government launched a campaign against the spread of false news via social media and proposed a social media bill that limits the dissemination of what the government considers to be rumors and "defamation of facts."[20] At least 20 countries in the world have some type of restriction on the circulation of false news, information or rumors, according to a review of Freedom House's annual *Freedom of the Press* survey. In Egypt and Ethiopia, at least nine journalists were jailed in 2016 for violating such statutes and several others detained or harassed for spreading false information, when in fact they were doing journalism.[21] Thus in western democracies the issue of fake news has risen to the top of the internet governance agenda because of Brexit and the US elections, with repressive countries happy to use as cover.

If national government oversight and regulation becomes the dominant norm then the approaches of these tech platforms will have no choice but to adapt. There are now precedents for requiring internet giants to ban or remove particular categories of content. The European Commission's Code of Conduct for Countering Illegal Hate Speech Online commits the companies to removing reported hate speech within 24 hours from Facebook, Twitter, Microsoft and YouTube. Similarly, the so-called Right to be Forgotten created a mechanism for individuals to request content removal, and thus a mechanism for handling, assessing, and implementing complaints is in place. Although well-intentioned, they outsource responsibility to private companies to determine what is legal or permitted, without sufficient guidance from the courts, even as they decry the size and power of these internet giants and calls for efforts to break what they see as a monopoly. They also appear to be increasingly broad and interpreted not to apply only to the national context but to the entire platform. It also creates the opportunity for authoritarian governments who would seek to control the online narrative through censorship to make similar demands.

---

[19] https://www.cpj.org/blog/2011/10/china-confronts-internet-rumors-and-trashy-tv.php; https://www.cpj.org/2011/08/chinese-microblog-suspends-accounts-for-false-rumo.php
[20] https://fronteranews.com/news/africa/can-equate-social-media-terrorism-cameroon-thinks/; http://internetwithoutborders.org/fr/cameroonian-governments-dangerous-stance-against-a-free-and-open-internet/
[21] https://cpj.org/imprisoned/2016.php

Many of the internet giants say they don't want to be in the position of having to decide what speech is legal or not, and dispute that they play the role of publisher. But the major tech platforms such as Facebook, Google, and Yahoo all exert some form of editorial control over news content. They have adopted practices that are more similar than not to publishing, such as creating partnerships with journalistic organizations, fact-checking, removing or restricting content, and curating news. Other tech companies appear less concerned about making normative decisions about what information should be allowed in the public sphere. The web-hosting service GoDaddy, Google, and CloudFlare kicked the neo-Nazi site *Daily Stormer* off their services. But where as the former claimed it violated their terms of service, the latter called the decision arbitrary and the decision of the CEO, who wrote in an email to staff that he woke up in a "bad mood" and called the offending site an expletive.[22] He also cautioned against the danger of this power to decide who could be online or not, noting in a blog that "a small number of companies will largely determine what can and cannot be online."[23] He could make that decision, he said, " because I'm the CEO of a major Internet infrastructure company." As one tech journalist wrote, the company has "helped to establish an industry-wide norm that some content is too offensive to be hosted by any mainstream technology company." [24]

Putting subjective decisions about what constitutes extremist content, fake news, or hate speech in the hands of corporate actors without providing them with sufficient guidance, ensuring effective remedy, or requiring transparency about how such decisions are made and remedy implemented, risks privatizing censorship and infringing on protected speech and due process, and could **unwittingly provide a tool to repressive governments or tech leaders to retaliate against unwanted criticism or opposition**.

Intermediary liability and the privatization of censorship

Technology companies, unlike media companies, are shielded from legal responsibility for content that appears on their platforms – otherwise know as intermediary liability. While the term intermediary liability may put some to sleep, the issues at the core of the debate over legal responsibility hold significant implications for what role internet and social media companies play in journalism and the free flow of information. Should social media firms be legally responsible for removing hate speech, "fake news" or extremist content? Germany thinks so, and in 2016 passed a law that would compel social media companies to remove illegal content within a very short time frame or risk fines as high as 50 million euros.[25] While the law applies to "social media networks" with more than two million users and includes an exception for "platforms with journalist content for which the platform operation takes full responsibility," overly broad language could affect a range of platforms and services and put decisions about what is illegal content into the hands of private companies that may be inclined to over-censor in order to avoid potential fines.

---

[22] https://arstechnica.com/tech-policy/2017/08/cloudflare-ceo-the-people-behind-the-daily-stormer-are-assholes/
[23] https://blog.cloudflare.com/why-we-terminated-daily-stormer/
[24] https://arstechnica.com/tech-policy/2017/08/cloudflare-ceo-the-people-behind-the-daily-stormer-are-assholes/
[25] http://fortune.com/2017/06/30/germany-law-social-media-hate/

This concern is not hypothetical. The former associate general counsel at Google, Daphne Keller, told BuzzFeed News that internet platforms "take down perfectly legal content out of concern that otherwise they themselves could get in trouble."[26] Such measures could make it more difficult for journalists, media and civil society more broadly in repressive countries who rely on social media to disseminate news and engage in the public sphere because of concerns that legitimate critique would be interpreted as extremism. "Governments should set the boundaries through laws about what is illegal, not leave it up to the companies, this is not a principled approach and leads to questions over why something is or is not terrorism," said one internet company official in an interview.

Nonetheless, companies are under fire to scrub extremist content, fake news, and hate speech from their platforms to head off government regulation so they are censoring content and offending accounts, reconfiguring economic incentives, and experimenting with new approaches. For example, Twitter not only removed offending "fake news" accounts, including those belonging to the so-called alt-right in the U.S., it refused to verify some accounts or even removed their verification status, a symbol of authenticity.[27] Online app stores removed some alt-right news sites and the Twitter accounts of several people associated with the alt-right, including a technology journalist for *Breitbart News* and an executive at *Business Insider* were closed.[28] Facebook, Google (YouTube), Twitter and Microsoft created a shared database of content they deem to be "extremist" and removed from a given platform has demonstrated how hashes, essentially a form of digital fingerprinting, can be used to facilitate content removal across multiple platforms.[29] The Association for Progressive Communications said that such an approach showed that "Google/Jigsaw is openly venturing into selling ideologies, with little transparency or oversight of its methods."[30] As Nicholas Lemann wrote in the *New Yorker* "one relatively new private company, which isn't in journalism, has become the dominant provider of journalism to the public, and the only way people can think of to address what they see as a terrifying crisis in politics and public life is to ask the company's billionaire C.E.O. to fix it."[31]

Tech firms are also seeking to rejigger the economic incentives that have fueled many counterfeit news or disinformation sites and experimenting with new approaches to signal veracity. Google and Facebook announced their advertising systems would ban sites that traffic in misinformation and disinformation and both have implemented new tools to identify and combat "fake news." Facebook's tool allow users to flag "hoaxes" and has partnered with a handful of third-party fact-checking organizations to flag "disputed" news. On some Google

---

[26] https://www.buzzfeed.com/hamzashaban/eus-online-hate-speech-deal-prompts-fears-of-censorship?utm_term=.wxxqZ1NQVN#.al68gLjZnj

[27] https://cpj.org/blog/2017/03/deciding-who-decides-which-news-is-fake.php

[28] https://www.washingtonpost.com/news/morning-mix/wp/2016/11/16/a-great-purge-twitter-suspends-richard-spencer-other-prominent-alt-right-accounts/; http://fortune.com/2016/11/16/twitter-ban-alt-right/

[29] https://blog.google/topics/google-europe/partnering-help-curb-spread-terrorist-content-online/

[30] https://www.apc.org/en/news/question-day-how-protect-human-rights-online-while

[31] http://www.newyorker.com/news/news-desk/solving-the-problem-of-fake-news It%E2%80%99s

news pages a "fact-check" tag has been included. Deciding who decides what news is fake is a governance question, and one that will empower some actors over others and the dynamics of the public sphere.[32]

The approaches that companies take and the solutions they build influence what governments can mandate they do.[33] Currently these initiatives are voluntary, but they could be made mandatory, which would set a troubling "precedent for cross-site censorship," according to the non-profit Center for Democracy and Technology.[34] For example, tech companies argued against creating a shared database for content removal related to the "right to be forgotten," but put one in place for extremist content. Now that such a shared database exists and coordination between companies is taking place, this could be expanded to include other types of objectionable content – like "fake news" - and create legal "knowledge" among participating companies about such content. And what happens when repressive governments want companies to use these mechanisms to pursue objectives like clamping down on dissent? Turkey would undoubtedly like to make the same case for Gulenist content or Egypt about Muslim Brotherhood content.

Journalists and media organizations are getting caught up in removal efforts by Western tech firms. When tech platforms make choices about what content to remove they rely on automated processes, although most claim human review at some point, an inevitably end up censoring journalistic material, with little recourse for those affected. Tech companies must automate some aspect of content removal because of the scale and scope of content being created and shared. This results in what I call algorithmic censorship, a particular type of privatized censorship. After YouTube announced an automated review for "violent extremist" content, the pages of several Syrian news sites and sites documenting human rights abuses were closed and accounts deactivated, according to reports. As Google executives were blogging about the accuracy of their artificial intelligence program and the fact that 75 percent of videos "removed for violent extremism over the past month were taken down before receiving a single human flag," Orient News appeared to have had its account closed and *Middle East Eye* had several videos from Syria removed for violating community standards.[35] Evidence used in the Chelsea Manning case was also reportedly removed. Facebook suspended the account of a French journalist because a 2013 post included an ISIS flag,[36] and the citizen journalism group RBSS told me their accounts on Facebook and Twitter were shut down for several weeks because of reported terms of service violations, though they provided the only coverage of Raqqa to counter ISIS propaganda. Requests through the automated system received no response, and it was not until someone intervened directly with the company that its account was reinstated. But even with human review errors or judgement will be made that require consideration of context and interpretation in deciding on the permissibility of any

---

[32] https://cpj.org/blog/2017/03/deciding-who-decides-which-news-is-fake.php
[33] https://cpj.org/blog/2012/02/twitter-google-selective-blocking-censorship.php
[34] https://cdt.org/blog/takedown-collaboration-by-private-companies-creates-troubling-precedent/
[35] http://www.middleeasteye.net/news/youtube-criticised-after-middle-east-video-taken-down-over-extremist-content-1244893230
[36] https://rsf.org/en/news/rsf-deplores-suspension-french-journalists-facebook-account

content. Thus Facebook defended its decision to remove a post of the Pulitzer Prize winning "Napalm Girl" photo because it violated its community standards. The decision to cleanse the internet of violent extremism means journalists, intelligence analysts, and researchers will also lose access to the content. What if the United States sought to extend its prohibition against showing the flag-draped coffins of soldiers being returned from Iraq or Afghanistan to the internet? As Arendt observed, "appearances are realities, and that which does not appear is politically insignificant."[37]

Search algorithms and social networking feeds determine what you see at the top of results and effectively bury whatever is decided to be less relevant or recommended to you based on unknown criteria. The configure the public sphere by making some things visible. Algorithmic personalization and collaborative filtering, such as recommendations about which content you might like based on your previous consumption patterns, are perfectly suited to and a product of the dominant communications ecosystem. The convergence of artificial intelligence and algorithmic design will influence the information ecosystem in ways that are as yet unknown.

CONCLUSION

Information and events rarely have inherent meaning or importance; they must be interpreted, framed and contextualized before becoming imbued with significance and import, a process in which gatekeepers such as journalists and media owners traditionally played a central role. That is why internet governance as media regulation matters. The way tech companies and government grapple with "fake news" and terrorist content online will have significant political and public policy repercussions that will impact the internet and information flows in the years to come. It is essential, therefore, that self-regulation by tech companies be transparent, subject to independent oversight, and include some sort of path to remedy.

An algorithmic ombudsperson could assess the policies of private tech companies and the assumptions on which algorithms are based to ascertain the impact on the public interest. And any remedy must be more effective than the black box that online complaint mechanisms currently invoke.

How internet giants decide to implement policies around what type of information flows through their platforms can have unintended consequences that may serve to restrict or facilitate press freedom and the free flow of information. As new technologies emerge, the public, policymakers, and the private sector must grapple with how to govern the global public sphere.

---

[37] Goldfarb, Jeffrey C. *The politics of small things: The power of the powerless in dark times*. University of Chicago Press, 2007, p. 14.