

Internet Morality and Policing Harassment: Punishing the Trolls

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It has been in the works for some time, but the British government is showing keenness to enact laws that will punish those guilty of Internet “trolling”. According to Justice Secretary Chris Grayling, “This is a law to combat cruelty – and marks our determination to take a stand against a baying cyber-mob.”

None of this is actually new, at least when it comes to such policies of speech control on the Sceptred Isle. The policy change was already flagged in March this year when an amendment to the Criminal Justice and Courts Bill was proposed making it possible for a Crown Court, rather than magistrates, to try cases of online harassment.[1] Prison sentences from up to two years will be doled out.

Internet trolls have already been the subject of legislative, and criminal attention in the UK, with the current maximum sentence one of six months under the Malicious Communications Act. Two years ago, Nicola Brookes obtained a court order compelling Facebook to produce the IP addresses of those who attacked her online.

Frank Zimmerman also received a suspended jail sentence in 2012 for his dedicated haranguing of the Tory politician Louise Mensch, MP. Commentary then focused on Zimmerman’s appearance, giving an unruly, irritable citizen of cyberspace face and form. Dominique Jackson of the *Daily Mail* provided one reaction: “Images of a long-haired dishevelled and straggly-bearded Zimmerman in the press this week conformed closely to our stereotype of the internet troll: a cowardly loner, spending hours hunched over the keyboard, spitting out minatory venom from the relative safety of a cranky pseudonym and a potentially anonymous IP address.”[2]

Such images are misplaced. The modern Internet troll may well conform to a Zimmerman stereotype. Or they might be like Brenda Leyland, who was found dead in a hotel room earlier this month after an encounter with Sky News over alleged trolling of Kate and Gerry McCann, whose daughter went missing in Portugal in 2007.

Another dimension that tends to be neglected in such debates are the hired cadres, working for organisations or entities in the name of platform and policy. The entire landscape of electoral politics has been transformed by industrious trolls, who perform their venomous tasks with relentless, paid up enthusiasm. Then come the propaganda departments and dream makers, keen to keep an image pure and virtuous.

Recently, the Kremlin’s plans for a sustained shaping of opinion via bombarding the comments sections of such American websites as *The Blaze*, *Politico* and *Huffington Post* was exposed in emails leaked by a Russian hacker collective.[3] “The main problem,”

notes one of the project's team members, Svetlana Boiko, "is that in the foreign internet community, the ratio of supporters and opponents of Russia is about 20/80 respectively."

Britain's parliament may well be nudging the debate in the wrong direction. Such punitive laws constitute riot control by other means. While it is hard not to express sympathy for those targeted by what is a form of manic, even sadistic violence by social media, attempts to bang people up for that may not necessarily be the best way. Criminal prosecutions, argue such lawyers as Mark Stephens, should only be kept for that "very small minority who are fixated, who take it to the extreme - people who are borderline certifiable."[4]

Where do the lines of expression deemed against the public interest, and those in its favour, blur? It is all very good to hold the view, as Jackson, does, that, "Freedom of speech should never mean freedom to abuse." But apart from the United States, the very idea of a right termed a "freedom of speech" is highly circumscribed, one which is at the mercy of legislative intrusion.

Such laws risk being used by public figures to veil themselves in a protective layer - given that Internet forums and social media are formats of expression, disabling users, or at least dissuading participants - from being antsy, may have its own chilling consequences.

A further consequence of such laws is placing internet service providers into the position of moral guardians and gatekeepers. Such a dilemma was faced by Storify's CEO Xavier Damman, when he was confronted by some five women over the messages posted by a user under the handle "elevatorgate". Elevatorgate had, it was said, a history of sending messages filled with abuse and a good deal of misogyny. Damman's response was that this remained a "free speech issue", allowing elevatorgate's account with the company to stand.[5]

This saddling of responsibility, as entities such as Storify have to face, is highly problematic, being a grant of powers most ISPs would rather not have. But this is classic government outsourcing, a form of policing through the private sector.

Barbara Bukovska of ARTICLE 19 is certainly wary. Resorting to the blunt arm of the law in criminalising trolls is but one part of the problem. "Do we want to criminalise every social conduct we find problematic?" The pendulum may well swing the other way, and in matters of free speech, the offensive, at least to some degree, must be tolerated. Who determines the degree of that offensiveness is a problem writ large by the Internet.

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Notes

[1] <https://www.gov.uk/government/collections/criminal-justice-and-courts-bill>

[2] <http://www.dailymail.co.uk/debate/article-2158120/Freedom-speech-mean-freedom--abuse-As-victim-I-welcome-plans-unmask-cowardly-internet-trolls.html>

[3] <http://www.buzzfeed.com/maxseddon/documents-show-how-russias-troll-army-hit--america#4grw5fl>

[4] <http://www.channelnewsasia.com/news/technology/death-of-british-troll/1412178.html>

[5] <http://www.motherjones.com/media/2013/08/elevatorgate-storify-trolling-harassment--free-speech>

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