Case Study

Case studies of dilemmas in the field of freedom of expression are one of the most illustrative ways to understand the challenges and constraints of freedom of expression. Freedom of expression is fraught with various dilemmas. You are likely to encounter much of these as you continue to work on the issue of freedom of expression.

The following is a case study of dilemmas faced by proponents of freedom of expression in the fictional country called Zangara. The dilemmas are based on actual incidents that had happened around the world. Often the decisions taken are not clear-cut and the outcomes debatable. Also, don’t forget the four elements found in Article 19 of the Universal Declaration of Human Rights when going through these cases:

- The right to hold opinions without interference,
- The freedom to seek information,
- The freedom to receive information,
- The freedom to impart information

Democratic Republic of Zangara
Country Profile: Democratic Republic of Zangara

The Democratic Republic of Zangara was founded in 1952. Currently, the population is 22 million people according to the last census conducted in 2010 (or roughly the same as Yemen, Romania or Sri Lanka). The country is about 550,000 square kilometers (bigger than France but smaller than Kenya). On the north-east of Zangara lies the North Sea and to its west is the Gulf of Zangara. The capital city of Zangara is Za.

Between the 1850s-1880s, there was a huge influx of immigrants from surrounding countries into Zangara, which sharply increased the population and also altered the traditional demographic and created a pluralistic society. These early immigrants had by-and-large assimilated into the local customs and language, including changing their names to local language. At the same time they had maintained their own religion and many of their native cultural traits. Accurate census data are not available for that period of time but roughly half of Zangara’s population arrived during this first wave of immigration. Thus, Zangara demographic had remained until the last two decades when the country started developing at a faster pace than its neighboring countries. This has attracted a second-wave of immigrants who are in the country seeking better employment. However, these second-wave of immigrants have steadfastly maintained a separate identity and many hope to return to their home countries after a few years.

Currently, Zangara can be considered as a multilingual and multicultural country with 55 percent of the population speaking the native language Zangarian. The rest speak a mix of different languages. The official religion is practice by the majority of the country as well as several of the neighbouring countries. Its economy has traditionally been agricultural but moving towards a mix of industrial-based and technology-based economy, which was further boosted by the discovery of the petroleum reserve about 20 years ago in the Gulf of Zangara. Furthermore, due to the government’s policy of development information and communication technology (ICT), Zangara now boasts a vibrant community of tech-savvy young middle class citizen. This group of youth is well-connected with the global issues and is vocal about their opinions on the Internet, through a variety of social networking sites. While the older generation prefers to obtain news from the state broadcaster Zangara TV, the younger tech-savvy generation is increasingly turning to the Internet and social media for information.

1. Case of Freedom of Expression vs. Religious Sensitivities

Background

In late 2008, a Zangarian writer had trouble finding an illustrator for a children’s book about the life of a Zangarian Prophet. Illustrators turned down the job because they feared repercussions from the raising fundamentalists, as depicting the Zangarian Holy Prophet pictorially is considered blasphemy in Zangarian religion. In other incidents, translators of a critical book on the Zangarian religion did not want their names to appear on the book cover, a gallery withdrew an installation by an avant-garde artist inspired by the religion. The editor for the leading Zangarian newspaper, Zangara Times, felt that there were examples of self-censorship and considered them negative development in the freedom of expression.

What Actually Happened?

The editor of Zangara Times, in response to what he viewed as a negative development in freedom of expression, wrote to members of the association of Zangarian illustrators asking them to draw the Holy Prophet as you see him. Half of the members responded to the invitation. The illustrations were subsequently published in the newspaper on 25 September 2009. These illustrations caricatured the Holy Prophet in various drawing styles but they typically poked fun at the common stereotypes of the religion. One illustration in particular caused a lot of anger among the religious community for a connotation of terrorism.

These illustrations created an unprecedented controversy and uproar that some called the worst crisis in Zangara in recent years. A few weeks after the publication, several neighbouring countries formally complained in writing to the Prime Minister of Zangara. The matter was then brought up again couple of months later in December of the same year during a meeting at the Group of Nations which has members from 19 countries with similar linguistic and religious background. Now the issue escalated to an international level. The following is a snapshot of what had taken place since:

- 29 Dec 2009: The Foreign Ministers of the Groups of Nations issued a statement criticizing the publications and the inaction from the Zangara government
- 26 Jan 2010: Kingdom of Zusha recalled their ambassador and started to boycott the Zangara goods
- 29 Jan 2010: Editor of the Zangara Times appeared on TV Zangara network to explain his position
- 31 Jan 2010: Zangara Times apologized for the conflict and tension caused by the cartoons but not for the publication of the cartoons itself.
- 1 Feb 2010: Newspapers in France, Germany, Italy, and Spain reprinted illustrations in solidarity with Zangara Times
- 5 Feb 2010: Demonstrators set the Zangara embassy on fire in Zanadu. Zanadu Minister of Interior resigned

The “Holy Prophet Illustration Incident” has given a lot of food for thought on the debate between freedom of expression and press freedom and the issue of cultural sensitivity or respect for others’ customs and beliefs. Both sides have valid arguments. On the one hand, some in the religious world were displeased that religious sensitivities were ignored by the so-called “liberal” press who blindly upheld their right to freedom of expression. On the other hand, Zangara Times and several liberal newspapers argued that the increase in self-censorship due to fear of retaliation by religious extremists is threatening freedom of expression and by extension the very core of modern democratic system. Many were hurt, physically and emotionally by the incident. It was a very precarious and complicated situation indeed!

Points to consider:

You know that depicting the Holy Prophet pictorially is not allowed in the religion but you are also an editor of a major newspaper that is supposed to be defending and promoting freedom of expression and free press. What would you do if you were the editor-in-chief of the newspaper? Would you have published them?

What would you have done? Would you have done it differently? If you were to become the editor of a newspaper, the producer of television station or a radio station, what will you do when you are faced with similar problem?
How To Begin:
Identify the core issue: What is the core issue(s) you are facing? In the case of Zangara Times’s editor, he felt that freedom of expression in his country is under threat. He had two options, to publish or not to publish something about it. He chose to publish something about it. Now, he has to face the problem of what to publish.

Identify your dilemmas: What are the dilemmas facing the editor of the newspaper? He knew about the taboo of visualizing the Holy Prophet but he also felt it was an important part of press freedom and freedom of expression to effectively convey a message. That was Zangara Times editor’s dilemma.

• What is your company or organization’s official policy on the core issue and dilemma?
• What is your personal principle in the matter?
• What are the actions that you would have taken?

Going The Extra Step:
If you are intrigued by this case study, try to look up the following real cases which grapple with the dilemma between freedom of expression and cultural or religious sensitivities. What are the similarities and differences in the cases?

• The ban on Nazi-related and Ku Klux Klan (KKK) items for sale on Internet website eBay.
• Germany blocked websites promoting white supremacist ideology and Nazi propaganda.

2. Case of Freedom of Expression vs. Abiding by the Local Law
Search Engines Giving Up User Information

Background
More and more information is becoming available on the Internet now. In order to access information online we are relying more and more on Internet search engines, such as Google.com, Yahoo.com, and others. These search engines find and list the most relevant websites in relation to the keywords you have provided, according to a predetermined algorithm or formula.

As such, Internet search engines have become very important in our lives. Over time, they have also taken on the function of being the gatekeeper of information. A gatekeeper is a metaphor for anybody who has the power to decide what information could be allowed to “flow through” and what is not allowed. In other words, an Internet search engine provides online information for its users but also has the capability of restricting online information.

Many countries demand search engines companies and Internet Service Providers (ISP) censor or block certain websites. An ISP is usually a local company which connects a local user’s computer network to the global Internet for a fee. A search engine company could be located anywhere in the world.

The attempts to block a website could be politically motivated or based on a socio-cultural precept. The aim is to control the flow of information in the country and restricting the kind of information the local users may access. The OpenNet Initiative (http://opennet.net) based in Canada estimates that more than 40 countries filter the Internet to varying degrees.

Zangara’s government is much divided regarding what kind of information could be made available to the local users. On the one hand, there are politicians who argue for more control to avoid people using the Internet as a way to incite hatred and violence. On the other hand, they are those who argue that the Internet should be as free as possible. This policy affects the local ISPs as well as international and local search engines. Search engines that do not filter and exclude certain keywords are not allowed to continue to operate in the country.

Recently, a Zangara’s court demanded a popular search engine to block certain sites that were deemed too controversial in Zangara’s multiethnic, multi-religion and multi-lingual society. In fact, the Zangara authorities also demanded that the search engine turn over personal details of certain users in order to identify the person who uploaded sensitive materials to the Internet.

Zangara authorities argue that it is only reasonable to ask companies (foreign and domestic) to obey local laws and customs which include not providing links to topics deemed too sensitive on the Internet. However, Zangara also represents an extremely lucrative market for Internet companies because it is the fastest growing market in the region.

Furthermore, the problem is further compounded by the differences in law systems in different countries. While we hold true to the Universal Declaration of Human Rights and believe it to be applicable universally, it is also true that every United Nations member state is a sovereign state and hence the United Nations cannot forcefully impose legislation upon its members.

3. Case of Freedom of Expression & Videogames
Massively Multiplayer Online Role Playing Games

Background
Imagine that you have been playing a wildly popular videogame. It is a massively multiplayer online role playing game (MMORPG) with players forming small groups or communities in order to increase their chances of winning the game. For you, the game is entertaining and you also appreciate the online socializing which you are able to do with other players in the community. After all, these players are real people living somewhere in the real world—sometimes it could be a friend in your school or it could be someone living on another continent. Players play the game through avatars. Avatars are the virtual representations of the real players; they only exist in the game environment. Avatars could be in the image of a human being, in the shape of an animal, or a representation of a legendary and mythical being. Players often customize the appearance of their avatars—changing the colour of the hair, the clothing, the weapons, the voice, etc.

One day you observe that the avatars of a community in the game decided to wear the swastika signs and other Nazi paraphernalia, and even their usernames sounded racist. Even though it is just a game and the avatars do not really exist you are uncomfortable because the players who plays through the avatars are real people and do exist somewhere. Furthermore, the racist symbols and the connotations they represent are especially offensive. If a real person overtly displays the support for Nazi propaganda in the same manner in the real world, he or she would probably get into a lot of trouble in many countries. But on the other hand, this is a “game”.

Videogames, including games that could be played on game consoles such as a PlayStation™ or an Xbox™ and games that could be played on a computer, are becoming ever more popular. More varieties and game genres are available now than ever before. Users also have more control over the game through customizations or modifications (mods). At the same time some videogame producers have created extremely violent or pornographic games which have been criticized in some highly politicized court cases.

Dilemma:
What do you feel about this case? Should the moderator of the game ban these pro-Nazi players from playing? Should the moderator allow the right of freedom of expression for the pro-Nazi players in the virtual game environment?
In these cases, there were arguments that the perpetrator was influenced by playing too much violent videogames which increased their tendencies towards violence. The connection between violent behavior and playing violent videogames has not been proven and would in most likelihood be one of the many factors rather than the sole cause to violent behaviors.

Nevertheless, aside from the argument concerning violent behaviors, the issue of players asserting their individualities in a game is happening in the virtual world as you read this. Our example in the beginning of the section is actually true. In a more traditional setting, games producer have almost complete control over the structure and the appearance of a videogame. Players in past times were simply end-users with almost no say in how the game is built. But nowadays, with users being able to write things could happen that was not thought of by the original creators.

Video games including PC-based games and console-based games continue to grow and expand. The estimated worldwide sales of games in 2009 amounted to US $57 billion dollars. In comparison, worldwide movie ticket sales of the same year were only about US $30 billion dollars. This is one of the newest areas of contention in the discussion of the very old question of freedom of expression. The outcome of this discussion could be shaped by you and your friends.

What would you do if you were the moderator? Kick the group out of the game, issue a warning to them, stop playing the game, or ignore the pro-Nazi group?

**Challenge!**

Identify the Internet Service Provider (ISP) to your school and your home. Which is the most popular ISP in your country? List the top 3 search engines that you and your family use.

**Challenge!**

What other freedom of expression related dilemmas could you think of that comes up in the virtual gaming world? As you play videogames, online or offline, keep an eye out for issues related to freedom of expression as we have discussed throughout this Toolkit. Make a list, share it, and explore it.

Write your own Case Study!

Based on what you have learned and discussed, write a case study concerning freedom of expression or press freedom in your own country with local examples, facts, observations, etc. Share this case study with us!

In my country...

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