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Claiming the Freedom beyond Traditional Spheres: Extensions to Cyberspace

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ABSTRACT

Freedom is the entitlement provided to every citizen of a country. Extension and interpretation of freedom have been a topic of discussion for all these years. Globalization and the development of society have made the extensions to freedom and this century, cyberspace and free speech have become a topic of discussion for everyone. Cyberspace governance concerning freedom has become a topic of deliberation. This paper tries to highlight the same issue in general along with their status of governing cyberspace and the issue of free speech. The paper argues that India's interpretation of free speech must be inclusive of cyberspace and also advocates a strong need for cyber governance authority in the country to govern cyberspace. Recent case laws need for cyber governance, and adaptation of policy in India is the main topic of discussion and deliberation. Challenges and deliberation of cyberspace along with community tool creation issue have been a point of discussion and concluding remarks concerning the same is trying to justify the freedom which needs to be interpreted beyond the traditional spheres as the need of the century.

Keywords: free speech, cyberspace, cyber governance

I. INTRODUCTION

The exploitation of the cyberspace or internet did not start with its very inception. Globalization and revolutionization of the globe have increased the issues concerning cyberspace at large. Freedoms are now not bounded or limited to the traditional ways, but the extensions have been there beyond them; it has gone to the cyberspace as well. So, freedom of speech in cyberspace can be one of the new topics of discussion that can be discussed and deliberated. Issues have been there for the same, and judicial pronouncements prove a helping hand to better cyberspace governance. Years back, it was established that any Law should be relevant and subject to the Constitution's basic principles, including Law and Technology and late developments in the field have also given the wider scope of application of the Freedom concept in the field. Discussing these issues should not make us forget the positive aspect that the internet and

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cyberspace have given to the world. Undoubtedly, the founding fathers of the internet did not foresee the issues that have arisen. Though the internet is a space of International jurisdiction, conflict for the same has arisen. The creation of the lacuna and lack of legality has proved to focus on the discussion about the violation of the freedoms that have been envisaged upon an individual by the basic law of the land and governance of the cyberspace particularly.

It has become vital to discourage the challenges that have been initiated by the undesirable conduction of individuals on cyberspace, and cyber governance has become a social need along with legislature need. The rise and development of modern society has been proven to be a failure for providing guidelines for cyber governance². The need is now strongly felt to have a governing policy regulating free speech on cyberspace. For further enlightenment in this paper, the division can be done under two titles: making a free speech in cyberspace and keeping free speech.

Present time can be considered as tenuous for free speech as it is also threatened by electronic surveillance. Still, the approach which can be adopted by the government can clarify the future of free speech on cyberspace. So, the present article's discussion shall strive to pose those queries and furtherance the discussion to throw light on the same.

II. FREE SPEECH IN CYBERSPACE: CONCEPTUALIZATION OF NATIONAL AND INTERNATIONAL PERSPECTIVES

The cyberspace governance in India is being done through the Information Technology Act generally, and the Constitution of India is, of course, would provide an umbrella for protection to rights and freedoms. The crime that is done under cyberspace is the issues that need to be addressed today. It has been noted many times that liberty of expression is prominent for many different justifications.³ that will be proven as a helping hand for a gathering of information and shaping the applicability of laws for freedom⁴. The classical model that is being followed by all the individuals for the protection of their freedom includes the freedom of speech and

² Lennon Y C Chang and Peter Grabosky, *The governance of cyberspace*, https://www.jstor.org/stable/j.ctt1q1crtm.42?seq=1#metadata_info_tab_contents

³ Through Indian Express Newspapers (Bombay) Pvt. Ltd. and Ors. v. Union of India and Ors. MANU/SC/0340/1984, certain rights for the importance of freedom has been laid down by Hon'ble Supreme Court where the court observed that the freedom of expression has four broad social purposes of serving: (i) it encourages a person to accomplish self-satisfaction, (ii) it aids the disclosure of truth, (iii) it reinforces the limit of a person in partaking in dynamic and (iv) it gives an instrument by which it is conceivable to set up a sensible harmony among security and social change. All individuals from the general public ought to have the option to shape their convictions and convey them uninhibitedly to other people. In whole, the key rule required here is the individuals' entitlement to know. The right to speak freely of discourse and articulation should, consequently, get a liberal help from each of the individuals who have confidence in individuals' interest in the organization.

⁴ Barendt. E, *Freedom of Speech*, Oxford-Clarendon Press, London, 1987

expression as the core one ⁵. Self-governance, Freedoms, protection of identity etc. are the primary issues concerning cyberspace.

This right to freedom of speech and expression is protected through many international Human Rights organizations such as Article 19 of the Universal Declaration of Human Rights (UDHR), Article 10⁶ of the European Convention of Human Rights (ECHR) which talks about having and imparting of the opinions, ideas and information as the fundamental freedom of any individuals, Article 19⁷ of International Covenant on Civil and Political Rights (ICCPR) which separates the right to have opinions and the freedom of speech and expression, but it includes receiving the information and idea simultaneously. The ECHR contains the broadest reason for limiting the opportunity, which applies to one side to hold assessments just as to the different components in the opportunity of expression. The sweeping position to permit broadcasting, T.V. and film endeavours under ECHR Art.10 (1) doesn't rely upon there being an avocation for limiting the opportunity provided by Art.10 (2). By differentiate, ICCPR Art.19 would entail some authorizing system must be legitimized by such orientation towards the allowed grounds provided for setting the limitations set out by Art.19(3). Both the ICCPR and ECHR restrict the systems' authorization to be forced on the scattering of the written word, which might be limited uniquely as per Article 10(2) of the ECHR. Even restrictions of the opportunity for the holding of suppositions excluding impedance has been provided by Art.19 of the ICCPR, which is ensured by Art.19 (1).

India is also bounded by the laws and provisions of ICCPR and the Constitution of India, which guarantees the freedom of speech and expression and Protection of Human Rights Act. The Similarities of the laws in protecting freedoms can be found between India and U.S. laws. But

⁵ Carmi E Guy, *Dignity-The Enemy from Within: A theoretical and Comparative Analysis of Human Dignity as a Free Speech Justification*, University of Pennsylvania Journal of Constitutional Law, Vol. 9, No. 4, 2007, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=896162

⁶ Art.10 of ECHR provides as follows; (1) Everyone has the right to freedom of expression. It shall include freedom to hold opinions and to receive and impart information without interference by public authority and irrespective of frontiers. However, this shall not restrict States from requiring the licensing of broadcasting, television or cinema enterprises. (2). The exercise of these right, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety. Additionally, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

⁷ Art.19 of ICCPR provides as follows; (1). Everyone shall have the right to hold opinions without interference. (2). Everyone shall have the freedom of expression. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice. (3). The exercise of the rights provided for in paragraph 2 of this article carries special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or public health or morals.

the due difference in detail can be plausible if India's judicial trend is being looked into. The difference of opinions can be found between the views provided by Justice Bhagwati and HM Seervai, wherein Justice Bhagwati states⁸ that "it shall be advisable and wise to take reference of the opinions from U.S. court for the applicability in India as both the systems and laws for the protection of freedom can be stated to be similar..."⁹ where the later scholar begs to defer by submitting that¹⁰, "...the laws that are compared with each other are not similar on the grounds which is provided and based on that by arrangements provided by the Constitution for deterrent detainment which have no equivalent in the basic law of the land of the U.S. The First amendment authorizes an outright denial, so a substantial weight lies on anybody contravening it to rationalize such disobedience..."¹¹ [Emphasized version]. but due to the difference between the existence of the restrictions under both the laws, it can be stated that the position of the laws in that regard stands differently¹². The same is being interpreted by the impositions of the words used in the provisions mentioning the reasonable restrictions and the judicial interpretations of both countries. Through the judgement of *Kingsley Corporations v. Regents of the University of New York*¹³, J. Douglas by deriving the consideration to note the distinction between First amendment and Art.19 (1)(a) by opining that, "...the argument for the censorship about morality can be permissible if our Constitution had a provision about reasonable regulation for free press alike India¹⁴."

Thus, it can be interpreted that, in the U.S., freedom of speech is guaranteed. Still, the courts have the doctrine of '*Police Power of the State*' which has been applied to avert the mishandling of the First Amendment in any way as per the law, provided by the Constitution, through which the imposition of restrictions by the state can be done; this is similar to the reasonable restriction grounds provided under Indian Constitution Article 19(2).

The recent developments of technology and cyber fields make it difficult to get along with HM Seervai as Indian Judiciary has restricted knowledge and experience in dealing with the cases concerning the cyberspace environment as the traditional aspects are not proving to be that effective for the governance of cyberspace. Where at the same time, the U.S. being the birthplace of the internet, had the chance to deal with the issues with regard to deciding the

⁸ In *Express Newspapers Pvt.Ltd., V Union of India* (1959) S.C.R. 12

⁹ As per H.M.Seervai, such warning (not to follow U.S. Precedents) was given by the Supreme Court in *trav-Chochin V Bombay Co, Ltd., and Bombay v R M D Chamrabaguwalla*

¹⁰ Seervai H.M, *Constitutional Law of India*, 4th Edition, N.M.Tripathi Pvt Ltd., 1991

¹¹ *ibid*

¹² *ibid*

¹³ 360 US 684 (1959), available at <http://supreme.justia.com/us/360/684/case.html>

¹⁴ Seervai H.M, *Constitutional Law of India*, 4th Edition, N.M.Tripathi Pvt Ltd., 1991

issues with that regard and so it is advisable that the Indian judiciary is taking American experience and judicial pronouncements and precedents to overcome the challenges and issues arising because of lack of laws for cyberspace governance.

According to the American Jurisprudential aspect for the restriction and application of the doctrine mentioned above, six exceptions can be identified on the content-based governance. Such as, speech that may lead to lawless action¹⁵, obscenity¹⁶, child pornography¹⁷, fighting words¹⁸, defamatory statements¹⁹ and restrictions on commercial speech²⁰. This can be referred to govern the issue of Internet Blogging ban and any other such actions. Blacklisting the websites, banning the internet, blogging by Indian Netizens etc. are the rising issues In India that need cyber governance. The government, before long, pulled back its request owing open protest and objection. Even under the I.T. Act, there exists a lack of arrangement, as it stands now for the administration to force such a prohibition on the distribution of sites or sites. Be that as it may, the government can continuously use arrangements of Art.19(2) to limit the disclosure or publication of any material which is prohibitive on any platform provided by cyberspace. The issue of practising command over the internet is that it is multi-jurisdictional furthermore, not effectively manageable to the locale of a court of India. No allowance to due course of justice be allowed by anyone in the authority of the court²¹. So, this gives birth to the next discussion where conceptualization of free speech in cyberspace.

III. CHALLENGES AND GOVERNANCE OF CYBERSPACE

Usage of the Internet and development of cyber usage has increased the challenges in increased number. There are many instances which can prove the same. Discussing the scenario and instances of Indian cases, *Bhasin v. U.O.I.* can be referred for a better perspective. In cases identifying with Kashmir difficulties to the correspondences bar forced after the annulment of exceptional status to the state in August 2019, even though the Supreme Court repeated the inherent nature of the right to speak freely of discourse and articulation, it didn't settle on the realities of the case referring to public security concerns. Unexpectedly, Attorney General for India K Venugopal had contended that while choosing the right to speak freely of discourse and articulation, the court must consider, "the foundation of psychological oppression in the

¹⁵ *Fed.Election Commission V Colo.Republican Fed. Campaign Comm*, 533 U.S.431, 465 (20010; available on www.findlaw.com website

¹⁶ *Chaplinsky V New York*, 340 U.S.315 568, 571-74 (1942) available on www.findlaw.com website

¹⁷ *Miller V California*, 413 U.S. 15, 36-37 (1973), available on www.findlaw.com

¹⁸ *Ginsberg v New York*, 390 U.S. 629, 635-43(1968), also in *New York V Feber*, 458 U.S. 747, 754-58 (1968)

¹⁹ *Dun & Bradstreet V Greenmoss Builders*, 472 U.S. 749, 763 (1985), available on www.findlaw.com

²⁰ *Fla.Bar V Went for I.T., Inc* 515 U.S. 618, 623-24, 635 (1995) available on www.findlaw.com

²¹ *Namboodripad E.M.Sankaran V Narayan Nambiar* AIR 1970 SC 2015

state." Curiously, the free discourse was referred to by the Supreme Court on July 23, 2020, while hearing a supplication identifying with the exclusion of 19 agitators Congress M.L.A.s in Rajasthan, the Supreme Court seat drove by Justice Arun Mishra said that "voice of difference can't be stifled in a majority rules system." The Congress party pulled back the request before the Centre was made involved with that case.

With the ascension of the slashing-edge state, official organizations of social control have advanced to give rules of conduct with which they can be governed with self-regulation along with the laid down guidelines provided by state law, discussions for the goal of debates among residents and organizations for policing, indictment, mediation and discipline of the most genuine offences. However, it is currently commonly acknowledged that social control legislative offices are neither inescapable nor transcendent, subsequently making an interest for advantageous policing and security administrations. These establishments recognized by the state are joined considered responsible bodies that produce security by creating a group of non-state bodies. These elaborated and discussed fundamentals provides a broad shift to size and the working, including enormous private security offices which also include the makers and merchants having advancements, for example, shut-circuit T.V. (CCTV), to the great companion who watches out for her neighbour's home at the get-away time.

The administration of the internet, which is connected is of vast diversity than the physical region's administration. An outline of administrative and semi administrative establishments that exist to help secure the internet needs to be established and adopted by all the state actioned entities for better results. Notwithstanding state organizations, we will talk about a heavenly body of different entertainers and organizations. Many of those organizations do coordination that is intimate with state specialists and others that work very autonomously. These range from business giants of the cyberspace such as Microsoft, Google and many other such platforms of cyberspace where the issue of free speech is a concern; other non-administrative elements for example, P.C. crisis reaction groups (CERTs); bunches who are working for the controlling of the issue concerning phishing on cyberspace and any such Group; and crossover substances including the issue of pornography in the name of freedom of expression and speech etc. which mark restricted online activities on cyberspace. Moreover, there are autonomous, 'independent' gatherings, for example, Cyber Angels, which exist to advance cybersafety, and impromptu, momentary groups that take part in free watching and examination of the internet.

It is by, and large yielded that the state can't satisfactorily control the internet through laws furthermore, guidelines. When laws and guidelines stay up with the latest improvements in innovation, the capacities and adequacy of laws and guidelines will be restricted; the

transnational elements of much digital lawlessness and advanced innovation designs everything except ensure the same. Other administrative techniques, such as code and framework plan, self-guideline by the private area and co-guideline through open and private collaboration, have been proposed as options to administer the internet.

(A) Self-Regulation V. Private Regulation

State entities are considered the most important authorities governing the different areas, including cyberspace, among other authorities. The state entities have provided complete guidance, intervention and involvement drafting the rules. Importance of such regulations provided by state entities can only be understood when the “Code” governing the cyberspace is provided. There are many different areas which cannot be entirely under the governance of state entities, and so, self-regulation for such subject matter is required to be followed. Even with self-regulation, such entities' influence is noticeable and cannot be ignored, which helps the state be governed, regulated, constructed, and facilitated properly. With the advancement of the internet and cyberspace usage, it has become imperative to have enactment for the fighting cybercrime and protection of free speech despite certain libertarians firmly restricting government utilization of law a guideline to mediate²².

Most nations including America, Asia Pacific region, Middle East, India etc. are not signatories to the Budapest Convention since they were not engaged with the making and drafting or, just like the case of developing countries who are still struggling, they linger behind in creating residential cybercrime laws to the essential norms. This diminishes the viability of the show as it applies to not exactly 50% of the world's web clients and, as Archick (2006) contended, a large portion of the 'issue nations' are not effectively engaged with the show. In 2012, another worldwide cybercrime settlement was recommended by different countries having the laws to prevent crime and provide justice. Even though the proposition didn't increase a lot of help from Western nations, it may give a decent premise to another, more comprehensive show.

Non-state entities additionally assume significant jobs in the administration of the internet. To acknowledge the non-state entities, as in the conversation of code and design, self-guideline and wikified cybercrime avoidance shall be seen²³. Further to this understanding of the importance of self-regulation and private entities' role, the other road for discussing significance and necessity of creating community content tool creation in cyberspace can be mentioned briefly so that concept of free speech as a concept and governance of the same can

²² Barlow 1996; Goldsmith and Wu 2006; Grabosky et al. 2001; Katyal 2003

²³ see Tusikov, Chapter 20, this volume

be justified. This can be followed globally about necessary regulation as common practice as well.

IV. COMMUNITY CONTENT CREATION TOOLS IN CYBERSPACE

“Many people brought up in a world in which there were only a few broadcasting channels feel bewildered by the explosion of choice. The boundaries of industries are blurring: telecommunication companies want to become broadcasters, while broadcasters are increasingly moving into e-commerce, and Internet Service Providers are offering television channels²⁴.”

A portion of the substance creation apparatuses that might be utilized in the cyberspace which includes internet can be considered as follows:

- (a) Bulletin Board Systems (B.B.S.) – B.B.S. is considered to be one of the most established networks for the content writing and creation device, whose birthplace can be followed back to pre-web days. This being the most directed and aligned subject matter, it is observed the most as an activity. It allows everyone to post the suppositions, their thoughts or any such subject matter. Since some other element makes these discussions, there is some measure of the balance of the substance posted.
- (b) Wiki platform – Wiki²⁵ Is the place people from over the orb work together to make, alter and follow up to put the subject matter on a page. The customary strategy for making the page, spreading it out and hence refreshing it on the worker is given the pass by. It permits us to alter or include subject matter posted by another person on the same wavelength as it was initially posted. Wiki's are generally used to order information. The act of utilizing a wiki webpage as an individual site which is well-known as wikisquatting.
- (c) Blogs- Traditionally recognized as Blogs, which maintains a dairy of any individual who has created an account on cyberspace for the same, which may evolve as a commentary as others may also be allowed or restricted to give opinions on their posts. Such platforms are like BlogSpot or Moblogs (blogs updated over the mobile phone), Plogs (Picture blogs) Vlogs(Video blogs) and Splogs²⁶ (spam blogs).
- (d) Social Networks- These systems are more similar to online clubs. They permit individuals to meet up and locate one another and structure bunches dependent on the shared characteristic

²⁴ Department of Trade and Industry and Department of Culture, Media and Sport, A New Future for Telecommunications, available at <http://www.culture.gov.uk/PDF/CM5010.PDF>

²⁵ The word wiki is derived from the Hawaiian word ‘wiki wiki’ which means ‘rapid’.

²⁶ Also known as SPLOGGING. It is an art of creating fake blogs to drive up search engine ranking on websites and get more hits.

of interests. There are long-range informal communication destinations that take into account pretty much every need, for different activities which is generally followed by the general public at large on the cyberspace²⁷.

(e) Podcasts – A platform where the audio or visual file of contemporary thoughts or any such matter can be dragged down from certain usage restrictions.²⁸

The cyberspace in existence has to be considered as a true exercising platform of democracy²⁹. The influence of the entitled or an individual taking an active part on cyberspace should be measured by manner and content that they are putting on cyberspace and not on any of the issues such as position or any other worldly measures. Cyberspace provides all kind of communications including audio, visual, text etc. The perfect marketplace of the idea is considered to be the one from where everything is easily accessible and not only ones that are preferred but also given to everyone equally to have and exercise free speech. Information and Communication Technologies (I.C.T.) have drastically decreased the expense of disseminating discourse, and accordingly, the new media request these advances bring will be significantly more vote based and assorted than the earth we saw before to this³⁰.

The web correspondence, be that as it may, has ended up being the extraordinary equalizer. Out of nowhere, anybody can turn into a distributor, journalist, or editorialist. Likewise, the possibility of being heard once the freedom of speech is utilized is higher due to the spread of cyberspace and the platforms provided thereby. Through cyberspace for discussion and data trade, the innovative platforms provided to us are seeing maybe the best exercise of free speech that the world has ever observed. Along these lines, of a considerable number of network content activities, hardly any arrive at mass extents, and ones that do come at mass development extents do so rather rapidly³¹.

V. CONCLUSION

The internet is such an area where the principle 'one fits all' cannot be applied because of its vastness. Each government is different from being adopted, and that will make the ability to work differently. In today's time, the state alone won't fulfil the intense guarantee and security, which needs to be provided by them. So, it is advisable that the private players also come in

²⁷ Wikipedia, Online Free Encyclopedia, available at http://en.wikipedia.org/wiki/Social_network

²⁸ Definition as given in Wikipedia, Online Free encyclopedia, available at <http://en.wikipedia.org/wiki/Podcast>

²⁹ Balkin, Jack, Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society, 79 N.Y.L. Rev 1 (2004) available at www.papers.ssrn.com. t

³⁰ Godwin, Mike, Cyber Rights- Defending Free Speech in the Digital age, 1st Edition, Times Books, New York, 1998 at p 21

³¹ Binesh Kutty, Krishna Kumar, Rinku Tyagi, Sujay V Sharma and Varun Dubey, Will Technology Kill the News Paper?, P.C. Quest, Cybermedia Publications, November 2005

action to secure cyberspace and the free speech in cyberspace so that the limitation can be extended. It is suggested to op for semi administrative foundation establishment for better protection of freedom in cyberspace. It has not gone unnoticed that the data security, broadcast communication, media platforms etc. have their answerability once represented on cyberspace. The security of managing the same shall be on the individual's shoulder. That would lead to serving the similarities and even differences being founded which requires to be served. Solitary customers also bear some obligation for managing their benefits and information.

Offhand totals moreover give semi authoritative organizations who are working at the very primary level. It shall be ideal for working to the extent that these diverse regulatory and semi-authoritarian establishments work gainfully and convincingly. State protection for cyberspace security which has been there from the individuals is not wrong. Still, probably the self-regulation part at the same time is also required to have better coordination for freedom to be kept intact. Everyone needs to be vigilant about their actions and the state actions and then convey the same to achieve the goal will be fulfilled. This fact is inescapable for everyone in the society for attaining valuable and innovative result for this issue.

Along with the facts above mentioned, no sure results can be expected indeed as the cyberspace's administrative and changing face is so impromptu. That is why self-regulation and the policy derived by the state sector and private sector become vital as the frequencies are unpredictable. One must be prepared for exercises that are a bit of the issue, rather than part of the course of action. Carefulness about the affiliations and activities ought to be more vigilant, regardless of whether they exist under the business or private affirmation. A proper approach for providing cyberspace and the security post some duration and place to subordinate upon the security setting being implied and the more immense uttermost scopes of individual people. Attempts by the private fragment may in specific conditions compensate for lacks regarding government. A couple of states may be in a circumstance to raise their occupants' security consciousness, while others are certainly not. However, there is little vulnerability that investment across fragments is the general course wherein we should head.

Cyberspace/ Web offers an extraordinary stage for self-articulation. It advances law- based qualities and provides us with a chance to communicate and impart our perspectives and insights with all other individuals. As John Stuart Mill calls 'Commercial Centre of thought for finding truth', this new progressive media is significantly satisfied. Erotic entertainment has been the focal issue making lawmakers force limitations on the free discourse on the internet. A few endeavours made by the United States government to acquire some power over the netizens open discourse so far have not been persuasive. Free discourse being essential

common liberty, the legislature's strategy must advance and secure it instead of confining it. Insurance offered to free discourse by American courts is the most noteworthy on the planet. Frenzies about the correlative impacts of new media innovation are not recent. From the phone to the radio to films to T.V., each significant mechanical advancement has seen an overflowing of open and political worry about its potential for encouraging cultural rot, especially for impacts on kids. Besides, fears about changing sexual ethics or freak sexual conduct have gone with most of these innovative appeals. Like this, late commotion about explicitly unequivocal pictures, stories, and conversation accessible employing P.C. systems, what Mike Godwin of the Electronic Frontier Foundation has called "the incomparable Internet sex frenzy of 1995" isn't unexpected. By and by, this frenzy is significant because its impact on government endeavours at the guideline and open utilization of P.C. systems present conceivably risky limitations on online correspondence conduct. On the internet, discourse, innovation, and business are inseparably bound. The focal sorting out standards of the internet rotates around discourse and opportunity. Think about the popular adages: "Data needs to be free³²".

And so, it cannot be wronged if the statement is given that, "A 21st -century free speech law must attend to the ways that Internet protocols and intermediaries regulate or liberate speech. We must be ever vigilant, lest additional years find us lamenting the loss of a golden age for free speech."

³² This phrase is attributed to Stewart Brand. See Jennifer Lai, Information Wants to Be Free. and Expensive, FORTUNE (July 20, 2009, 2:00 PM), <http://fortune.com/2009/07/20/information-wants-to-be-free-and-expensive>.