



# Google vs. China's "Great Firewall": Ethical implications for free speech and sovereignty<sup>☆</sup>

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## ABSTRACT

Prior to its 2010 decision to leave China, Google has been blamed for helping the Chinese government to filter the Internet since it launched "Google.cn" in 2006. The primary goal of this paper is to investigate whether Google's launching of "Google.cn" that censors material deemed objectionable to the Chinese government is ethical or not. Apparently, it seems that Google should be blamed for helping Chinese officials to filter the Internet and to abridge freedom of speech. Unlike its outward aspects, however, Google's case is not simple. This article presents evidence and arguments that suggest it is difficult to assert that Google is an unethical firm to abridge freedom of speech in China.

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## 1. Introduction

China's modernization and global economic muscle have come at the expense of free speech and other political freedoms. Human Rights organizations and advocates have described the anachronistic discrepancy between economic wealth and the freedom deficit in powerful terms such as the famous "The Great Firewall of China." The Chinese speech censorship and policing of the Internet have become fixtures in global human rights campaigns and other debates about the role of technologies in social change. As a global technology powerhouse, Google's tussle with the Chinese regime, its relocation of its search engines to Hong Kong in 2010 to avoid censorship, has been celebrated as standing up for free speech. In a context where the revolutionary role of social media in the so-called "Arab

Democracy Spring" has been amply vaunted, it behooves scholars to re-examine Google's role in China, specifically its decision to launch its Chinese search engine, [Google.cn](http://Google.cn) in 2006. The local Google site, "[Google.cn](http://Google.cn) (Google-China)," has been a controversial issue because it exposed corporations' willingness to censor materials deemed objectionable to the Chinese government for the sake of profit. Many people and organizations including 'Reporters Without Borders' criticized Google, arguing the company was taking an immoral position that could not be justified. However, Andrew McLaughlin, senior policy counsel for Google, argued that people getting limited access to content is better than getting no access [9].

The primary goal of this paper is to investigate the ethical nature and implications Google's launching of "[Google.cn](http://Google.cn)" that censors material that offends Chinese government. Apparently, it seems that Google should be blamed for helping Chinese officials to filter the Internet and to abridge freedom of speech. Google defends itself, however, by arguing that it has to remove some content from the search results available on [Google.cn](http://Google.cn) in response to local law, regulation and policy. In addition, it explains

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that while removing search results is inconsistent with Google's mission, providing no information (or a heavily degraded user experience that amounts to no information) is more inconsistent with its mission. Moreover, other Internet and network companies such as Microsoft, Yahoo!, and Cisco also have helped authorities in China to censor or block online content in order to enter the Chinese market [9].

In light of these complexities, can we still blame Google as an unethical company for abridging freedom of speech in China despite Google's arguments? If so, what moral philosophy enables us to criticize Google? If not so, why shouldn't we blame Google? It seems that a cursory glance at Google's case drives us to judge Google as an unethical company because it abridges freedom of speech in China.

Unlike its outward aspects, however, Google's case is not simple. Its complicated interstices suggest that we should consider the multi-dimensional aspects of this case before blaming Google in order to prevent a misjudgment. First of all, Google's case is fundamentally related to the issue of freedom speech. In addition, it is closely embedded in the question of China's sovereignty. Therefore, we should think about the concept of freedom of speech as well as sovereignty. If the definition of freedom of speech in China is different from that in other countries such as the United States, what should we do? Can we assert that the definition of freedom of speech in the United States is universal? If the definition of freedom of speech in the western world including the United States is superior to that in China, do western countries have a right to intervene in China's domestic problems related to freedom of speech? If so, how implicated is China's sovereignty?

Secondly, before blaming Google, we should remember that Google is a private company and take for granted its pursuit of profit maximization. Based on this point of view, it is natural that Google is trying to enter China's market, one of the biggest emerging markets, complying with local Chinese laws and regulations. As mentioned above, Microsoft, Yahoo!, and Cisco had already helped authorities in China to censor or block online content in order to enter the lucrative Chinese market before Google announced that it would launch "Google.cn". Does Google also have a right to do business in China for its profit maximization if it does not violate Chinese laws as well as the United States laws?

Ironically, Google has been blamed much more than other companies such as Microsoft, Yahoo!, and Cisco for abridging freedom of speech in China because it had been praised by privacy advocates and consumers for fighting the U.S. government's request to hand over random web search data. In the chorus of opprobrium, for example, "Reporters Without Borders" condemned Google's stance since it would lead to the impression that "the firm defends the rights of U.S. Internet users but fails to defend its Chinese users" [9]. In spite of its condemnation, however, Google's attitude to look like antinomy provides us with grounds solid enough to criticize its actions and decisions. Furthermore, this case has some complicated issues below its surface, and further scrutiny is necessary to thoroughly grasp this case's interstices.

This article does not aim at criticizing Google based on a jaundiced point of view, nor does it aim to shield it from

warranted criticism. Therefore, before asserting whether Google is ethical or not, this study will examine the crucial issues related to this case, such as freedom of speech as well as national sovereignty, and the ethical duty of a private company through a brief literature review and a case study in order to appraise Google's case adequately. The second section of this paper looks at definitions of freedom of speech and sovereignty; and thus explores not only what the difference of freedom of speech between China and the United States is but also how we should approach the issue of sovereignty. The impact of the launching of "Google.cn" on China, especially the relationship between "Google.cn" and freedom of speech in China are described in Section Three, while Section Four briefly looks at the issue related to the ethical duty of a private company. Finally, Section Five summarizes and concludes the paper.

## 2. Freedom of speech and sovereignty

When "Google.cn" was launched in January 2006, it left behind two of its most popular features in the United States - e-mail messaging and the ability to create blogs- in order to cope with China government's Internet controls [9]. In addition, Google made it easier for Chinese authority to filter the Internet, by launching "Google.cn" without objectionable content to Chinese officials such as "Taiwanese independence" or "freedom of speech." As soon as the launching of "Google.cn" was announced, many people blamed Google for abridging freedom of speech in China. For example, Reporters Without Borders condemned the Google-China deal as "hypocrisy" and called it "a black day for freedom of expression in China" in a statement published on its Web site [9].

At this point, we need to think about the meaning of freedom of speech before criticizing Google for abridging freedom of speech in China. What is the freedom of speech? Why is it important? Is its definition the same all around world? Does it always take priority over other values? As [2] defines it, freedom of speech is regarded as a fundamental right that individuals enjoy as well as fundamental to the existence of democracy and the respect of human dignity. Especially, freedom of speech is accepted as the most important value necessary for a democratic society that respects human rights, as the United States. In reflecting this sense of value, the First Amendment of the constitution of the United States prescribes that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

According to First Amendment scholars such as Powe Jr., the philosophical background of freedom of speech is originated from market theory rooted in John Milton's "Areopagitica" and John Stuart Mill's "On Liberty" [1]. The 'market place' theory of ideas is based on the assumption that "the best test of truth is the power of the thought to get itself accepted in the competition of the market" [5]. However, the First Amendment does not always protect freedom of speech in the U.S. even though free speech is one of the most fundamental conditions for democracy.

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