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Free Expression and Censorship: The Evolving Role of American Companies in the Age of the Internet

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By: [Daniel Witt](#), Associate, The Global Business Law Review

In an ever globalized world, Western values celebrating free expression have increasingly come into conflict with societies governed by more traditional and conservative norms. Salman Rushdie's 1988 publication of *The Satanic Verses* demonstrated this when the novel ignited a worldwide controversy over its depiction of the Prophet Mohammed. The dispute remains one of the most prominent examples of freedom of expression colliding with laws prohibiting blasphemy in predominantly Islamic countries. Several bookstores were ultimately bombed, and Ayatollah Khomeini of Iran issued a *fatwa*, or death warrant, against the author. [1] In response, many bookstores decided against selling the novel entirely.[2]

The at-times opposing ideals of free speech and religious sensitivity have remained contentious in the years following the publication of Mr. Rushdie's novel; however, the rise of the internet as a dominating force in the global economic and political environment has sharpened this conflict. On September 11, 2012 diplomatic missions in Egypt and Libya were attacked by protestors angered over the YouTube video "Innocence of Muslims," which mocked many Islamic beliefs. The violence resulted in the deaths of four Americans, including Ambassador Christopher Stevens.[3]

As protests spread to other countries across the Muslim world, the debate over the legal and ethical limitations on free expression was renewed. On the day following the attack, YouTube censored "Innocence of Muslims" in Egypt and Libya.[4] The governments of Afghanistan and Iran blocked YouTube access to internet users within those countries.[5] On September 14, the White House requested that YouTube consider removing the film, a request which parent company Google rejected.[6]

The response to "Innocence of Muslims" illustrates the degree to which the world has changed in the years since *The Satanic Verses* was published. In 1988, Islamic nations could simply ban the text from being sold within their borders; Western bookstores could pull the novel from their shelves. The internet has made any such actions impossible: once online, inflammatory material is virtually impossible to remove, and is available to anyone with access to a computer.

Western internet companies will continue to grapple with the conflicting legal structures of their own countries, which prohibit government interference in free speech, with those of the foreign nations in which they operate, whose laws contain no such proscriptions. As President Obama stated to the United Nations General Assembly on September 25, "I know there are some who ask why we don't just ban such a video. And the answer is enshrined in our laws: Our Constitution protects the right to practice free speech. Here in

the United States, countless publications provoke offense. Like me, the majority of Americans are Christian, and yet we do not ban blasphemy against our most sacred beliefs. As President of our country and Commander-in-Chief of our military, I accept that people are going to call me awful things every day – and I will always defend their right to do so.”[\[7\]](#)

Regardless of the President’s defense of the First Amendment, the real world implications of free expression, both in the United States and abroad, is far from clear. In 2010, Google pulled out of China after refusing to submit to censorship rules stipulated by the Chinese government.[\[8\]](#) One of the largest companies in the world effectively no longer operates in the world’s largest country. As recently as September 25, 2012, a Brazilian court ordered the arrest of a senior Google executive in response to a video appearing on YouTube that violated that country’s electoral laws.[\[9\]](#) In the United States, the filmmaker responsible for “Innocence of Muslims” was arrested by federal authorities on September 28, 2012.[\[10\]](#) Although the arrest was facially unrelated to the production of the film, the actual motivation is more ambiguous and raises questions concerning not only the limits placed upon free speech abroad, but the limits in place in the United States as well.