

The CAC Council

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CHAIR'S REPORT - Edward Goodman

2017 saw the passing of the *Digital Economy Act* which, amongst other things, imposes internet censorship on the United Kingdom, using the usual excuse of protection of minors. CAC lobbied vigorously against this - to no avail, except that the House of Lords restricted the type of material that will give rise to blocking.

The 'regulator' aka censor under the *Digital Economy Act* is expected to begin work in April 2018. Luckily an amendment to the then *Bill* passed by the House of Lords means that only sites with illegal material can be blocked. The Government wanted the BBFC standards for 18 and R18 certificates to apply to the internet, but thankfully that will not happen.

Much material will still be prohibited i.e. "extreme pornography" as defined by the *Criminal Justice and Immigration Act 2008*. That outlaws possession (even if not for gain) of the material described on page 6 of this Newsletter.

The regulator will test the new *Act* by requiring the fifty main porn websites to remove illegal material for UK users. Failure by a website to comply will be punished with fines and/or blocking of the site. The *Act* does not state what information will be used as proof of age so that too could be explored. Nor does the *Act* state how personal details will be stored or used.

HM Customs are seizing imported sex dolls which it is lawful to sell inside the UK and the Government has started a consultation about censoring online gambling. Social media websites have been threatened about extreme Muslim content in an effort to make them exercise prompt censorship on behalf of the government and have been asked to divulge encryption codes to police (without safeguards as to how the information is used). This administration believes that its citizens should be treated like untrustworthy children!

SECRETARY'S REPORT - Mary Hayward

In May 2017 the Secretary sent a response on behalf of CAC to the Law Commission's consultation on Protection of Official Data, that is, reform of the Official Secrets Acts.

The consultation took the form of questions and "provisional conclusions" and respondents were invited to reply and comment. Some were out-

side CAC's remit or only needed a "yes" or "no" but there were some which she could use to make the anti-censorship case.

Most important: official data should be publicly available and those who wish to withhold information should have to show cause why it should be withheld.

GEORGE ORWELL'S *1984* LIVE (6th June 2017)

Adam Scarborough

Orwell the visionary

George Orwell was one of Britain's greatest modern writers: a creative visionary and one of the world's best-known prophets of the dangers of censorship, state autocracy and intrusion. It has been said that he was an idealist using his storytelling to promote liberty and free will. Whether or not this is true, the durability of his novels cannot be denied. His most famous works have been made into movies and many people continue to read and study *Animal Farm* and others. Orwell believed in the moral power of language and particularly understood the dangers that accompany its corruption.

A long but rewarding day

It was an honour to represent CAC at the University of London's reading of Orwell's *1984*, a day-long live-action rendition of the novel, held on 6th June 2017. To set the scene a little further, the Orwell Foundation charity organising this event (<http://tinyurl.com/yal6bdlt>) "uses his work to celebrate honest writing and reporting, to uncover hidden lives, to confront uncomfortable truths - and, in doing so, to promote Orwell's values of integrity, decency and fidelity to truth." It does this through The Orwell Prizes as well as lectures and debates.

The performance involved actors accompanied by a shared reading of *1984* from over 60 well-known public figures including playwright Bonnie Greer, singer-songwriter Billy Bragg, Lord Melvyn Bragg, Ken Loach, along with Orwell's niece, son Richard Blair (who began the reading), grandson and great-grandson. These readers, some have argued, all embody some aspect of Orwell's values: their writing has been banned; they have had to make difficult choices for freedom of speech; they value clarity; they've tried to give a voice to the powerless; respected the experience, pains and pleasures of others; and they have been witty and sometimes polemical.

This was a complete cover-to-cover reading of *1984*, making a long day quite unlike anything that I've attended before. Despite the passing of almost 70 years since publication the audience saw the future through Orwell's eyes and witnessed powerful acting

and background visuals that complimented and encapsulated the novel. During the long interrogation scenes it became a paranoid piece, recalling the interrogation in Anthony Burgess's 1962 novel *Clockwork Orange*, employing disturbing and violent imagery to comment on government surveillance.

Orwell and the present

Orwell may be too-often canonised. And he had to struggle to write as he wanted. Yet *1984*, written in 1949, remains prescient, alarming and more poignant than ever against the backdrop of governments around the world engaging in everything from nanny-ism to outright repression. In the era of both 'post-truth politics' and when so much of what we do is subject to not just governmental but also commercial surveillance and commodification, the book is as relevant as ever.

After the event I talked with Richard Blair. We discussed the state of censorship in Britain and the dystopian future his father envisaged in his works. For me, *1984* proves two points. First, there can be a rule of law without it being gratuitously punitive. Secondly, governments should promote liberty in its many forms as opposed to restricting it.

The CAC stands for the right to hear historical truths, against the suppression of ideas and for the right to say what others don't necessarily want to hear. Orwell reminds us that in these battles - the fear of state control and its implications for personal life - many are as likely to collude as oppose. *1984* shows how authority uses fear as an effective method of control, offering a powerful portrayal of the immoral forces governments employ to promote guilt for nothing more than its own ends. In many ways, with the advent of so-called 'Snoopers' Charters' - the *Investigatory Powers Act* and the *Digital Economy Act* - it portrays many qualities evident in the British Government today.

CENSORSHIP: DEMOGRAPHICS, POLITICS AND PERSONALITY

Dr Nigel Gervas Meek

Censorship and the British Public

I often use the CAC's newsletter to look at attitudes towards censorship in the UK. The take-home message is that whilst most readers of this newsletter will oppose censorship the same is not so true amongst the general population.

I shall keep the basics brief since I'm covering oft-trod ground. But unpleasant truths are truths nevertheless and "time spent in reconnaissance is seldom wasted". This time I make use of data from the most recent available data and documentation from the *British Election Study* (2017). This is a huge survey and the percentage figures that I refer to below are often proportions of more than 20,000 respondents.

As part of a battery of items connected with law and order and similar matters the *BES* asks for a five-level "Strongly disagree" to "Strongly agree" response to: *Censorship of films and magazines is necessary to uphold moral standards*. It is plausible that this is at least somewhat correlated with attitudes towards censorship more generally although it would be nice to see variants that talked about "preventing terrorism" or "protecting religious sensibilities" and so on.

At the most basic, in response to this item 47% of respondents actively agree with censorship, 23% are so-so and only 30% actively disagree (figures rounded). At least in some cases a plurality – more than others – of British adults actively support censorship.

Reporting just "in words" there are some interesting demographic associations with censorship. As a tendency: Women are more censorious than men (and yes, gender is real and not a social construct (Ngun et al, 2011)); older people more so than young; and less formally educated people more so than more highly educated. These are all "significant" findings in both the statistical sense and the everyday one in that the differences are often large.

The CAC is scrupulously cross-party but it is not "political" to cite facts. There are significant differences between party-political support and attitudes towards censorship. Conservative and UKIP voters are more pro-censorship than Labour or Liberal De-

mocrat voters who in turn are more pro-censorship than Green voters. But even amongst Labour and Liberal Democrat supporters a plurality – 40% in both cases - actively support censorship.

And those who voted Leave in the 2016 EU referendum tend to be much more pro-censorship than Remainers!

These findings about censorship are not a pessimistic oddity. I have long argued – backed up with data - that along a range of measures the British public are not enthusiastic advocates for civil liberties unless, perhaps, it is their particular pastime under threat.

Censorship and personality

This time I will go further and bring in work in political psychology analysing the association between personality on the one hand and social attitudes on the other. By "personality" I mean at a "Level 1" decontextualized dispositional or trait level (McAdams, 1995) our "individual differences in characteristic patterns of thinking, feeling and behaving" (American Psychological Association, 2016). In other words, the psychological building blocks of "who we are".

The major model used in contemporary personality psychology at this level – and the one that I have recently used (Meek, 2017, March/August; 2017, October) – is the Five Factor Model of personality (FFM). The FFM holds that there are five traits which are measured along a range of possible scores with most people being "middling" across each trait. These traits are substantially but not wholly (i) biological and inherited in origin and (ii) stable across situations and the lifespan. (Beneath these five traits that form the apex of personality are important subdivisions but this is beyond the scope of this article.)

These five traits are (Chamorro-Premuzic, 2015, pp. 53-55; Costa & McCrae, 1992):

- OPENNESS which is "the tendency to engage in intellectual activities and experience new sensations and ideas" and is measured from (high to low) consistent/cautious to inventive/curious.
- CONSCIENTIOUSNESS which is "associated with

proactivity, responsibility, and self-discipline” and is measured from easy-going/careless to efficient/organized.

- EXTRAVERSION which “refers to high activity, the experience of positive emotions, impulsiveness, assertiveness, and a tendency towards social behaviour” and is measured from solitary/reserved to outgoing/energetic.
- AGREEABLENESS which “refers to friendly, considerate, and modest behaviour” and is measured from challenging/detached to friendly/compassionate.
- NEUROTICISM which is “the tendency to experience negative emotions, notably anxiety, depression, and anger” and is measured from secure/confident to sensitive/nervous.

There is a growing literature demonstrating the stable and predictable association between one or more of these traits and a range of social and political attitudes and behaviour. EXTRAVERSION and NEUROTICISM tend to be less frequently associated with such things and AGREEABLENESS is often a complex matter as we might see below. OPENNESS and CONSCIENTIOUSNESS are routinely associated in predictable ways with social attitudes, with higher scores on the OPENNESS trait associated with liberal or so-called leftist views and higher scores on the CONSCIENTIOUSNESS trait associated with conservative or so-called rightist views. It is held, for example, that those higher on the OPENNESS trait (inventive/curious) tend to appreciate more unconventional or unusual attitudes and behaviour whilst those higher on the CONSCIENTIOUSNESS trait (efficient/organized) tend to value traditional and conventionally accepted attitudes and behaviour.

The most recent *BES* also includes a measure of the FFM. This is the Ten Item Personality Inventory or TIPI which is a basic instrument which nevertheless has academic respectability.

I will not cite numbers but simply report the findings “in words”. As predicted, NEUROTICISM is not significantly associated with attitudes towards censorship and whilst EXTRAVERSION is significantly associated this represents a very small real-world effect and I am reluctant to report on it here.

But the other three traits are significantly and – allowing for the TIPI’s basic nature – meaningfully associated with censorship. Exactly as predicted, those higher on the OPENNESS trait (more inventive/curious) were relatively *less* in favour of censorship than those

lower on the trait (more consistent/cautious). And those higher on the CONSCIENTIOUSNESS trait (more efficient/organized) were relatively *more* in favour of censorship than those lower on the trait (more easy-going/careless).

The finding for AGREEABLENESS is very interesting indeed and may seem counterintuitive. Support for censorship is relatively *stronger* amongst those higher in AGREEABLENESS (more friendly/compassionate) and *weaker* in those lower on the trait (more challenging/detached). It might be argued that support for censorship is associated with “being nice” and “not wanting to upset people”. Does this sound familiar? It ought to (Haidt & Haslam, 2016, April 10): “Hate speech” and “triggering” and “safe spaces” and so on.

Some implications

I hope that this very brief introduction to the subject is interesting for its own sake. However, there are several things that we can take from this. A general one concerns the limits of reason in political debate. If as the evidence suggests what we call and measure as personality is something inherent that we are born with and this in turn is associated with social attitudes then we must accept that some people are to at least some degree predisposed towards (in this instance) pro- or anti-censorship views. I am not suggesting that personality “explains” attitudes towards censorship. For example, demographic background at the one extreme and reasoned debate and conscious choice at the other are crucial. But it is a meaningful factor that serious campaigners ignore at their peril.

And as I suggested in the previous issue of this newsletter (Meek, 2017, February) it is important not to attribute stupidity let alone malevolence to those who simply disagree with you. I am sure that we all sometimes cry out “But don’t these people care about ABC?” The answer may often be “Well, no they don’t. At least not as much as you do. It’s just how they are. And they care more about XYZ than you do and they don’t understand you at all.” Indeed, in this article I have only discussed personality at the decontextualized, dispositional level. If we move to “Level 2” and bring in more contextualized and conditional aspects of personality such as Moral Foundations Theory (Haidt, Graham & Joseph, 2009) with its measures of virtues such as “Harm” and “Purity” (and their antonyms) and how one prioritises them then we might see this even more strongly.

What does this mean for the CAC as a campaign organisation? Again, organisations that seek to persuade are unlikely to get very far if they start by hurling abuse at those who disagree with them. It is likely to foster a degree of “consumer resistance”.

However, we can go further than this and consider the implications and applications of psychographics - which is the use of psychological and other factors to determine how decisions are made (Demby, 1989) - to social marketing - which is about influencing behaviours towards social ends (European Social Marketing Association, 2017).

Research in political psychology might afford us a better idea of why people support censorship: what their motives, hopes and fears are. I am not talking about outright “fascists” or “communists” or “religious fundamentalists”. They have – possibly very sincere – ideological objections to free speech. But campaigners must take care to understand the underlying motivations of ordinary people that might incline them to this or that here-and-now political view. For example, from the *BES* data it might plausibly be argued that it is “nice” people who tend to support censorship. In which case it is that sense of being “a caring sort of person” that anti-censorship campaigners need to recognise and work with.

Some political campaigners and their advisors increasingly understand this and have incorporated it into their work. The CAC perhaps does not operate at this level of complexity but at least it should be aware of the matter.

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OPEN RIGHTS GROUP LONDON (11th April 2017)

Edward Goodman

Report from Pandora Blake

Edward Goodman and Adam Scarborough attended as observers for the CAC at the ORG London meeting organised primarily to discuss the *Digital Economy Bill*.

Pandora Blake (Chair of ORG and feminist pornographer and sexual liberties campaigner) spoke first. She recounted the difficulties her own website had encountered with the Authority for Television On Demand (ATVOD) and welcomed its demise.

She then gave details of ORG's campaigning amongst members of the House of Lords. She said that the most sympathetic peer was Baroness Jones. An amendment had been carried restricting the regulator (likely to be the British Board of Film Classification) to blocking sites which contravene the law on "extreme pornography" and not which merely contravene BBFC R18 Guidelines.

Ms Blake argued that these internet restrictions are based on a lack of evidence, a violation of freedom of expression and an invasion of privacy.

Age verification will be outsourced to private companies which are not subject to the *Freedom of Information Act* and data protection. They will store information on users (which they can sell) and be paid by websites. Small UK sites will thus be driven out of business because they will be unable to pay several hundred pounds a year to age verifiers. Without age verification adult sites will be fined, then blocked. (In Germany identity cards are used for this but that is impossible in UK).

Report from Myles Jackman

Myles Jackman (Legal Director of ORG) then spoke. He explained that the need for age verification was based on a vague, one line promise to protect minors from pornography in the Conservative 2015 Manifesto. This in turn was based on a defective National Society for the Prevention of Cruelty to Children (NSPCC) survey in 2015, according to which 10% of 12 to 13 year-olds were worried about becoming porn addicts. The survey was conducted by One Poll Mar-

keting, a PR firm hired by NSPCC. Clarissa Smith, Professor of Culture at Sunderland University, has pointed out that this was the result of minors giving the required answer to leading questions put by adults.

Mr Jackman explained what constitutes illegal "extreme pornography" which will be blocked from the UK internet. Its definitions are contained in Sec 63(7) of the *Criminal Justice and Immigration Act 2008* and prohibits portrayal of acts which are life-threatening, acts which risk serious injury to the anus, breasts or genitals, necrophilia and bestiality. Sec 37 of the *Criminal Justice and Courts Act 2015* amended the *2008 Act* to include portrayals of rape.

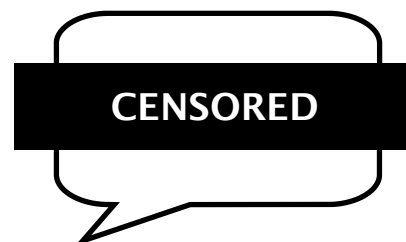
However, to be illegal the purpose of publication must be sexual arousal. This also applies to an image which was not pornographic in its original context but might be so if shown alone.

Enforcement (including future blocking) will be based on Crown Prosecution Service (CPS) Guidelines which advise what acts are considered illegal. The problem there is that the CPS are slow and inefficient.

There is no defence of public good and mere possession (even if not for gain) is illegal.

* * *

Addendum: The Law Commission (see page 1) has not yet published its report. What are they waiting for?



OPEN RIGHTS GROUP: SNOWDEN (16th January 2017)

Adam Scarborough

Insiders speaking out

Julian Assange and Edward Snowden have demonstrated there are those within journalism and state security who will speak out against what they see as their own side's illegal activities.

Attending Open Rights' special screening of Oliver Stone's new movie *Snowden* at Cambridge Arts Picture House Cinema in January 2017 was a revelation as it followed Edward Snowden's - played by Joseph Gordon-Levitt - tumultuous journey both personal and vocational: climbing the ranks of the CIA with only his own conscience stopping him reaching the top when he reveals his findings to a worldwide audience. The film becomes increasingly psychological and paranoid as it focuses on the geeky computer genius's work within the powerful CIA.

The movie condenses much into its two-and-a-quarter hours - some critics say too much - taking viewers through the brutality of Snowden's ill-fated military career stunted by broken legs during training, his love life, then onto his rapid entrance into the CIA where using expertise in computer technology and hacking he excels as the top candidate. It is at the CIA's training centre where Snowden first hears of and is later asked to participate in the organisation's more nefarious activities, causing him to question the ethics/morality - or lack of it - within the organisation. Despite increasing disillusion Snowden boxes clever and is selected for assignments. It is one trial after another, including the unfortunate discovery that he suffers with epilepsy. About halfway into the movie a tipping point is reached for Snowden when, in 2013, he discovered that the CIA and National Security Agency (NSA), the US government's intelligence department, were spying on or hacking into more American citizens than they were in Russia. It is then that he takes the decision to blow the whistle on the human rights abuses that he'd encountered.

I'll not ruin the movie for you by revealing exactly how he gets the information out to the mass media - although it involved a *Guardian* journalist - but let's just say that Snowden spent many a passing hour finding uses for Rubik's cubes.

The discussion panel after the movie included Wendy M. Grossman (technology journalist), Professor Ross Anderson (Professor of Security Engineering, University of Cambridge), Dr Julian Huppert (former Liberal Democrat spokesperson on Home Affairs) and Dr Julia Powles (Faculty of Law, University of Cambridge). The panellists shed light on how Brexit will prevent certain legal challenges in future. The *Investigatory Powers Act* was also mentioned and how the concept of 'private' information was not static but would be available to future governments however dogmatic or zealous they may be. This fact undermines the usual "nothing to hide, nothing to fear" platitudes that we hear from supporters of state surveillance.

Snowden's legacy

Hero or Traitor? People disagree. But as Amnesty International UK wrote (2017, January 6): "*Snowden's decision changed the face of digital communications around the world. Thanks to him, we now know that governments - including the UK, USA, Canada, New Zealand and Australia - are capturing and storing our private information without our consent.*"

Snowden's leave to remain in Russia has been extended for three years, his lawyer has said. A Russian official said that the whistleblower would not be extradited to the US even if relations improved under the (then) incoming president, Donald Trump. From 2018 he can apply for a Russian passport.

Snowden is a reminder that we now have the *Investigatory Powers Act* and the *Digital Economy Act* meaning that everything that Snowden said was wrong about the USA is now happening here. GCHQ, the security services and the police now have carte blanche to spy on UK citizens from every angle. Some may say that far from ever being a 'democracy' this proves we have a 'state autocracy'. Snowden himself highlighted this in November 2016 in a strong condemnation of this legislative abuse of human rights.

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The Guiding Principles of the CAC are:

1. The right to obtain and impart knowledge.
2. Freedom from censorship.
3. Freedom for creative artists to present their perceptions, interpretations, and ideas.
4. Support for victims of censorship without discrimination on the grounds of sex, sexual orientation, race, politics, or religion.

About the CAC

The CAC is the successor to the Defence of Literature and the Arts Society that was founded in 1968 to assist writers, artists, and others threatened by censorship, and to campaign for reform of censorship laws.

In 1983 the DLAS was re-launched as the CAC with the object of promoting freedom of expression in all its forms and combating restrictions on that freedom and its exercise.

We believe that the repressive dangers of censorship for adults outweigh any possible benefits, and that what is acceptable for adults to read, see, or hear should be decided by personal judgement and taste, not by the law.

Further policies guiding the work of the CAC are:

1. Vigilance in defence of the freedoms of information and expression requires continued monitoring of attacks on and restrictions of those freedoms, and of the effects of new technology on the control of information gathering, so that the public may be made aware of any dangers that may ensue.
2. Individual or group privacy should not be used as a weapon in defence of censorship or to restrict free access to information.
3. Reaction to any threat or restriction must be positive and expressed in simple, comprehensible terms.
4. The CAC is and should remain independent of all political parties.
5. Collaboration with individuals and organisations in Britain and elsewhere pursuing similar purposes should be pursued where appropriate.
6. The problem of access to material by children is different from that of access by adults. The principles listed above apply to adults.

Joining the CAC

If you support our work and would like to join the CAC, then please write to us at the address at the top of this page. The minimum annual subscription is £10 or £5 for students, senior citizens or the unwaged.