

Peter Menzies: Once Tools Are Available to Suppress Speech, Expect Them to Be Wielded With Enthusiasm

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Elon Musk, CEO of SpaceX and Tesla and owner of X, attends the Viva Technology conference dedicated to innovation and startups at the Porte de Versailles exhibition center in Paris, France, on June 16, 2023. Gonzalo Fuentes/Reuters



By Peter Menzies

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Commentary

Once tools are available to suppress, punish, and intimidate speech, there is no shortage of people willing to use them.



If that there was perhaps no better example than the Aug. 12 warning issued by a French European Commission member to Elon Musk. The



letter reminded the richest man in the world and owner of X of his "due diligence obligations" under the Commission's Digital Services Act and the potential amplification of "harmful content." It was sent



on the eve of Musk's planned livestream conversation with Donald Trump, past president of the USA and Republican candidate for the presidency in that country's upcoming elections.



"We are monitoring the potential risks in the (European Union) associated with the dissemination of content that may incite violence, hate and racism in conjunction with major political - or societal events," Thierry Breton wrote.

A reasonable person could conclude that Breton was trying to intimidate Musk and Trump (yes, I know, good luck with that). Musk responded by displaying a profanity-laced meme which he said he wanted to send but wouldn't. But kind of did.

Accused of interfering in the U.S. election, the [EU swiftly distanced](#) itself from Breton's letter, with a spokesman telling Politico that Commission President Ursula von der Leyen was not informed about the letter before it was issued.

There has never been and never will be any shortage of those. What's different in today's world is that they have a fresh set of digital policing tools at their ambition's disposal.

No sooner had Trump and Musk completed their event, which most media appeared to treat as largely inconsequential, than the union filed charges against the pair of them for trying to “intimidate and threaten” workers when they mused about firing people on strike in a hypothetical world in which Trump was again president and Musk had assumed a role in a “government efficiency commission.”

It is currently a violation of the National Labor Relations Act in the USA to fire striking workers.

Trump’s campaign waved the complaint away as a “shameless political stunt.”

Still, the union sent a message to any candidate or sitting politician that it is willing to use every tool at its disposal to defend its interests.

No sooner were the Olympics over than one of its most famous gold medalists, Algerian boxer Imane Khelif, filed a lawsuit against Musk and, among others, another wealthy celebrity, author J.K. Rowling, for “cyber bullying.”

Khelif, raised as a woman from birth, handily won despite not having been allowed to compete in the world championships by the sport’s governing body due to failing a gender test in 2023. The matter prompted considerable discussion online and, hey, who can blame a girl for looking for a little financial justice even though reports indicate that French penal law doesn’t apply to acts committed outside of France against people who are not citizens of France.

Then there’s the United Kingdom.

There, you can be jailed not just for things you do but for comments you make or share on social media, a state of affairs which is a good reminder to Canadians on the value of a Charter of Rights and Freedoms.

Some of those on trial, to be fair, had it coming. Publicly calling for the burning of a hostel for migrant workers will have the police knocking

on your door in any number of countries.

More problematic from a freedom of speech point of view is a section of the UK's Communications Act that makes it an offence to send messages of a "grossly offensive or of an indecent, obscene or menacing character."

That's pretty broad terminology that has resulted in people being arrested and jailed for simply being offensive. That is a subject for future examination, but suffice to say many people in Britain are comfortable calling the police when they see something on Facebook or X that they find "grossly offensive," and next thing you know a brass-buttoned constable is on the doorstep.

The police may be less directly involved once the UK's Online Safety Act, which will force social media companies to remove material likely to cause offence, comes fully into effect before the end of the year.

Canada's Online Harms Act is also expected to be passed before the year is out.

It will give a new Digital Safety Commission, the police, and the Human Rights Commission a whole new set of powers to patrol and govern what can be said and what will be punished when spoken or posted.

Expect those tools to be employed with a great deal of enthusiasm.

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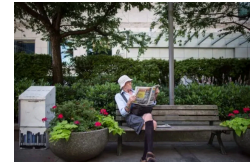
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