The Offensive Internet: Speech, Privacy, and Reputation

From Harvard University Press

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The Internet has been romanticized as a zone of freedom. The alluring combination of sophisticated technology with low barriers to entry and instantaneous outreach to millions of users has mesmerized libertarians and communitarians alike. Lawmakers have joined the celebration, passing the Communications Decency Act, which enables Internet Service Providers to allow unregulated discourse without danger of liability, all in the name of enhancing freedom of speech. But an unregulated Internet is a breeding ground for offensive conduct.

At last we have a book that begins to focus on abuses made possible by anonymity, freedom from liability, and lack of oversight. The distinguished scholars assembled in this volume, drawn from law and philosophy, connect the absence of legal oversight with harassment and discrimination. Questioning the simplistic notion that abusive speech and mobocracy are the inevitable outcomes of new technology, they argue that current misuse is the outgrowth of social, technological, and legal choices. Seeing this clearly will help us to be better informed about our options.

In a field still dominated by a frontier perspective, this book has the potential to be a real game changer. Armed with example after example of harassment in Internet chat rooms and forums, the authors detail some of the vile and hateful speech that the current combination of law and technology has bred. The facts are then treated to analysis and policy prescriptions. Read this book and you will never again see the Internet through rose-colored glasses.

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Editorial Review

From Publishers Weekly
This collection of Academic essays poses a provocative thesis: though the freedoms bestowed by the Internet are universally recognized and generally lauded, a lack of regulation has allowed for radicalism, and nothing short of a Kafkaesque solution would be able to establish control now. Essays address the rapid evolution of the internet, raising issues of privacy, free speech, reputation, identity, and 'digital baggage.' In her contribution, Nussbaum reveals the darker side of the web: misogynistic objectification and harassment of female users. And Levmore equates the internet to a "high school's bathroom stalls," providing frightening case studies of cyber mobs abusing freedom and evading reproach through anonymity to support his analogy. A fascinating foray into social networks by Karen Bradshaw and Souvik Saha uncovers the extent of behavior modification and the reach of employers and colleges into private information. And Anupam Chander astutely reveals how youthful indiscretions in the internet age can lead to "reputational bankruptcy." This collection exposes the "double-edged sword" of the World Wide Web, poses pertinent questions about the legal quandaries overshadowing free speech, and even offers some pragmatic solutions.
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Review
In this remarkable volume, an all-star cast of scholars explores the Internet's dark side-- how the Internet can destroy reputation and privacy at warp speed. (Paul M. Schwartz, Director, The University of California at Berkeley Center for Law and Technology)

A collection of smart, provocative, and sometimes bracing essays about protecting privacy, dignity and reputation in the digital public sphere. (Jack M. Balkin, Knight Professor of Constitutional Law and the First Amendment, Yale Law School)

More and more, the Internet is not only a technological frontier, but a place where people are settling in to live their lives – as consumers, workers, friends, and every other permutation of social being. And where society is, we can expect problems of speech, privacy, and reputation. *The Offensive Internet* promises to be a "go-to" volume for those involved in and seeking to enter the debate about these extremely pressing concerns. (Katherine J. Strandburg, Professor of Law, New York University)

Anyone interested in privacy, reputation, speech and how the Internet has complicated all three should read these thought-provoking essays from some of the brightest minds in the legal academy. This collection deserves a place in the Internet law canon. (Paul Ohm, University of Colorado Law School)

[This book] is for those who care how the internet has complicated privacy, speech and reputation, and for those who may have to rescue it from itself. (Liz Else *New Scientist* 2011-01-15)

Much writing about the Internet focuses on its remarkable capacity to democratize access to information, to provide a platform for previously marginalized voices, and to otherwise lower barriers and promote freedom. Levmore and Nussbaum explore the dark side of all this unregulated freedom and expose the truly vile and harmful speech that can flourish online. The roster of contributors, including many major thinkers on Internet policy and culture, is impressive. The book takes up the serious questions we must face as the net becomes not some specialized tool for technology enthusiasts but ubiquitous. What policies can we put in place to curb bullying and harassment while protecting free speech? What provisions can be made to protect

individuals' privacy or to prevent false and malicious rumors from forever tarnishing reputations? This book is an essential read for anyone interested in exploring these questions. It is particularly powerful in its treatment of privacy, reputation, and speech (both the protection of speech and the regulation of it) as inextricably linked concepts...Indispensable! Scholars of Internet law and general readers alike will find this book informative, illuminating, and disturbing. (Rachel Bridgewater *Library Journal (starred review)* 2011-01-01)

If the evils of the internet are to be addressed without jeopardizing its benefits, an approach of just this sort is what's needed. (Michael Kerrigan *The Scotsman* 2011-01-29)

[*The Offensive Internet*] poses a provocative thesis: though the freedoms bestowed by the Internet are universally recognized and generally lauded, a lack of regulation has allowed for radicalism, and nothing short of a Kafkaesque solution would be able to establish control now... This collection exposes the "double-edged sword" of the World Wide Web, poses pertinent questions about the legal quandaries overshadowing free speech, and even offers some pragmatic solutions. (*Publishers Weekly* 2011-02-14)

The internet may be "offensive," and in some instances so repellent that international pressures can operate. But privacy, with its attendant injunctions, lacks any common definition that works in a global digital context, as this remarkably useful book--detailed, thoughtful debate at a level we haven't begun to approach yet in this country--irresistibly shows. (Peter Preston *The Observer* 2011-05-29)

Levmore and Nussbaum collected 13 stimulating and highly readable essays by leading legal scholars and social observers that describe the cultural roots of cyberspace misconduct and suggest possible solutions. The contributors present varied perspectives about the proper balance between free speech and protection of the vulnerable. These authors generally value vigorous social and political discussions in cyberspace. However, they worry that freeing online posters from legal penalties for deleterious statements and from the social norms that restrain individuals from injurious speech in the bricks and mortar world results in excessive amounts of harmful, low-value communication. They propose numerous creative approaches to encourage civility, ranging from new torts to compensate victims to structural changes, such as revised search algorithms to guide users away from cyber-cesspools. (T. H. Koenig *Choice* 2011-10-01)

About the Author
Saul Levmore is the William B. Graham Distinguished Service Professor of Law at the University of Chicago Law School.

Martha C. Nussbaum is Ernst Freund Distinguished Service Professor of Law and Ethics at the University of Chicago.

Users Review

From reader reviews:

Don Gonzales:

Why don't make it to become your habit? Right now, try to prepare your time to do the important take action, like looking for your favorite guide and reading a e-book. Beside you can solve your problem; you can add your knowledge by the guide entitled The Offensive Internet: Speech, Privacy, and Reputation. Try to the actual book The Offensive Internet: Speech, Privacy, and Reputation as your good friend. It means that it can to become your friend when you truly feel alone and beside regarding course make you smarter than ever before. Yeah, it is very fortuned in your case. The book makes you a lot more confidence because you can

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Carlos Terrill:

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Mary Bolinger:

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