

It shouldn't be allowed!

by [*Lorrie Faith Cranor*](#)

On the still relatively unpoliced electronic frontier, outbreaks of anti-social behavior often lead to cries for new laws and enforcement in cyberspace. But laws that restrict anti-social Net behavior are also likely to restrict legitimate activities of responsible people. New laws are best left as a last resort for dealing with anti-social behavior on the Net. But without law, how can we deal with Internet anti-socials?

Some social theorists say that our behavior is influenced primarily by three factors: law, social norms, and social practice. The main difference between these factors lies in the response to deviant behavior. Those who break laws are subject to external punishment carried out by designates who may not be members of the community affected by the infraction. Those who fail to observe social norms face sanctions imposed by their community. And those who ignore common social practice may receive only a few harsh or mocking words.

On the Internet, social norms and practice currently influence behavior more than external laws. While Netizens' behavior is governed by the laws of the countries in which they live, laws of the state don't apply to much of the deviant behavior on the Net, which are largely of an anti-social nature. However, anti-social outbursts tend to be followed by an outcry for new laws.

More and more frequently Internet anti-socials are causing an uproar. Those who propagate pornography, flood cybermailboxes with electronic junk mail, or use the Net as a platform for derogatory speech are all evoking cries of "It shouldn't be allowed!" from the Net population. Some of these anti-socials don't care what other people think, some feel that their behavior is not anti-social, and some flaunt their anti-social behavior in an attempt to prove a point. But it's not always clear what point it is they are trying to prove.

Although the Internet is quite active and growing, the terms and scope of its governance are still in flux. There are already several bills pending before the U.S. congress that would impose strict regulations -- even censorship -- on Internet speech. And every time a legislator hears about another outburst of anti-social behavior on the Net, it fuels the pro-censorship crowd. In this legislative climate, a brief period of self-imposed censorship until the current Congressional brouhaha dies down might not be a bad idea.

But many Netizens disagree with the need to self-censure, preferring to flaunt their right to free speech in the faces of those who might try to take it away. Indeed, many agree that a right not exercised is in danger of being lost. But there are all too many examples of people pushing law to the limits and prompting legislators to tighten it. In general, social norms do not turn into laws unless people believe that there is a minority who are not making reasonable judgments about how to apply social norms to their actions. And several recent incidents have prompted people to suggest that new laws are needed because some people are making poor judgments.

One such incident hit close to home. Last spring I found myself rated on a web page titled ``Babes of the Web." Not interested in being known primarily for my ``babeorama" status, I politely asked the author of the page to remove me from his list. He initially replied with an FAQ that explained that there was nothing illegal about what he was doing and that if I was upset, it would only serve to make him happy. In correspondence with me and several other women who requested to be removed from the list he repeatedly cited freedom of speech and said that he had created the Babes page in part *because he could*. This prompted many woman to wonder why such behavior was legal. While I had to agree that the Babes page had been cleverly assembled so as to be legal, I think the author's free speech demonstration did more to encourage censorship than to fight it. (The Babes author eventually removed me from the Babes list and then denied that he had ever refused to remove me. A few weeks later he posed nude for [Wired](#) magazine. Go figure.)

Recently four Cornell University freshmen infuriated the Internet by launching an email message listing the ``Top 75 Reasons Why Women Should not Have Freedom of Speech." Intending to create a humorous message for their friends, the students included such offensive statements as ``If she can't speak, she can't cry rape" and ``When men whistle at them in the street, they should just shut up and obey anyway." Net reaction has been swift; the four men have been bombarded with angry email, and many Netizens have written to Cornell administrators demanding that the men be disciplined. While the email message was clearly vulgar and offensive, It is not clear that the men broke any laws or violated any Cornell policies. After all, the intended recipients of the message presumably were not offended by it. One might think of the message as locker room humor that someone repeated in the hallway the next day. But locker room humor travels much more quickly and in much wider circles on the Net than it does when passed in the hallway between classes. Even if Cornell fails to discipline these students (and based on what I've heard about this case I see no reason for them to be disciplined), they will still have learned their lesson from this experience. They have already apologized and publicly admitted that their actions were ``stupid." This is a case where the Net community was able to impose social sanctions without intervention from external authorities. Hopefully, those who try to crack down on Internet speech will see it that way too.

A rather bizarre example of flaunting anti-social Net behavior involves a Carnegie Mellon student who produced a [widely-publicized report about Internet pornography](#). Marty Rimm conducted a study which, he claimed, demonstrated that pornography is quite widespread on the Internet and that some of the more esoteric hard core forms of pornography are gaining popularity. Preliminary reports about this

study prompted [Carnegie Mellon to restrict Usenet news access](#). [Reports on the study in Time magazine](#) prompted at least one Congressman to cite ridiculously inaccurate statistics about the pervasiveness of Internet pornography. The *Time* article and the Congressman's remarks served to fuel the pro-censorship fire before several experts brought to light [Rimm's questionable research methodology](#) and the fact that he was in the business of *promoting* electronic pornography. It now appears that Rimm conducted his study to earn college credit while collecting information for a book on marketing pornography. It is not clear whether the study was intended to promote Internet censorship -- perhaps with the objective of increasing the market for dial-up adult bulletin board services -- or if that was a contingency for which Rimm never planned.

Perhaps the most famous case of anti-social behavior on the Net is the case of the "[green card lawyers](#)" who posted advertisements for their services to every news group in existence. When faced with the rage of the entire Usenet community, the lawyers proclaimed that there was nothing wrong with what they had done, refused to apologize, and went on to write a book encouraging others to follow in their footsteps.

Tangential to the question of what to do about legal but anti-social behavior is the question of what to do about illegal behavior that many believe *should* be allowed. For example, many U.S. citizens have broken export laws by emailing the code for cryptographic algorithms (this code is classified as a munition) to people over seas. While many of these citizens go about their business quietly, some have publicized their illegal behavior in an attempt to demonstrate the ridiculousness of the export law.

Indeed many social advances have been accelerated by the actions of those who refused to follow laws they found unacceptable. A blatant refusal to follow a law can promote public awareness about the consequences of it, which in turn can lead to public outrage and eventually the law's repeal. Clandestine law breaking, once revealed, can make a mockery of the law and demonstrate difficulties in its enforcement. Surely the actions of African Americans who refused to leave facilities designated for white people went a long way towards ending racial segregation in the U.S. And more recently, the revelations of homosexuals who have served with distinction in the United States military despite their service being illegal have helped prompt a change in the military's policy on gays. For these two groups of people, taking the law into their own hands probably expedited legal change.

But taking the law into ones own hands sometimes has the effect of tightening the very law one wishes to have repealed. Many a vigilante has wound up in jail without advancing their cause. Cautious consideration is advised before one does something illegal to prove a point. And the same can be said for doing something anti-social to prove a point.

In order for the Internet to develop into a communication medium in which freedom continues to reign, it is important that all Netizens act responsibly and consider the affects of their actions on the community as a whole. But if behavior in the physical world is any indication, this is not likely to happen.