



# The Future of Reputation

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# Outline

- Chapters 1-4
  - How rumors, gossip, and shaming are transformed when they go online
  - Good and bad aspects of spreading information
- Chapters 5-8
  - What ought to be done about the problem
- Questions

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# When Poop Goes Primetime

- Blog post
- Negatively impacted reputation
- Changing the way information is shared



**“We must protect privacy to ensure that the freedom of the Internet doesn’t make us less free.”**

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# How Tech Has Changed the “Privacy Game”

- Technology has refined the distinction between public and private
- People are willing to reveal information
  - Blogging
  - Social networking sites
- People still care about privacy



# Reputation

- Assumptions and judgements
- Permanent reputation stain
- Essential to freedom



# Data Shadow

- Small traces of information
- Conclusions can be drawn based on data shadow
- Cannot be erased from the Internet



# Gossip

- Blogs do not have ethical rules
  - 25% posts contain personal situations
  - 66% of the time bloggers never asked for permission
- Necessary to society
  - Ease social tension and confrontation





# Social Norms & Internet Shaming

- Social norms are constantly changing
- Shaming forces people to take responsibility for actions
- Can become out of control
- Important tool but can be dangerous

**“Even if we’re not caught, we can never escape from ourselves, and our internal judges are often our most stringent.”**

**—**



# The Role of Law

- Too much data is collected and disseminated by anyone and everyone.
- “You have zero privacy. Get over it.” - Scott McNealy, CEO, Sun Microsystems.
- Privacy is Dead, So just deliver a eulogy and move on.

Questions Arise:

- Can anything be done?
- Can law protect us?



# A Trip Back To The Nineteenth Century

- Rise of Newspapers in England in 1830's: "Penny Press."
- Tabloids with topics like: scandals, family squabbles, public drunkenness, petty crimes.
- Penny Press started in New York, America in 1833.
- Cheap Price + Heavy Dose of Sensationalism = Attraction for Readers.
- People cooked up stories if they didn't have one like : "Creatures on Moon called "Moon Hoax."
- Threats to privacy increased with inventions like: Telephones and Snap Camera.



# Warren and Brandeis

- Started with the “Watuppa Pond Cases” but failed.
- Next Article : “The Right to Privacy”, published by Harvard Law Review in 1890.
- Recommended Tort Remedy : A tort is a legal cause of action where people can sue others who have wronged them.
- Considering this remedy almost vast majority of states have created tort actions.
- Review became the most influential primary foundations of Privacy Law in US.



# Types of Legal Approaches

1. The Libertarian Approach : Law should remain as “hands off” as possible.
  - Laurie Garret : E-mail describing her personal opinion about how her day was spent with famous personality was leaked.
  - Problem: Total free flow of information.



# Types of Legal Approaches

2. The Authoritarian Approach : Government should have strict control over the spread of information.

- Ban of social media in public schools and libraries. People are anyway going to use it outside these places.
- Problem: Approach can be oppressive.



# Types of Legal Approaches

3. Finding a Middle Ground – Law should help shape the norms that govern circulation of information, and individuals should be the ones initiating lawsuits.

- Lawsuits invented
- Problem: They aren't authoritarian because they are initiated by individuals and are not systematic in their reach so again it comes with many problems.





# Legal Protections of Privacy and Reputation

- Concept of “DUEL”.
- Replaced by “COURTROOM”.
- Going to court was seen as cowardly and in-effective. It was chosen as last resort.
- The courts could provide a more orderly and fair way to vindicate one’s reputation so they won over Duelling.
- Law of Defamation , Law of Privacy



# Law of Defamation

- Spreading false rumors about a person.
- Libel: involves written or recorded words.
- Slander: oral communications and speech between individuals.



# Law of Privacy

- Four torts evolved to protect privacy.
- Intrusion upon Seclusion : Intentional interference into one's private affairs or concerns.
- False Light : The spread of false, distorted, or misleading information about an individual
- Both should be “highly offensive to a reasonable person.”
- Public disclosure of Private Facts : When somebody widely discloses another person’s private information. The disclosure must be “highly offensive to a reasonable person” and “not of legitimate concern to the public.”
- Appropriation : Protects against the use of a person’s name or likeness for the benefit of another without his/her consent.



# Free Speech

- Absolutism: The First Amendment forbids the law from restricting people from saying what they want to say.
- Balancing free speech and privacy : Individual Autonomy, Democracy, Marketplace of Ideas.
- Newsworthiness : To reconcile the public disclosure tort with free speech, the tort doesn't apply when the information is of "legitimate concern to the public."
- Identifying Information : Case of "Starving Glutton" and Ruth.



# Anonymity

- Can be essential to free speech.
- Allows people to be more experimental and eccentric without risking damage to their reputations.
- Without anonymity, some people might not be willing to express controversial ideas.
- Can be critical to preserving people's right to speak freely.



# Accountability

- Anonymity too has a darker side.
- Anonymity can preserve privacy by allowing people to speak freely without being publicly identified, yet it can undermine privacy by allowing people to more easily invade the privacy of others and be less accountable.
- Wikipedia: John Seigenthaler, accused of involving in assassinations of Kennedy Brothers.



# Privacy in an Overexposed World

- Privacy in Public : The Burning Man case - If a person is naked at a festival with twenty-five thousand others, how can that person claim privacy?
- The Law's Binary Understanding of Privacy : According to the court, "There can be no privacy in that which is already public."
- The Challenge of New Technology : New technologies will increasingly invade the enclaves of privacy we enjoy in public.
- Video Voyeurism.
- Confidentiality is important.



# Conclusion

- What the Law can do, What it can't.
- The Self-Exposure Problem.
- Changing the defaults.
- The Concept of “Friend”.
- To The End of The Internet.



# Questions?

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