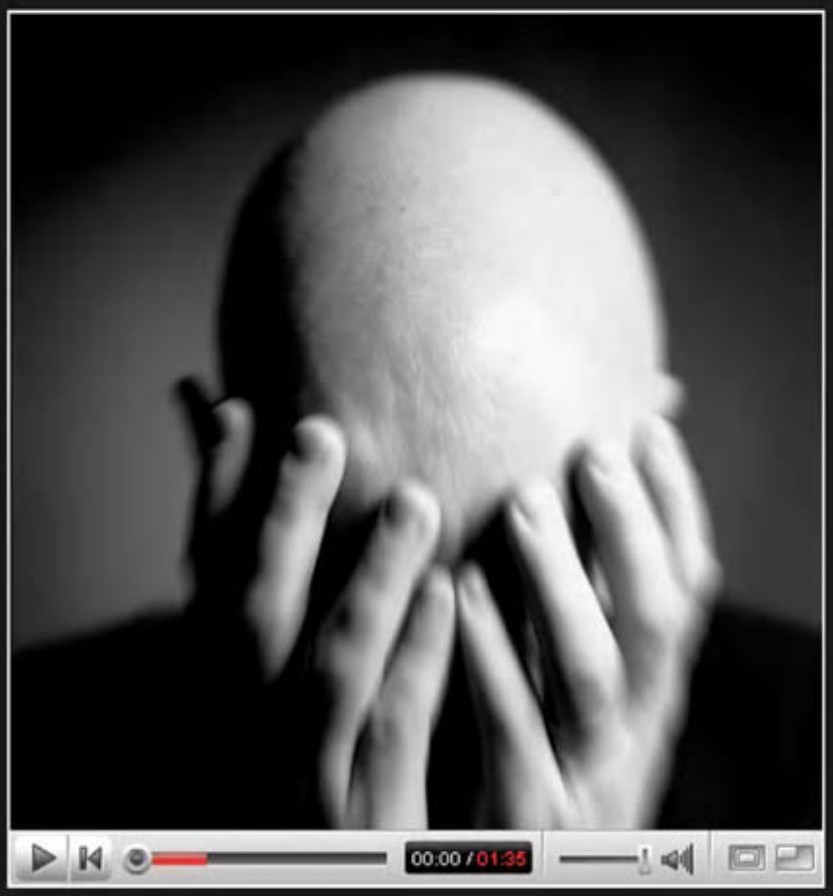
the future of reputation

gossip, rumor, and privacy on the internet



Daniel J. Solove

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Gossip, Rumor, and Privacy on the Internet

Daniel J. Solove

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Preface

The idea for this book came to me soon after I began blogging in May 2005. I found blogging to be enthralling and invigorating. I was fascinated by the thrill of expressing my thoughts to a broad audience yet acutely aware of how people could be hurt by gossip and rumors spreading over the Internet.

In an earlier book, *The Digital Person: Technology and Privacy in the Information Age,* I explored how businesses and the government were threatening privacy by collecting massive digital dossiers of information about people. In that book, it was easy to take sides. I argued that information collection and use were threatening people's freedom and well-being, and that greater protection of privacy was necessary. When it comes to gossip and rumor on the Internet, however, the culprit is ourselves. We're invading each other's privacy, and we're also even invading our own privacy by exposures of information we later come to regret. Individual rights are implicated on both sides of the equation. Protecting privacy can come into tension with safeguarding free speech, and I cherish both values. It is this conflict that animates this book.

Although I advance my own positions, my aim isn't to hold them out as end-all solutions. The purpose of the book is to explore in depth a set of fascinating yet very difficult questions and to propose some moderate compromises in the clash between privacy and free speech. There are no easy answers, but the issues are important, and I believe that it is essential that we wrestle with them.

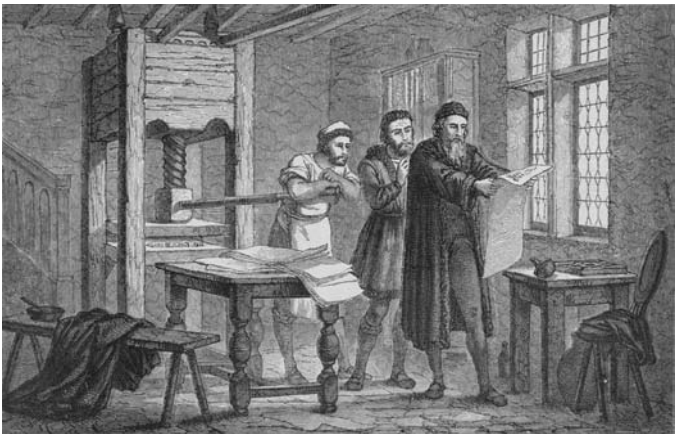
Many people helped shape the ideas in this book through conversations and helpful comments on the manuscript: danah boyd, Bruce Boyden, Deven Desai, Tom Dienes, Howard Erichson, Henry Farrell, Bill Frucht, Eric Goldman, Marcia Hofmann, Chris Hoofnagle, Orin Kerr, Ray Ku, David Lat, Jennie Meade, Frank Pasquale, Neil Richards, Paul Schwartz, Michael Sullivan, Bob Tuttle, Christopher Wolf, and David Wolitz. My research assistants, James Murphy and Erica Ruddy, provided helpful research and proofreading. A few passages in this book were adapted from my article "The Virtues of Knowing Less: Justifying Privacy Protections Against Disclosure," 53 *Duke Law Journal* 967 (2003). My agent, Susan Schulman, believed in this book from the start and helped tremendously in bringing it to fruition. I would also like to thank Michael O'Malley at Yale University Press, who also believed in this project and gave me the opportunity to bring it to life, and Dan Heaton, for his thoughtful editing of the manuscript.

When quoting from blog posts, I have occasionally corrected obvious typos and spelling errors.

Chapter 2 How the Free Flow of Information Liberates and Constrains Us

The Internet allows information to flow more freely than ever before. We can communicate and share ideas in unprecedented ways. These developments are revolutionizing our self-expression and enhancing our freedom.

But there's a problem. We're heading toward a world where an extensive trail of information fragments about us will be forever preserved on the Internet, displayed instantly in a Google search. We will be forced to live with a detailed record beginning with childhood that will stay with us for life wherever we go, searchable and accessible from anywhere in the world. This data can often be of dubious reliability; it can be false and defamatory; or it can be true but deeply humiliating or discrediting. We may find it increasingly difficult to have a fresh start, a second chance, or a clean slate. We might find it harder to engage in self-exploration if every false step and foolish act is chronicled forever in a permanent record. This record will affect our ability to define our identities, to obtain jobs, to participate in public life, and more. Ironically, the unconstrained flow of information on the Internet might impede our freedom. How and why is this happening? How can the free flow of information make us more free yet less free as well?



Movable type: the fifteenth century

THE BIRTH OF THE BLOG

Movable Type: Then and Now

For centuries, books had to be painstakingly copied by hand, but in the mid-fifteenth century, Johann Gutenberg's printing press revolutionized the distribution of information.[1] The printing press worked through movable type, characters and letters that could be moved into different positions. The impact of this invention was astounding.

In more recent times we have witnessed the development of new forms of media, from the radio to the television, each ushering in profound changes in the way we communicate and receive information. Along with these technological innovations, the media have grown in dramatic fashion. Even with the printing press, printed matter was still for the elites, as most people were illiterate. But as literacy became more common, and as the costs of printed material declined, the print media underwent a dramatic revolution. In the United States before the Civil War, newspapers were scarce. In 1850 about one hundred papers had eight hundred thousand readers. By 1890 nine hundred papers served more than eight million readers—an increase of 900 percent.[2]

Today, the media's size and scope are even more vast. Hundreds of magazines are published on nearly every topic imaginable. We can choose from a smorgasbord of twenty-four-hour television news networks and copious news-

Movable Type: the twenty-first century. "Movable Type" and the Movable Type logo are trademarks of Six Apart, Ltd.

magazine shows such as *Dateline, Primetime, 20/20, 60 Minutes,* and more. But only a select few can utilize the mainstream media to express themselves. Ordinary people might be able to get a letter to the editor in the newspaper, but few can routinely have their thoughts printed in the papers. Most people can't appear on CNN whenever they have something to say.

On the Internet, anybody can now communicate his or her thoughts to the entire world. Individuals are taking advantage of this new breathtaking ability through blogs and other websites where they can express themselves. So we're back to movable type again, but of a different sort: one of the blogging services today is named Movable Type. We're living in the next media revolution. This time, we are the media.[3]

Blogging Hits Primetime

Blogging is the rage these days. We all can be pundits now, sharing our thoughts and pictures with a worldwide audience. Bloggers pride themselves in being different from the mainstream media. Unlike the mainstream media, blogs are more interactive. Readers of blogs can post comments and have discussions. Debates occur between different blogs. In short, blogs are more akin to an ongoing conversation than to a mainstream media publication or broadcast. As the professors and popular bloggers Daniel Drezner and Henry Farrell observe: "Blogging as an activity is almost exclusively a part-time, voluntary enterprise. The median income generated by a weblog is zero dollars; the number of individuals in the United States that earn their living from blog-

ging is less than twenty. Despite these constraints, blogs appear to play an increasingly important role as a forum of public debate, with knock-on consequences for the media and for politics."[4]

Blogs are more egalitarian than the mainstream media. You don't need connections to editorial page editors to get heard. If you have something interesting to say, then you can say it. Many popular blogs are created not by celebrities or professional writers but by everyday people. And bloggers have served as a critical voice to the media, uncovering blunders and omissions in many mainstream media stories.[5] Drezner and Farrell note that "there is strong evidence that media elites—editors, publishers, reporters, and columnists—consume political blogs." Editors at major newspapers say (confess) that they read blogs. Drezner and Farrell explain that the media is paying attention to blogs because bloggers can provide special expertise on certain issues, blogs can be an inspiration for story ideas, and bloggers often get their opinions out faster than the mainstream media pundits.[6]

Blogging 101: How to Become a Blogger in Less than Three Minutes

Do you want to become a blogger? Well, you're in luck. You don't need to apply anywhere. You don't need to pay anything. Nobody can turn you down. All you need to do is go to one of the popular blogging websites, and you can set up an account for free (or at most, a few bucks per month). Some popular blogging websites include Blogger or TypePad. To set up your blog, you merely need to choose a name for it and a template for its look and style. In less than three minutes, you'll become a blogger, and with the click of a mouse, you can broadcast your thoughts live to the entire planet.

I still can't contain my amazement about these developments. Never before in history have ordinary people been able to reach out and communicate to so many around the globe. Of course, just because you now have the power to reach a worldwide audience doesn't mean that anybody will be reading. You need to attract some attention. To do that, you must have something interesting to say so others start blogging about it.

Each entry you write in your blog is called a "post." To post on your blog, you log in and write whatever you want. You can add pictures too. You then hit the publish button, and in a magic instant, your thoughts travel from your computer to the vast expanses of cyberspace. Each post is displayed chronologically on the website, with the most recent post appearing first.

You also can permit readers to add comments to your post. If you allow

Google's Blogger.com, which enables anyone to create a blog for free

comments, readers' reactions to your post will appear below your text. A blog post can inspire some fascinating discussions. I really enjoy reading the comments to my posts and hearing people's responses. It is a form of instant feedback I rarely receive when I publish an article.

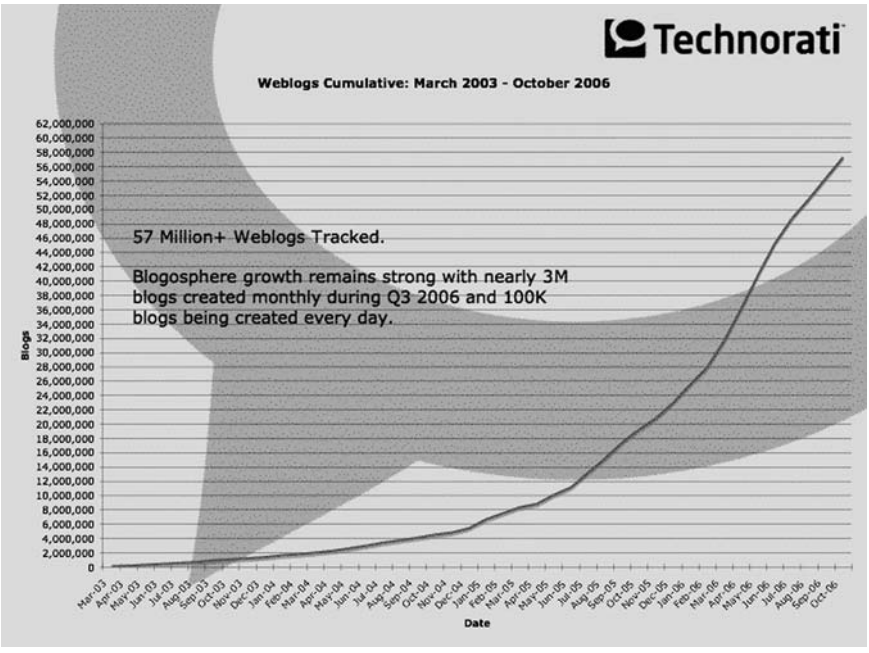
Bloggers, Bloggers Everywhere

It seems as though everybody's blogging these days. The person you're dating might be blogging a running commentary about your relationship. Your spouse might have a blog. Your employees might have one too—or your boss. Your child might have a blog. Maybe even your dog. According to one estimate, about 20 percent of teens with Internet access have blogs.[7]

The entire universe of blogs is collectively referred to as the blogosphere. The blogosphere is big. There were about 50 blogs in 1999, a few thousand in 2000, more than 10 million in 2004, and more than 30 million in 2005.[8] By the end of July 2006 there were approximately 50 million blogs.[9] According to Technorati, a website that tracks blogs, each day brings 175,000 new blogs and 1.6 million new blog posts.[10]

Blogs in All Sizes, Shapes, and Colors

Blogs range from the profound to the frivolous and cover nearly every topic, from music to celebrities to politics to sex to health to law. Among the more colorful blogs, The Daily Rotten covers "news you cannot possibly use."[11]



This chart from Technorati illustrates the increase in blog postings

Wonkette dishes on inside-the-beltway gossip.[12] Gawker reports celebrity gossip from Manhattan.[13] Overheard in New York supplies snippets of dialogue that bloggers overhear during the day.[14] The Superficial posts paparazzi photos of celebrities, including shots of celebrities caught in the nude.[15] And then there are blogs that are downright bizarre. One blog has a section called "Steve, Don't Eat It," in which a blogger discusses his experiences trying such unusual foods as pickled pork rinds, Beggin' Strips for dogs, breast milk, and fermented soybeans.[16] There's a blog with videos of people crying while eating.[17] If these blogs are too odd for you, there's a blog called The Dullest Blog in the World with posts entitled "scratching my knee," "looking at a wall," "moving an item from one place to another," and "turning off a light."[18]

Beyond topical blogs, many keep blogs about the various events in their lives. A high-priced London call girl created a blog called Belle de Jour chronicling her life. She parlayed it into a book deal, and her blog will be made into a television drama.[19] People are starting blogs about coping with various ill-

nesses, such as HIV and cancer.[20] Soldiers in Iraq are blogging about their experiences. A blog called DotMoms features the experiences of motherhood by a group of women.[21] At least one blogger chronicles his entire sexual history, with details about his more than two dozen sexual partners.[22] Other bloggers write about their daily activities and whatever thoughts are buzzing in their brains at the moment.

After Hurricane Katrina devastated New Orleans and other Gulf Coast cities, blogs enabled survivors to post information about lost family members so that people could reconnect and find loved ones.[23] Blogs have even helped solve crimes. In one chilling instance, a blogger helped catch his own murderer. In a May 2005 post written just minutes before he was killed, the blogger wrote:

> Anyway today has been weird, at 3 some guy ringed the bell. I went down and recognized it was my sister's former boyfriend. He told me he wants to get his fishing poles back. I told him to wait downstair [*sic*] while I get them for him. While I was searching them, he is already in the house. He is still here right now, smoking, walking all around the house with his shoes on which btw I just washed the floor 2 days ago! Hopefully he will leave soon.[24]

The man didn't leave soon; instead, he stabbed the blogger and his sister repeatedly with a butcher knife. The police located the murderer by reading one victim's final blog post.[25]

Blogs are blossoming across the Internet. They are increasingly being woven into the fabric of society, and they are starting to play a profound role in our lives.

Journalists or Diarists?

By enabling virtually anybody with a computer to disclose information to world, the Internet is dissolving the boundaries between professional journalists and amateurs. Glenn Reynolds, a law professor and author of the very popular blog Instapundit, extols the virtues of the amateur journalist in his book, *An Army of Davids*. With the growth of blogs, he observes, "power once concentrated in the hands of a professional few has been redistributed into the hands of the amateur many." Known as The Blogfather because he created one of the first blogs, Reynolds argues that "technology has made it possible for individuals to become not merely pamphleteers, but vital sources of news and opinion that rival large metropolitan publishers in audience and influ-

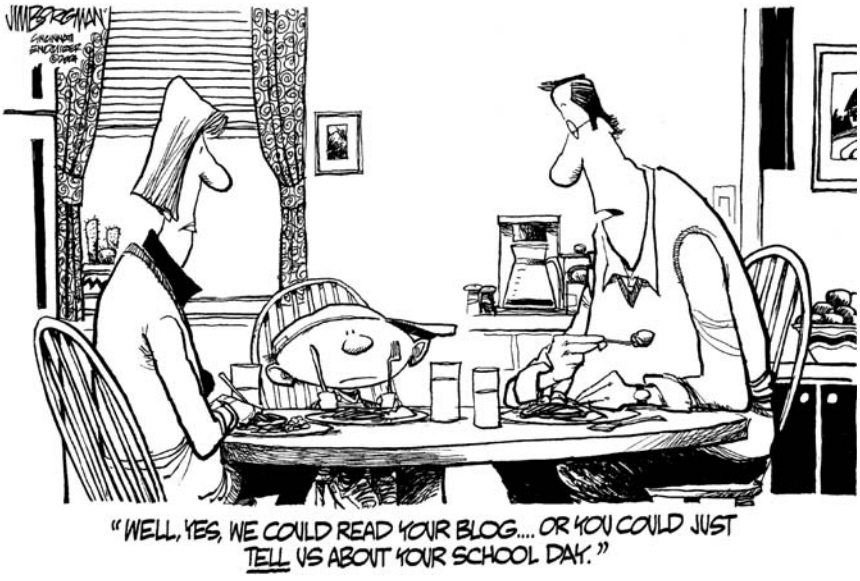
ence." For Reynolds, these developments are marvelous: "I don't think that weblogs and flash media will replace Big Media any time soon. But I keep seeing evidence that they're doing a better and better job of supplementing, and challenging, Big Media coverage. I think that's a wonderful thing, and it's one reason why I'm such an evangelist for the spread of enabling technologies like Web video and cheap digital cameras."

"The end result of the blog revolution," Reynolds continues, "is to create what blogger Jim Teacher calls 'we-dia.' News and reporting used to be something 'they' did. Now it's something that we all do."[26] Indeed, some bloggers even received media credentials to report on the 2004 Democratic national convention.[27] U.S. senators are beginning to hold press conferences with bloggers.[28] Reynolds views blogging as a development that enhances the freedom of the little guy: "We're likely to see an army of Davids taking the place of those slow, shuffling Goliaths."[29]

But who's David? Glenn's vision of the blogger is rather romantic. The average blogger, however, isn't a journalist. According to one estimate, more than 50 percent of blogs are written by children and teenagers under age nineteen.[30] The most common blogger is "a teenage girl who uses the medium primarily to communicate with five to ten friends."[31] Many blogs are more akin to diaries than news articles, op-ed columns, or scholarship. According to one survey, bloggers most commonly write about their personal experiences (37 percent), while only 11 percent blog about politics.[32] In other words, David is more of a diarist than a journalist. And that's why there's a problem. In lieu of diaries, people are blogging. And bloggers are getting younger and younger. One news article reports that even seven-year-old children now have blogs.[33] As people chronicle the minutia of their daily lives from childhood onward in blog entries, online conversations, photographs, and videos, they are forever altering their futures—and those of their friends, relatives, and others.

SOCIAL NETWORK WEBSITES

In addition to blogs, social network websites are emerging as a way people are sharing personal information online. These websites allow users to post a profile of themselves and link to the profiles of friends. The first social network websites emerged in the mid-1990s. Today there are more than two hundred social network websites.[34] Popular sites include MySpace, Facebook, Xanga, LiveJournal, and Friendster.



Cartoon by Jim Borgman, © King Features Syndicate, reprinted with permission

Social network websites are designed around the concept of social networks. A social network is a web of connections, such as a group of people who associate together.[35] Although we often cluster together in groups, our social circles are not isolated. Some of the people we know are likely to be friendly with people in a different social circle. We're all connected in some way to each other. If I don't know you personally, there's still a good chance that at least one of my friends knows one of your friends.

In 1967 a psychologist named Stanley Milgram carried out a fascinating experiment to determine just how connected two strangers might be to each other. He selected a target person in Boston and gave letters to some randomly selected people in Nebraska. The letters were to go to the target in Boston, but each person could forward the letter only to people he or she knew personally. Surprisingly, it only took an average of six steps for the letter to get from the randomly selected recipients to the target person in Boston.[36]

This phenomenon has been described with the phrase "six degrees of separation," which originated in a play by John Guare in 1990. A character in the play observes: "Everybody on this planet is separated by only six other people. Six degrees of separation. Between us and everybody else on the planet. The

president of the United States. A gondolier in Venice. . . . It's not just the big names. It's anyone. A native in a rain forest. A Tierra del Fuegan. An Eskimo. I am bound to everyone on this planet by a trail of six people."[37]

Social network sites attempt to embody these concepts. Through them, networks of friends and acquaintances can interlink their profiles, share personal information, and communicate with each other. MySpace, currently the most popular social network website, was created in 2003. MySpace profiles can contain a ton of data, including phone numbers, email addresses, hobbies, religion, sexual orientation, political views, favorite television shows, and more. People can post photos and videos on their profiles. Each user has space for a blog, including a section where friends post comments. People often use their real names for their MySpace profiles.

To create a profile, a user must claim to be fourteen years of age or older. The profiles of users under age sixteen are private, but those older than sixteen can make their profiles available to the public. MySpace skyrocketed in popularity in part because it gave users a wide range of choices about how to develop their profiles. People create elaborate designs for their pages, decorating them with graphics and giving each a distinctive look and style. As one student said: "MySpace gives you more freedom to express yourself."[38]

In just a few short years, MySpace has expanded exponentially. By August 2006 MySpace had surpassed 100 million profiles.[39] It is growing by 230,000 new members each day.[40] With its viral growth and astounding size, MySpace was sold to media titan Rupert Murdock in 2005 for about $580 million.[41]

The social network component to MySpace involves the way people can link their profiles to those of their friends. There is a place on a person's profile called "Friend Space," which contains links to the profiles of a person's "friends" and often a picture of each friend. At the top of the Friend Space section is a tally of the total number of friends in the person's network. A "friend" on a social network site is not necessarily a close friend, as many people try to inflate the number of their friends by adding total strangers to the list.[42]

In realspace social networks, people have different kinds of ties with others. "Strong ties" are close connections (very close friends and relatives); "weak ties" are looser connections (acquaintances and others with whom people might have marginal contact). But according to the computer scientist Ralph Gross and the economist Alessandro Acquisti, social network websites "often

reduce these nuanced connections to simplistic binary relations."[43] Few social network sites allow users to distinguish between close friends and mere acquaintances.[44]

The researchers Judith Donath and danah boyd question the quality of one's ties in social network sites; they argue that "the number of strong ties an individual can maintain may not be greatly increased by communication technology . . . [but] the number of weak ties one can form and maintain may be able to increase substantially."[45] As Gross and Acquisti note, people's online social networks may be only an "imaginary" community because "thousands of users may be classified as friends of friends of an individual and become able to access her personal information, while, at the same time, the threshold to qualify as a friend on somebody's network is low."[46] Although MySpace allows users to keep their profile private or share it only with a few friends, most have their profile set to be fully accessible to the public. Profiles also appear in Google search results.

Another popular social network site is Facebook, used primarily by high school and college students. Facebook was created in 2004 by Mark Zuckerberg, a Harvard University student, and its popularity fueled phenomenal growth. Just a few weeks after Facebook was launched, more than half the undergraduates at Harvard had created an account. Facebook soon began allowing students at other schools to sign up, and by the end of 2004 more than a million students had accounts.[47] Facebook continued to expand in 2005, adding thousands of colleges from around the world and more than twenty-five thousand high schools. By the end of 2005 it had more than eleven million accounts.[48] About twenty thousand new Facebook accounts are being created each day. In one study, more than 80 percent of college freshman signed up for Facebook accounts before the first day of school.[49] At many schools where Facebook is available, almost every student has an account.[50]

As on MySpace, Facebook users create profiles with personal information. According to one study of Facebook users at a particular school, the profiles "provide an astonishing amount of information: 90.8 percent of profiles contain an image, 87.8 percent of users reveal their birth date, 39.9 percent list a phone number . . . and 50.8 percent list their current residence."[51] Moreover, "Facebook profiles tend to be fully identified with each participant's first and last names."[52] Facebook profiles have a feature called "Photo Albums," where users can post photos. Friends can post photos on each other's profiles. Ac-

cording to a study of users at one university, over the course of eight weeks, the total number of pictures grew from about ten thousand to eighty thousand, averaging more than twenty pictures per person.[53]

Social network websites are fast becoming a worldwide phenomenon. The social network website Orkut, for example, is immensely popular in Brazil. Named after its creator, the Google software engineer Orkut Büyükkökten, Orkut attracted more than eleven million Brazilian users as of mid-2006.[54] Although Orkut is run by Google in the United States, the majority of its users are in Brazil. To become a member of Orkut, a person originally had to be invited by an existing member, but Orkut later dropped the invitation requirement.[55] Orkut states that its "mission" is to "help you create a closer, more intimate network of friends" and "put you on a path to social bliss."[56] Orkut allows users to form various "communities"—special forums for users with similar interests—and it lets people rank their friends based on familiarity, trustworthiness, coolness, and sexiness. Orkut is also very popular in India, where about four million people have accounts, constituting more than 11 percent of Internet users in the country.[57] Social networking is taking off in India, which has a rapidly growing number of people online and many widely used sites, such as Fropper, Jhoom, Minglebox, and more.[58] In Canada the networking sites Piczo and Nexopia are widely used.[59] Launched in Spain, the site Adoos has been spreading quickly in South America.[60]

In Europe, Passado is one of the more popular sites, providing users with "ways to interact with one another such as blogging, photosharing, forums and broadcasts." Based in London, Passado has become widely used in Germany, Spain, and Italy, where it has more than five million members.[61] In the United Kingdom, the social network website Bebo has become very trendy. As of late 2006 it had more than twenty-two million users.[62] And in 2006, along with MySpace, Bebo was one of the most frequently searched words in Google.[63]

In Asia several social network websites are hugely popular. In Japan, Mixi (meaning "I mix") has attracted 6.5 million member as of late 2006, making it one of the most visited websites in the country.[64] In China the popular sites are Mop and Cuspace.[65] In South Korea, Cyworld reigns supreme, with an astonishing 92 percent of people in their twenties having an account, as well as 30 percent of the total population.[66] Cyworld encourages its users to place their personal information online: "Upload your photos, drawings and images—we give you unlimited storage so you can save and display as many as you want."[67] Cyworld also has websites in China, Japan, and Taiwan. When

Cyworld became available in China, one million people joined within six months.[68] By the end of 2006 Cyworld had about nineteen million Korean accounts and three million Chinese accounts.[69] Frequent users of Cyworld are referred to as "Cyholics."[70]

In short, there are social network sites in all shapes and sizes, and they are sprouting up around the globe. There are social network sites for Dogs (Dogster) as well as for Cats (Catster).[71] And not to be left out of the fun, even hamsters have their own social network website.[72]

INFORMATION EVERYWHERE

With blogs and social network sites, personal information is being posted online at a staggering rate. Given the ease at which information can be recorded and spread, there will be more instances when information we want to keep on a short leash will escape from our control. There are a number of well-known instances where people have had the misfortune of sending an email to the wrong people. One such email gained Internet infamy in 2003. A law student was working for a powerful New York law firm as a summer associate, a rather cushy job where firms try to recruit future attorneys by indulging them with expensive food and drink. One afternoon, after a nice long lunch, the student fired off this email to his friend:

> I'm busy doing jack shit. Went to a nice 2hr sushi lunch today at Sushi Zen. Nice place. Spent the rest of the day typing emails and bullshitting with people. Unfortunately, I actually have work to do—I'm on some corp finance deal, under the global head of corp finance, which means I should really peruse these materials and not be a fuckup. . . .
>
> So yeah, Corporate Love hasn't worn off yet. . . . But just give me time.

At the bottom was his name and his contact information. Another email followed a few hours later:

> An apology
>
> I am writing you in regard to an e-mail you received from me earlier today.
>
> As I am aware that you opened the message, you probably saw that it was a personal communication that was inadvertently forwarded to the underwriting mailing list. Before it was retracted, it was received by approximately 40 people inside the Firm, about half of whom are partners.
>
> I am thoroughly and utterly ashamed and embarrassed not only by my behavior, but by the implicit reflection such behavior could have on the Firm.

The email goes on for several more painful paragraphs. This incident demonstrates how easy it is for private communications to find their way into the wrong inboxes. But if this wasn't enough embarrassment, the email and the apology soon became the toast of the Internet. They were reproduced in all their glory, with the person's full name included, on numerous websites. The incident became so well known that the *New Yorker* ran a story about it.[73] If you run a Google search on the person's name, you can still pull up the emails in an instant.

Of course, it is easy to say that the student should have been more careful. But we're accustomed to living at a hyper pace these days, launching emails at breakneck speed. Leaks and miscues are bound to happen. Sometimes information winds up online because we put it there intentionally; sometimes it is accidental; and other times, it is put there without our knowledge and consent.

REPUTATION

The proliferation of personal data on the Internet can have significant effects on people's reputations. As the sociologist Steven Nock defines it, a "reputation" is "a shared, or collective, perception about a person."[74] Our reputations are forged when people make judgments based upon the mosaic of information available about us.

Our reputation is one of our most cherished assets. As the Book of Proverbs states: "A good name is rather to be chosen than great riches."[75] In William Shakespeare's *Othello,* Cassio, whose reputation is ruined by the evil plotting of Iago, laments: "Reputation, reputation, reputation! O, I have lost my reputation! I have lost the immortal part of my self and what remains is bestial."[76] John Proctor, in Arthur Miller's play *The Crucible,* refuses to sign a false confession that he engaged in witchcraft, opting instead to be hanged. Similar to Cassio's lament in *Othello,* Proctor declares: "Because it is my name! Because I cannot have another in my life! Because I lie and sign myself to lies! Because I am not worth the dust on the feet of them that hang! How may I live without my name? I have given you my soul; leave me my name!"[77] Proctor would rather perish than sacrifice his reputation. Proctor recognizes that he cannot function within the community without his good name.

Our reputation is an essential component to our freedom, for without the good opinion of our community, our freedom can become empty. "The desire of the esteem of others," wrote President John Adams, "is as real a want of nature as hunger."[78] The sociologist C. F. Cooley famously pointed out that we

form our own selfhood based on how we think others perceive us. Cooley's theory, which he called the "looking glass self," has become widely accepted by social psychologists.[79] Our reputation can be a key dimension of our self, something that affects the very core of our identity. Beyond its internal influence on our self-conception, our reputation affects our ability to engage in basic activities in society. We depend upon others to engage in transactions with us, to employ us, to befriend us, and to listen to us. Without the cooperation of others in society, we often are unable to do what we want to do. Without the respect of others, our actions and accomplishments can lose their purpose and meaning. Without the appropriate reputation, our speech, though free, may fall on deaf ears. Our freedom, in short, depends in part upon how others in society judge us.

Reputation and Accountability

Although we want some degree of control over our own reputation, we also want to know the reputation of others. While privacy gives people greater control over their reputations, it also "makes it difficult to know others' reputations."[80] We have a lot at stake in our relationships with others, and we are vulnerable to great loss if we are let down or betrayed. In many circumstances, we look to people's reputation to decide whether to trust them. As the sociologist Francis Fukuyama defines it, "Trust is the expectation that arises within a community of regular, honest, and cooperative behavior, based on commonly shared norms, on the part of members of that community."[81] Nock observes: "Trust and the ability to take others at their word are basic ingredients in social order. If we never knew who to trust, could never be sure that what we were told was true, or that promises made would be promises kept, there would be little to bind us together or make groups cohesive."[82]

The economist Avner Greif provides a fascinating account of reputation and trust when he discusses the Maghribi traders, a group of Jewish merchants who bartered along the Mediterranean during the eleventh century.[83] To carry out their business, the Maghribi traders depended upon agents to help store, transfer, and sell goods. There was a constant danger, however, of agents embezzling and cheating. Most relationships between agents and traders weren't based on contracts, and the law played virtually no role in regulating their relationships. Nevertheless, the Maghribi traders managed to ensure that agents rarely cheated. The Maghribi simply established a rule that they would never employ an agent who had cheated. A dishonest agent could not move to another trader after cheating a Maghribi trader because information about the

agent's untrustworthiness would readily be shared. The Maghribi traders thus used gossip to keep the agents honest. Agents depended upon having a good reputation in order to stay employed, and they knew that if they cheated, they would be held accountable.

Thus, beyond allowing individuals to guard against dealing with dishonest people, reputation also functions to preserve social control. By ensuring that people are accountable for their actions, reputation gives people a strong incentive to conform to social norms and to avoid breaching people's trust.

From the Small Village to the Global Village

In earlier times, people lived in small villages, and they had firsthand knowledge of one another. All villagers were well known, people's pasts were common knowledge, little was private, gossip spread across the village quickly, and social norms were strongly enforced through shame. People could readily assess one another's reputations.

Today we live in a vast and impersonal society. People are highly mobile. Urbanization and population growth have made communities larger and more diffuse. The sociologist Robert Putnam notes that civic life has been deteriorating—we're increasingly "bowling alone."[84] People have gradually been withdrawing from involvement in community affairs. In the urban jungle, we are lost amid a sea of unfamiliar faces. We often don't even know many of the people who live on our block, let alone in our building—or even next door. Studies have pointed out a breakdown in social norms and an increase in rudeness and uncivil behavior. In a 2005 poll, for example, about 70 percent of respondents believed that people are more impolite than a generation ago.[85] Trust is declining.[86] Modern life has made various social ties more diffuse; we interact with many strangers and often lack adequate information to assess their reputations.[87]

Despite these transformations, we have nevertheless found a way to evaluate reputation in contemporary society—by assembling fragments of personal data. Credit reporting agencies, for example, provide a standardized way to assess our financial reputations. They provide reports to our creditors with an extensive compilation of information about our financial dealings, assets, and transactions. Credit reporting agencies and other companies also provide heaps of data about individuals for employer background checks. As Nock observes, these new reputations "do not depend on a particular locale or group. They follow us as we move and they are accessible when they are needed. They can be altered, or created, in a matter of minutes."[88]

At the dawn of the computer age, Marshall McLuhan predicted that new electronic media would bring the world closer together into a "global village."[89] The Internet is the fulfillment of his prophecy. People scattered across the globe can now all congregate together in cyberspace to share ideas and information. Ironically, the global village leads us toward a future that revives part of the past—life in the small village of several centuries ago. With the prevalence of cell phone cameras, people can no longer engage in social infractions without risking being caught in the act. No longer can people hide in obscurity and escape accountability for their actions. People can readily document and record each other's norm violations, and they can then post them online.

The global village not only revives features of the small village but also amplifies and alters them in profound ways. The global village is worldwide and it encompasses millions of people. The people of the global village have weak rather than strong ties; they are often known not for their whole selves but for various information fragments others hastily consume.

In the past, oral gossip could tarnish a reputation, but it would fade from memories over time. People could move elsewhere and start anew. The printed word, however, was different. As Judge Benjamin Cardozo wrote in 1931: "What gives the sting to writing is its permanence in form. The spoken word dissolves, but the written one abides and perpetuates the scandal."[90] In the past, people could even escape printed words because most publications would get buried away in the dusty corners of libraries. The information would be hard to retrieve, and a sleuth would have to devote a lot of time to dig it up. The Internet, however, makes gossip a permanent reputational stain, one that never fades. It is available around the world, and with Google it can be readily found in less than a second.

Why Should We Be Able to Control Our Reputations?

There's a paradox at the heart of reputation—despite the fact we talk about reputation as earned and the product of our behavior and character, it is something given to us by others in the community. Reputation is a core component of our identity—it reflects who we are and shapes how we interact with others—yet it is not solely our own creation. As one person in the nineteenth century put it: "A man's character is what he is; a man's reputation is what other people may imagine him to be."[91] Our reputation depends upon how other people judge and evaluate us, and this puts us at the mercy of oth-

ers. Our good reputation can quickly be lost, with deleterious consequences to our friendships, family, jobs, and financial well-being. We must all cope with the fragility of reputation, the delicate porcelain vessel that carries our ability to function in society.

Since reputation plays such a dramatic role in our lives, we naturally desire to have some control over it. As the U.S. Supreme Court has noted: "Society has a pervasive and strong interest in preventing and redressing attacks upon reputation."[92] The law, in fact, allows people to protect their reputations from being sullied by falsehoods. But why? Since reputation is bestowed upon us by others in society and consists of what others think about us, why should we have a right to control it at all?

Under one theory of reputation, the law professor Robert Post observes, it is a form of property. People earn the esteem of others by "the fruit of personal exertion."[93] Indeed, people work hard at building a reputation in society; and it can often be among a person's most valuable assets. One reason to protect reputation, then, is to preserve the years of effort people put into developing it. Another theory of reputation, Post notes, is that we protect it in the name of human dignity.[94] As Post explains, the "dignity that defamation law protects is thus respect (and self-respect) that arises from full membership in society."[95] We protect people from having their reputation unjustly ruined because we respect their dignity.

Another reason to protect reputation is that the stakes are so high. In the past, a false rumor could prove deadly. Between the fourteenth and seventeenth centuries, more than five hundred thousand people were burned in Europe for witchcraft, more than 90 percent of them women.[96] In America the witch trials in Salem, Massachusetts, in 1692 were fueled by rumors and falsehoods. Today reputation still plays an enormous role in our lives, even if not for life-or-death stakes. Our reputation matters quite a lot to us, but it also matters a lot to others in society, who use it to determine whether to trust us. Wrongful and undeserved polluting of a person's reputation not only has devastating consequences for that person, but it also prevents others from accurately judging that person.

A person's reputation is often far from accurate. "Reputation is an idle and false imposition," the villain Iago asserts in Shakespeare's *Othello,* "oft got without merit and lost without deserving."[97] Indeed, Iago deviously destroys people's reputations, and he recognizes how fragile, manipulable, and inaccurate reputation can be. Good people can have bad reputations and bad people can have good reputations.

When an individual has a better reputation than deserved, it might be the result of essential facts being concealed from the calculus. We're constantly putting on a show for others, trying to hide our warts and present ourselves at our best. Judge Richard Posner contends that privacy allows people to "conceal information about themselves that others might use to their disadvantage."[98] Similarly, the legal scholar Richard Epstein contends that "the plea for privacy is often a plea for the right to misrepresent one's self to the rest of the world."[99] Is there a justification for allowing people to conceal information about themselves that will lower their reputations? It is one thing to ensure that the information factored into the assessment of a person's reputation is truthful; it is quite another to allow people to hide true information that could sully their reputations. Does privacy enable people to be seen in a better light than they deserve? Does privacy undermine our ability to know people for their true selves? We might be entitled to have falsehoods about us cleansed away, but are we entitled to a reputation free from the stain of truths? I will explore these questions in the next chapter.

We can't stop others from judging us, and ultimately, we have only a limited degree of control over our reputations. Once information about us finds its way into the minds of others, we can't control what they think about it. Our ability to exercise control consists of being able to limit the circulation of information about us. The key question is how much control we ought to have over the spread of information about us. We don't want to provide too much control, as this will allow people to trick us into trusting them when they don't deserve it. Too much control will also stifle free speech, as it will prevent others from speaking about us. Hence the conflict: we want information to flow openly, for this is essential to a free society, yet we also want to have some control over the information that circulates about us, for this is essential to our freedom as well.

DUBIOUS DATA

Although we're getting a lot more good information via the Internet, we're also getting a lot more bad information. On the Internet, we constantly live in a twilight between fact and fiction. We're often exposed to information that we can't entirely trust. In a world where it is difficult to separate the true from the false, rumor and defamation can readily spread, and the Internet can be used as a powerful tool to launch malicious attacks on people and ideas. With modern computer software, anybody can readily create convincing counterfeit

images and doctor photographs. Anybody can dexterously concoct fake documents. It is now easier than ever to fabricate and forge.

With the Internet, false information can spread much more rapidly. In 1996 a false rumor about the clothing designer Tommy Hilfiger erupted on the Internet. According to the rumor, Hilfiger said: "If I had known that African-Americans, Hispanics, and Asians would buy my clothes, I would not have made them so nice." The rumor also had Hilfiger confirming on the Oprah Winfrey show that he had made the statement, leading Winfrey to demand that he leave. The rumor sent Hilfiger's company into a tailspin. But Hilfiger hadn't even appeared on *Oprah,* nor had he made the offensive remarks. Winfrey announced on her show that the rumor "is not true because it never happened. Tommy Hilfiger never appeared on this show. Read my lips, Tommy Hilfiger has never appeared on this show. All of the people who claim that they saw it, they heard it—it never happened. I've never even met Tommy Hilfiger."[100]

Katie, an eighteen-year-old who lived in a small town about two hours from Denver, Colorado, learned firsthand the power of false rumors on the Internet. An attractive blonde, Katie was an honor student and prom queen. Like almost everyone else in town, she was shocked when on July 4, 2003, Kobe Bryant was accused of raping a nineteen-year old woman from the same small community. The identity of Bryant's accuser was kept confidential. The mainstream media for the most part kept her identity secret because of a common rule of journalistic ethics not to reveal the identities of sexual assault victims. But immediately, speculation as to her identity erupted on the Internet. Then Katie became ensnared in the story.

One website named Katie as Bryant's victim. The report, however, was false. Initially, Katie thought it was simply a harmless mix-up. Katie and the victim weren't far apart in age; they went to the same high school; and they lived in the same small town. But Katie didn't realize how fast information moves on the Internet. Within a short time, the information migrated to numerous websites and chatrooms. Her picture was posted around the Internet, emblazoned on one page with the caption "WHORE ALERT." Some websites manipulated images to depict her engaging in sex with Bryant. The Internet cackled with vile and graphic comments about her. Katie said: "It didn't really hit me that hard, just because it was one site. . . . So I thought, you know, we live in the same town so maybe people just mix up the girls or whatever. But, after a couple of days it wasn't just on one site anymore."[101]

Katie was devastated by the frenzy about her on the Internet. "I was really upset by the whole situation," she lamented.[102] "It's hard knowing that when people think about Kobe's accuser, I'm the face that everyone think[s] of," she remarked in another interview. "I feel violated. I want it to be known that these pictures aren't of the right girl, and I want them removed." Katie's mother was also deeply affected: "I was furious. I'm a helpless mother and my daughter is smeared all over the Internet." Katie's mother contacted many websites asking them to remove Katie's name and photos. Some did, but others didn't. One website owner replied: "In this day [and] age, there is no privacy."[103]

"The fragments of people's lives that emerge on the Internet are somewhat haphazard," one journalist aptly observed. "They can be incomplete, out of context, misleading or simply wrong."[104] In the past, rumors and falsehoods would readily spread around the small village, but the Internet lacks the village's corrective of familiarity. In the small village, people had a long history together and knew the whole story about an individual. But now someone reading an online report about some faraway stranger rarely knows the whole story—the reader has only fragments of information, and when little is invested in a personal relationship, even information that is incomplete and of dubious veracity might be enough to precipitate ridicule, shunning, and reproach.

The rapid information-spreading power of the Internet can be a virtue too. Judge Richard Posner points out: "The blogosphere as a whole has a better error-correction machinery than the conventional media do. The rapidity with which vast masses of information are pooled and sifted leaves the conventional media in the dust. Not only are there millions of blogs, and thousands of bloggers who specialize, but, what is more, readers post comments that augment the blogs, and the information in those comments, as in the blogs themselves, zips around blogland at the speed of electronic transmission."[105]

Posner is certainly right—information does speed around the Internet at a breakneck pace. Errors can get corrected quickly. The best thing to do when faced with a malicious rumor is to spread correct information as rapidly as possible.

This works well when we clearly know the truth about something or someone. But what about when we don't? And what happens when facts are posted online that while true, are also of a private nature? With false information, the

record can eventually be set straight. But with true information, there's no way to put the secret back in the bag.

THE SOBERING CONSEQUENCES

Combine all the information available about people on the Internet—some of it true, some of it false—with our insatiable curiosity and desire to glean information about others, and some troubling implications emerge. Increasingly, information fragments about people on the Internet are used to make judgments about them.

Employers are looking at social network site profiles of prospective employees.[106] Microsoft officials admit to trolling the Internet for anything they can find out about people they are considering for positions.[107] After a promising interview with a college student for a summer internship position, a company president checked the student's Facebook profile. The student listed his interests as "smokin' blunts" and having a lot of sex. He didn't get the job.[108] Facebook profiles are more restricted than MySpace profiles; access is limited to students. But some employers have kept their accounts after graduating, and other employers have students who work for them check the profiles of prospective employees.[109] Some big corporations are using software to systematically monitor employee blogs.[110]

One young woman was quite surprised when her employer began talking to her about her Friendster profile.[111] But people might never find out if an employer looked at information about them on the Internet. Many employers won't ask a person in a job interview about the story behind his or her half-naked photos on the Internet. Indeed, it can be quite awkward to confront people about the weird things you find out about them online. People just don't get the job or don't even get called in for an interview. The information about a person on the Internet can thus be a secret job killer.

A professor writing under the pseudonym Ivan Tribble notes that before hiring new professors, administrators at his college google each candidate and scrutinize the results: "Our blogger applicants came off reasonably well at the initial interview, but once we hung up the phone and called up their blogs, we got to know 'the real them'—better than we wanted, enough to conclude we didn't want to know more." Our "quirks," Tribble writes, are best kept hidden, "not laid out in exquisite detail for all the world to read."[112]

To make matters worse, the information that emerges in a Google search of a person's name might not all relate to that person—it could pertain to other

people with the same name. Or it could be spoofed. In one case, students created a fake MySpace profile under their principal's name with pornographic photos and offensive comments.[113]

Dooced

One blogger, Heather Armstrong, achieved fame for being fired from her job because of her blog, Dooce.com. Her firing became so well known throughout the blogosphere that the term *dooced* was coined to describe losing one's job because of one's online postings. Today her blog is one of the most popular on the Internet, receiving fifty-five thousand visitors per day.[114] She has blogged about her family, her pregnancy, her bouts with severe constipation, and her postpartum depression.[115] But it was blogging about her work experiences which ultimately got her fired. Among other things, she wrote:

> I hate that one of the 10 vice-presidents in this 30-person company wasn't born with an "indoor" voice but with a shrill, monotone, speaking-over-a-passing-F16 outdoor voice. And he loves to hear himself speak, even if just to himself. . . . Lately, he's been an authority on patently grotesque facial hair patterns. . . .
>
> I hate that the Enabling Producer enables nothing but my never-ending agony, that she never knows what she wants and so gives directions as vague as, "Mock up something that, you know, says something," without even telling me what I'm supposed to say something about.[116]

An anonymous person emailed her supervisors about her blog, and they weren't pleased. As Heather wrote about her firing: "Essentially, they explained, they didn't like what I had expressed on my website. I got fired because of dooce.com." Heather tried to defend herself by pointing out she had never mentioned anybody or the company by name, but to no avail. In the end, however, she couldn't quarrel with her firing: "I made my bed; I'll lie in it, to quote the inimitable Courtney Love. I understood the risk when I wrote certain things about certain figures that key members of my company might discover my website and pooh-pooh my endeavors."[117]

But not everybody knows the risks of exposing themselves online. Many individuals are teenagers and college students, who may not consider the consequences. Moreover, many people are not simply self-disclosing in their blogs. Heather's blog contained information about her coworkers, and much of the information people post online involves not just themselves but their friends, teachers, parents, employers, and others. One college professor discovered to her dismay that a student filmed her class and posted it on YouTube, a popular

website where people can upload videos and others can watch them for free.[118] In 2006 Google purchased YouTube for $1.65 billion.[119] Anybody can post videos of anybody else on YouTube. People can post pictures of you or write about you in their blogs. Even if you aren't exhibiting your private life online, it may still wind up being exposed by somebody else.

Doing a Background Check on My Admirer

Shortly after my book *The Digital Person* came out in 2004, I received an email from a reader who expressed great admiration for it. The reader, whom I'll call John Doe, said that he was sending copies to a few of his high-powered friends, one of whom was a U.S. senator. Needless to say, I was quite flattered. His email signature indicated he was the "spokesman" for a large data security company.

I emailed him back and thanked him for the praise. We had a number of friendly email exchanges, and he wanted to chat with me on the telephone about various privacy issues. It was at this point that I became interested in finding about more about him and his company. His email signature didn't include a website for his company, so I did a search for it online. I couldn't find an official website for his company. I thought this was quite odd, since most major companies have a website. I then did a search under John Doe's name. Google pulled up some disturbing posts about John in an online discussion group. One member of the group indicated that John had been removed from the discussion list. Among the information I found were these remarks:

> One aspect of the John Doe phenomenon is that I have never, ever seen anything—not a webpage, not a news report, not a public filing, not a friend, no nothing—that suggests anyone's seen anything from John Doe or Doe's company except for email and (sometimes) a voice on the telephone.

In another discussion thread, I found these comments:

> This is just a reminder that Doe's company does not exist, that John Doe is not to be taken seriously, and that he speaks only for himself and not for a group of over 100,000 people. Frankly it is sad, and I wish he would get help. Regular readers will ignore his inane ramblings, but new readers may be tricked into replying. Among the "nutsy-cukoo" things he has said in the last few weeks are: That he met personally with President George Bush in Waco Texas and that he is having secret email conversations with government officials. Here is the rest of the FAQ:
>
> Who is John Doe? John Doe has claimed in postings to various lists:

> —to be the Chief Executive Officer and the Co-Founder of [a] 4.8 billion dollar privately-held employee-owned company. . . .
>
> —to be an ex-IBM Fellow,
>
> —to have three degrees, MBA, Masters in Computer Science and Engineering, and Law
>
> —to have served as a judge for 7 years
>
> —to be the author of two books and is working on a third. . . .
>
> —to have been acting squadron commander of the Marine combat F4 squadron VMF214 (Black Sheep) at Tan Son Nhut during the Viet Nam war. . . .
>
> —Retired Colonel, United States Marine Corps—to own 8% of eBay[120]

The comments went on and on. In some of the material I found on John Doe, there were replies by John. Here's one:

> Can you prove any of these statements? I am quite sure you cannot. Please refrain form making false statements in the future.

So here I was, doing a makeshift background check on a person. Online, it's often hard to find out if people are who they say they are. There are many people I know only through email. I read blog posts by pseudonymous authors and reply to comments to my own posts that are by anonymous individuals. A lot of my interactions today are with people I've never seen or heard or met. Having information about others helps us establish trust, especially online, where we often don't meet people in person.

But can we trust the information about people that we find on the Internet? Although John seemed suspicious, the comments about him also seemed to lack credibility. Who goes through all the trouble to discredit a person in a discussion group? Was the poster of these comments about John Doe credible himself? I had to make a judgment, and I didn't trust either John or the antagonist documenting John's purported lies. The easiest thing to do was just to walk away. I ultimately decided not to call John. His background seemed too sketchy. Thus even dubious data about John deterred me from continuing to communicate with him.

Google was a useful tool for me in this situation. I was able to investigate John's reputation, and the information I learned helped me make a decision about whether to talk to him. But this incident made me realize that as strongly as I believe in privacy, the temptation to google people can be irresistible. You can certainly hope that nobody types your name into Google, but that hope is probably futile. At some point in your life, you're probably going to get googled, and the information that pulls up might affect what others think of you.

THERE'S NO GOING BACK

On December 12, 2004, a stocky nineteen-year-old teenager from New Jersey named Gary posted on the Internet a video of himself lip-synching and dancing to "Dragostea Din Tei," a Romanian techno song by the group O-Zone. Gary called his act the "Numa Numa Dance," a name based on some lyrics in the song.[121] As he sat in his chair in front of his computer, Gary danced before his webcam. In a very energetic way, he wiggled back and forth and pumped his arms enthusiastically to the techno beat of the song. The song was extremely catchy, and Gary's movements were quite humorous. He was so passionately engaged in the music that the video had a kind of charm. He submitted his video to a website where users post their videos, which are then made available on the website for anybody to view.

Almost overnight, Gary became a sensation. Soon the video had been downloaded about two million times. Gary appeared on *Good Morning America,* NBC's *Tonight Show,* and CNN. His video was shown on VH1. Soon the video had been downloaded more than seven million times. To put this number into perspective, a music CD reaches "platinum" status if it sells more than one million copies, which is a great achievement for any musician.

Then, suddenly, Gary decided that he hated the spotlight. According to a *New York Times* article ten weeks after Gary had posted the video, he "has now sought refuge from his fame in his family's small house on a gritty street in Saddle Brook. . . . According to his relatives, he mopes around the house. . . . He is distraught, embarrassed."[122]

Can he take it all back? No. There's no going back. Numerous websites now host his video. It is splashed all across the Web. There are Numa Numa Dance parodies. Wikipedia, a free online encyclopedia, has an entry for the Numa Numa dance. There's even a fan website for Gary:

> On this site I'll include everything we can find out about our favorite lip-synch icon, including photos, a biography, an annotated list of new videos, fan-created .mp3s, . . . movie posters, breaking news, and more!

What Gary did can't be undone. And he was only nineteen years old when he did it. For most of us, the foolish things we do as teenagers disappear into oblivion and are revived only when we reminisce with old friends. But in today's world, foolish deeds are preserved for eternity on the Internet. They become what a person is known for. The world will always remember Gary as the Numa Numa dancer.

Gary's story has a happy ending. He resurfaced in the summer of 2006 with a new slick website designed by a media company and a new music video—this time professionally produced.[123] Gary appears to have embraced his Internet fame. Many, however, have not.

Little Fatty

Qian was a pudgy sixteen-year-old in China. He was attending a traffic safety class when someone secretly took his photo. His face was round and plump, his cheeks were rosy, his eyes were looking sideways in a skeptical glance, and his small lips were in a pout. The photo began to circulate online, where Chinese Internet users became obsessed with it. People began to use Adobe PhotoShop to place Qian's face on a variety of different images. His face appeared on a variety of movie–poster mock-ups, ranging from the Harry Potter, Austin Powers, and Pirates of the Caribbean series to *Brokeback Mountain, The Da Vinci Code,* and more. Scores of celebrities were given Qian's digital countenance. He appeared on Buddha images as well as on photos of porn stars. In one image, his visage was carved into Mount Rushmore; in another picture, he was sitting next to President George W. Bush giving him rabbit ears; in yet another, his head was superimposed upon the body of Adam in Michelangelo's Sistine Chapel fresco sequence. And so on. People began to call him Xiao Pang—"Little Fatty."

One day, somebody told Qian that his photo was all over the Internet. Qian went to a cyber café and was stunned to find thousands of websites with his image. At first, Qian was devastated. "When I saw that I was angry and upset," Qian stated in an interview. "It was as if I had been struck by a thunderbolt," he said. "I felt really humiliated. I couldn't bear it and I left [the cyber café]."

Soon, Qian's fame began to spread even farther. People began to stop him on the street. At a concert, a group of girls wanted to take a photo with him. Throughout all this, Qian felt embarrassed and ridiculed.

Qian, however, later changed his perspective and began to take the events in stride. "Now my feeling has changed," he said in an interview. "If you always feel depressed, then you feel uncomfortable. Now I can view this event with a calm mind, and I feel released." Moreover, he noted, "I have tried to turn sorrow into strength. At least this makes people smile." He stated that for the most part, he had made peace with his newfound Internet fame: "I like it when they put me on the body of heroes, such as Russell Crowe in *Gladiator*. But I hate it when they place me on the shoulder of naked women or when the touch-up job is terrible."

Doctored image of "Little Fatty" (face obscured) next to President George Bush

Qian is now a star in China, though he still works at a gas station and doesn't make much money from his fame. He appeared on a popular Chinese talk show. And his fans continue to keep track of him. When Qian once mentioned in an interview that he liked the comedian Jim Carrey, people created Little Fatty posters of Carrey's movies. Without even being aware of it, Qian had become an icon throughout China. Fortunately, he made the best of it, but he had little alternative.[124]

The Star Wars Kid

Ghyslain was a stocky fifteen-year-old boy from Canada who was a fan of science fiction. You might already guess that he was classified as a nerd at school and teased. Today, Ghyslain is a worldwide celebrity, known by millions of people in all corners of the globe. Most know him as the "Star Wars Kid," although his full name readily appears on countless websites and news articles.

How did Ghyslain transform from a Canadian teenager into the Star Wars

Still shot from the Star Wars Kid video (face obscured)

Kid? It all happened quite rapidly. In November 2002 he filmed himself at his school video studio pretending to fight an imaginary foe with a golf ball retriever as a light saber.[125] The video lasted about two minutes. Ghyslain twirled around waving the golf ball retriever frantically, making his own sound effects along the way, pretending to be a character from the movie *Star Wars: Episode I, The Phantom Menace*.[126] The character was Darth Maul, a menacing villain who wielded two light sabers connected at the handles to form a staff. Unlike Darth Maul, whose movements were gracefully choreographed, the Star Wars Kid made jerky and awkward movements, stumbling at some points.

Ghyslain didn't intend the video to be seen by anyone. He left the video on the shelf of the school's TV studio. The video languished there for several months, until April 2003, when another student discovered it.[127] The student shared it with others, and soon they converted it to digital format and posted it on an Internet file-sharing network, where anyone could download it for free. What happened next was amazing. It became an instant hit. Within days, the video was being discussed and posted on numerous websites. Countless people downloaded it.

But that wasn't the end of it. One blogger created an edited version of the

video with music and special effects. The edited video began with the traditional *Star Wars* opening, with text streaming across outer space. The golf ball retriever was illuminated like a light saber, with sound effects added as Ghyslain swung it around. The remix of the video was adeptly done and was quite funny. In a matter of weeks, the original video and the remix were downloaded more than a million times from around the world.

Within no time, websites were barraged by postings making fun of the kid. At Waxy.org, one of the first websites to discuss the story, countless comments were posted. The author of the blog soon stopped allowing comments:

> I've turned off new comments in this thread because of the mean-spirited tone, and deleted the most vicious comments. Yes, he's fat and awkward. We get it. Since 90% of the traffic to these videos is coming from gaming, technology, and Star Wars news websites, I'm guessing that most of you weren't any cooler in junior high school than this poor kid. All of you geeks, nerds, and dorks out there need to think twice before trashing one of your own.[128]

The worst comments have been deleted, but here is a taste of what remains:

> I don't know which one is funnier, raw or remixed. . . .
>
> How come this kid is still fat?
>
> If there were more portly Jedis like that, I'd totally leave the dark side.
>
> I dub thee Darth Haul.
>
> Oh my God that is hilarious. I can't breathe!
>
> It's like a bad train wreck . . . you don't want to look at it, but you just can't stop yourself.
>
> Replica Jedi Staff $25; School Camera Rental Fee $5, Video Cassette $3, Making an ass out of yourself and having it spread across the internet . . . priceless.
>
> Wow. Simply put, this kid can 1) never live this down 2) never watch any thing [*Star Wars*] related without thinking about his humiliation and 3) never run for president of any country ever. That poor poor boy.

The comments go on and on. One commentator at another website wrote: "The Internet makes fools into stars and stars into fools."[129] Soon the mainstream media found out about the story, and it was written up in numerous

newspapers and magazines, including the *New York Times*. In that story, Ghyslain said: "People were laughing at me. . . . And it was not funny at all."[130] Ghyslain transferred to another school.[131] Out of sympathy for Ghyslain's troubles, a blogger collected donations to buy Ghyslain an iPod music player.

The iPod was a small consolation prize for Ghyslain, who was deeply scarred by the incident. Students at his high school would start shouting "Star Wars Kid! Star Wars Kid!" as he walked by. According to Ghyslain, the torment was "simply unbearable, totally. It was impossible to attend class." He dropped out of his high school and had to seek psychiatric care. His family sued the students who placed the video online and the case eventually settled. To this day, Ghyslain has not spoken much about the incident publicly.[132]

Forever, Ghyslain will be known as the Star Wars Kid. There's even an entry under his name in the online encyclopedia Wikipedia.[133] A search under his name or under "Star Wars Kid" pulls up countless hits on Google. Today, according to estimates, the video has become the most watched video on the Internet, having been viewed hundreds of millions of times.[134] Over at a website called The Screaming Pickle, you can watch one of dozens of versions of the video.[135] The website offers up a menu of videos to see:

Star Wars Kid	The Original Star Wars Kid Video
Star Wars Kid Remix	The FIRST Special Effects Dub of The Star Wars Kid Saga
Star Wars Kid version 1.5	Seeker Drones Added to First Dub
UnderCover Star Wars Kid	Simply the best yet made!!! You must see this.
Star Wars Kid—LOTOR	Star Wars Kid—Lord of the Onion Rings—Excellent! Edits from LOTR trailer, superimposed scenes, etc.
Bravekid	Star Wars Kid As Braveheart Trailer
Bulk	Star Wars Kid as The Incredible Hulk Trailer
Chewee	Edits from Episode IV with Chewbacca, Han and Luke on detention level of Death Star
Dancing Baby and The Star Wars Kid	Dancing Baby and Star Wars Kid Movie Trailer
R2D2 and C3P0 Witness from The Star Wars Kid	"That's funny, the damage doesn't look as bad out here . . . are you sure this thing is safe?"—Edit From Episode IV Blockade Runner Scene with Star Wars Kid

Star Wars Kong	one of many "remakes" which included no content from the original SWK video, but were re-enacted—Star Wars Kid / Star Wars Kong = SWK
Star Wars Kid—Drunken Jedi Master	Drunken Jedi Master Dub adds green saber blades deflecting blaster shots
Star Wars Kid Very Special Edition	Features Edits from Episode I referencing the Clone War—Star Wars Kid and his Clone fight each other—1 green saber, 1 red saber
Star Wars Kid Revolutions	The Matrix Trailer with spliced scenes of The Star Wars Kid
Star Wars Kid—T3 Rise Of The Machines	T3 Trailer with SWK model TX morphing from liquid metal

Believe it or not, there's more.

And although it's two years since the original video made its rounds on the Internet, the Star Wars Kid is still a topic of discussion. In 2005 there was an online petition to persuade George Lucas to include the Star Wars Kid in *Episode III, Revenge of the Sith*:

> We the undersigned, urge you to consider Ghyslain A.K.A. "Star Wars Kid" for a cameo in the upcoming Star Wars Episode III movie.[136]

The petition received more than 146,000 signatures, but it was unsuccessful.[137]

And Waxy.org recently posted a tribute to the Star Wars Kid:

> It's been almost two years since the Star Wars Kid video, but the tributes keep coming. . . . Finally, because I get asked occasionally, I have no new Star Wars Kid news. He's never tried to contact me, and I haven't tried to follow up in any way. I don't know the outcome of the lawsuits or what Ghyslain is up to. If anyone out there knows, I'd love to know how he's doing.[138]

Whether you like it or not, whether you intend it or not, the Internet can make you an instant celebrity. You could be the next Star Wars Kid.

THE GOOD AND THE BAD

We live in exciting and wondrous times. The Internet and Google bring a library of data into all of our homes. The blogosphere is profoundly demo-

cratizing, giving anybody with something interesting to say—or, for that matter, with *anything* to say—a global voice. Blogs and social network websites enable people to express themselves like they've never been able to before. They encourage people to share their lives with strangers, to open up their diaries to the world. As one blogger wrote, blogging allows you "to discover yourself while discovering about other people's [lives]."[139] Blogging allows people to exchange experiences, and it holds out the possibility that many others might find a connection. Blogging represents the very best that communication has to offer. Bloggers who are great writers and storytellers find their calling; some begin writing books. Without blogging, they might never have realized that they had stories or ideas to share. These developments are incredible and dazzling.

But not so good if you're the Star Wars Kid or the dog poop girl. As we charge headfast into the future, as more details about our lives are captured in data fragments, as the blogosphere expands and draws more attention, what are the implications for our privacy? As we move into the future, new technologies of recording sound, images, and tracking people's whereabouts will further enable even more fragments of data about our lives to be captured and potentially disseminated online. In a short essay in the *New Republic,* Eve Fairbanks writes:

> My generation is the first to have grown up with the Internet, and we see the online universe . . . as a place where anything goes, where there is neither consequence nor shame, and where concerns about protecting your reputation are less, not more important. Teens blog details, true or made up, about their personal lives that their elders would have blushed to put in their diaries. Parents and teachers . . . chalk this up to naïveté, suggesting that, when these children grow up, they will be as concerned about privacy as past generations were. But maybe not.[140]

If Fairbanks is correct, then perhaps generations in the future will no longer expect much privacy. One might envision a future where we can finally be uninhibited and honest about ourselves. When everybody's warts are exposed, maybe people will stop readily condemning others, and the social norms that people enforce yet secretly transgress will gradually fade away.

Or not. Maybe the future will be one that is less free, where society is both oppressive and uncontrollable, where people are vulnerable to having their reputations destroyed in an instant, where mistakes in one's past can forever thwart opportunities in one's future.

Notes

CHAPTER 2. HOW THE FREE FLOW OF INFORMATION LIBERATES AND CONSTRAINS US

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