Distribution Agreement

In presenting this thesis as a partial fulfillment of the requirements for a degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis in whole or in part in all forms of media, now or hereafter now, including display on the World Wide Web. I understand that I may select some access restrictions as part of the online submission of this thesis. I retain all ownership rights to the copyright of the thesis. I also retain the right to use in future works (such as articles or books) all or part of this thesis.

Steven Crist 12/2/13

Invisible Inequality: A Look at Utility and Rights Problems Associated with Anonymous Online Speech

by

Steven Crist

Dr. Michael Sullivan
Adviser

Dept. of Philosophy

Dr. Michael Sullivan

Adviser

Dr. John Lysaker

Committee Member

Dr. Tanine Allison

Committee Member

2013

Invisible Inequality: A Look at Utility and Rights Problems Associated with Anonymous Online Speech

By

Steven Crist

Dr. Michael Sullivan

Adviser

An abstract of
a thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Dept. of Philosophy

2013

Abstract

Invisible Inequality: A Look at Utility and Rights Problems Associated with Anonymous Online Speech

By Steven Crist

The internet has become a powerful influence on our daily lives, and that power has brought with it a significant number of associated social problems. Though anonymity is a highly valued characteristic of our online environments that is frequently believed to work toward the advantage of members of traditionally disadvantaged classes, there are many cases where it appears as if this common belief might actually be false. Instead, this paper argues, that though there exist instances where anonymity can be beneficial, in many cases it serves only to facilitate harassment, intimidation, and other anti-social behaviors.

Looking at questions about the comparative utility of anonymous online speech when set next to certain alternatives, and questions about the rights of individuals who suffer under environments of broad anonymity, this paper seeks to encourage public discussion about anonymity's role online in the coming years, and more intelligent and thoughtful use of anonymity in the online environments where it can be demonstrated to be most genuinely valuable.

There is evidence that online anonymity as it is presently utilized contributes both to environments which are counter-productive to their own policy missions, and environments which infringe on certain political rights held by members of socially disadvantaged groups. Additionally, in cases where rights may have been infringed, anonymity renders most—if not all—possible avenues of restitution impossible. Because today's internet is so deeply integrated into our lives, rights violations online can affect individuals as powerfully as rights violations in traditionally protected contexts such as the classroom and the workplace. Thus, we have an ethical obligation to revisit the ubiquity of anonymity in our online spaces and should begin having broader public discussion about our need to address these problems.

Invisible Inequality: A Look at Utility and Rights Problems Associated with Anonymous Online Speech

By

Steven Crist

Dr. Michael Sullivan

Adviser

A thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Dept. of Philosophy

2013

Acknowledgements

I would like to, first, thank my advisor, Dr. Michael Sullivan, for a great deal of time and patience. This thesis has taken place over what has ended up being one of the most tumultuous and stressful periods of my life—which is saying quite a bit in my case—and yet I was nothing but encouraged to complete this thesis despite those setbacks, and assisted to see that I was able to do so on time.

Secondly, I would like to acknowledge and thank Dr. Valerie Burks, one of my greatest mentors and the Directory of the Honors Program at Valencia College, without whom I would never have been at Emory or have written this thesis. The support has been much appreciated.

And lastly, but certainly not least, I would like to acknowledge and thank Jack Kent Cooke, my fellow 'cookie cousins', and all of the staff at the Jack Kent Cooke Foundation. A private college education, let alone an honors thesis, would have been little more than a wild and overambitious dream without Uncle Jack's gift, the hard work of the foundation staff, and the unending and amazing support that I feel from this community every time I need it.

To these, and all of the others who have helped in other ways over the last several years, I sincerely thank you all.

Table of Contents

Chapter 1 – Online Life and the Problem of Anonymity

Introduction

The last several decades have been witness to a world-wide period of immense, technology-driven social change. Today, we have the ability to communicate with one another, on a global scale, at a pace which would have been unimaginable even thirty years ago. The technologies which have most driven this period of change are assorted forms of personal computing devices (PCs, tablet computers, mobile phones, etc.) and the associated global communications network to which so many of them are connected—the internet. The online "world" and "spaces" of the internet provide an unprecedented level of global exposure; and domestically, recent research suggests that roughly 85% of American adults are now regular internet users, up from a mere 14% in 1995.[1]

Today's internet is a far cry from the days of widespread first adoption that started in the early to mid-1990s. While once regarded by some as little more than the latest fad—a novel medium by which to share recipes and email friends—the internet has risen to dominate practically every significant facet of modern life.[2] It has become a high speed, global medium capable of transmitting staggering amounts of data every day, and we now utilize this tool for a multitude of purposes spanning business, academia, entertainment, and even romance.

It should come as no surprise then, as the internet has gained in both scope and importance for our lives, that we have begun to discover problems in this online world which parallel more traditional social problems that we have long faced in our lives offline.

---

[1] Internet Adoption, 1995-2013." *Internet Adoption*. Pew Research Center's Internet & American Life Project, n.d. Web. 08 Sept. 2013. <http://www.pewinternet.org/Trend-Data-%28Adults%29/Internet-Adoption.aspx>.

[2] Stoll, Clifford. "Clifford Stoll: Why Web Won't Be Nirvana." *Newsweek*. Newsweek, 26 Feb. 1995. Web. 01 Dec. 2013. <http://www.newsweek.com/clifford-stoll-why-web-wont-be-nirvana-185306>. In one particularly famous example, American astronomer and author Clifford Stoll wrote a 1995 book called Silicon Snake Oil and an accompanying article for Newsweek magazine entitled "The Internet? Bah!" (Now retitled as, "Clifford Stoll: Why Web Won't Be Nirvana"). In both the book and the article, Stoll asserts that the internet would never be practical for everyday life, and that e-commerce would never come to be.

Harassment, privacy issues, piracy, identity theft, and corporate espionage are but a few of the problems presented by this new technology; and many of these issues have relatively self-evident links to similar challenges that we face in offline social and professional environments. It is important, then, that we begin to more diligently address these problems, because the line between our so-called "real" lives and the lives that we live online is becoming increasingly blurred—and there is little reason, if we have already recognized a need to solve these problems offline, not to attempt to solve them online as well.

Many of the problems that we face in our online environments are driven by the somewhat unique (and, I will argue, overstated) value to which we assign anonymity online. This is particularly relevant to instances of harassment and intimidation in online environments, and thus, disproportionately affects individuals who seek to participate in online spaces on an equal level while coming from a traditionally disadvantaged class in an offline context.

Though anonymity is commonly held to be a fierce protector of the disadvantaged, this thesis will argue that anonymity is, in fact, intrinsically harmful to those very same individuals in many contexts; and, further, that anonymity as the pervasive, unassailable norm that it presently is (in the online world) must be reconsidered in order to fulfill our moral and ethical social obligations to one another and to provide equity in online spaces.

Before we can speak of problems though, it is important to get an understanding of what today's online experience looks like and how it came to look like it does. Having this understanding can assist us with the framing of the problems associated with life online, including anonymity, and to put into context the harm that they cause. Though most readers would undoubtedly be familiar with at least some aspects of life online, a broader understanding than is typical will be necessary for the discussion that follows. There remains a significant gap

between expert knowledge and general knowledge of life online, and though I cannot claim to be able to close that gap entirely in this relatively short paper, I will aim to paint as broad a picture (drawn from both my research and personal experience) as should be necessary for the understanding of the larger issue of anonymity discussed in the following sections.

Life Online

The internet comes from relatively uninteresting and humble beginnings. It began its life as a United States defense project called ARPANET in the 1960s and, in its infancy, was capable of transmitting little more than text based information at extraordinarily slow rates of speed by today's standards.[3] Beginning in the mid-1980s, as home PC adoption rates began to rise, commercial and private interest in internet technology began to grow; and, by the mid-1990s, a number of services—including America On-Line, Compuserv, UUNET, and Sprint—were offering consumers home-based, dial-up internet access. When America Online, the largest online service provider in the United States, began offering a service plan with unlimited access for less than twenty dollars a month in 1996,[4] the adoption rate of home internet usage exploded.[5] With the growth in broad consumer interest also came opportunities for commercial

---

[3] Leiner, Barry M., Vinton G. Cerf, David D. Clark, Robert E. Kahn, Leonard Kleinrock, Daniel C. Lynch, Jon Postel, Larry G. Roberts, and Stephen Wolff. "Internet Society." *Brief History of the Internet*. The Internet Society, n.d. Web. 01 Dec. 2013. <http://www.internetsociety.org/internet/what-internet/history-internet/brief-history-internet>. To provide a frame of reference for conceiving of the dramatic difference in capability between the internet's infancy and now: according to a piece written for The Internet Society, the proposed line speed for ARPANET was originally 2.4 kbps, later upgraded to 50kbps. Those speeds are 1/3580th and 1/172nd of today's average American broadband internet speed of 8.6mbps respectively. Today's American peak average speed is 36.6 mbps, an increase of 732 times the upgraded 50 kbps line speed. For additional data on the state of the contemporary internet, see: http://www.akamai.com/dl/akamai/q1_2013_soti_infographic.pdf

[4] "NEW YORK - America Online Introduced a Flat-rate Pricing Plan for Its Online Computer Service Today in Its Most Aggressive Response to the Growing Competitive Threat of the Internet and Rival Online Services." *The Augusta Chronicle*. The Augusta Chronicle, 30 Oct. 1996. Web. 08 Sept. 2013. <http://chronicle.augusta.com/stories/1996/10/30/met_200267.shtml>.

[5] "Internet Market Changing after AOL's Flat-rate Troubles." *The Augusta Chronicle*. The Augusta Chronicle, 8 Mar. 1997. Web. 08 Sept. 2013. <http://chronicle.augusta.com/stories/1997/03/08/tec_205055.shtml>.

investment and return, and today, the internet is host to what some researchers estimate to be a multi-trillion dollar market[6]—consisting of hundreds of millions of global users.[7] The commercial and popular success of the internet has contributed to the development of a number of technologies and services that have profoundly changed the way we live our lives; and many individuals, across the globe, are utilizing these technologies and services in increasing numbers every year.

Perhaps the most significant way in which the internet has changed our social lives is in the area of interpersonal communication. The internet is simultaneously a broadcast technology with essentially limitless global reach, and an interactive communications technology which enables individuals to share not only text, but also video, audio, images, and other data with one another. These characteristics have led to significant changes in the way that we live our lives. A written letter which previously took days to arrive at a destination can now be sent via email in a matter of seconds. International, overseas communication previously required either a costly phone conversation or a slow mailed correspondence, but today we can communicate instantly, in real-time, with both audio *and* video, without adding any additional cost to the base rate that we pay for internet connectivity.[8]

But the methods and media of our communications are not the only things that the internet has changed—it has also fundamentally changed their scope and reach of our

---

[6] Thompson, Derek. "The Atlantic." *The Atlantic*. The Atlantic, 6 Nov. 2011. Web. 01 Dec. 2013. <http://www.theatlantic.com/business/archive/2011/11/the-8-trillion-internet-mckinseys-bold-attempt-to-measure-the-e-conomy/247963/>. A 2011 study completed by McKinsey & Company estimates that the contemporary online economy consists of approximately $8 trillion and 200 million participants.

[7] "World Internet Users Statistics Usage and World Population Stats." *Internet World Stats*. Miniwatts Marketing Group, n.d. Web. 08 Sept. 2013. <http://www.internetworldstats.com/stats.htm>.

[8] Popular services such as Skype, Facebook, and Google all provide no-cost video conferencing services to PCs and mobile devices. Though internet access is obviously required, the services themselves are free—unlike international calling fees, which also required standard long-distance telephone service.

communications as well. A single post to an internet forum can potentially be viewed by millions of people.[9] In order to have this sort of exposure in the pre-internet age, one would likely have needed the support of one of the major media networks, or newspaper publishers; and even then, the thoughts of any single individual would have been subject to the influence of an editor or producer. Even further, a forum message does not disappear, or decay, unless either the user or some sort of forum administrator purposefully removes it. Like a virtual stone tablet, most online messages remain where they are put, saying what they say, for an indefinite period of time. These facts mean that many internet communications technologies essentially have both limitless reach and indefinite duration. In some of the most popular forums with the greatest longevity, a particular statement could last years, or even decades. Thus, the internet makes it possible for a single individual to reach out to millions of others at minimal cost and without a significant degree of direct editorial influence, and it also allows that individual to let their message stand, as if posted to a virtual wall, for an indefinite (and theoretically permanent) length of time.[10]

Additionally, the internet and the computer have dramatically decreased the tedium required to access our communications. Search engines index both specific sites, and the web as a whole, giving us the ability to index the entire text of digital works. More recently, web search services such as *Google Images* and *TinEye* have even given us the ability to search images by

---

[9] I mean here, by forum, any site in which user contributions can be left for the perusal and response of others. This could potentially be a site consisting strictly of user generated content, a more traditional "web forum" such as those hosted by many commercial enterprises and other organizations to provide a platform for public discussion, or even just the comments section on the website of a local newspaper.

[10] Gross, Doug. "Library of Congress Digs into 170 Billion Tweets." *CNN*. Cable News Network, 07 Jan. 2013. Web. 01 Dec. 2013. <http://www.cnn.com/2013/01/07/tech/social-media/library-congress-twitter/>. *reddit.com*, Amazon.com, Facebook, nytimes.com, and Twitter all provide examples of forums by way of which an individual might gain exposure to many millions of others. And all of these sites are stable enough that they will likely provide an individual's messages with years of permanence—a comment, post, or product review on these sites is stored on servers with redundant backup mechanisms and could, at least in theory, last forever. For example, the United States Library of Congress has an agreement with Twitter to archive its content indefinitely; this collection presently consists of over 170 billion "tweets" at the time of this writing.

color or similarity to other images—providing a similar sort of indexing for non-text data as well.

The way-of-life changes brought about by widespread internet access are not limited strictly to the realm of personal communication either. We can also find fundamental changes that have developed within our business practices as well. Because of the internet, business is easier in some ways (though harder in others), wider reaching, and faster than ever before.

Perhaps no industry has been affected by internet life quite as substantially as the media and entertainment industry. Whereas an individual would previously have needed to visit a physical, so-called "brick and mortar," establishment to purchase physical media like a cassette, CD, or DVD containing the content that they wished to consume, the internet has made possible the digital distribution of media content. An individual can purchase, twenty-four hours a day, practically any song, movie, or television episode that he or she desires—and that purchase can be delivered, via the internet, within minutes or even seconds.[11] The major broadcast television networks now provide selections of full length episodes of their programming online via services such as *Hulu.com*, and popular online services like *Spotify* and *Netflix* also offer subscription based content, for a monthly fee, granting access to a vast library of music and movies, respectively, for as long as an active subscription is maintained.

Digital distribution, as a technology, has been a game-changer for modern media. It has fundamentally changed the cost of doing business in the entertainment industry. The cost of making an additional copy of a digital file has been substantially reduced from the costs previously associated with the production and sale of physical media, like cassettes and CDs,

[11] Several successful examples of digital distribution platforms are Apple's iTunes music store, which sells individual songs and albums at reasonable prices, and Valve Software's Steam platform for computer games and applications. See http://www.apple.com/itunes/ for Apple's iTunes store, and http://store.steampowered.com/ for Valve's Steam platform.

during the last several decades. These physical media all required design and manufacturing costs to produce the physical products, transportation and logistical costs to ship the products to sales locations, and an opportunity cost associated with keeping those items on store shelving with limited space. Digital media distribution, by comparison, has greatly reduced or eliminated the costs associated with all of these factors. And we see this trend duplicated across the modern economy. In many instances where there were previous costs associated with the production and distribution of goods and services, the internet has, in many cases, dramatically reduced those costs.

Even the more tangible retail and secondary markets have been significantly changed by online life. Online retailers like *Amazon.com* collectively offer a staggeringly large selection of products, and will deliver those products directly to an individual's door;[12] in several markets, *Amazon* has even begun offering a delivered grocery service enabling customers to order fresh perishables online which can be delivered, for no additional charge, the same day or following morning.[13] *Ebay.com* provides the ability for users to list new and used items for secondary sale or auction, and facilitates the communication between buyers and sellers, as well as financial transactions between buyers and sellers by way of its *PayPal* division. Even home-crafted goods have found an online niche on websites like *Etsy.com*, where individuals can list hand-crafted items and services, such as wedding invitations and jewelry. Gone are the days when consumers

[12] As of this writing, Amazon.com, all by itself, lists 172,216,320 individual items if an approximate global search is executed on their database. It goes without saying that other online retailers will carry additional products that Amazon does not. This search can be executed by any user simply by typing "-" before an arbitrary string of nonsense (for example: "-asdkjlkjasdasd") in the Amazon search field; this will return every result NOT matching the search string. Though likely somewhat incomplete, the number of results returned should be close to Amazon's total product inventory.

[13] The grocery delivery service, known as AmazonFresh, is available in both Los Angeles and Seattle at the time of this writing. Additional details can be viewed by visiting <http://fresh.amazon.com/>

were limited by store hours, or local selection; the internet has created a vast, on-demand market with 24 hour availability.

The administrative practices of modern business have been influenced by the online world as well. Sites such as *Monster.com* and *Craigslist* have become popular avenues both for businesses to post job ads, and for individuals to search out employment opportunities in which they might be interested. Online trading services (together with a number of regulatory changes) have dramatically shifted the level of control that individuals have over their investment portfolios; today providing much of the same raw data and trading access that was previously reserved exclusively for professional traders at major investment firms.[14] The source of investment capital itself has also been revolutionized by crowd-sourced funding websites like *Kickstarter*, where individuals can publish creative proposals for art and entrepreneurship, in order to solicit numerous small donations from others intended to finance the realization of their creative visions.[15] Recognizing the power to be found in online communications technologies, many large corporations have even developed their own web portals through which employees can access their professional e-mail and other business applications, enabling them to more seamlessly work from home.[16] In sum, the internet has made modern business more open and accessible in a number of ways: individuals have greater access to markets and jobs,

---

[14] Pasani, Bob. "Man Vs. Machine: How Stock Trading Got So Complex." *CNBC.com*. CNBC, 13 Sept. 2010. Web. 15 Sept. 2013. <http://www.cnbc.com/id/38978686>.

[15] "Kickstarter Stats." *Stats*. Kickstarter.com, n.d. Web. 01 Dec. 2013. <http://www.kickstarter.com/help/stats>. Kickstarter is a particularly fascinating internet success story. The site, which was listed in Time magazine's list of the best inventions of 2010, has successfully funded over 48,000 individuals' projects, with the total pledges to successful projects totaling in excess of $660 million, in its brief, three year existence.

[16] Crosby, Tim. "How Telecommuting Works." *HowStuffWorks*. Howstuffworks.com, n.d. Web. 01 Dec. 2013. <http://home.howstuffworks.com/telecommuting.htm>. The ability to work from home has even led to the establishment of a new sort of employment: the telecommuter. Telecommuters work entirely from home, doing all of the same work that they would previously have had to do in an office. Corporate web portals and virtualization applications such as Citrix, which broadcasts applications to a remote client, together with video conferencing tools and modern office suites (such as Microsoft Office) have rendered the physical office environment largely or completely unnecessary for many service sector employees.

entrepreneurs have greater access to capital and human resources, and everyone has been untethered from traditional location-based restrictions.

Another way in which the internet has influenced modern life is by way of the fact that it is always with us—often quite literally. Even low-tech, so-called "dumb phones" or "feature phones" (which lack the programmability and multi-media capabilities of their "smartphone" counterparts) generally have web access today, as well as other online services such as instant messaging and email capabilities. Restaurants, coffee shops, bookstores, malls, hotels, and airports are commonly among the many locations which today provide free internet access to the general public. Schools, libraries, and colleges provide students and patrons with internet access to help with their study and research, and some educational institutions even provide students and teachers with computers and tablets, in an attempt to equalize the competitive advantage that computers (and the internet) provide.[17] At work, companies both large and small also provide their employees with internet access to use during working hours, for business purposes—and the computer itself has long been an indispensable facet of modern business. It is difficult, in fact, to think of a location, at least in contemporary American urban environments, where internet access is not readily available in some capacity.

In truth, the internet has touched practically every aspect of our lives and profoundly changed the way that we live and interact with one another. Few, if any, common cultural practices have evaded significant change brought about by the web or, at least, the associated vast information resource that it provides. We communicate online, we find jobs online, we take classes online, we find romance online, we share life and family events online, and when we don't know how to make an upside-down cake, or how to fix the windshield wipers in our cars—

[17] Rotella, Carlo. "No Child Left Untableted." *The New York Times - Magazine*. The New York Times, 12 Sept. 2013. Web. 1 Dec. 2013. <http://www.nytimes.com/2013/09/15/magazine/no-child-left-untableted.html>.

we find help and information online as well. All of these facts are frequently acknowledged by many other scholars and commentators in a number of forums. We see recognition of the fact that the internet is ubiquitous—with profound implications for the way we live our lives—almost weekly from sources like *The New York Times*, *The Economist*, the various cable news networks, etc.; however, none of what has been said so far (and none of what we are most frequently exposed to as a part of the common dialogue about life online) is sufficient to cover the *way* in which things have changed. The internet and online life have not only changed the abovementioned details about our lives and the way that we live them, it has also fundamentally changed *us* and our orientation to the world. We now live in a social environment the likes of which our parents and grandparents would never have imagined, and if we want to live in this social world in peace and progress then it is time to start looking at social challenges online as urgent problems to be solved.

Problems

The internet presents problems of great importance. Few other technologies—perhaps the automobile or the television, for example—have so profoundly influenced everyday life. The rise of high speed internet access has been accompanied by a rise in the sharing of protected intellectual property,[18] internet and online game addiction can destroy families and has even lead

[18] "INTELLECTUAL PROPERTY: Observations on Efforts to Quantify the Economic Effects of Counterfeit and Pirated Goods." *Government Accountability Office*. United States Federal Government, Apr. 2010. Web. 8 Sept. 2013. <http://www.gao.gov/products/GAO-10-423>. The exact cost of online piracy is difficult to quantify. Though entertainment industry organizations such as the Motion Picture Association of America publically state that internet piracy costs the entertainment industry billions of dollars in revenue, organizations such as the US Government Accountability Office and the CATO Institute have challenged these claims. A report issued to congressional committees in 2010 by the GAO stresses that a lack of data makes actual quantification difficult, and that assumptions frequently made about consumer habits by trade organizations in order to arrive at their calculations may not be accurate. Regardless, though perhaps a frequently overinflated problem, online piracy still undoubtedly constitutes a problem with internet technologies.

to premature deaths on rare occasions,[19] the sheer amount of personal data collected by social networking sites such as *Facebook* has raised significant privacy concerns,[20] and ease of access to pornography and other obscene content has raised new concerns for families—and these are just a few of the internet related challenges calling for our attention.

Many of the problems the internet has spawned give way to no obvious or easy solutions. Frequently problems such as privacy concerns are accompanied by substantial value gains in the realms of communication and interpersonal contact. For all of *Facebook*'s privacy issues, the tool is a remarkably effective way to maintain contact with acquaintances without the (arguably impossible) amount of direct contact that such connections would previously have required. The same decentralization and open structure which risks exposing children to obscenity also gives voice to those with politically unpopular opinions and niche interests. For every problem to which the internet gives rise there appear to be clear social and political benefits which it provides as well.

Thus, as a result of the complex relationship between the positives and negatives of internet technologies, we are still trying to find our ethical way and arrive at workable solutions with acceptable costs. As the internet becomes a larger and more important part of our lives, the cost and benefit analysis of internet based technologies and services becomes increasingly

---

[19] "New Mexico Mom Gets 25 Years for Starving Daughter." *Yahoo! News*. Associated Press, 03 June 2011. Web. 01 Dec. 2013. <http://news.yahoo.com/mexico-mom-gets-25-years-starving-daughter-145411042.html>. For a notable example, see the case of Rebecca Christie, a New Mexico woman who was convicted of second-degree murder and child abandonment by a federal court in 2009. Christie had neglected to feed and care for her 3 year old daughter while she was playing the popular online roleplaying game World of Warcraft. Christie's computer showed 15 continuous hours of online activity the day her daughter died.

[20] MacAskill, Ewen. "NSA Paid Millions to Cover Prism Compliance Costs for Tech Companies." *The Guardian*. The Guardian, 22 Aug. 2013. Web. 02 Dec. 2013. <http://www.theguardian.com/world/2013/aug/23/nsa-prism-costs-tech-companies-paid/print>. These concerns have also been amplified by recent revelations that the United States National Security Agency has been working with a number of social media sites, including Facebook, in order to create a massive database of the online activities of internet users.

difficult to make. *Facebook* reports that it has over a billion individual users;[21] again, that kind of exposure provides both an unprecedented number of privacy concerns, as well as an unprecedented opportunity for global interconnectedness. Accordingly, it is not entirely clear which concerns should carry more ethical weight: the protection of the privacy of users, or the preservation of what very well might be the world's largest singular community?

Even further, more and more components of our lives are moving into an online environment, raising the stakes associated with these problems as they do. It is one thing to bemoan concerns of privacy or harassment when the only thing at stake is the quality of discourse of a casual chat room conversation—as might have been the case in the mid-nineties. Today, however, turmoil and harassment in online spaces can carry over to real harms offline because we use the internet for activities that frequently carry over into our offline lives. Online harassment could easily affect an individual's employment or educational admission prospects, privacy issues can bleed into political campaigns or work environments, and, with an increasing amount of elementary and high-school education conducted through (or accompanied by) online learning, questions regarding the quality of online education and the protection of children in online environments have taken on new saliency as well.[22] The greater import of all of these risks, and many others, has shifted the classification of problems presented by online life from an "internet problem" to a problem for greater society as a whole.

---

[21] "Newsroom." *Key Facts*. Facebook, n.d. Web. 08 Sept. 2013. <http://newsroom.fb.com/Key-Facts>.

[22] Gabriel, Trip. "More Pupils Are Learning Online, Fueling Debate on Quality." *The New York Times - Education*. The New York Times, 5 Apr. 2011. Web. 1 Dec. 2013. <http://www.nytimes.com/2011/04/06/education/06online.html?pagewanted=all>. A 2011 New York Times article about the growth of online learning in the K-12 system mentions that an estimated 1.03 million students in the K-12 demographic took at least one online course during the 2007/2008 school year. This number, at the time, was a 47 percent jump from two years prior. The times also mentions that the US Department of Education has issued cautionary statements about the use of online education in the K-12 environment due to a lack of scientific studies demonstrating its effectiveness at anything other than the college level.

The Dangers of Anonymity

It is with the goal of reaching solutions to some of these problems, then, that I turn my attention toward what I believe to be one of the most problematic areas on online life: the pervasive and fiercely defended level of anonymity that users are given online.

It is probably important to say, before proceeding any further, that I do not believe that anonymity online is, by any means, an absolute negative. Rather, anonymity is simply another one of the abovementioned features of online life which provides a wealth of both positive and negative side effects, depending on the context. It is not at all my aim to claim that anonymity should be wholesale abolished, or that anonymity is an ill to be avoided in all cases. However, with that being said, anonymity, to the extent that it is utilized in our online environments, creates a multitude of problems, both online and off; and its proper implementation (and limitation) online is something that I believe begs for a great deal of careful reconsideration which it not presently being given in any meaningful way.

So what are some of the problems with online anonymity, and who are they affecting? We can start with the fact that one of the most significant ways in which anonymity has caused challenges for internet users is by providing cover and opportunity to those whose primary aim is to harass and demean others.

Some of the most common victims of such attacks are, in fact, children—particularly pre-teens and teenagers. So-called cyber-bullying, the act of harassing an individual via online channels with the aim of embarrassment and intimidation, has become an all too common story.

National stories such as those of the suicides of Megan Meier,[23] and Tyler Clementi,[24] highlight the urgent danger presented by online harassment; and anonymity is a large part of what makes harassment online both easy and especially brutal.

Another example of a frequent and unfortunate victim of online harassment is women, particularly in the realm of online gaming.[25] Women who make their gender known online are commonly targeted for sexual harassment, dismissal, explicit photographs, and other forms of rampant misogyny.[26] Users in online spaces frequently use pseudo-anonymous aliases, if they have any identity at all, and are frequently quite brazen with respect to their harassment of women online.

This online harassment is a harmful problem with serious consequences and it serves to degrade the quality of our online communities, silence the voices of valuable members of our society, creates and reinforces dangerous perspectives in both active participants and witnesses,

---

[23] Maag, Christopher. "A Hoax Turned Fatal Draws Anger but No Charges." *The New York Times*. The New York Times, 28 Nov. 2007. Web. 01 Dec. 2013. <http://www.nytimes.com/2007/11/28/us/28hoax.html>. In 2006 Megan Meier was befriended on the social networking site MySpace by a supposed 16 year old boy named Josh Evans. After several weeks of contact between the two teenagers, Josh became distant and mean toward Megan and told her that "she was not a very nice person to her friends." Josh's last message to Megan ended with the words, "the world would be a better place without you." Megan was later found hanged with a belt in her closet. Six weeks after Megan's death, it was discovered by her parents that Josh was a fake MySpace account created by an adult neighbor named Lori Drew and her daughter, who was a former friend of Megan's, in order to seek revenge for alleged gossip that Megan had spread about Drew's daughter at school.

[24] Foderaro, Lisa W. "Private Moment Made Public, Then a Fatal Jump." *The New York Times - N.Y./Region*. The New York Times, 29 Sept. 2010. Web. 1 Dec. 2013. <http://www.nytimes.com/2010/09/30/nyregion/30suicide.html>. Tyler Clementi was a freshman at Rutgers University whose roommate filmed him without his knowledge on a webcam and broadcast a homosexual encounter with another student live on the internet. Three days later Tyler jumped from the George Washington Bridge.

[25] The darkly humorous blog website "Fat, Ugly or Slutty" catalogs the harassing messages that female gamers receive from other users online. The website solicits screen captures, audio and video recordings, and photographs of harassing messages left for women gamers, and provides a forum to mock and ridicule the senders. For examples, see: http://fatuglyorslutty.com/

[26] Tune, Lee. "Female-Name Chat Users Get 25 Times More Malicious Messages." *University Communications Newsdesk, University of Maryland*. University of Maryland, 9 May 2006. Web. 01 Dec. 2013. <http://newsdesk.umd.edu/scitech/release.cfm?ArticleID=1273>. A 2006 study by University of Maryland researcher Michel Cukier found that users with female sounding names on the Internet Relay Chat network received, on average, 25 times more threatening and/or sexually explicit messages from other users.

and, in some cases even leads to offline hurt and fatalities. Anonymity's role in facilitating and protecting harassment online is, thus, a vital social concern for us to address going forward.

Another area in which anonymity contributes to particularly salient problems is in the area of internet fraud and other cybercrimes. In 2012, the Internet Crime Complaint Center, or IC3, an American national reporting center for cybercrime, reported a total of 289,874 complaints of crime online. 114,908 of those complaints reported losses totaling $525,441,110.00.[27] The IC3 report for 2012 lists a number of different crimes, some of the most common of those include auto fraud, e-mail scams, intimidation and extortion scams, hit man scams, real-estate scams, and romance scams.

Anonymity has a facilitating role in many, if not most, of the crimes reported to the IC3 every year. Criminals take advantage of their ability to remain anonymous (or to take on fictitious identities) in order to earn the trust of their victims. Further, the criminal's anonymity makes the investigation and prosecution of online crimes several degrees more difficult than their offline counterparts. An individual can log on to a public wireless internet terminal from a store parking lot, with a device purchased online with a stolen credit card, and sell a car that does not exist to a victim via an online auction using a hacked account. By the time the victim realizes that they sent several thousand dollars via an untraceable payment mechanism to a fake name in order to pay for a vehicle that does not exist, the scammer can discard all of the tools and evidence of his or her activities. The investigation difficulties that such a scenario would present to law enforcement should be self-evident.

---

[27] "2012 Internet Crime Report." *Internet Crime Complaint Center*. Internet Crime Complaint Center, n.d. Web. 8 Sept. 2013. <http://www.ic3.gov/media/annualreport/2012_IC3Report.pdf>.

Acknowledgement of these hazards is not new—the potential dangers associated with anonymity have been recognized for a long time. Plato speaks in *Republic* of the several millennia old myth of the Ring of Gyges, for example.[28] In the myth, a shepherd finds a cave in a field which has been recently opened by an earthquake. The shepherd decides to enter the cave, and inside he finds a bronze statue of a horse and the corpse of a large inhuman figure wearing naught but a golden ring. The shepherd decides to take the ring and leaves the cave and burial site. A short time later, the shepherd discovers that, if he turns the ring around backward on his finger, he becomes invisible. In Plato's telling of the tale, an interlocutor of Socrates, Glaucon, uses the tale to challenge Socrates' notion of justice—claiming that no man would act justly if he recognized that he could not be held accountable for his actions. In Glaucon's tale, the shepherd ultimately uses power of the ring to seduce the queen and murder the king.

More recently (and more scientifically), in 2004, psychologist John Suler wrote a now heavily cited paper entitled "The Online Disinhibition Effect" in which he recounts two categories of disinhibition frequently witnessed in online environments, and he suggests six factors which are at the root of disinhibited online behavior.[29] The first category of disinhibition that Suler recognizes is one in which individuals share emotions, fears, and wishes, or are unusually kind and generous in online environments; this he calls benign inhibition. The second category is one in which individuals utilize harsh language, rude criticisms, anger, hatred, and threats—or visit sites featuring graphic pornography, crime, and violence; this category Suler terms toxic disinhibition.

Not all of the factors underlying online disinhibition that Suler recognizes are related to anonymity in any apparent way. However, among them are the factors of dissociative anonymity,

---

[28] The story of the Ring of Gyges can be found in Book II of Plato's Republic, sections 359d-360d.
[29] Suler, John. "The Online Disinhibition Effect." CyberPsychology Behavior 7.3 (2004): 321-26. Print.

invisibility, and solipsistic introjection, which are all related in some way to either removing (or rendering irrelevant) one's own identity, or that of others.

Suler recognizes dissociative anonymity as one of the principle factors leading to the online disinhibition effect. This factor refers to the observation that users online are frequently either totally anonymous, or protected by pseudo-anonymous aliases. This prevents the things that people say or do online from being associated with their offline, "real-world" identities, and encourages individuals to behave as if they do not own their own behavior.

The factor of invisibility refers to the observation that, in many ways, an individual's presence is frequently hidden from others when they participate in online environments. Suler believes that this factor encourages users to visit locations and partake in content that they would otherwise be hesitant to associate themselves with. The invisibility of other users is said to amplify the disinhibition effect. An individual does not see the subtle facial and body language queues of others and, as such, does not worry herself about how she looks or sounds when communicating in an online environment.

Closely related in some ways to the factor of invisibility, solipsistic introjection is where, lacking the face to face experience of communicating with another human being, an individual essentially creates a mental character to represent the person who created the message that they are reading online. Somewhat ironically, Suler says that people may even feel as if they are somehow mentally connected to the thoughts and intentions of the author of a given message in a more intimate way than they might feel connected to a speaker whose identity was known. The result of this factor is that a user feels some degree safer communicating online, as if they are simply rehearsing a mental conversation as we do when we daydream throughout the day.

Going even a bit further than Suler's work, Dr. Elias Aboujaoude, Stanford University Medical School psychiatrist and director of both Stanford's Obsessive Compulsive Disorder Clinic and Impulse Control Disorder Clinic, published a book in 2011 entitled *Virtually You: The Dangerous Powers of the E-Personality*.[30] In his book, Aboujaoude claims that the somewhat antagonistic personalities that we develop online, as a result of factors such as those highlighted by Suler, can carry over to our offline lives, manifesting as disorders and self-destructive behaviors.[31]

Aboujaoude recognizes common characteristics among those who frequently participate in online environments and claims that such users commonly develop negative personality traits while interacting in online environments as a result of five psychological force which appear to operate within Suler's disinhibition: grandiosity, narcissism, darkness (morbidity), regression (infantile), and impulsivity.[32] Aboujaoude calls this fusing of the e-personality and the offline personality of the individual who develops it "virtualism", and he calls not for us to log off of our online lives but, rather, for us to be conscious and cautious of the possibility of the development of virtualism and to structure our lives and our online environments accordingly.

As scholars like Dr. Suler and Dr. Aboujaoude are, I think, right and insightful to point out, the sort of environments that we have structured for ourselves online have a significant influence on the ways in which we behave—both online and off. It is probably beyond time for us to begin looking at the values that we hold in high esteem in our online communities, and make meaningful reevaluations of the pros and cons of each, set against what we know today

---

[30] Aboujaoude, Elias. *Virtually You: The Dangerous Powers of the E-personality*. New York: W.W. Norton, 2011. Print.

[31] There is an immediate connection between Suler and Aboujaoude's work. Early in *Virtually You* (on page 40, to be specific), Dr. Aboujaoude actually cites Dr. Suler's work as being influential in the construction of his own ideas about the psychology of online interaction.

[32] Aboujaoude, Elias. *Virtually You: The Dangerous Powers of the E-personality*. New York: W.W. Norton, 2011. 43. Print.

about how such values effect both the online communities themselves, and each of us as individuals. Certainly not the least of these values to be reconsidered is the high degree of worth that we assign to anonymity online.

Debating the Value of Anonymity

Anonymity online has traditionally been held to be of practically unassailable high value, and, up until quite recently, its implementation in online forums of discussion was almost universal—for relatively good reason. A certain degree of anonymity helps to protect those with unpopular views, or those whose voice might be given less weight if other characteristics of their identity were known by their audience. For example, the fact that anonymity has substantial worth in political speech is, I think, well demonstrated. Even the founders of the American Constitution utilized anonymous speech in order to deliver well-reasoned argument to a potentially skeptical American public.[33] Anonymity in the political arena serves to protect those with politically unpopular things to say from being persecuted by the politically powerful establishment and the institutions under its control.

There are also many who regard anonymity as a powerful tool to increase diversity in dialogue—both the diversity of the participants, and the diversity of the ideas discussed. This line of thought is certainly not *entirely* wrong, and we would be wise to continue to implement systems of relative anonymity in circumstances where this sort of diversity is particularly valuable, just as we do offline. Nevertheless, the value of anonymity is greatly dependent on the

[33] Both the "Common Sense" pamphlet (1776) written by Thomas Paine and the so-called Federalist Papers (1787-1788) penned by Alexander Hamilton, James Madison, and John Jay, were originally published anonymously.

sort of environment that we wish to create, and there is a point at which anonymity can begin to work against the very classes that we commonly think of it as serving to protect.[34]

Online, the protection of anonymity can embolden those who wish to silence minorities and those with politically unpopular opinions as easily as it can empower the individuals who they wish to silence. To be more explicit: there is a point at which the number of anonymous individuals who are simply hiding behind their anonymity in order to hurl racial slurs and epithets without accountability outnumber—or at least drown out— the racial minorities who might be attempting to use their anonymity to be heard. Likewise, there is a point at which the number of anonymous users making jokes about the inferiority of women in business, or even in a context as relatively mundane as online gaming, outnumbers the number of women who are attempting to use their anonymity to be active in communities intended to discuss or participate in business, or gaming. It is reasonable to assume that, ultimately, these sorts of environments would not, in fact, feel very empowering to racial minorities or women.[35]

Using women as an example class one again, see the sheer volume of harassment that women receive online mentioned above. If we value the voices of women in online spaces, but we allow their voices to be drowned out by a cacophony of sexist ignorance brought about by anonymity-driven disinhibition, then the protections of anonymity which are ostensibly intended to permit their participation are, in fact, actively working to undermine their equality. Far from feeling empowered and protected, instead, it is likely that disadvantaged classes of individuals would feel unwelcome and persecuted, irrespective of the fact that the individuals who are

---

[34] I have much more to say on this point later, but for now I wish to simply state the matter here. See, in particular, Chapter 3 and its discussion of the utility of anonymity online.

[35] The thought here is that this is a strong parallel to other venues in which we recognize harassment as harm. I think it's fair to ask whether or not online environments are as important as other environments such as the classroom or the workplace for the personal flourishing of harassed individuals. My perspective is that many online environments are, in fact, just as important because they do, in practice, fulfill the same roles.

creating the unwelcoming and prosecutorial environment are unable to identify who does and who does not fit the criteria of belonging to the class that they are demeaning. Anonymity does little to protect those who are continuously told by outspoken anonymous masses that individuals like themselves are somehow inferior to others—the damage is done by the omnipresence of such sentiments alone.

This is not to say that the fact that many people abuse anonymity, all by itself, makes anonymity a net negative in all, or even most, circumstances. As I will discuss in more detail later, it is simply a balance of which we must be aware when are structuring our online communities; at least if our objective is to encourage productive discourse among those with diverse opinions and positions. If absolutely nothing else, we need to recognize that the ability and desire of individuals to abuse the protections that anonymity provides necessitates that, if we wish to mitigate the influence of such abuses, we need to structure online communities in such a way that abuses of anonymity are at least difficult—if not impossible.

So how, then, are we to determine which communities might best benefit from an anonymous or semi-anonymous environment, and which might benefit from a stronger sense of identity among participants? To answer these questions, we next turn to look at a number of factual cases where anonymity has presented problems in several contexts and the issues that these cases have made clear.

Chapter 2 – Online Anonymity: Problematic Cases

Online News Media

The first context in which the value of anonymity has been recently contested is that of the online news site. Several large and influential online news sources including *The New York Times*, *The Huffington Post*, and *The Washington Post* are among the major news publications to have recently limited the anonymity of their users in some way.[36] The degree to which these sites limit their users' anonymity varies from site to site, but a common thread is that the limiting sites have all found a need to move away from unrestricted anonymity in order to pursue some concept of the quality of comments on their sites.

There are a number of issues relating to anonymity that contribute to these contemporary concerns among online news providers. A brief overview of some of those concerns should help to demonstrate the depth of discussion relating the online anonymity, and highlight some of the issues that professional online publishers find troubling or controversial.

In many cases, the concerns cited involve the quality of commentary on the discussion forums associated with the news organization's content. Different sites appear to be concerned with significantly different aspects of the commentary that users post to their forums and none of the sites is very explicit about what sort of content that they are specifically seeking to encourage. So, we might ask of any site which says to be interested in promoting "quality" commentary precisely what sort of "quality" they seek. We will look at several non-hypothetical examples soon. However, in the interest of providing a framework for considering what is at stake in this debate going in to the following section, we should consider some of these possible concerns here.

---

[36] Pérez-Peña, Richard. "News Sites Rethink Anonymous Online Comments." *The New York Times - Technology*. The New York Times, 11 Apr. 2010. Web. 1 Dec. 2013. <http://www.nytimes.com/2010/04/12/technology/12comments.html>.

One sort of "quality" which anonymity might obscure is a certain desired level of ideological representation among users of the forum. As mentioned previously, the benefit provided by diversity of thought to meaningful political and academic discussion is highly valued, and it is easy to see how a certain threshold of anonymity makes it significantly more difficult to see if all interested parties in a given topic are being given sufficient voice. Not only that, but anonymity can also obscure certain inherent conflicts of interest among commenters—it can make it impossible to discern, for example, if a commenter on an article about controversial ingredients in fast food might work for a restaurant industry trade group, or a fast food company. Certainly the inherent nature of online interaction at a distance, anonymous or not, inevitably obscures many of these identity characteristics all on its own, but to the extent that systems can be implemented to ameliorate these conditions it remains an approach to be considered for anyone seeking to promote this particular sort of "quality" in online environments which are under their control.

Another sort of quality which might be desired is that of an authoritative sort. We could imagine that the thoughts and commentary of a retired civil engineer might be valuable and welcomed on an article related to the collapse of a major bridge. A site seeking to promote commentary of an expert sort might, thus, look to certain types of verification (registration with the email address of a particular academic or trade organization, for example) in order to provide some sort of exposure preference to commenters who possess the desired qualifications.[37] A historical, performance-based content promotion system akin to that of *The New York Times* (which we shall soon discuss) might serve to promote these ends as well—users who consistently

[37] The popular question and answer site Quora.com relies on legal name registration in order to verify the authority of commenters in a similar manner to that discussed here. Major tech names like Steve Case and Michael Dell can thus comment on certain questions with authority—a major selling point for the site.

provide comments of a certain educational or professional caliber can be selected to receive heightened exposure for their future posts. In this way, users build authority over time rather than bringing the authority with them by virtue of pre-existing credentials.

Yet another "quality" concern is simply that of a categorical classification issue. Online advertisers, particularly those of a relatively unscrupulous sort, are notorious for developing ingenious methods, commonly called "spam," of promoting their services and products in any online forum with enough exposure to make their efforts worthwhile. Mass advertisements via email or forum posts are a common pest, and these ads are not even commonly targeted at relevant forums.[38] Forum proprietors of all sorts typically seek to minimize the amount of advertisements in their respective venues, and for good reason: excessive male enhancement ads and solicitations for money transfer assistance from fake Nigerian royalty drown out more legitimate content, lowering the overall "quality" of discussion. Non-anonymous account registration provides a way to discipline individuals who post unwanted content, and a mechanism by which repeat offenders can be held accountable and permanently removed from the community.

However, there is more at stake for these online news sites than mere quality concerns about the content on their discussion forums. Anonymity has held a unique and valued role in the investigation and publishing of news for centuries—there is a special relationship between anonymity and journalism. However, some news providers are finding that the anonymity provided to users of their sites is raising new and important questions—some of which can even lead to legitimate professional, legal, and ethical troubles for the news organizations themselves,

[38] Most web forums are divided into topics of conversation. These "spam" ads rarely have anything to do with these topics. Instead, the advertiser might promote cell phones and iPads in a forum intended for the discussion of model trains.

and it might be the case that the value of anonymity for journalism is shifting because they have less control over how it is applied in online environments than they do in their traditional print and broadcast properties.

Take, for example, the following situation faced by *The Cleveland Plain Dealer* in 2010: A user under the alias of "Lawmiss" was posting anonymous comments disparaging a local lawyer in the comments section of online articles covering certain high profile legal cases which were being presided over by Cuyahoga County Common Pleas Judge, Shirley Strickland Saffold. For undisclosed reasons, the paper decided to investigate the identity of the poster and discovered that the pseudo-anonymous account posting these messages was registered to the email address of none other than Judge Saffold herself. Making a somewhat non-traditional decision, the paper decided to come forward with the findings of its investigation in a published article.[39] Judge Saffold, for her part, denied posting any of the comments on the *Plain Dealer* site, though the paper later noted that county records show that a user logged in using Saffold's office computer to the paper's site at the precise times that comments were posted to the articles in question. Saffold later sued the paper for breach of privacy,[40] and the paper itself discussed the ethical and professional considerations of the decision on its blog.[41]

Situations like those of *The Cleveland Plain Dealer* place online news producers in a considerable ethical dilemma. A judge presiding over an active case (especially one with a significantly high profile), who makes online comments disparaging one of the attorneys

---

[39] Pérez-Peña, Richard. "News Sites Rethink Anonymous Online Comments." *The New York Times - Technology*. The New York Times, 11 Apr. 2010. Web. 1 Dec. 2013. <http://www.nytimes.com/2010/04/12/technology/12comments.html>.

[40] Atassi, Leila. "Cuyahoga County Judge Shirley Strickland Saffold Files $50 Million Lawsuit against The Plain Dealer and Others." *The Plain Dealer Blog*. The Cleveland Plain Dealer, 8 Apr. 2010. Web. 01 Dec. 2013. <http://blog.cleveland.com/metro/2010/04/cuyahoga_county_judge_shirley.html>.

[41] Gomez, Henry J. "Plain Dealer Sparks Ethical Debate by Unmasking Anonymous Cleveland.com Poster." *The Plain Dealer Blog*. The Cleveland Plain Dealer, 26 Mar. 2010. Web. 01 Dec. 2013. <http://blog.cleveland.com/metro/2010/03/plain_dealer_sparks_ethical_de.html>.

involved in the case, is behaving unprofessionally at the least—if not unethically. Nevertheless, as previously mentioned, anonymity has a prominent traditional role in the investigation and publishing of news, and this fact adds complexity to this case. It sets a concerning precedent that a news organization might out the identity of an anonymous source of information. On one hand, the paper realized that once it discovered that Saffold was associated with the posts in question, not only was it now in possession of information of substantial public interest, but the paper would also now be complicit in the misdeeds of a sitting judge if it chose *not* to report its findings. On the other hand, as proponents of online anonymity such as the Electronic Frontier Foundation worry, a paper revealing the identity of an anonymous source of information—irrespective of its propriety—could have a chilling effect on the willingness of other potential sources of information, who might wish to keep their identities a secret, to speak, going forward.[42]

So how, then, is an online news provider to handle these sorts of issues? There is quite a bit at stake in this decision. There is a need to balance political, legal, and professional liability alongside public interest, journalistic responsibility, and ethical obligation. Practically any possible solution would be fraught with potential pitfalls which must be avoided; and even innocent decisions can potentially lead to complicit circumstances which might force a news organization's hand in one direction or the other, as was the case here for *The Cleveland Plain Dealer*. The strong traditional value that journalists have held for anonymity has become truly problematic in the unregulated online environment.

---

[42] Gomez, Henry J. "Plain Dealer Sparks Ethical Debate by Unmasking Anonymous Cleveland.com Poster." *The Plain Dealer Blog*. The Cleveland Plain Dealer, 26 Mar. 2010. Web. 01 Dec. 2013. <http://blog.cleveland.com/metro/2010/03/plain_dealer_sparks_ethical_de.html>.

Two attempted solutions that an increasing number of online news sources are turning to are 1) a decrease in the level of available anonymity to users who participate in their site's discussion forums and 2) promoting the comments of certain users to positions of visibility over others, thus establishing a more enduring pseudo-identity for valuable commenters.

The New York Times website, for instance, has developed a verified commenter system and utilizes active moderation for all other comments. Verified users have their comments posted to the site without additional moderation while non-verified users' comments will not appear until after they have been reviewed and approved by a moderator. Initially, when nytimes.com rolled out their verified commenter system, the site required users to tie their account to a *Facebook* account in order to be approved as a verified submitter—though the site has since relinquished this policy, the ability to comment (verified or otherwise) is still only given to users who register with the site and provide additional identifying information.[43]

More recently, the popular left-leaning commentary site *The Huffington Post*, founded by popular columnist and political pundit Arianna Huffington, decided in August of 2013 to disallow the posting of anonymous comments entirely. In an explanation of the policy decision on its site, *The Huffington Post* says:

> At HuffPost, we publish nearly 9 million comments a month, but we've reached the point where roughly three-quarters of our incoming comments never see the light of day, either because they are flat-out spam or because they contain unpublishable levels of vitriol.[44]

In the further policy explanation, Managing Editor Jimmy Soni says that the site has a 40 person team of moderators dedicated to policing the commenting on the site, with the ultimate goal of

---

[43] An further explanation of the verified commenter system can be found at: http://www.nytimes.com/content/help/site/usercontent/verified/verified-commenters.html

[44] Soni, Jimmy. "The Reason HuffPost Is Ending Anonymous Accounts." *The Blog*. The Huffington Post, 26 Aug. 2013. Web. 01 Dec. 2013. <http://www.huffingtonpost.com/jimmy-soni/why-is-huffpost-ending-an_b_3817979.html>.

promoting the best comments (and removing abusive ones) in order to create the highest quality discussion possible. Soni goes on to say, however, that because of the sheer volume of comments submitted to the site which require active moderation and removal, the team of moderators have been forced to spend the majority of their time simply reading and deleting unconstructive and outright inflammatory content—an activity that site administrators consider to be a waste of their time and a subversion of their intended role of encouraging productive discussion of the site's original content.[45]

The Huffington Post has, as a result, now decided to eliminate the creation of new anonymous accounts entirely. The site grandfathered-in older accounts (a decision met with some controversy), but anyone who wishes to create a new account on the site will have to provide identifying information. The site does not require users to attach a legal name to the comments themselves, so users will still be able to utilize pseudonyms with respect to the actual posting of comments; however, starting in October of 2013, users are required to verify the identity of their accounts internally with the site administration before they will be permitted to post on the site.

It is important to point out that anonymity has not always been such a controversial attribute of online communities, and these new controversies surrounding the practice are indicative of a sea-change in administrative thought. If anyone were to have launched a general web forum or comments page even five years ago, that such a forum would have allowed users to choose pseudonymous names, and register with little more than a free email address from sites

[45] We might ask precisely what The Huffington Post means when it says that it seeks to eliminate comments with attributes like "unpublishable levels of vitriol". There is a way in which this addresses my larger concerns about the how anonymity can be used to facilitate the harassment and silencing of other users, and a way in which it might not. We can imagine a user who posts on-topic discussion posts about the issues at hand, but does so using harsh language, ad hominem attacks, and other sorts of angry messages. Are they concerned about this sort of content, as I am? Or would they permit such content as long as the commenter stayed on-topic? The answer is unclear.

like *Hotmail* or *Yahoo!* (at the most), would have likely gone without so much as a second consideration. In the previously referenced article from 2010 in *The New York Times*, even Arianna Huffington herself acknowledges that, "Anonymity is just the way things are done. It's an accepted part of the internet," before continuing to say, "but there's no question that people hide behind anonymity to make vile or controversial comments."[46] In fact, *The Huffington Post*, in 2010, according to this article, was looking to incorporate ranking systems and additional changes, in an attempt to address the quality problem that they were witnessing, while preserving the anonymity of its user base. We can safely assume that this experiment did not work in light of this more recent announcement, three years later, that they will be eliminating anonymous registration entirely.[47]

User-Driven Content

But as controversial as the value of anonymity has become among popular news sites, more user-driven web forums have become an even greater battleground over the issue. The popular "news aggregator" and comment forum *reddit.com*, for example, has been host to a number of recent situations which have brought both the potential value and harm of online anonymity to the fore of social discourse regarding the future of the digital domain. But before turning to look at *reddit*'s recent problems, a little bit of historical perspective regarding another

[46] Pérez-Peña, Richard. "News Sites Rethink Anonymous Online Comments." *The New York Times - Technology*. The New York Times, 11 Apr. 2010. Web. 1 Dec. 2013. <http://www.nytimes.com/2010/04/12/technology/12comments.html>.

[47] Interestingly, this contrasts with the Facebook account linking policy originally implemented by *The New York Times*. The Times determined, presumably after monitoring the effects of their policy closely, that the again somewhat ambiguous "quality" of comments on the site was not increased by requiring users to provide a linked Facebook account in order to make comments. As a result, they actually retreated from this policy of identity. The contrast raises curious questions about why less severe restrictions seem to be working for The Times but not *The Huffington Post*.

site, *4chan*, would likely be instructive with respect to framing the social context in which *reddit* finds itself today.

The fact that anonymity is a default characteristic, traditionally speaking, of online communities has already been stated several times, and it bears repeating once more. Among the most (in)famous of these anonymous online communities is the image forum *4chan*. *4chan* was created to be an English language interpretation of the popular anonymous Japanese image board *Futaba Channel*, or *2chan*, by Christopher Poole (also known as "moot") in 2003.[48] These anonymous image boards enable users, without any form of registration at all, to upload, browse, and comment on digital images. The images are only temporarily stored by the site and popular image boards like *4chan* and *Futaba Channel* cycle through content fairly quickly—one should only expect content to be available on the site for a matter of hours, or days at the most. Different sections of the site are categorized and represented by abbreviations, which provide users a way to find content that they would likely be interested in.[49] One subcategory in particular, however, attracts the most traffic on *4chan* by far: the "random" board, commonly known by its abbreviation: "/b/." /b/ accounts for an estimated thirty percent of *4chan*'s overall traffic of approximately 700,000 unique visitors per day.[50]

4chan's random board is perhaps the archetypical example of the extremity of anonymity online. It requires no registration and is renowned for its particularly lax position with respect to content rules. This interesting mix of anonymity and loosely enforced authority has made /b/ one of the most interesting (and influential) communities on the web.

---

[48] The literal translation of Futaba Channel in to English is "two-leaf channel". The site is frequently referred to as simply "Futaba" in Japan, and "2chan" in the English speaking world. The inspiration for the English site "*4chan*" should thus be readily apparent.

[49] Examples of categories on the *4chan* site, at the time of this writing, are "Video Games" (/v/), "Fitness" (/fit/), "Fashion" (/fa/), and the adults-only "Sexy Beautiful Women" (/s/).

[50] Kim, Brad. "*4chan*." *Know Your Meme*. Cheezburger Network, 24 Feb. 2013. Web. 01 Dec. 2013. <http://knowyourmeme.com/memes/sites/*4chan*>.

Frequenters of /b/ are referred to, both by themselves and others, as "/b/tards" (and also simply as "anons," short for "anonymous," the name automatically given to anonymous posters by the system), and are collectively responsible for a disproportionate share of popular internet culture. A startling number of memes, jargon, image macros, forum games, catch phrases, and even the occasional social movement have originated from the random forum over the last decade or so. If you like browsing amusing pictures of captioned cats online, you can thank *4chan*. Ever seen an "advice animal" image macro? *4chan* again. The internet activist, "hacktivist," social commentary focused, group-identity, "Anonymous"—a moniker which anyone may adopt in order to upload social and political statements and compromise computer systems for social and political causes—originates here as well.[51] A great deal of broader online culture can trace its roots to *4chan*, and the lion's share of *that* content originates specifically in /b/.

Content on *4chan*, and particularly on /b/, is often obscene, commonly offensive, and occasionally just plain illegal. Pornography is omnipresent, gory and disgusting photographs are often used to disrupt unpopular threads, users refer to each other and the rest of the world as "fags," the use of racial slurs and stereotypes both ironically and with serious intention is common, and removing child pornography (particularly in /b/) requires constant, around-the-clock effort from the site's administration and moderation team. If the term "troll" describes individuals whose primary goals include mischief and anarchy online, then /b/ is the bridge under which many (if not most) of them live.

---

[51] "Anonymous" is frequently reported, erroneously, by mass media, to be a more formal organization. Such descriptions miss the point entirely. There is little evidence that anything resembling a formal organization that calls itself "anonymous" actually exists. Rather, the premise behind the anonymous moniker is that *anyone* can be anonymous, and therefore "Anonymous", to the extent that it is an entity at all, is an entity comprised of everyone and no one at the same time. It represents an amorphous, ambiguous mass of individuals of differing and frequently incompatible social goals. An almost poetic interpretation of the *4chan* culture as a whole.

Despite (or perhaps because of) the mischievous and downright offensive nature of much of its content however, *4chan*'s influence on internet culture is vast—and this relevance should not be overlooked. Many readers will no doubt be familiar with at least one of the popular types of viral or memetic content mentioned above. It is difficult to spend any significant amount of time online without being exposed to either language or content derived from *4chan*'s cultural ethos. A cesspool or cultural incubator, depending on your personal perspective, *4chan* does much to craft and perpetuate online culture as a whole.

Shifting gears somewhat, we can turn back to *reddit*, which was founded in 2006, and is a very different kind of site from *4chan*. Nevertheless, it has traditionally shared, at least in some ways, some of *4chan*'s values. Both sites are products of an internet mass-culture that has been profoundly shaped by *4chan* practically since the inception of anything that might reasonably be called an internet mass-culture. Some of the values that they both share are a high priority granted to the protection of the anonymity of their users, and a rabid defense of free speech for even the most fringe of society's speakers. *Reddit* has always allowed the creation of anonymous accounts—not even so much as an email address is required to register for the site—and both sites have also shared relatively light restrictions on the freedom of their users. To be sure, *reddit* has always had *more* rules than *4chan* as a whole, and significantly more than the almost total anarchy of /b/, but, overall, *reddit* has left moderation and content selection largely up to the users, who can create and moderate individual subcategories of the site called "subreddits."

One of the areas in which *reddit* and *4chan* differ from one another, however, is that *reddit*, unlike *4chan*, tends to take itself more seriously as a community and a forum for meaningful discussion. The site's banner calls itself, "the front page of the internet," and the site

even provides non-enforced guidelines of behavior to its users that it calls "rediquette."[52] Users can vote content on the site up or down based on their interests and the site is fiercely protective of the integrity of the content promotion process, going so far as to ban individuals (and even entire organizations) for suspected "vote manipulation."[53] *Reddit*, unlike 4chan, envisions itself as a community where meaningful, socially impactful discussion can take place. Default subreddits (subs) to which new accounts are automatically subscribed (and users without accounts are shown by default) include high-minded subjects like news, science, and technology—among more mundane categories like "funny" and "pics"—and additional subs to which users can choose to subscribe include subjects like physics, philosophy, economics, feminism, practically every brand of politics imaginable, and art—among thousands of others. Where *4chan* sells itself as little more than a fun place to share short-lived image content and make relatively mundane anonymous comments, *reddit* sees itself as a substantial, long-term discussion platform.

Reddit's apparent desire for legitimacy has been met with several obstacles, however. Since the site's creation, users have created thousands of subreddits—and most of these subs are dedicated to completely non-controversial topics like video games, academic interests, sports, news, and hobbies. Nevertheless, *reddit*'s lax moderation and high degree of anonymity has also encouraged much less wholesome content. Subreddits exist for a number of racial superiority ideologies, a wealth of pornography, graphic images of medical conditions and accident scenes, groups which encourage the manipulation and coercion of women into sexual acts, illicit drug

---

[52] An account of "reddiquette" can be found on the site's official wiki, here: http://www.*reddit.com*/wiki/reddiquette
[53] Thier, Dave. "IGN on Reddit Ban: We "Don't Use Bots"" *Forbes*. Forbes Magazine, 11 Sept. 2012. Web. 02 Dec. 2013. <http://www.forbes.com/sites/davidthier/2012/09/11/ign-on-reddit-ban-we-dont-use-bots/>. Among the major organizations to have run afoul of this policy, IGN, *The Atlantic*, and AOL's engadget.com have all been banned from reddit for suspected vote manipulation in the past.

use, and prostitution. Recently, a number of these somewhat controversial subreddits and their associated content have ignited broad social controversy and debate over the importance of anonymity on the site—and the internet at large—and the demographic breakdown of the ideological "fors" and "againsts" can be a little surprising.

One of *reddit*'s most notorious and infamous users was an individual who went by the pseudonym violentacrez. Violentacrez moderated over 400 subreddits, most of which contained obscene or offensive material, including /r/nazi, /r/picsofdeadkids, /r/beatingwomen, and numerous pornography subs. It should be stated that child pornography has always been strictly forbidden by *reddit*'s administrative policy and also, naturally, by law. However, always seeking shock value, violentacrez founded a subreddit called /r/jailbait which featured non-nude photographs of underage (adolescent and teenage) girls in sparse clothing and sometimes sexually suggestive poses—many of which appeared to be taken directly from social media profiles of the girls themselves. This content did not technically constitute child pornography under the traditional definition and was not technically illegal, and so, *reddit* allowed the sub to remain for several years.

Then, on September 29th 2011, CNN's Anderson Cooper did a piece about the /r/jailbait subreddit for his primetime show, *Anderson Cooper 360*.[54] In his piece, Cooper excoriated *reddit* and its corporate parent at the time, Conde Nast, for tolerating the /r/jailbait subreddit and allowing its clearly objectionable and arguably exploitive content for so long.[55] Cooper's piece built its criticisms upon *reddit*'s apparent ambitions to be a leader in global progress and journalism. The show contacted *reddit*'s General Manager, Erik Martin, for the piece, who

[54] Chen, Adrien. "Anderson Cooper 'Discovers' Reddit's Jailbait Section." *Gawker*. Gawker Media, 30 Sept. 2011. Web. 02 Dec. 2013. <http://gawker.com/5845488/anderson-cooper-discovers-reddits-jailbait-section>.
[55] At the time of the CNN piece on *Anderson Cooper 360*, Conde Nast had recently sold reddit several weeks prior.

responded that the site was, “a free speech site,” and that the site did not want to exert, “editorial control.”

A little over a week later, despite the initial strong statement of commitment to its “free speech” ideals, *reddit* had a change of heart. Following a controversial post in /r/jailbait wherein an individual posted compromising non-nude photos of his fourteen year old ex-girlfriend, and wherein many other users requested nude photos as a result, the site shut down and banned the sub.[56] However, *reddit*’s troubles with /r/jailbait and its content didn’t end there. Like a hydra, following the closure of the sub, users created a wealth of other subreddits containing similar material with less conspicuous names such as “Teen Girls,” “Pro Teen Models,” and “Busty Bait.”[57]

The removal of the jailbait subreddit was controversial among the *reddit* community—perhaps even surprisingly so. The content, while certainly in poor taste, was considered by many to be technically legal. Some users were concerned that these events marked the beginning of an era of ethically minded do-gooders using public scrutiny to remove content that they personally found objectionable from *reddit* and other major sites on the web. Many of these users criticized the site for capitulating to public and media pressure and compromising their “free speech” ideals. Many users who never even frequented the now banned community even began distributing its content on the spin-off subs in protest of the decision.

---

[56] It remains a bit unclear, after some research, whether or not there is any evidence that these nude photographs were delivered. Some users, around the time of the incident, were claiming that they had; however, the unpopularity of the subreddit and its users provide plenty of incentive for other individuals to simply make up stories which painted the community in a bad light. Reddit’s decision, either way, was not based on the actual distribution of underage nude photographs.

[57] Chen, Adrien. "Jailbait Returns to Reddit After Child Porn Scandal." *Gawker*. Gawker Media, 17 Oct. 2011. Web. 02 Dec. 2013. <http://gawker.com/479447384>.

After several months of additional controversy, in February of 2012, *reddit* formally banned "suggestive or sexual content featuring minors."[58] With the new policy in place, the *reddit* administration team removed the refugee subreddits of former jailbait denizens and their ideological supporters, and made it known that any future subs established featuring similar content would be immediately banned as well. The news of this policy change again sparked significant controversy in the community, with opponents of censorship once again concerned with the precedent being set, and proponents of the cleanup asking why additional subreddits like /r/picsofdeadkids and /r/beatingwomen were still permitted.

The subsequent months were marked by a wealth of debate among the *reddit* community over the future direction of content on the site, and opponents of editorial censorship began a campaign to push the limits of allowable content. Subs containing objectionable material were established simply to spite those who objected to their existence, and the subs that already existed saw a significant uptick in user participation.

Unsurprisingly, among the users who objected to these policy changes was violentacrez, and among the new shock-subreddits with rapidly growing popularity was yet another one that he had founded: /r/creepshots. The creepshots subreddit featured candid photographs of women on the street, in college classrooms, in stores and other public spaces. The photographs featured in the sub were, at least ostensibly, taken without the women's permission, and many of them were taken from angles which were clearly not intended to be available for public viewing, like up-skirt photos or candid photos of accidental exposure.

---

[58] "A Necessary Change in Policy." *Reddit Blog*. Reddit, 12 Feb. 2012. Web. 02 Dec. 2013. <http://www.*reddit.com*/r/blog/comments/pmj7f/a_necessary_change_in_policy/>.

Once again, many users objected to /r/creepshots and similar subs as offensive, degrading, and oppressive to women; however, also once again, there was no legal reason to remove the content.[59] *Reddit* once more decided to allow the creepshots subreddit to stay, as it did not technically violate any of the site's stated policies. But the site's unwillingness to remove the content so frustrated some opponents that they became convinced that they needed to shift tactics and take matters into their own hands.

In October 2012, approximately a year after the original controversy first developed over the jailbait content, a 25 year old woman set up a blog on the popular blogging network *tumblr* called "p*reddit*ors." The p*reddit*ors blog found the (alleged) personal information of participants of creepshots (*Facebook* profiles, shared photographs, and other information freely available online) and posted it publically along with their comments and posts from the creeepshots subreddit. In an interview with *Jezebel*, an online magazine targeted at women, the young woman responsible for the site said, "*Reddit*'s defense of CreepShots is that it's 'technically legal', so I'm doing something that's technically legal, but will result in consequences for their actions. These fuckers think they can get away with it scot free, which is one of the reasons why sexual violence is so prevalent around the world."[60]

Two days after *Jezebel*'s piece on the p*reddit*or blog, another Gawker Media (the parent of *Jezebel*) writer, Adrian Chen, went even further to expose the individuals responsible for /r/creepshots. Chen did a piece entitled "Unmasking *Reddit*'s Violentacrez, The Biggest Troll on

---

[59] This pattern speaks to what might be a fundamental misinterpretation of rights that will be addressed later in this thesis. Even in the absence of a formal legal or administrative policy, it could easily be argued that the women being photographed had a right to privacy by virtue of widely held American principles. More will be said of this line of thinking in Chapter 4.

[60] Baker, Katie J.M. "How to Shut Down Reddit's CreepShots Once and for All: Name Names." *Jezebel*. Gawker Media, 10 Oct. 2012. Web. 02 Dec. 2013. <http://jezebel.com/5949379/naming-names-is-this-the-solution-to-combat-reddits-creepshots>.

the Web," which exposed violentacrez as a 49 year old programmer at a Texas financial services firm named Michael Brutsch.[61] Chen's piece laid waste to Brutsch's anonymity. He described his family life, his profession, and included photographs of Brutsch himself—all set next to unflattering descriptions of his actions on *reddit*. The very same day as Chen's piece for *Gawker*, *reddit* banned the CreepShots subreddit.

The controversy over all of these events subsequently exploded—and not just on *reddit*; magazines, blogs, other social sites, and discussion forums across the internet, suddenly had opinions about both the content perpetuated by /r/creepshots and its ilk, and the decision by Chen and the p*redditors* blog to begin outing the identities of the site's users. Many of these opinions remained supportive of violentacrez and critical of *reddit*'s decision to eliminate /r/creepshots on "free speech" grounds. Many moderators of other large subreddits, regardless of their personal opinions of violentacrez, creepshots, or the content provided by either, even declared a moratorium on links to content on any of Gawker Media's sites; and in return, Adrian Chen said that he prohibited *reddit* users from linking to any of his blog posts and threatened Digital Millennium Copyright Act take-down notices if they did.[62]

The fallout from these events for Brutsch was unquestionably severe. He lost his job and his benefits, and gave an interview to CNN wherein he apologized and acknowledged that he should have paid more attention to those who were offended by his behaviors online.[63] The

---

[61] Chen, Adrien. "Unmasking Reddit's Violentacrez, The Biggest Troll on the Web." *Gawker*. Gawker Media, 12 Oct. 2012. Web. 30 Nov. 2013. <http://gawker.com/5950981/unmasking-reddits-violentacrez-the-biggest-troll-on-the-web>.

[62] It should be noted that it would not likely have had any effect whatsoever had Chen actually carried out this threat. The threat was fairly empty and ridiculous. The relevant statement can be viewed here: https://twitter.com/AdrianChen/status/256244092974022657

[63] Marcus, Stephanie. "Violentacrez Fired: Michael Brutsch Loses Job After Reddit Troll Identity Exposed By Gawker." *The Huffington Post*. TheHuffingtonPost.com, 15 Oct. 2012. Web. 02 Dec. 2013. <http://www.huffingtonpost.com/2012/10/15/michael-brutsch-reddits-biggest-loses-job-identity-gawker_n_1967727.html>.

public revelation of the identity of such a high-profile and unpopular member of a large online community like *reddit* was almost guaranteed to come with significant consequences of some form. Both Brutsch's situation and *reddit*'s attempts to permit his behaviors raise interesting questions about the role of anonymity online and the ethics of destroying it in order to hold individuals accountable for their online actions. It is not immediately clear how the balance might come out between protecting individuals like Brutsch from undue public scrutiny and harassment and the public's interest in promoting the sort of behaviors that it finds most valuable.

The controversy over anonymity on user-driven content sites isn't limited specifically to *reddit* either—the online knowledge compendium *Wikipedia* has had its own share of worries as well. *Wikipedia*, like *reddit*, takes itself quite seriously as an online information delivery platform, and, like *reddit*, also consists entirely of user-driven content. A "wiki" is, by definition, a site which allows the collaborative creation and maintenance of content.[64] Users can post articles to *Wikipedia*, other users can edit those articles (or even delete them if particular standards are not met), and all changes, together with all of the conversation *about* those changes, are tracked and able to be reverted by any user. *Wikipedia*, as a specific instance of the wiki concept, aims to be a relatively all-encompassing wiki—a source of collective (we might say "encyclopedic") knowledge to dwarf all previous collective knowledge sources; and they are

[64] "Wiki." *Wikipedia*. Wikimedia Foundation, 23 Nov. 2013. Web. 30 Nov. 2013. <http://en.wikipedia.org/wiki/Wiki>.

certainly on track to meet that goal.[65] As of the time of this writing, the English language version of *Wikipedia* has articles about 4,385,596 individual topics.[66]

User edits to *Wikipedia* can be made anonymously. Any individual visiting a *Wikipedia* page can click on the "edit source" link preceding any subsection to edit the content. Users who are not logged in will have their IP address (a unique identifying set of four numbers which tells computers how to locate other computers on the internet) attached to their edits, users who create optional accounts will have their edits associated with their pseudonyms. Once again, however, the relative anonymity provided to users on *Wikipedia* has begun to present significant controversies.

In April of 2013, Amanda Filipacchi, a writer, wrote a popular editorial piece for *The New York Times* calling attention to what she saw as sexism in *Wikipedia* edits.[67] Filipacchi had noticed, as a novelist, that women were being moved from the "American Novelists" section of the site to the "American Women Novelists" subcategory instead. Why, Filipacchi wondered, were women not simply considered to be American Novelists like the men?

Wikipedia is much more fluid and current than a traditional encyclopedia. Articles about current events and pop culture are common, and articles relating to Filipacchi's criticisms were no exception. Some users began making edits to pages relating to Filipacchi, her work, and the articles with which she was concerned. Though some of those edits undoubtedly aimed to simply

---

[65] "Wikipedia:Size in Volumes." *Wikipedia*. Wikimedia Foundation, 12 Jan. 2013. Web. 02 Dec. 2013. <http://en.wikipedia.org/wiki/Wikipedia:Size_in_volumes>. Here is a fun comparison: According to Wikipedia itself, Encyclopædia Britannica had 44 million words across 32 volumes (at its most extensive length). Assuming the same number of average words per volume (1,375,0000), Wikipedia would presently consist, at the time of this writing, of one-thousand nine-hundred forty-one Encyclopædia Britannica volumes.

[66] This information can be found simply by visiting the Wikipedia front page.

[67] Filipacchi, Amanda. "Wikipedia's Sexism." *The New York Times - Sunday Review*. The New York Times, 27 Apr. 2013. Web. 2 Dec. 2013. <http://www.nytimes.com/2013/04/28/opinion/sunday/wikipedias-sexism.html>.

document the controversy and discussion launched by Filipacchi's op-ed, many of those edits had the apparent goal of disparaging both her person and her positions.

Writing in late April 2013, *Salon.com* writer Andrew Leonard discovered that one particular user, going by the pseudonym "Qworty," was responsible for a disproportionate number of what he called, at the time, "revenge edits" against Filipacchi.[68] After writing a piece on Qworty's revisions of articles relating to Filipacchi, Leonard was approached by an organization known as *Wikipediocracy* which exists to expose and critique corruption and systemic flaws in *Wikipedia*'s design.[69] *Wikipediocracy* was interested in speaking with Leonard about Qworty; there was some evidence, they said, that Qworty, who apparently spent a large amount of time loudly policing what he considered to be "conflicts of interest" in the edits of other users, was another writer by the name of Robert Clark Young—and not only that, but that Young had his own history of editing pages relating to himself and individuals other than Filipacchi in less than truthful ways.

Leonard investigated and found some credibility to the claims of *Wikipediocracy* and decided to reach out to Young himself in an attempt to confirm his alternate identity as Qworty.[70] Though he initially denied the association, Young did several things over the subsequent 48 hours which indicated to Leonard that he was, in fact, Qworty, before Young ultimately admitted the relationship publically on his *Wikipedia* user page (which *Wikipedia* has since removed due to excessive criticism of Young by other users).[71]

---

[68] Leonard, Andrew. "Wikipedia's Shame." *Salon*. Salon Media Group, 29 Apr. 2013. Web. 2 Dec. 2013. <http://www.salon.com/2013/04/29/wikipedias_shame/>.
[69] See: http://wikipediocracy.com/
[70] Leonard, Andrew. "Revenge, Ego and the Corruption of Wikipedia." *Salon*. Salon Media Group, 17 May 2013. Web. 02 Dec. 2013. <http://www.salon.com/2013/05/17/revenge_ego_and_the_corruption_of_wikipedia/>.
[71] The blanked page can still be found at: http://en.wikipedia.org/wiki/User:Qworty

Among the several strange things that Qworty did during the subsequent 48 hours following Leonard's initial contact was post a manifesto to his user page. As Leonard astutely observes in his article, a few of the items Qworty put in his manifesto ought to give us pause and encourage careful consideration of the role that anonymity should play on sites like *Wikipedia*. For example, in Qworty's manifesto, Young says that Qworty is, "a schtick … an entertainment, an annoyance, a distraction, a put-on, a reading experience, a performance, a series of ironies, an inversion that you do or do not get," before going on to say of *Wikipedia* that, "*Wikipedia* is the great postmodern novel, *Wikipedia* is 'not truth' … *Wikipedia*, like any other text, is not reality."

We can extrapolate from Young's comments about Qworty that he regarded this persona as a character. This was not "him" editing these articles; it was a fictitious identity with which to play. The problem for the rest of us, and *Wikipedia*, is that we frequently seek reliable knowledge from *Wikipedia*, and *Wikipedia* aims to provide it to us—inaccurate information purposely added to *Wikipedia* articles is considered no less than vandalism by the site.[72] Though we would be wise to approach any freely editable source of information with a certain degree of skepticism, we might hope that other users are at least appreciative of the fact that many people come to *Wikipedia* to find reliable and accurate information—or at least information that we might imagine was added in good faith. More startlingly, Leonard and Wikipediocracy's investigation suggests that Qworty was not Young's only "sock puppet" account; Young may have used many accounts over a prolonged period of time to make flattering edits about himself, and unflattering edits about other people and subjects that he disliked.

Wikipedia has since banned Young, permanently, from the site. However, Young's actions still raise significant questions both for the site, and its users, about what anonymity's

---

[72] "Wikipedia:Vandalism." *Wikipedia*. Wikimedia Foundation, 13 Nov. 2013. Web. 02 Dec. 2013. <http://en.wikipedia.org/wiki/Wikipedia:Vandalism>.

role *should* be. Anonymity provided Young with the ability to create numerous biased and inaccurate edits to various pages, and allowed him to create multiple pseudo-anonymous accounts to hide his tracks as he did. But the inaccuracies aren't the only problem. A substantial number of people turn to *Wikipedia* as an at least perfunctory source of information upon which they make decisions about any number of aspects of their lives. Meeting a notable individual for the first time? Look them up on *Wikipedia*. Curious about the buzz surrounding a restaurant in a city you're visiting? *Wikipedia* can be a great source of reviews and other information. Amanda Filipacchi was concerned with having the role of women in American literature sub-compartmentalized, in part, because she was concerned that someone looking for authors with which to work, or for authors to read, would overlook talented American women because of their placement in an accessory category in which people may not intuitively think to look.

The point here is that anonymity enables Young and others like him to do real harm to the careers, lives, and businesses of others through *Wikipedia* with relative impunity. Reputations have value and what Young did is nothing less than libel. And though *Wikipedia* launched an investigation into Young's activities in order to try and revert his edit history, the length of time over which Young was able to get away with his activities, and the ease with which he was able to create his many accounts, makes it likely that he is but one of many users, which are still unknown, exploiting the same systems for similar ends.

Takeaways and Questions

All of these situations pose difficult questions about the value of anonymity in particular contexts online. It is easy to overlook the depth and complexity of many of these questions, but understanding what is at stake in these situations is important if we are going to consider the

ethical problems relating to anonymity in the following chapters. With the aim of bringing to light some of this depth, I want to spend a little time discussing more openly the concerns to which the previous situations contribute.

More traditional online media, here represented by the discussed news sites, is being forced to rethink its relationship with anonymity online for a multitude of reasons. Though traditionally held to be a powerful tool of journalism, anonymity is increasingly being viewed as a double-edged sword, with respect to its journalistic value, in an online context.

On one hand, anonymity provides protection to individuals who hold socially important positions—who have information of public interest which might harm those who grant them their positions of influence—to come forward with said information, thus contributing to the greater public good. From Watergate to Enron, many stories of public social, political, or economic interest have been investigated and published by relying, at least initially, on anonymous informants. On the other hand, in online environments, anonymity is no longer granted based on journalistic or editorial oversight; it is an inherent and largely uncontrolled aspect of life online. This means that, while a newspaper might very well welcome a judge's anonymous opinions about corruption in the county judicial system, any anonymous comments similar to those alleged to have been posted by Judge Saffold to the *Cleveland Plain Dealer* site are unlikely to be valued in the same way. But in the online world, at least as it exists today, the newspaper is no longer able to decide who is *worthy* of anonymity and who is not, and newspapers are unlikely to be very fond of being used as a platform for the violation of professional ethics and standards of propriety—not to mention law.

Online media is beginning to realize that it does not have the same editorial control over the comments posted by anonymous users to its sites that it has traditionally held over content

which appeared on its print pages and broadcast networks. The grant of anonymity on its platforms is no longer counter-balanced by an intelligent analysis of the so-called "public right to know." It is, instead, granted to everyone without qualification. Both those who have information which might contribute to a better society, and those who only wish to tear it down, are able to do so facilitated by large online media platforms which are suddenly discovering that they are unable to have much say in the anonymity approval process with things structured as they presently are.

These online media sources seem eager to couch their recent measures to restrict complete anonymity on their sites in talk of conversational "quality"—as ambiguous as that language is. But assuming that "quality" is their genuine concern, there is a big way in which a focus on "quality" seems to leave unaddressed a significant portion of the issue here. It is true, that for some definitions of "quality," Judge Saffold's alleged conduct might not meet certain standards of "quality" content. But focusing on that issue, in some ways, neglects to recognize that those posts, if indeed posted by a sitting judge about attorney representing clients in her *own* case, are effectively harassment. Those posts can potentially cause real harm to real people in meaningful and significant contexts. Those posts can potentially affect careers, incomes, lifestyles, opportunities, the list is lengthy.

This observation is also not unique to the situation of *The Cleveland Plain Dealer*, as we have already discussed several times. We see the same "quality" language used by *The New York Times*, *The Huffington Post*, *reddit*, *Wikipedia*, and the list goes on. There appears to be a general desire to avoid discussions of editorial control online, even in the face of behaviors which have the clear potential to cause legitimate harm to others, both online and off. An anonymous user who is violating some relatively arbitrary quality standard is likely to get banned from posting,

while another who meets every published standard at the time is free to go, even if their content consists of nothing other than libelous statements about other professionals or photographs of women being physically abused. Something about this equation seems absurd.

But this attitude raises additional tough questions, many of which aren't even being regularly discussed. There is a way in which the position espoused by *reddit*, for example, that their hands are simply tied by "free speech"—that they are unable to remove or restrict content that does not violate pre-established legal or policy standards—is fundamentally flawed, and it might even impossible in its execution. As we will see later, it may be, in fact, quite possible to decide when to exercise such control on a case by case basis and, maybe more importantly, it might be the case that *no* blanket policy can sufficiently insulate a site from a certain degree of editorial obligation because its users simply have rights that need to be respected—and the site administration is the only authority who can see that they are. Sites like *reddit* might simply not have a *choice* but to exercise editorial control if rights are being violated under their watch.

But setting aside the policy discussion for now, the concept of harm is very important here for the purpose of criticizing the "quality" angle. It isn't just that comments disparaging attorneys on active cases are of poor quality, or afoul of some specific site policy; such comments are actively harmful. It isn't just that Qworty's actions reduced the quality of *Wikipedia* content so as to make it unreliable; Qworty's content modifications, in some cases, worked to undermine the careers and reputations of his rivals. Candid photographs of attractive women in public could easily satisfy a number of "high quality" content, but again, such considerations ignore what is likely a more important consideration with respect to such material: it can be meaningfully hurtful, in broad systemic ways, to an entire class of individuals.

All of this is not necessarily to suggest that the sites mentioned above do not realize all of these harms as well as anyone else. All of them might very well realize the harm done by the content posted anonymously on their forums, and harmful content may very well be filtered out quite actively by moderators of *The New York Times* or *The Huffington Post* without any public acknowledgement that this is also an aim. Rather, I only mean to draw some attention to the relatively odd way the discussion of such harm seems to be actively avoided in much public discourse, in favor of somewhat meaningless standards of "quality." Quality seems to be only a small part, and a comparatively less important part at that, of the problems associated with anonymity in the context of these sites.

Chapter 3 – Utility and Online Anonymity

Utility as a Normative Force

Having spent the preceding chapters outlining the problem and giving examples of non-hypothetical situations in which anonymity has given rise to significant concerns and challenges, I hope that it is now clear that reconsidering the value of anonymous online speech might be a wise idea. I am particularly concerned about how anonymous online speech can be used to harass individuals in ways that can have meaningful (and harmful) consequences both for the online spaces in which these activities take place, and the offline lives of the individuals being harassed. Fueling this concern is the fact that so little can be done, under current law and common social practice, to limit the ability of malicious individuals to participate in harassing behaviors under the cover of anonymity online, or to punish them when they do. Thus, it is clear, I hope, that a number of important questions about the value of anonymity in different contexts need to be answered if we are to move forward with structuring our (increasingly technology driven) society in the most productive and just way that we can.

One of the ways in which we might rethink the value of anonymity is by setting it next to other things that we value and doing a sort of utilitarian consequential analysis. What utilitarian moral thought says, in essence, is that what matters, morally speaking, in the consideration of any potential future action, are the ultimate consequences of that action. Thus, as John Stuart Mill famously put it, utilitarians seek the greatest good (or happiness) for the greatest number of people.[73] What this means more specifically is a matter of significant controversy. We might ask, for example, what it means to be "happy." Different utilitarian thinkers might provide different answers to that question. We could also challenge the "greatest" component in both aspects of the above statement of utilitarian principles. If one billion people were to be made slightly better

[73] Mill, John Stuart. *Utilitarianism*. Mineola, NY: Dover Publications, 2007. 6. Print.

off by some given action, but two hundred people are to be made indescribably better off by another, how should we determine what constitutes "greatest" in that case? Nevertheless, despite its weaknesses, many of these utilitarian questions are not all that dissimilar from the questions that we should be attempting to answer in order to calculate the value that we wish to assign to online anonymity.

It would be useful, for example, to consider what sort of online environment would make us the most satisfied, or happy, and also to establish some collective vision of *whose* happiness is most important. Certainly an internet "troll," whose attempts at mischief are thwarted, is made some degree of unhappy by the thwarting, and his potential victim is likely made some degree happier simultaneously. But whose happiness should we value more in this case, and why?

The thought of great utilitarian thinkers who have previously attempted to answer questions of utility can be quite constructive with respect to arriving at potential solutions for the more modern problems that I am suggesting we consider in this thesis. Accordingly, in this chapter, I aim to outline a utilitarian normative framework, and then to provide an analysis along those lines of the consequences of anonymity in a number of different contexts. We can look at the likely end results of anonymity's implementation in different instances and compare them to likely alternatives, and use those results to guide our thinking with respect to anonymity's value in the given cases.

Much of the normative force of utilitarian thought is derived from the way in which utilitarianism so closely matches much of natural, intuitive human decision-making. In truth, consequential analysis is a relatively daunting task. It can be difficult, in many instances, to accurately predict, or even analyze *ex post facto*, the consequences of our actions. Nevertheless, when considering our potential behaviors, social structures, conversations, etc., we frequently

give as careful of consideration as we can to any potential consequences. Almost any time a question arises that is relatively similar to, "should I do X," one of the first questions likely to be raised is what the possible consequences might be, and for whom. Thus, utilitarian thought has a great deal of normative power simply by virtue of the fact that it is so common and intuitive, and any worthwhile discussion of the value of anonymity will therefore have to address it.

One notable utilitarian thinker, J.J.C. Smart, an Australian philosopher who is widely known for his defense of a form of act utilitarianism that he referred to as "extreme utilitarianism,"[74] summarizes the normative force of utilitarian thought as follows:

> In setting up a system of normative ethics the utilitarian must appeal to some ultimate attitudes which he holds in common with those people to whom he is addressing himself. The sentiment to which he appeals is generalized benevolence, that is, the disposition to seek happiness, or at any rate, in some sense or the other, good consequences, for all mankind, or perhaps for all sentient beings.[75]

We might summarize Smart's thought on the matter by saying that utilitarian thought appeals to those who want to make the world a better place. Thus, individuals who seek to benefit others, generally speaking, should be sympathetic to a utilitarian way of thinking. It follows, then, if we assume that many (if not most) individuals do, in fact, desire to contribute to what they might view as an improved or more livable world, then the best consequential analysis that we are able to provide can be of significant normative value to many (if not most) audiences.

We need not necessarily agree with Mill that happiness is the ultimate objective either—as Smart states in his above account. The aim is simply some degree of "good consequences,"

---

[74] Smart, John Jamieson Carswell. "Extreme and Restricted Utilitarianism." *The Philosophical Quarterly* 6.25 (1956): 344-54. Print.
[75] Smart, John Jamieson Carswell., and Bernard Williams. *Utilitarianism: For and against*. London: Cambridge Univ., 1973. 7. Print.

however defined. We may, for example, define the utilitarian objective, as many philosophers do, in negative terms instead; that is, define the utilitarian aim as the minimization or elimination of pain and suffering as opposed to the maximization or creation of pleasure or happiness.[76] Ultimately though, however we want to qualify the specifics, utilitarianism is concerned with consequences and derives its normative force by making an appeal to the desire to act in ways which improve the world for ourselves and others.

For the purposes of this chapter, I intend to lean on Smart's account of utilitarianism. I find Smart's perspectives particularly useful for the consideration of the challenges presented by online anonymity because his rule utilitarian perspective addresses one of the characteristics of online life which I find to be particularly problematic: the establishment of fairly liberal rules of speech and conduct and (more importantly) the continued enforcement of such rules even in cases where it should be clear that they fail. Smart's act utilitarianism emphasizes the need to treat rules as flexible heuristics for the purpose of guiding generally useful behaviors rather than as unbreakable policies to be followed blindly even in cases where they clearly fail to accomplish the ultimate goal of utility maximization.

Generally speaking, the distinction between rule utilitarian thought and act utilitarian thought is that rule utilitarians advocate the adoption of rules of behavior designed to lead to utilitarian (happiness maximization) outcomes over the long-term. Act utilitarianism, by contrast, promotes the idea that each individual action should be evaluated for potential consequences and that any course of action should then be decided on a strictly case by case basis.

---

[76] Smart, John Jamieson Carswell., and Bernard Williams. *Utilitarianism: For and against*. London: Cambridge Univ., 1973. 28-29. Print. Smart mentions here that Sir Karl Popper argued this position, for example, in his 1945 work The Open Society and Its Enemies.

As an example, for the sake of contrast: both an act and a rule utilitarian might recognize that theft generally decreases utility. In response to this recognition, the rule utilitarian might advocate the adoption of a rule that says, quite simply, "Do not take items from others without providing them with agreed upon compensation unless they agree to give it to you without cost." The *act* utilitarian, by contrast, would argue that, instead, we should evaluate each specific instance of a decision about whether to steal or not for the specific likely consequences of that individual decision. Thus, an act utilitarian might allow for a guideline that says that decisions to steal items are generally poor ethical decisions, but would not say that an individual should be bound in some way by those guidelines in some absolute sense.

A few distinct consequences of these two positions should become quickly apparent. The rule utilitarian is likely to argue that stealing is wrong from the perspective that, overall, the greatest amount of utility is to be gained by everyone following the "no stealing" rule—irrespective of the specifics of any single instance which might seem to suggest an exception to be made. The disutility experienced by the inability to take what you want or need is outweighed by the utility granted to everyone else by the security of their possessions, the rule utilitarian might say. Even if it could be shown that it is not the case that the rule being followed *does*, in fact, lead to the greatest overall utility, the rule utilitarian would simply say that we are following the wrong rule. The act utilitarian, on the other hand, might actually allow for theft in certain specific circumstances, even though she might agree that most theft results in a decrease in overall utility. Circumstances like an individual who is stealing medicine to help an injured pedestrian, for example, or food to feed a starving family, might be granted an exception from the rule by the act utilitarian. She might say that the money lost by a grocery store chain or pharmacy as a result of the theft is outweighed by the disutility that might be generated by

preventing the needy individuals from obtaining the items required—even if the action would *generally* be unethical.

J.J.C. Smart is a proponent of the latter model of utilitarian thinking. He rejects rule utilitarian thought on the grounds that it leads to what he calls, "superstitious rule worship."[77] Smart argues that if a utilitarian sets benevolence as her aim, and if her goal is ultimately to maximize happiness, then refusing to break a pre-established rule in a case where it is known that it will almost certainly fail to contribute to an increase in happiness is absurd—at least from a utilitarian perspective. Further, Smart rejects the argument that the aforementioned critique only means that a better rule must be developed and followed. No rule save perhaps one, he says, could possibly anticipate every contingency—and the only rule that he believes *might* anticipate every contingency is simply the rule to, "maximize probable benefit," and thus one-rule utilitarianism essentially just collapses into act utilitarianism.[78]

A look at Smart's moral philosophy is useful for this chapter, I think, not because I necessarily agree with his interpretation of utilitarianism wholesale, or because I believe utilitarianism, broadly speaking, to be more correct or persuasive than other moral philosophies. Rather, I find Smart's particular analysis of utilitarianism's subtleties, and his critique of some of rule utilitarianism's possible shortcomings, to provide a decent parallel to some of the contributing factors to the problems that I seek to address with respect to online anonymity. Smart's thought provides a solid framework for the elucidation of problematic lines of thought about the implementation of anonymity in many online contexts.

---

[77] Smart, John Jamieson Carswell., and Bernard Williams. *Utilitarianism: For and against*. London: Cambridge Univ., 1973. 10. Print.

[78] Smart, John Jamieson Carswell., and Bernard Williams. *Utilitarianism: For and against*. London: Cambridge Univ., 1973. 10-12. Print. Smart here argues, by way of the work of David Lyons, that any concept of rule utilitarianism which might satisfy the requirements necessary to be genuinely utilitarian at all would consist of only the act utilitarian rule to maximize utility.

I also want to take a moment to anticipate what I expect to be a common concern about my advocacy of act utilitarianism in this context. It might be objected that we use rule utilitarianism to great effect all of the time. Law, for example, has an almost entirely rule utilitarian basis. We pass laws that say things like, "do not steal," and we expect that people should follow those laws even in the abovementioned cases where there might be compelling reasons that we should ignore them. It might be asked, then, why this context should be any different. Why *should* we turn to act utilitarianism when it comes to online anonymity?

I would argue, in response to this objection, that the main difference in this context are the potential consequences of getting it wrong. Making ethical evaluations on a case by case basis admittedly increases the likelihood of misinterpreting the situation and arriving at the wrong conclusion. If the law were to operate in this manner, it could rightly be argued that we run an increased risk of leveling the force of law against an undeserving individual—and the consequences of such a mistake are severe. Law has the force to deprive individuals of significant amounts of high value things like liberty and autonomy; but I am not advocating for laws in this thesis, I am promoting a rethinking of administrative policies. What is at stake here, if we get it wrong, is that an individual might be less willing to speak in a given context—but there are plenty of other opportunities for him to speak elsewhere. The fact of the matter is that the consequences of making a mistake on the analysis in these instances are minor by comparison, and that fact works out in favor of act utilitarian analysis.

The Limitations of Utility

If we are seeking, then, to test the utility of anonymity we should first establish what, specifically, we are seeking to test. As mentioned above, in many ways, the burdens of

consequential analysis are relatively high. Any action can result in an exponentially expanding chain of consequences, and the ability to make meaningful predictions undoubtedly becomes more difficult as we move further down that chain. It is therefore useful to set out what we can reasonably expect to test in this regard before beginning any actual discussion of potential consequences.

To begin, it must be conceded that we will be unable to quantify and test the ultimate consequences of anonymity online. Because of the aforementioned fact that any chain of consequences exponentially grows in terms of complexity with each additional step we take away from the origination, such calculations are simply not possible. What we *can* do, however, is evaluate *probable* consequences. We can assign utility values to consequences that are more or less likely to result from any given action. For example, if we were to consider the utility of speeding down a frequently patrolled road while driving to the grocery store to get ice cream, one possible consequence is that if we make the decision to follow the speed limit we might get to the store after the last ice cream was sold to a previous customer. On the other hand, we know that the choice to speed could end in the receipt of a speeding ticket. We know, generally speaking, which of these two situations is more likely to result from our decision—even if we concede that both are relatively uncommon. We can, thus, assign values of utility and disutility to these consequences, weighted by their likelihood of occurrence, and use these values to guide our decision to speed or not.

Second, we can expect to be able to test the likely consequences of anonymity in two broad contexts. We can do a direct comparison between the utility and disutility experienced by both an anonymous speaker and an individual to whom he or she is speaking, and we can do an asymmetric comparison between the utility and disutility experienced by an anonymous speaker

(or speakers) and any potential systemic utility and disutility, for society at large, which might result either from the actions of a single individual, or the actions of many individuals making similar decisions in the aggregate.

It is important, again, to admit that such comparisons must necessarily be incomplete. We will not be able to take account of the entire chain of consequences as a part of either our direct or asymmetric comparisons. However, as Smart points out, we need not agree about ultimate ends in order to have intelligent discussion about moral worth—we can use approximate agreements to discuss such topics regardless.[79] We can easily have productive discussions about the value of particular decisions and actions even if we disagree about ultimate consequences.

With the above limitations in mind, this chapter will aim to bring to the fore several important utility questions relating to the use of anonymity in online contexts: What values does anonymity oppose, and in what contexts does it conflict with them? What *should* we value given a choice between pervasive online anonymity and the values with which it comes into conflict? What work is a policy of enforced or permitted universal anonymity actually seeking to do, and is it successful? And lastly, where do we find a balance between the values and harms of anonymity that we, as a society, should tolerate?

I cannot hope, in this short thesis, to provide complete or final answers for these questions. However, I aim to provide a framework for future thought and a brief analysis, in order to facilitate future discussion along similar lines. I hope that this treatment of these issues will, at least, convey to the reader the importance of asking and seeking answers to these questions as the online world continues to grow in importance for our everyday lives in the coming months and years.

---

[79] Smart, John Jamieson Carswell., and Bernard Williams. *Utilitarianism: For and against*. London: Cambridge Univ., 1973. 37. Print.

Direct Interaction Analysis

Let us turn first, then, to a comparison of the direct interaction of utility between individuals in anonymous online contexts. Here we will set the utility of a speaker's anonymity next to the utility of another individual who is either spoken to or spoken about.

The most frequent defense of anonymous online speech is undoubtedly that such a situation encourages particular types of high value speech. We have already discussed ways in which anonymous speech can be beneficial in a number of contexts, from journalism to politics. It is certainly true that anonymity encourages individuals with high value information to speak in some situations where they ordinarily may not. Two such examples would be corporate or political whistleblowers whose livelihoods might be at risk for speaking out, and those with novel but politically unpopular opinions who might face political consequences for their speech. It should be conceded here, then, that anonymous speech absolutely *has* value, and those who defend anonymous speech along these lines do so both in good faith and with good reason. Our task, therefore, is not to establish whether or not anonymous speech online has value, but what its value is in relation to other values that we might hold about online speech, community, speech in general, and the general dignity of human lives.

But returning to J.J.C. Smart's position that much of rule utilitarian thought is little more than superstitious rule worship, a number of situations in which the implementation of policies of anonymity online might fit Smart's characterization of fruitless, blind application become evident. Many specific sites, and, to an extent, the culture of the internet at large, promote anonymity as a facilitator of high value speech, as a rule, even in contexts where it should be quite clear that the application of this rule provides no such genuine benefit. To see how this

might be, we can set one of our previously discussed examples next to a competing hypothetical in order to consider the value of the consequences that follow.

In one scenario we have a hypothetical executive for a large corporation, who is in possession of evidence demonstrating large-scale embezzlement and accounting fraud among the other executives. Say this individual goes online and begins posting anonymous comments to articles on major financial sites that contain links to scanned internal documents which implicate the company and its executives as perpetuating fraud. Now, compare this to the story of violentacrez and the /r/jailbait subreddit. In this scenario we have an individual who is using anonymity to share and promote content that sexualizes underage girls. There should be obvious discrepancies of value between these two types of speech, and yet the same protections of anonymity would be granted to both speakers by many sites under their present policies. This, of course, includes *reddit*, which did, as a community, fight for such protections on violentacrez's behalf when his actions became a matter of public curiosity.

In the first case, assuming the whistleblower is able to get enough attention to his or her evidence to begin generating some level of public interest, what is likely to follow (we might hope) would be an investigation (either by the media or law enforcement) and the subsequent downfall of a corrupt corporation. Some individuals would undoubtedly lose money, others jobs, and ultimately the company would either fold or be sold to a more reputable operator who could work to fulfill its objectives to corporate shareholders, and society, with more integrity. We could have discussions about the disutility of the loss of investment money or jobs in this situation, but, on the whole, the end result is likely to be viewed by most readers as a net positive—criminals have been exposed to face justice, the market will correct as necessary, and the unemployed will be free to find work at more legitimately stable employers.

In the second case, the *most* likely outcome is nothing more than the exploitation of underage girls for the sexual or emotional gratification of others. It is difficult to think of a realistic, probable, positive consequence to the posting of revealing photographs of teenage and adolescent girls to be perused and commented upon by, most frequently adult, total strangers. In fact, such a forum would more likely encourage the production (or simple theft) of similar content, at the expense of additional girls, in the future—an outcome unlikely to be viewed by most readers as positive, I would imagine.

I believe it is fairly self-evident that communities like /r/jailbait are of marginal social value, and that the potential suffering that might be experienced by an individual used for non-consensual sexual objectification by communities *like* /r/jailbait far outweighs any potential gains in utility likely to be experienced by its members.[80] What do we value more? The temporary sexual and emotional gratification of members of a small online forum, or the right to sexual autonomy and personal dignity of underage girls? It does not really feel, intuitively, like this should be a terribly difficult question to answer.

To be fair, the above is in many ways an extreme case, and the online world presents far more cases with less clear-cut social intuitions that favor one side or another. The name of /r/jailbait alone frames it as a community well aware of the fact that it operates on the fringes of social acceptability. And yet, the salient point is this: in our present online environment, even in this case (which in this hindsight-based account surely sounds to many like a circumstantial outlier) our internet culture adopted the perspective that the anonymity of the forum participants was worth protecting—even going so far as to condemn the investigative reporters responsible for the stories which revealed the identity of one of this community's leaders. Here we have a

[80] This is also setting aside systemic problems which might be said to be perpetuated by such activities; a topic which will be discussed during the asymmetric evaluation later in this chapter.

case where, as Smart would say, the rule that anonymity protects valuable speech would be considered by many to have clearly failed—and yet it was applied anyway, and the reasons why remain unclear.

Let us look at some of the more ambiguous cases though. Again, I am concerned particularly with contexts in which individuals use anonymity to harass others. Certainly the above account constitutes some manner of oppression and demeaning behavior, but it is difficult to call it harassment. Cases exist, however, every day, in which anonymity is used to more directly harass others in online environments. How should we evaluate the utility of anonymity in this context? What is the value of this speech?

I call these cases more ambiguous because there is a way in which an individual's right to express an opinion, even a negative one, about another individual can be viewed as valuable expression. Offline, with or without the protection of anonymity, if we dislike someone for any number of reasons we have the right to tell them so. Name calling and demeaning outbursts might be viewed as rude and unprofessional in many contexts, but we would never seek to outlaw or censor an individual's ability to express such opinions. In these circumstances we set the utility experienced by the speaker, who feels the need to express their negative opinion, against the disutility experienced by the individual who is being somehow insulted or demeaned—and we typically feel as though the balance comes out in favor of the speaker. An insult might be unpleasant—or even hurtful—but society has collectively determined that an individual should be able to shrug off limited criticism from others, even if harsh, without such statements doing any significant amount of real harm.[81]

[81] It should be acknowledged that this differs from actual *harassment*, which I shall return to later. Here we are simply talking about one-off insults and harsh language, not speech which might qualify for classification as a committed attempt to harass others.

The circumstances surrounding a great deal of online speech are undoubtedly no different. One instance of an individual telling another individual on a web forum that he or she is an "idiot" because of some particular political opinion is not the sort of speech that can reasonably be said to produce real harm. There are many cases, even accentuated by the disinhibited environment created by pervasive anonymity, where harsh (and even hurtful) opinions directly or indirectly addressed to others should be at least as protected online as they are offline. Thus, unlike the /r/jailbait case, a quick glance at offensive or demeaning speech online is not enough to present a clear case for or against any particular speech act's value. It is unlikely that an individual could present a significantly compelling case that his or her non-consensual acquisition and distribution of sexualized images of minors has some meaningful level of social value, but the same cannot be said for someone who tells another individual online that they are incompetent or stupid because of some action or opinion—no matter how harshly phrased.

Nevertheless, there exist several circumstances where we might question the utility of such speech—and as a result, I believe, there exists an associated point at which individuals no longer warrant a grant of anonymity to protect and encourage such speech.

One useful way to move forward with our evaluation would be to ask ourselves what the utility is in demeaning or insulting speech to begin with. We might think, for example, that there is a certain intrinsic value in self-expression; that speakers gain utility from the simple act of expressing to others how they feel about a given subject or individual. We might also consider that there can be normative benefits to the expression of such opinions, both socially and individually. That is, if an individual is told that a particular opinion that they hold is "arrogant and ill informed" (or, even more simply, just "stupid"), it may motivate him or her to reevaluate

the opinion in question and, assuming they find upon reflection that they agree with the criticism, form a more thoughtful or useful perspective. Likewise, and this applies particularly to our multi-perspectival online environments, non-involved individuals who witness the exchange might also be led to reconsider similar thoughts, opinions, or behaviors as well. The ostensible outcome in both of these examples is the intellectual enhancement of individuals and communities. Any reader with a significant amount of sympathy for philosophy should be able to appreciate a certain amount of pot stirring for the sake of greater social development—a philosophical tradition at *least* as old as Socrates.[82] This may not be an exhaustive account of the potential utility associated with insulting or demeaning speech, but this account should, at least, cover two of the most significant and likely sources.

There are at least two cases where we should consider whether or not these sources of utility fail, however. The first is contextual: there are circumstances where the second utility source mentioned above, the normative power of insulting or demeaning speech, cannot possibly hold. And second, there is a point where both utility sources, the normative *and* the intrinsic, can be said to have simply exhausted their potential utility.

Let us first look at the failure point for the normative source of utility to be found in negative expression. In our offline environments we have already determined—legally and socially—that there exist situations in which there is little to no normative value to insulting or demeaning speech. A man might hold a strong opinion that certain minorities, or women are intellectually inferior in some way, for example, but he is legally and socially proscribed from expressing those opinions, either to members of the class in question or to others, in the

[82] According to Plato in *Apology* (30e-31c), Socrates famously referred to himself as a social "gadfly" during the trial that led to his execution for corrupting the youth of Athens. By this he meant that he sought to irritate the status quo of the republic in such a way as to result in positive social change.

workplace. In this context we consider such speech to be harassment. Such speech simply is not considered to have normative value in light of the need of minorities and women to be provided with a comfortable and equitable work environment in which they can earn a living. We will revisit this topic in more detail during the asymmetrical evaluation in the following section of this chapter, but it bears acknowledgement now. Similarly (and more importantly for the direct analysis we are doing here) there are contexts in which the normative value of insulting or demeaning speech is eroded or negated simply by virtue of the circumstances of the individual to whom the speech is directed.

Consider, for example, a hypothetical case in which an individual is suicidal for some self-image reason and reaching out for support and validation—as is common in cases of potential suicide.[83] The individual goes online to a web forum that they frequent, a place where they might ostensibly presume to have friends and acquaintances, and expresses that they believe they are too overweight or unattractive and they have become depressed about this fact to the point of contemplating suicide. Let us assume that this individual had previously distributed photographs on the forum, either to select individuals or as a part of the "real life photos" threads that many forums host from time to time, and that the individual is, visibly and considerably overweight. The context of this specific case, simply by virtue of the circumstances of the specific individual in question, would render any potential normative utility which might be said to result from insulting or demeaning this individual based on his or her weight at least greatly reduced, if not eliminated. It is no longer the case that we might reasonably expect (if we ever found this line of reasoning agreeable to begin with) that continued criticism of this individual's

[83] "Risk Factors and Warning Signs." *American Foundation for Suicide Prevention.* American Foundation for Suicide Prevention, n.d. Web. 02 Dec. 2013. <http://www.afsp.org/understanding-suicide/risk-factors-and-warning-signs>. One of the most common warning signs of an impending suicide, according to the American Foundation for Suicide Prevention, is an individual who expresses to others her desire to end her own life.

appearance or health, at this time, might provide positive utility in the form of motivation for self-improvement. Instead, it should be fairly obvious that continued criticism of such characteristics might actually exacerbate this individual's depression and, potentially, even drive them to suicide.

So, the above two examples should serve to illustrate a few contexts in which the normative utility typically gained from negative expression is reduced. In this hypothetical, the particular individual's circumstances work to mitigate the normative power, and thus, utility, of the speech act. And in the prior examples, the context itself simply made use of the normative power inappropriate in light of other competing social objectives. But what of the intrinsic utility value in self-expression? Surely the speakers in these cases could still be said to get some personal utility from expressing their opinions. I am inclined to agree with this argument, to an extent; however, the utility to be gained from critical speech is still fundamentally subject to a sort of law of diminishing returns. To be more clear: there is a point at which all of the reasonable utility value, normative or intrinsic, of a repeated opinion, is simply used up—a point where additional speech of the same form is no longer generating any reasonable utility for either the speaker or the patient.

Precisely where this point is located is, perhaps, the subject of another thesis. Regardless of where we would like to draw the line though, it should be fairly non-controversial to say that there does, in fact, exist a point at which additional repetition of criticism cannot be expected to provide additional meaningful amounts of utility to the speaker, nor can it be expected do any significant work to motivate self-development in someone else. Additional instances, past this point, of the same speech, lose their force in both of these respects.

The particularly salient point that follows from this, for the purpose of our direct utility comparison, is that the balance of utility and disutility shifts rather dramatically at this point of exhaustion. While it might be argued that, at least initially, the expressive or normative utility of critical speech either outweighs or is, at most, counterbalanced by the disutility experienced by the individual being criticized, once the critical speech begins to exhaust its potential utility this balance tips quickly in favor of the disutility experienced by the patient. Furthermore, in many cases, that very same disutility can become amplified by time and repetition.

Turning away, then, from the subject of harassing speech and back to our primary topic of anonymity, we might wonder why individuals would be provided anonymity protections in cases where the utility of their speech is highly likely to be mitigated by the circumstances of the individual to whom they are speaking, or in cases where an individual has reasonably exhausted the utility potential of his or her speech. Why, on a suicide prevention forum, for example, should users be *entitled* to anonymity protections in the first place? We might not want individuals to be known to one another so as to encourage participation among those who are sensitive about their problems, sure; but why shouldn't members be required to identify privately for the sake of protecting the vulnerable? Why should those who choose to distribute highly objectionable content, or to harass and demean women or minorities, be entitled to protections of anonymity in so many of our online communities?[84] What work do these protections do that is of real social value in these contexts?

[84] I should point out that I am sensitive to the fact that different people are going to have quite different opinions about what constitutes "objectionable" material. But I also do not think this is a very relevant concern when what we are talking about is a loss of anonymity protections, as opposed to a loss of the ability to speak. I should also point out that what concerns me is not the presence of "objectionable" material online as a whole, but its omnipresence even in some of our largest and most influential online communities. I would accept and, on some level, even fight to protect, the right for small, fringe communities to exist for the purpose of sharing almost whatever content they choose, with few exceptions. But I also feel that larger social communities online should not provide those who choose to be purposely offensive with additional facilitative protections to encourage such behavior. We do not allow pornography in our offline public parks either.

This is not an argument against anonymity broadly speaking. There still exist myriad circumstances in which anonymity online would promote high value, controversial speech. Rather, making the observation that anonymity might not provide a significant amount of individual utility in certain contexts is simply supportive of Smart's act utilitarian evaluation. It is an argument that broad anonymity, as a blindly followed rule, is a poorly conceived idea that we should revisit. It is an argument that the grant of anonymity protections should be made on a more selective (if not a case by case) basis, to those who are the most likely to benefit from it. And comparatively, it is also an argument that those who are most likely to abuse it should be granted such protections only with the most careful consideration and greatest reservation. In short, this is an argument to make grants of anonymity in our online environments look more like grants of anonymity offline—reserved for those with some demonstrated, reasonable need for such protections.

To anyone who would immediately object that this recreates the problem of limited access to speech platforms that we have in our offline environments, and reintroduces the limitations imposed by the editorial control of traditional media, I would respond that this objection ignores the fact that our online environments are still built on a fundamentally different structure than our offline media is. There do not exist a limited number of web platforms in the same way that there exist a limited number of newspapers in which to publish editorials; and there also does not exist some central authority by which new content is approved in the online world in the same way that one must apply for a license from the FCC in order to launch a major news network. Individuals with opinions which they cannot get approved for publication by

some extant platform on the web remain free to start their own platform instead—and the barrier to entry to doing so is so miniscule as to be beyond concern.[85]

The fact still remains that there are at least some cases where a consequential analysis suggests that the only thing we stand likely to gain from providing broad-based anonymity, in many online spaces, is additional harassment and obscenity. Utilitarian thought might remain unpersuasive to some; it is certainly a valid position to adopt that harassment and obscenity might actually *improve* online environments. However, if many of us, as I suspect, would agree that these are not, in fact, desirable characteristics of our online communities, then we should consider rethinking our liberal attitude about universal anonymity online.

Asymmetrical Interactional Analysis

The above picture of the interaction between the utility of an individual speaker and the disutility of individual recipients of speech, while useful, remains only part of the story. There are also ways, some perhaps even more important, in which the conditions created by anonymous online speech also work to spark or contribute to significant systemic problems as well. Perhaps most importantly, if we believe that the highest goal of online anonymity is to protect the disadvantaged and permit greater degrees of unrestricted speech, there are ways in which our online environments of inescapable anonymity actually work against this goal and contribute to the silencing and intimidation of disadvantaged groups instead. This section will consider some ways in which this might be true and attempt to provide, again, a consequential

[85] Low-cost webhosting and domain registrations frequently cost around $15 a year for the domain registration and $10 a month for the hosting service. Truly, practically anyone can afford to have a presence on the web. For an actual example see: http://www.nethosters.com/sharedhosting.html

analysis of the problem in order to illuminate ways in which we might frame future consideration of these issues.

One of the most common defenses of online anonymity, and anonymity in general, is that it serves to protect members of classes which might otherwise be either discouraged from speaking, or unfairly ignored. A member of a small and unpopular political class might, for example, face political repercussions for unpopular political speech. A more subtle example might be that a member of a racial minority popularly (and unfairly) regarded as intellectually inferior to some dominant racial group may have his views simply discounted whenever his race is known to an audience. The thought is that the loss of anonymity might chill the speech of members of these classes, either because they might face intimidation and persecution as a consequence of their speech, or because they might simply be discouraged by what they know to be the likely ineffective result of their speech if certain identity characteristics are known to their audience.

That our online environments should promote anonymous speech, thus, has a certain level of intuitive appeal. Online anonymity is frequently spoken about as the great equalizer; a mechanism by which race, and creed, and gender is rendered irrelevant. It is in this vein that large digital rights advocacy organizations like the Electronic Frontier Foundation have long championed anonymous online speech. Citing the 1995 United States Supreme Court decision in *McIntyre v. Ohio* that, "anonymity is a shield from the tyranny of the majority," the EFF outlines its defensive position regarding internet anonymity on its website.[86] Many see online anonymity as a force which renders speech an act perpetrated by a sort of disembodied set of floating brains which are unattached to any other bodily characteristics or restrictions. Actual personal positions

[86] "Anonymity." *Electronic Frontier Foundation*. Electronic Frontier Foundation, n.d. Web. 02 Dec. 2013. <https://www.eff.org/issues/anonymity>.

and prejudices notwithstanding, tyrants and bigots have no access to the identity of others and, thus, no meaningful avenue of retribution and oppression. At most, one can only *assume* facts about the identity of a speaker online, and, as a result, the teeth are seen to be removed from class based judgment and hostility. A virtual classless utopia is thought to result, guaranteed by the fact that we all know how flexible and unrepresentative our identities are capable of being online.

Anonymity is also commonly viewed as a way to protect individuals from other individuals online. This is the position taken by *reddit* in the defense and promotion of their strictly enforced anonymity policy on the site, for example. To understand how *reddit* views anonymity as protecting its users we should take a look at the concept of "doxxing," a term that has come to refer to the posting of personal information, or "dox," online. In the previous chapter, violentacrez was "doxxed" by *Gawker*, and revealed to be Michael Brutsch. His place of employment, family life, and offline identity were involuntarily tied to his online persona, by the magazine, with the express purpose of holding him more accountable for his online behaviors. *Reddit* explicitly prohibits the posting of personal information about other users as one of only *five* official rules.[87] At the time of this writing, it is actually the *only* content prohibition aside from that of illicit child pornography. It is important to remember that *reddit* permits the sharing of photographs of abused women and had a popular sub-community of white supremacists called /r/niggers for years—very little content is forbidden—but they take the preservation of anonymity very seriously.

It remains a little unclear what work this policy is specifically intended to do; though ostensibly, the rule is intended to prevent personal harassment and intimidation, and to protect

[87] "Rules of Reddit." *Reddit.com: Rules of Reddit*. *Reddit.com*, n.d. Web. 02 Dec. 2013. <http://www.reddit.com/rules>.

innocent individuals from facing so-called "internet vigilantism" and mob attacks. In a 2011 post to the site blog, one administrator says of this rule:

> This is a ban-on-sight offense, and lately we have banned multiple users for posting personal info. We're not going to condone this kind of behavior. If you feel the urge to arm yourself with torches and pitchforks and personal information ... step away from the computer, take a deep breath, and remember: This is the Internet. You don't know these people. If you heard that some guy down the street was trying to scam someone on YouTube or lied about the time they made mayonnaise in their bathtub or pretended to be a time traveler from the future, would you go over there and egg their house and throw bricks through their window and kidnap their puppy? Seriously?[88]

So, we can extrapolate from this statement that *reddit* is seeking to protect its users and others from harassment by providing enforced anonymity on the site. They fear that a less restrictive policy in this area would lead to large numbers of users contacting family members, places of employment, schools, and friends of individuals who may or may not actually be guilty of anything.

Reddit's policy in this area, again, makes a significant amount of intuitive sense. There is obvious truth to the site's position that personal information online opens individuals to a great deal of personal vulnerability. This thesis itself is also obviously concerned with ways in which the internet can be used to harass and intimidate other users in certain contexts. This is also true of gossip in practically any context, of course, but the internet provides exposure to a very large audience, and thus, a very large pool of potential harassers. We certainly don't want mobs of thousands calling the places of employment of an individual simply because their photo was uploaded to a website along with an objectionable story about a service experience at the business where they work.[89]

---

[88] Kristine. "Reddit, We Need to Talk..." *Reddit Blog*. *Reddit.com*, 24 May 2011. Web. 02 Dec. 2013. <http://blog.*reddit.com*/2011/05/reddit-we-need-to-talk.html>.

[89] Gingras, Brynn. "Family Says They Did Tip Gay Server, Didn't Leave Note." *NBC New York*. NBC New York, 29 Nov. 2013. Web. 30 Nov. 2013. <http://www.nbcnewyork.com/news/local/Gay-Server-Tip-Lifestyle-Receipt-

Reddit's concerns in this area are fairly well founded, to be fair. There have been several non-hypothetical cases where the *reddit* community, as a whole, has made some incredibly poor decisions with respect to the handling of personal information online. Perhaps most famously, during the 2013 Boston Marathon bombing event, members of the site mistakenly identified a 22 year old student of Brown University named Sunli Tripathi, who had been previously reported missing, as an individual seen near the site of the bombing shortly before the explosions.[90] Several major news sources subsequently published the stories based on the *reddit* discussion, and Tripathi gained major national exposure as a potential suspect. As a result of the media exposure, Tripathi's family (who were already distraught over their missing loved one) had to endure national media speculation over whether or not their son was a terrorist. Of course, we now know that Tripathi had nothing to do with the Boston bombings, and apologies had to be given to Sunli's family not only by *reddit*, but also by national news organizations including *NBC*.[91] It is thus probably fair to say that this policy is a *good* policy, overall. We should discourage individuals from haphazardly bringing the attention of mobs to the personal identities of individuals online.

Nevertheless, as with the attempts to use online anonymity as a great equalizer of class based prejudices, the use of anonymity to protect users from the harassment of other users has a

---

Discrepancy-233040811.html>. I mention this hypothetical because this scenario, and few variations on the theme, have happened multiple times. In fact, a somewhat backwards variation happened again during the process of writing this thesis. A young woman posted a photograph of a receipt and a story on Facebook in mid-November, 2013, about being left no tip, and a nasty note, at her serving job, because of her homosexuality. She received an outpouring of support and thousands of dollars in donations as a result. The problem? The family whose receipt she used in the photograph was able to produce a credit card statement and their copy of the receipt showing that they did, in fact, tip the woman. They also went on record as having not voted for Gov. Chris Christie because of his negative stance on homosexual marriage.

[90] Kaufman, Leslie. "Bombings Trip Up Reddit in Its Turn in Spotlight." *The New York Times - Media & Advertising*. The New York Times, 28 Apr. 2013. Web. 2 Dec. 2013. <http://www.nytimes.com/2013/04/29/business/media/bombings-trip-up-reddit-in-its-turn-in-spotlight.html>.

[91] Stanglin, Doug. "Student Wrongly Tied to Boston Bombings Found Dead." *USA Today*. Gannett, 25 Apr. 2013. Web. 02 Dec. 2013. <http://www.usatoday.com/story/news/2013/04/25/boston-bombing-social-media-student-brown-university-reddit/2112309/>.

significant propensity to backfire as well. There are plenty of cases where the anonymity provided, ostensibly for the *protection* of other users, instead facilitates harassment and intimidation.

As with the direct comparison of utility in the preceding section, the application of utilitarian analysis can be constructive for the purpose of framing the systemic problems presented by the issues in this section. Here though, we are not looking at the consequences faced by any specific individual. We are, instead, seeking to evaluate the consequences for large groups and classes of individuals as a result of the speech and actions of single individuals or other groups.

We can begin once again by considering where the expected utility lies for the speaker and society in these asymmetrical contexts. For the speaker, just like the above direct comparison, there could be said to be a certain amount of intrinsic utility in the ability to freely express one's opinions. Here, also, perhaps even more than before, there is a utility of social normative power as well; in these asymmetrical contexts a speaker may easily be seeking to persuade large numbers of people to adopt some preferred position. For society, again, we assume that we are protecting vulnerable people and classes; we seek to mitigate the power imbalance experienced in other realms of speech. The associated benefit is that we achieve diversity of representation and thought in the realms of our social and political speech.

With respect to the first goal—the equalization of class based prejudices and limitations—it appears that, in some ways, our idea that anonymity can mitigate these factors in any meaningful way is simply misguided. If we take race as an example, many commonly believe that online anonymity strips away racial characteristics, allowing individuals to participate in online communities as equals. Yet racial biases and racially oppressive language

remain pervasive in many online communities. We might ask ourselves to what extent it actually matters that individuals are unaware that a specific participant in an online community is a member of some specific racial class if the general tone of conversation used, whether directed at any particular individual or not, is that the class to which they belong is inferior in some way. The problem with our virtual classless utopia is that everyone is still aware that classes *exist* to which participants of the community *might* belong, even if they aren't aware of which specific members of the community belong to what class.

The previously mentioned *4chan*, one of the most extreme bastions of internet anonymity, is notorious for this exact situation. Racial slurs and racially charged images are frequently posted and discussed on the image board. In light of the excessive and extraordinarily offensive nature of much of the site's content, it is difficult to see how anonymity, which is practically a way of life on *4chan*, is living up to any equalizing ideal.[92] Rather, it would appear to be an environment which serves only to reinforce negative stereotypes of racial minorities. It is difficult to see how such an environment might feel empowering to most members of minority classes, as opposed to exclusive and extremely uncomfortable.

A large part of the problem with these ultra-anonymous, supposedly "classless" environments like *4chan*, is that we bring our socio-cultural baggage with us into our online spaces. We may be represented to others as an avatar or a pseudonym, but we still have some sense of identity which represents who we consider ourselves to be. This being the case, environments which carry a negative tone about one identity characteristic or another can be hurtful and alienating irrespective of whether or not the negative comments are actually directed toward any specific individual. Sexist speech which is demeaning to women can feel alienating

[92] Not that *4chan* itself has any such lofty goals for its particular implementation of anonymity.

and oppressive to individuals who consider "woman" to be a significant part of their personal identity; frequent anti-Semitic speech can be alienating and oppressive to anyone who identifies themselves as Jewish. It matters little, if at all, whether or not the speakers are actually *aware* of (or even concerned with) whether or not a given participant of the community might be a member of any particular class.

In these situations, anonymity actually works against the equity of minority classes two-fold. Remember Suler's online disinhibition effect and the work of Elias Aboujaoude in *Virtually You*. Firstly, the protection of anonymity emboldens those who hold unpopular bigoted opinions to share their opinions without fear of reprisal—perhaps the dark side of the speech-freeing effects of anonymity that we treasure for other sorts of political and social speech. And secondly, universal anonymity hides the identity characteristics of participants which might otherwise temper the language of many speakers. Of course, a certain number of speakers might actually *intend* for their speech to be offensive and hurtful to members of particular classes, and any loss of anonymity would likely have little effect on their decision to use potentially hurtful speech. But there are also likely to be a significant number of individuals who are simply making misguided assumptions about the demographic makeup of the other individuals to whom they are speaking in these contexts, and the ambiguity of identity provided by anonymity might very well be inadvertently leading them to create an environment that is alienating to individuals whom they have no genuine desire to alienate. In both of these cases though, anonymity can be seen to not only be failing to level the playing field for disadvantaged classes, but actively working against them.

The implications of these conditions are fairly significant. A large part of what systemically hurts disadvantaged classes such as the disabled, racial minorities, and women, is

the fact that environments are inherently alienating and prejudiced against them.[93] These effects are harmful enough in our offline lives, and we have made some attempts to structure our laws and social systems in ways intended to minimize them as much as possible. However, we have paid little attention to ways in which we might structure our online environments to mitigate systemic prejudicial effects as well; and this lack of attention becomes increasingly harmful as more and more important aspects of our lives are taking place in online contexts.

What of the use of anonymity to protect users from retribution though? The Boston Marathon bombing examples certainly emphasize how valuable this policy is in some cases, particularly for the largest sites. I will gladly concede that there exist circumstances where personal identity characteristics can be exploited by large online communities. Nevertheless, there might be ways in which anonymity can be said to have also created or exaggerated the problem that it is seeking to fix—and, more importantly, the jury may still be out with respect to whether or not the actual solution to issues of harassment and intimidation is actually *less* and not *more* anonymity in many cases.

A comprehensive account of these possibilities is likely beyond the scope of this thesis; however, we can at least consider a couple of ways in which anonymity might actually contribute to harassment and intimidation as a systemic issue—in order to demonstrate the need to revisit present assumptions about overall value.

We can easily imagine, for example, that individuals might be emboldened by their anonymity to harass and intimidate in the first place. Once again, the online disinhibition effect lends a certain amount of support to this hypothesis. Anonymity hides and disguises our humanity from one another; it dehumanizes our experiences of others in significant ways. There

[93] See here the entire concept of sociological privilege.

is little stopping individuals, even in an offline context, from reaching out to employers and family members to humiliate others in retribution for behaviors we do not like. Yet these cases are far and few between in offline contexts—and we are able to legally resolve them because we know the identities of the perpetrators. We might ask ourselves why this is—the answer may be important. A clear answer would require additional study, but if one of the consequences of widespread anonymity online is an environment which encourages the harassment and intimidation of others via humiliation, then it seems perhaps misguided to believe that more anonymity might be a workable long-term solution to this problem.

The attitude that any sort of identifying details must be hidden from other users in online environments is so fundamental, at this point, that it has lately become adopted even in contexts where it isn't even protecting genuine identity information. Forums supporting massively multiplayer online games, for example, have also begun adopting "no personal information" policies about character names of other players.[94] The discussion of player actions or the posting of screenshots containing the uncensored names of other players is strictly prohibited on many such forums. These in-game personas are already pseudo-anonymous identities to begin with—yet the dedication to the obscuration of identity in many communities is so great that they also seek to protect even already obscured identities from potentially being discussed in any community-based context.

From a utilitarian perspective, we again need to ask ourselves what follows from these policies. What, exactly, are the consequences of enforced universal anonymity among

---

[94] "Subreddit Rules." *FFXIV Wiki - Rules*. *Reddit.com*, n.d. Web. 02 Dec. 2013. <http://www.*reddit.com*/r/ffxiv/wiki/rules>. See, for an example, the subreddit dedicated to the popular online role-playing game Final Fantasy XIV, which has a rule that reads: "Never give out another player's name or information; this includes their in-game name or account. If they have done something horrible to you, we suggest that you talk to the GMs or submit a help ticket. People could be misunderstood or falsely accused and we do not want to facilitate this kind of behavior."

participants of these forums, or among players of an online game? What are the implications of these policies for those who wish to establish meaningful senses of community?

The latter question is particularly salient in the online gaming context. There are ways in which the blanket anonymity can inhibit attempts to establish communities in online contexts that are actually meaningful. At the root of this problem is that, for better or for worse, shame is a mechanism by which communities establish norms—and there is a certain normative and behavior-influencing force to the omnipresent threat of public ridicule and exclusion. Policies which prohibit the discussion of individuals in any significant, enduring way render such behavior-influencing power impotent. If a player is behaving in some way that the community finds particularly distasteful, policies which prohibit the discussion of such behaviors in the context of having been perpetuated by a specific individual rob the community of a powerful force with which to shape future behavior, and a mechanism by which individuals can be held accountable for their actions.

It is true, however, that the prohibition of the posting of player information in these contexts minimizes the potential backlash an individual might receive from members of the community for their behavior. What we might need to socially determine then is whether or not this is something valuable in this context. Why *does* it matter if a community blacklists a player for particularly poor behavior? It is easy to understand why a site like *reddit* seeks to avoid the harm to be done by false assumptions of guilt in a nationally devastating terrorist attack; but in the context of a player who earns the ire of his or her fellow players in an online world which he or she shares with thousands of others…isn't there a way in which this is an earned consequence? What exactly is this individual being protected from, his or her own behavior? The fact that people might refuse to cooperate with you in the game world unless you apologize

to the community? You get private messages that aren't very nice? The likely consequences seem fairly mild, and if anyone went to some extreme, an ostracized player, too, would have the same avenue of public discussion of the offending behavior. All of which, by the way, is precisely how things work in our offline lives. The systemic value of insulating individuals from the consequences of their own behavior is debatable in any context, but it borders on the absurd in the context of these relatively non-consequential online gaming communities.

Stepping away from the online gaming again, anonymity insulates users from the consequences of their own behavior in all other contexts as well. It generates an environment in which users can act and speak in whatever manner they please without fear of being held accountable. This is not only the *likely*, but the *guaranteed* consequence of anonymity, which must be weighed against any probable benefits—like the protection of users from offline harassment and intimidation as a result of online actions and speech. It might be the case that, in certain instances, anonymity prevents speech from being chilled, but it is also the case that, in certain cases, it eliminates accountability for behaviors that individuals *should* be held accountable for.

If we do our utilitarian calculus, in some cases the balance may come out in favor of anonymity, but, in many cases, it will not. It is likely that we are doing a substantial amount of systemic harm to both disadvantaged classes and our online communities with our blind application of anonymity as a default characteristic of online environments and our almost obsessive need to enforce anonymity in online spaces. If we seek to minimize harm, then we may want to revisit the value of anonymity in these contexts and look, instead, to a more selective act utilitarian methodology for the determination of when anonymity is appropriate and when it is not.

Revisiting the Balance of Anonymity

It should be clear, at this point, that there are not infrequent problematic cases where online anonymity contributes to largely negative outcomes. If we are sympathetic to utilitarian thought as a useful mechanism by which to evaluate the moral worth of our decisions and policies, then we might want to revisit the value of anonymity in a broader context.

Anonymity presently constitutes the status quo of online interaction. We assume that our interaction online will be anonymous, and we design our online spaces so that they are. The status quo is always given some additional weight any time there is a proposal to rethinking our present ways of doing things; after all, if the status quo is what works—why change it? The weight that we give to the status quo diminishes, however, when we begin to doubt the utility of it. If we can reasonably believe that the status quo is, for some reason, no longer as effective as it once was, then its intellectual inertia is diminished.

Anonymity was a standard set during a period where the internet looked dramatically different and served substantially different ends than it does today. The early days of the internet were characterized predominately by a sharing of academic and research information. For years it was dominated by a relatively homogenous academic class primarily focused on exchanging intellectual information. This was an environment well suited to disembodied, anonymous brains—ideas mattered, identities did not.

However, today's internet no longer looks like it did in the early years. The demographic makeup is extraordinarily broad, comprised of individuals from a staggering number of socio-cultural backgrounds, economic classes, ages, and geographic locations. We are no longer simply sharing academic and research information either. We use the internet today to do our banking,

apply for jobs and colleges, ask questions about our healthcare, entertain ourselves, participate in democratic government, find romantic partners, and do our jobs. Today's internet is far more town square than classroom, far more strip mall than research lab.

It can be tempting to maintain the status quo because of its familiarity—and this is true not just of the status quo of anonymity, of course. We know the status quo, and as a result we feel like we are more aware of its consequences. This is, however, a somewhat fallacious way of thinking—at least from a utilitarian perspective. We cannot predict future consequences of maintaining the status quo any better than we can predict the future consequences of changing it—particularly when the world *around* the status quo is rapidly changing, as is generally the case, and particularly so with respect to online life and spaces.

As I have mentioned several times before, the fact that more of our lives have moved online means that there is now more at stake in these online environments. Individuals use the internet to work and take classes now. Harassment and oppression in these contexts is therefore as harmful as it is in the workplace and the classroom—and for all of the same reasons. It is difficult to think of a reason that we should tolerate damaging speech and behaviors in these online contexts while prohibiting them in parallel offline contexts if the ultimate outcome is relatively the same. If we agree that protected classes like women and racial minorities should have equal opportunity to earn a living or get an education, and online harassment in professional or academic spaces can create unequal opportunities for these very same classes, then we should revisit policies which permit or promote harassment in these contexts.

The act utilitarian perspective discussed in this chapter provides us with a valuable way to undergo a reanalysis of policies of anonymity online. Ideally, it should enable us to narrow down the instances where we might most benefit from anonymity, and limit the instances where

it can be most harmful. As long as we accept that utilitarian thought has normative merit it can be a powerful tool for social critique.

Judging the probable consequences, anonymity is by no means a dangerous characteristic in all cases. Nevertheless, I believe it loses the greater good analysis in the abovementioned cases. The fact that it appears to lose the greater good analysis in these instances should give us ample reason to reconsider its effects in our online environments as a whole—and it is important that we do so because of the immense (and increasing) importance of online spaces for everyday life, and the associated importance of ensuring that these spaces are equitable and safe for all involved.

A rethinking of anonymity can provide greater levels of accountability for speech online, without resorting to outright censorship. Individuals can be permitted to say whatever they feel is necessary to say, and individuals who are harmed by such speech are provided much more significant avenues of recourse. It is true that individuals in some contexts might be discouraged from particular speech, but we can always create spaces where anonymous speech still provides protection in the contexts where we might find protected speech to be valuable. The ultimate point on this front is that there are certain types of speech which we are unlikely to find very valuable in many contexts. It is not the case that individuals should be *prohibited* from using low value speech like hate speech or insults, but, rather, there is such little utility in these sorts of speech that it is unclear why it should be protected and encouraged by grants of anonymity in light of the significant harm that it does. Without question, individuals should, in most cases, be free to say whatever they would like online—but the community should also be free to judge and hold them accountable for it.

Extant broad rules which provide universal anonymity are presently very popular among major web spaces, but these rules need not be so blindly applied. Smart's act utilitarianism argues, in fact, that if the legislators of such rules and policies embrace generalized benevolence, then their blind application of broad policies in cases where even a small amount of reason should indicate that they are likely to fail is both self-defeating of their intended objectives, and indicative of ethical wrong-headedness.

Qualifying Utility

Before closing this chapter and moving on to additional ethical theories, it should be noted again that utilitarianism is a complex and difficult ethical platform with which to work. As mentioned above, it is impossible to comprehensively and absolutely predict the consequences of any action. We can only hope, instead, to predict the consequences of the most likely set of results of a given choice, and only so far in the future at that.

I cannot, in this relatively short thesis, hope to cover all of the possible consequences of any decision to change the way we regard anonymity online. However, I also do not believe that such a comprehensive picture is necessary. Because what I am arguing is that our present picture of anonymity is flawed and overly optimistic, it should be sufficient to merely demonstrate probable (or non-hypothetical) examples where significant harm can or has been done by our present perspectives. If we can look at the above examples and see that this is the case, then it should be sufficient to compel further discussion on the matter—even in the absence of an exhaustive account of the problem.

Chapter 4 – Rights and Online Anonymity

A Discussion of Rights and Utility

The utilitarian thought addressed in the preceding chapter may have a great deal of intuitive appeal, and I would hope that it is likely to be persuasive to many. I have argued that the utilitarian analysis comes out in favor of the reconsideration of anonymity's value with respect to the disutility of harms perpetuated by anonymous online speech—at least in most contexts. Nevertheless, there still might be those who simply disagree on this point—those who feel like the utilitarian value of the anonymous speech outweighs the utilitarian value of the harms to be prevented by its restriction—and additional utilitarian argumentation is unlikely to be persuasive to such individuals.

We can look, however, beyond a utilitarian analysis of anonymous online speech to find additional support for the reconsideration of anonymity online. Rather than simply setting potential consequences of anonymous online speech next to other potential consequences and arguing a particular value for each, we can also ask ourselves whether or not the *utility* of anonymous online speech is what we should be concerned with in the first place. An alternative way that we might frame this discussion, then, is to set the utility of online anonymity next to certain political *rights* that might be claimed by individuals in online environments.

Considerations of utility and rights are quite different from one another. As previously stated, utility looks to the consequences of a given decision, seeks to evaluate their pros and cons, and argues for a correct course of action based of the desirability of certain *results*. Rights, on the other hand, are relatively unconcerned with outcomes and place limits on the contexts in which we can look to utility for guidance. Rights establish stiff frameworks of limitation which must be satisfied *before* we can begin asking questions about consequences. This differs quite substantially from the sort of utilitarian thought addressed by the previous chapter. The rights of

individuals preclude us from making certain decisions, and behaving in certain ways, no matter how desirable the outcome might be.

As with utilitarianism, the notion of rights also has a significant amount of intuitive appeal. One of the ways in which utilitarian thought is frequently criticized, for example, is the way in which it can be shown to allow for scenarios where one individual might be made to suffer intensely for the moderate benefit of many more individuals. Something about the picture of even a single person enduring great pain or suffering, for the sake of others, feels, intuitively, like a violation of certain of his or her rights—no matter how positive the ultimate outcome.

However, while the *concept* of rights might have some intuitive appeal, the definition of what constitutes a right, and the clarification of what rights we actually *have* is less intuitive than most discussions of utility tend to be. A large component of the reason for this lack of sympathy with intuition is the very fact that rights largely ignore outcomes, and we are most intuitively consequential thinkers. Rights are, in fact, an attempt to make up for intuition in many ways. We might say that we have a right, for example, to express an opinion, even if that opinion seems intuitively wrong or even harmful. Thus, while intuition might suggest that silencing certain opinionated speech acts is the best course of action, rights may preclude us from silencing that individual—even in a case where certain harms to themselves or others might result. Often, what follows from this is that considerations of rights become balancing acts of setting rights *vis-à-vis* other rights, rather than setting rights against certain outcomes—and that is what we will have to do here for the purposes of our discussion about anonymity.

This is not to say that rights are unconcerned with consequences without qualification; there is undoubtedly a certain amount of consequential thought that goes into the development of rights, and an account of potential consequences also becomes important in the process of setting

rights against other rights. We tend to believe, for example, that the granting of rights and the general respect of rights ultimately leads to a better society—a decidedly consequentialist belief. We just don't give much thought to the consequences of the *application* of rights to specific situations and we do not adopt rights and follow rights based on likely outcomes. This is to say that, for example, the American right to free religious expression is not predicated upon some understanding or belief that a particular sort of religious belief might become popular, or a belief that religious faith in general will necessarily lead to a better society. The only thing to be considered in a given situation is whether or not an individual *has* a right. If they do, then that right is to be respected without regard for consequences.

Framing the issues surrounding online anonymity in terms of rights, instead of utility, has a number of advantages. It allows us, firstly, to still have a position from which to argue even against those who remain unconvinced by the previous utilitarian analysis. Secondly, framing the issue in terms of rights has significant parallels to the way in which we tend to think of moral social interaction in an offline context. And lastly, framing the issue in terms of rights also removes some of the complexity and ambiguity of trying to make calculated decisions about potential future consequences; they simply aren't necessary when we speak of one individual's rights against another.

Identifying Rights

If we agree, then, that a rights perspective is an interesting and valuable way to think about anonymity and harassment online, we should next consider what rights, if any, might be involved. One way to start this discussion would be to ask what we might consider to be the

origin of rights. Where do rights come from, and what would a right associated with anonymous online speech look like?

We could look at the origin of rights in several different ways. We might simply view rights as being derived from the authority of a sovereign, though this perspective doesn't allow for a very strong sort of rights, as they could be modified or repealed, in this scenario, at the sovereign's discretion. A more common way might be to regard rights as being derived from the force of law; that is, rights must be specified and guaranteed by specific legal rules which obligate members of a society to behave in particular ways toward one another.

Respected legal positivist H.L.A. Hart held this latter view. Hart distinguished between what he called primary and secondary rules in legal theory.[95] Primary rules outline specific rights and legal obligations, while secondary rules regulate the establishment, recognition, and modification of primary rules. Hart calls secondary rules which stipulate how a primary legal rule is to be identified "rules of recognition", and we can see something analogous to this sort of concept in the constitutions, such as the United States Constitution, which underlie modern, western democracy.

When we are looking for rights in the digital domain, however, Hart's perspectives will fail us. We are considering rights in spaces around which very little legislation has yet been settled. We have few laws at any level of American government which regulate interaction in online spaces in ways significantly analogous to the ways in which we regulate social interaction in, say, the workplace, the classroom, or even on the street. Though there may be some primary rules to which we can look to provide a relatively limited set of rights online, we will generally find such rules lacking. We might respond to this fact by simply saying that unspecified rights do

[95] Dworkin, Ronald. *Taking Rights Seriously*. Cambridge. Mass.: Harvard UP, 1978. 19-20. Print.

not, in fact, exist. And yet, such a response seems a bit dishonest and counterintuitive. A woman who is sexually harassed on a web forum, to an extent that her comfort in the workplace becomes negatively affected, for example, intuitively seems to be having the same rights violated that the exact same behaviors would be violating had they taken place in the boardroom—the absence of a specific rule protecting women from sexual harassment online notwithstanding.

It is with these concerns in mind that Harvard legal theorist Ronald Dworkin criticizes legal positivism (and H.L.A. Hart specifically), in his 1977 book, *Taking Rights Seriously*. Dworkin's work argues that law and rights can be based not simply upon overtly stated rules, but also upon principles, policies, and other socially accepted standards.[96] Dworkin's work has some significant implications for how we should view the rights of individuals in online contexts, and for the remainder of this chapter I shall attempt to lean on Dworkin's positions in order to argue that we are failing to appropriately acknowledge the rights of individuals in many online contexts, and, further, that this fact should be concerning even to those who might be unsympathetic to the previous chapter's utilitarian analysis.

At the core of much of Dworkin's thought is a tension between rights and societal goals. Society sets goals, typically based on the preferences of a majority. However, in order to ensure that certain fundamental values held by members of the social minority, or disadvantaged class, are not trampled by the preferences of the majority, the concept of rights limits the extent to which such majority preferences can be pursued. Policies are associated predominately with the actions of legislators while rights are more closely associated with principles and, says Dworkin, the actions of the judiciary.

---

[96] Dworkin, Ronald. *Taking Rights Seriously*. Cambridge. Mass.: Harvard UP, 1978. 22. Print.

Of particular saliency to our discussion of anonymity and harassment online is the relationship between policies, principles, and equality. Policies, general rules, work toward broad goals but do not necessitate that all individuals be handled and treated equitably. Principles of equality, on the other hand, limit the implementation of polices—they demand strategies of achieving goals that distribute the benefit of those goals equitably. Principles, in Dworkin's view, establish individual rights, while policies establish social goals. Both are important to broader social development, but the tension between the two streamlines the process. Principles, in essence, keep policies honest.

In the context of anonymous online speech, the policy with which we are going to find rights claims most frequently coming into contention is that of free, valuable speech, and the principles with which this tension exists include those of equality, dignity, autonomy, and reputation—among others. We hold in high esteem the freedom of self-expression, as we have previously discussed. We particularly do not want government intervention to restrict the freedom of self-expression. Functioning democracy is built upon the ability of citizens to express their needs and desires, and any limitation, particularly on the part of government, impedes this ability. Accordingly, anonymity strongly supports freedom of speech in the sense that the speaker effectively becomes immune to persecution for his or her speech. The relationship between anonymity and freedom of speech is, thus, fairly intimate. But this policy conflicts with other widely held social principles, and we can find what might look like personal rights couched in these principles. The cases where the social principles win out are very infrequent with respect to governmental interests—the importance of protecting speakers from government is simply considered too great—but the fate of the policy of free expression when only private interests are being advanced is less clear.

The following section will take a closer look at these rights and their associated principles, but first it should be stated what rights look like from Dworkin's perspective. In chapter four of *Taking Rights Seriously*, he says:

> An individual has a right to some opportunity or resource or liberty if it counts in favor of a political decision [under a given political theory] that the decision is likely to advance or protect the state of affairs in which he enjoys the right, even when no other political aim is served and some political aim is disserved thereby, and counts against that decision that it will retard or endanger that state of affairs, even when some other political aim is thereby served.[97]

Dworkin's definition here is a relative one; it is contingent upon the political theory under which it operates. It should be noted that this means that a particular characteristic might be a right under one particular political theory and a goal under another.[98] To find potential rights online then, we need to consider whether or not, under *our* standing political theory, a decision to more formally acknowledge or restrict that right works for (or against) the state of affairs under which the affected individuals enjoy that right.

Rights Online

Looking for rights in online spaces thus necessitates that we look to American political theory to find principles from which online rights might derive, and to present these principles a bit more clearly, we should also return to some of the non-hypothetical examples outlined in earlier chapters in order to see how these rights might be said to materialize in online environments. If we take Dworkin seriously, there is an argument to be made that individuals have a claim to rights in online spaces not by virtue of particular policies (few of which exist at

---

[97] Dworkin, Ronald. *Taking Rights Seriously*. Cambridge. Mass.: Harvard UP, 1978. 91. Print.

[98] A goal for Dworkin is simply a non-individuated political aim which does not call for any liberties, opportunities, or resources for particular individuals—opposed to a right, which is viewed as an individuated political aim, meaning that a single individual can claim that it grants them liberties, opportunities, or resources over and above other political policies.

the time of this writing regardless) but as a result of the fact that, in our society, we would regard any political decision which served to advance certain principles in any other context as a net political good, and we would regard any political decision which overtly impinged on such principles as a net political negative.

Let's begin by looking once again at *reddit* and /r/jailbait, because it is a fairly easy target and should provide a clear example of the sort of principle violations we are looking for in order to highlight any potential rights violation claims. The jailbait forum, as mentioned before, did not actually run afoul of any particular policy—neither policies of *reddit* nor policies of law. Nevertheless, that such a forum ran afoul of certain widely held American social standards is fairly inarguable. The fact that the forum's very existence warranted an exposé, during primetime, on a major national news network testifies to this fact. Something about posting sexually suggestive photos of random teenage girls, unsurprisingly, did not sit very well with much of the American public.

So how does this translate to a rights claim? Well, if rights are based on principles, then we would first want to ask what principles were being offended. In this case we are dealing with principles related predominately to the autonomy and dignity of young women. The photographs were frequently stolen from social media sites, and presented out of context on *reddit*, all without the permission of the girls in the photographs. All of these actions work against common American principles. We regard it as a certain violation of privacy to steal photographs and share them with complete strangers without permission in almost any context, let alone when the underlying purpose of such sharing is to essentially discuss how sexually attractive the subjects of the photos are. Add in the fact that these particular subjects happened to be underage girls, and

you are now dealing with an entirely different set of violated principles about the sexualization and objectification of women and minors as well.

We can also see this pattern repeated with the later /r/creepshots incident. In that case we have candid photographs, taken without consent, of (mostly) adult women in public spaces. Again, no policies are being violated, and yet, as a matter of principle, most readers would be unlikely to praise anyone who ran around taking photographs of young women in shorts and yoga pants on a college campus, without consent, in order to later share those photographs with total strangers and make comments about how attractive they are (or are not) on the internet. Like before, such a practice simply violates common standards of privacy, consent, and objectification. No policies are being violated, perhaps; but principles? Absolutely.

So, in both of these examples, young women, on the basis of principle alone, could claim that certain of their political rights are being violated by the practices of individuals on these forums. This demonstrates Dworkin's point about the way in which political rights derive from social standards and principles rather than policies. No policy—no law—is likely being violated by either of the preceding scenarios, and therefore it might also be said that no *legal* right is being violated in these cases. And yet, it should be fairly obvious to see how the practices on these forums are violating individual political rights in relatively self-evident ways. As a matter of principle, individuals have a right to traverse public spaces without being sexually objectified; individuals, as a matter of principle, also have the right to consent to the use of their image. Setting the question of whether or not the individuals at question in these scenarios enjoy these rights in some legal sense, they certainly enjoy them from a common social practice perspective.

What about Qworty and his exploits on *Wikipedia*? The rights issues in this case might actually be somewhat clearer than the previous cases because we already have extant legislation

prohibiting libel—which would seem to cover at least a percentage of Qworty's activities. But even in cases where Young's actions fall short of outright libel, there are still principles at work via which we might derive the infringement of certain political rights. Take, for example, Young's editing of articles relating to Amanda Filipacchi's criticism of the American Novelists *Wikipedia* entry, the activity that led to his eventual unmasking. Young was caught making unflattering edits to content relating to Filipacchi, and her work, in order to discredit her opinions. This might fall short of legal standards for slander or libel, but it certainly conflicts with widely held standards of appropriate behavior; and Filipacchi would be well justified in saying that certain rights to reputational integrity were violated as a result.

We can carry this rights analysis far beyond the confines of the non-hypothetical examples about which we have already discussed as well. The treatment of women in online gaming violates principles about equal treatment and equal access, as does the casual attitude toward racially insensitive language in online environments like *4chan*. The generally abrasive and demeaning tenor of many online conversations is violative of common principles relating to dignity and respect. Practices like so-called "revenge porn," where ex-lovers post explicit photographs that were taken during a relationship, after an unpleasant breakup, in order to get revenge on their former partners, violate principles of privacy, trust, and sexual autonomy. And the list goes on at length.

Harassment online violates principles of dignity and safe passage—and also frequently leads to the development of environments which lack respect for principles of equality. To understand how this is so, I think it is important to consider that the internet is a fundamentally public space. There exist, of course, certain contexts in which this is not true—online banking, email, etc.—the sort of online spaces hidden behind passwords and encryption. However, by and

large, most online spaces function far more similarly to the public square than the bedroom, even if the content under discussion would be more likely to be discussed behind closed doors in an offline context. We hold certain standards for how people should be treated in public spaces. Two of which are that people are entitled to a certain amount of dignity when in public, and that individuals have a right to move through public spaces without being harmed. Harassment works against both of these, online and off. It serves to make spaces unwelcoming and uncomfortable, even hurtful, and it embarrasses and demeans the harassed in front of others.[99]

So in the absence of stated policies, we can utilize Dworkin's rights thesis to locate rights online couched within principles that are widely accepted under American political theory. What these rights demand of us, then, are that we should take steps to ensure that they are preserved before we can begin looking at setting other broad social policies, and striving for certain consequential ends. What makes this process most difficult, however, is that in most online contexts, these rights do not stand alone. Rather, they conflict with another widely held principle, and another right: the right to freedom of expression.

Rights vs. Rights

Few rights and principles are as sacred to American political theory as the right to freedom of expression. Guaranteed explicitly to every citizen, in the United States Constitution, by the First Amendment, the right to freedom of expression is of unparalleled importance to American life and American dedication to the principle is omnipresent—from the schoolyard to

[99] Graslie, Emily. "Where My Ladies At?" *YouTube*. YouTube, 27 Nov. 2013. Web. 02 Dec. 2013. <https://www.youtube.com/watch?v=yRNt7ZLY0Kc>. For a recent example, see this video by popular museum science YouTube personality Emily Graslie speaking about the anonymous comments posted to science content produced on YouTube, by women, and the ways in which such comments contribute to discomfort and discouragement.

the boardroom. As mentioned earlier, it is, in fact, critical to a functioning democracy that its citizenry be allowed to express themselves, and American democracy is no exception.

Freedom of expression, though very important, is not so sacred as to trump and trample all other rights claims without qualification, however; and there are plenty of examples in both law and social practice that show this to be the case. One of the most oft-cited examples of an instance where we allow another right to supersede the right to freedom of expression is that you do not have the right to shout "fire!" in a crowded theater if there is no actual fire. The resulting panic can be dangerous, and we hold that the public's right to safety in public spaces is more important than the individual right to expression. Other easy examples are obscenity laws that prohibit the production of materials deemed to have no expressive value, and restrictions on the handling of classified information that might compromise American interests.

Accordingly, practically every sort of online interaction *constitutes* some form of expression, and this fact means that, at least in the American context, the principle of freedom of expression carries some sort of relevance to essentially all online communication. Though, in policy, freedom of expression is protected only from infringement by government interests, there remains a great deal of apprehension to restrict freedom of expression among private entities as well—especially online. "Free speech" is a principle that is frequently cited in defense of broad-based policies of content tolerance by popular websites. *Reddit*, for example, likes to refer to itself as a "free speech place," and does so explicitly in its rule against the posting of personal information.[100] The free speech defense was also used in the media by *reddit* co-founder Alexis

[100] "Rules of Reddit." *Reddit.com: Rules of Reddit*. *Reddit.com*, n.d. Web. 02 Dec. 2013. <http://www.*reddit.com*/rules>.

Ohanian, when defending *reddit*'s decision to permit controversial content following the 2012 controversies surrounding Micahel Brutsch, /r/jailbait, and /r/creepshots.[101]

Any attempt to argue that the speech and activities of individuals online are violating individual rights thus creates a conflict between two sets of rights: the right to freedom of expression on one hand, and whatever political right is said to be violated on the other.

Resolving competition between rights can be a complex process. Dworkin calls these sorts of conflicts "hard cases," and, as a legal theorist, says a great deal about how this process should work, on his view, in a functioning judiciary. In law, Dworkin says that conflicting legal principles must be set against one another, by a judge, who makes a decision by weighing the two conflicting principles against one another and making a decision justified within the limits of the institution within which the judge operates.[102] In short, Dworkin looks to an arbiter to solve rights-based conflicts, someone who will develop and apply a theory of justification for making a legal decision based upon attributes such as morality, legal principles, political principles, and court precedent. It is a judge's *duty*, for Dworkin, to find the underlying principles, behind legal rules, which can lead him or her to the just decision.

Sadly, there exists no Supreme Court of the Internet—at least not yet. And, as a result, we lack access to the same sort of arbiter upon which Dworkin hangs his theory for about the settling of conflicts between legal rights. But the fact still stands that there is no magic bullet—there is no simple solution to these online rights-based conflicts. Someone must ultimately be relied upon to make these decisions, but who?

---

[101] Stern, Joanna. "Reddit Co-Founder Defends Site and Internet Freedom of Speech." *ABC News*. ABC News Network, 1 Nov. 2012. Web. 02 Dec. 2013. <http://abcnews.go.com/blogs/technology/2012/11/reddit-co-founder-defends-site-and-internet-freedom-of-speech/>.

[102] Dworkin, Ronald. *Taking Rights Seriously*. Cambridge. Mass.: Harvard UP, 1978. 101. Print.

To some extent, I want to argue that site administrators need to make these decisions—at least under the anonymity heavy environment we presently have—and I believe that Dworkin's rights thesis provides them with a relatively straightforward mechanism via which they might do so. Administration, in these cases, needs to function as the judge and discard policy when it is not served by the underlying political principles which might ordinarily be used to justify the policy's existence. I would argue that this means that if a site has a policy to embrace freedom of expression, but there are cases where that freedom of expression conflicts with another individual's right to safety, the administration needs to weigh the value of expression against the value of safety and determine which right is more important. However, I will also concede that site administrators are not judges, and many would likely feel as though case by case moral evaluations of policy and principle questions lies significantly outside their area of expertise—making this arrangement less than ideal. But if not the administrators of these sites, then who? Simply ignoring the problem is, I believe, impossible—at least if we are committed to moral objectives. We have to find a way to respect the rights claims of individuals online, even in the absence of some sort of apparent judicial authority.

Anonymity and Rights

This realization brings us to a point where I feel as though a reconsideration of anonymity has a substantial amount to offer the resolution of these rights issues in our online communities. A reduction of the level of anonymity in our online environments provides somewhat of a third way—and it could potentially attack the problematic conditions of our online environments from several different directions.

The reason that I believe that anonymity reductions provide an easier alternative to the direct resolution of our rights conflicts by site administrators is really fairly simple: anonymity is not a right, it's a policy. Online anonymity does not derive its pervasive presence in the online world from any common principle that would lead us to accept that individuals have a *right* to be anonymous on the internet. It is, rather, intended to further the consequentialist goal of encouraging certain sorts of beneficial speech. This means that when the presence of anonymity conflicts with certain rights claims, it automatically loses because rights claims must be satisfied before the policy goals which anonymity advances can be addressed.

What this might mean immediately for site administrators is that they would no longer have the burden of making a decision between the right to self-expression, and some other rights claim against which self-expression must be weighed. Loss of anonymity in many contexts would be unlikely to affect the right to individual self-expression at all—speakers would remain as free as they are now to speak in whatever manner they might choose. Rather, what would change is that, with some sort of more permanent identity attached to online speech, individuals would be identifiable and accountable for their speech. This has the added benefit of, thus, shifting the burden of rights based evaluation back to the institutional judicial system, as opposed to site administration. If my rights are being infringed by another person, and I know who that person is, I have recourse for their infringement. In the case of political rights violations, I could at least hold them accountable to public opinion and social consequences, and, in the case of legal rights violations, legal jurisdictions already exist in which I might pursue justice.

While there are, admittedly, some contexts in which anonymity should remain in our online environments—contexts in which no rights are being violated and the consequential benefits which anonymity serves are strong enough to win a utilitarian analysis against policies

which might be served by less fluid identities—these contexts are in the minority. Even where these contexts might exist, they would still mandate a more active editorial involvement on the part of the creators and administrators of our online spaces. Rights claims must still be able to be addressed, and that will require intervention in cases where they are being violated. *The New York Times* might be well-served by anonymity, but it needs to be sure that it isn't being used as a platform for harassment as was *The Cleveland Plain Dealer*.

The particularly salient point here is this: in order for rights claims to be addressed there has to be some sort of identity to which we can attach blame for the violation of rights. Try to imagine the conditions created by online anonymity in any other context. Imagine, for example, a hypothetical anonymous workplace where a man is being racially harassed by a superior who he does not know, and is unable to discover the identity of. Or imagine an entirely anonymous college where a young woman is demanded sexual favors in exchange for a passing grade by a professor who has come to class every day in a bear suit and who has only gone by the pseudonym, "Azeleon." If we presume that the other contextual conditions are exactly as they are online, the consequences quickly become absurd. If "Azeleon" trades in the bear suit for a cat suit and shows up the following day calling himself "Meepster101," he is pretty much off the hook—imagine also that every other professor at the school also wore animal costumes and went by false names. No sense of enduring identity remains by which the young woman whose rights have been violated might confront the perpetrator and seek amelioration.

Of course, the above scenarios are fictional. In our offline lives we most frequently have access to some level of identity. Crimes are still perpetrated under conditions of anonymity, but the perpetrators have to go out of their way to keep themselves anonymous—the default status of our offline environments does not take care of that for them. Nevertheless, we still typically have

access to identity in our offline lives in ways that are extraordinarily rare online, and, as a result, we can seek to address rights claims in offline environments far more easily. Some enduring identity knowledge is generally necessary for rights to be meaningful, and certain rights claims are impossible to address under conditions of anonymity.

Even setting aside all of the above though, there is still a way in which anonymity might contribute to rights violations that could perhaps be solved by making the decision to eliminate (or at least reduce) it from many of our online environments. To the extent that we place our faith in sociological and psychological work from scholars such as Suler and Aboujaoude, we might believe that anonymity itself is a significant contributing factor to many individual's decisions to violate the rights of other in the first place. If there really is a disinhibiting effect to anonymity, and if anonymity, as a fundamental characteristic of our online environments, really does contribute to negative personality characteristics such as narcissism and impulsivity, then simply removing it from the equation could do a lot of work with respect to the preservation of rights online.

We might also ask ourselves: what, really, is at stake in this decision for most online contexts? *Reddit* is an interesting platform for discussion, sure, but does anonymity make any meaningful contribution to the discussion of the latest videos games, movies, or funny animal pictures? I can think of a few subreddits which might benefit from anonymous posting—communities which address issues relating to mental and physical health issues, for example, or even some adult communities where individuals post nude self-photographs and similar content. But these communities are in the minority, floating in a sea of college football and comic book discussion. They are such a small minority that I would argue that they could, in fact, simply apply for case-by-case anonymity exemptions without creating an unmanageable workload for

the site-runners, and further, the decision to grant anonymity or not would essentially become a policy decision. And this is true, I would argue, for the majority of the internet. Anonymity, despite its prevalence, is contributing very little to the conversation in most online communities.

So the ultimate points about anonymity and rights are these: If we can accept Dworkin's thesis that political rights can be derived from social principle, then there are cases which seem to present a compelling case for the existence of certain rights in online environments. One of the largest problems related to online environments is that, due to the nature of the medium itself, rights claims almost always conflict with a right to free self-expression. Ordinarily these rights conflicts would be resolved by a judge who would look to the principles that underlie legal rights, weigh them against one another, and make a decision about which right takes precedence in each case. However, no such authority exists for the online world, and, even if it did, widespread anonymity would make that authority's job extremely difficult, if not impossible. One solution, then, which might do a significant amount of work toward solving these problems, is to simply reduce the amount of anonymity available to individuals online. This solution would likely directly address some of the contributing factors related to rights violations in online environments, provide realistic avenues for addressing rights violations where there presently are none, and relieve site-runners of the obligation to make difficult rights decisions by shifting that responsibility back to extant legal and political jurisdictions, where it belongs.

Chapter 5 – Forward Progress

This thesis has become, completely inadvertently, more timely and relevant than I had dared hope when I started researching and writing it. Over the course of the last year, a more active debate over the value of online anonymity has erupted in our political discourse—fueled by discussion surrounding the recent NSA domestic spying scandal, and a general awakening to the harms associated with online life. We have seen, within the last month or two, at the time of this writing, an article in *The New Yorker*,[103] an article in *The Guardian*,[104] and a cover story for *NewScientist* magazine.[105] Dave Maass, of the Electronic Frontier Foundation penned a response, a little over a month ago,[106] responding to *Slate* magazine editor Emily Bazelon's claims that online anonymity is overvalued.[107] Further, in September, *Popular Science* became one of the latest major sites to disable anonymous commenting (by eliminating comments entirely)[108]—a decision met, perhaps unsurprisingly, with much controversy.[109] And it only seems as if more commentary gets added to this already healthy discourse every week. I have argued, all along, that what I aim to accomplish with this thesis is a stimulation of healthy debate on the subject of online anonymity, and a greater public awareness of the fact that there are legitimate troubles

---

[103] Konnikova, Maria. "The Psychology of Online Comments." *The New Yorker*. The New Yorker, 24 Oct. 2013. Web. 30 Nov. 2013. <http://www.newyorker.com/online/blogs/elements/2013/10/the-psychology-of-online-comments.html>.

[104] Caplan, Steve. "Online Comments: When Anonymity Becomes Cowardice." *Theguardian.com*. Guardian News and Media, 08 Oct. 2013. Web. 02 Dec. 2013. <http://www.theguardian.com/science/occams-corner/2013/oct/08/online-comments-anonymity-cowardice>.

[105] Baraniuk, Chris. "The End of Anonymity: A Way to Stop Online Abuse?" *NewScientist* 26 Oct. 2013: 34-37. Print.

[106] Maass, Dave. "Online Anonymity Is Not Only for Trolls and Political Dissidents." *Electronic Frontier Foundation*. Electronic Frontier Foundation, 29 Oct. 2013. Web. 02 Dec. 2013. <https://www.eff.org/deeplinks/2013/10/online-anonymity-not-only-trolls-and-political-dissidents>.

[107] Bazelon, Emily, John Dickerson, and David Plotz. "The Healthcare.bomb Edition." Interview. Audio blog post. *Political Gabfest*. Slate Magazine, 28 Oct. 2013. Web. 2 Dec. 2013. <http://www.slate.com/articles/podcasts/gabfest/2013/10/slate_political_gabfest_transcript_dickerson_bazelon_and_plotz_talk_about.html>.

[108] LaBarre, Suzanne. "Why We're Shutting Off Our Comments." *Popular Science*. Popular Science, 24 Sept. 2013. Web. 02 Dec. 2013. <http://www.popsci.com/science/article/2013-09/why-were-shutting-our-comments>.

[109] Shanahan, Marie-Claire. "Opinion: Popular Science Is Wrong to Get Rid of Online Comments." *Phys.org*. Phys.org, 30 Sept. 2013. Web. 02 Dec. 2013. <http://phys.org/news/2013-09-opinion-popular-science-wrong-online.html>.

brought about by anonymity's ubiquitous implementation in our present online environments. When I began writing this paper these were both topics rarely broached, and pausing, as I now conclude it, it occurs to me that the debate over the purpose and value of online anonymity has never been hotter.

I am unsurprised, though, at the fact that this issue has taken on new saliency of late. The truth is that this is a debate with an outcome that really matters. Our online spaces are presently hurting us—collectively—and *something* needs to be done about it. I hope, then, that this thesis remains able to at least provide some fresh thinking to further stimulate this budding public conversation.

Our online spaces have never been more important, and they are unlikely to be as important, today, as they are soon going to become. As I have stressed throughout this essay, more and more of our lives move in to online spaces every day. We are now doing things online that are every bit as impactful as the things we do off—online activities which have the same impact on our lives as even the most fundamentally protected activities in offline contexts. We are working online, we are learning online, and we are even meeting one another and forming families as a result of online interaction. It is no longer reasonable to draw some artificial distinction between our so-called "real" lives and the lives we live online—they are one and the same—and everyone deserves the chance to participate in these contexts on an equal footing.

Anonymity's omnipresence in the online world is doing a significant amount of harm, however, to these environments. Even further, much of that harm is of a kind that we have already established, politically, that we want to expunge from our offline lives. We see online problems of racism, sexism, harassment, fraud, discrimination, slander and libel…the list is long. It is difficult to imagine, if the sort of harm being done to individuals in our online spaces is so

similar to harms that we have already decided to protect ourselves against in our offline spaces, why we would ignore the causes of these harms online, and act as if these problems are not worth addressing in an online context as well. It might not be fair to claim that *all* of these problems are facilitated by online anonymity, but many of them certainly are; and making the argument that anonymity should be curtailed in certain situations in order to address these problems does not mean that an individual is anti-anonymity or anti-speech in any meaningful way. The opinions that anonymity is a valuable tool for certain speakers and certain sorts of speech, and that anonymity can be harmful to worthwhile attempts to protect the vulnerable, can both be held by a single individual without contradiction. I believe that the problems spawned by online anonymity are not only fixable, but *worth* fixing, and I also believe, further, that we have a social and moral *obligation* to fix them because individuals have infringed rights claims that demand that we do.

It is clear, I believe, that anonymity loses the utilitarian greater good analysis in a great number of cases when it is set against the amount of disutility that it creates. I also believe that it is clear that utility-based rules that promote anonymity are being applied unintelligently even in cases where they clearly fail—thereby causing further harm. It would appear to be the case, in many circumstances, at least, that anonymity facilities disinhibited behaviors that work against the very classes and individuals that it is commonly believed to provide the greatest amount of utility for. Though, again, I cannot (nor do I desire to) prove that anonymity might lose the greater good analysis in *all* cases, I do argue that the fact that it loses this analysis in many cases should give us ample reason to more cautiously approach anonymity when others hold it as a general good.

Additionally, I believe that a rights perspective makes anonymity look even more suspect. The principled political rights of individuals are being violated as a result of the environment facilitated by omnipresent anonymity. Perhaps even worse, there are a great number of cases where anonymity simply makes the enforcement of rights essentially impossible, because, without access to any enduring concept of identity, there is simply no avenue for individuals whose rights have been violated to seek restitution. There might be a wealth of potential policy positions that anonymity advances—a number of which we find on the excellent list provided by the EFF's David Maass in the abovementioned response to Slate magazine.[110] However, if the rights of others are being trampled by anonymity's widespread application, those rights claims must be satisfied before we can turn to address the desired policy goals which it supports. And, furthermore, not all policy and utility claims are equal—I would argue that the needs of, "the business that wants [anonymity in order to obtain] no-pulled-punches feedback from its customers," as Maass suggests, does not trump the disutility experienced by a racial minority in a racially charged, disinhibited online environment, for example.

Anonymity undeniably has a great deal of value, and there are contexts in which its use is indispensable. The list of circumstances where anonymity brings in a great deal of utility to online environments is lengthy, and I don't think that many would deny that it is. Nonetheless, the problem remains that anonymity is presently overemphasized, over-defended, and over-applied. Even if we concede validity to the arguments of proponents like Maass—that anonymity is important in contexts such as forums for the discussion of medical issues, or sexuality—the fact still remains that most online forums are *not* based on those discussions, and yet we grant

[110] Maass, Dave. "Online Anonymity Is Not Only for Trolls and Political Dissidents." *Electronic Frontier Foundation*. Electronic Frontier Foundation, 29 Oct. 2013. Web. 02 Dec. 2013. <https://www.eff.org/deeplinks/2013/10/online-anonymity-not-only-trolls-and-political-dissidents>.

online anonymity without reservation almost universally regardless. Admitting that there exist contexts in which anonymity has enough value to warrant its presence does not negate the fact that there still exist many circumstances where it does not. What this requires is not an adherence to the status quo, but rather, a more careful case-by-case consideration of the contexts in which anonymity is applied.

As we move forward with the development of our increasingly important online world, then, our obligation is this: we need to give careful consideration to the fact that anonymity is, in many cases, as harmful as it is valuable. We cannot ignore the fact that anonymity contributes not only to environments that are unpleasant, but also to environments that are downright harmful to particular individuals and classes in significant ways. We need to stop treating anonymity as an unquestionable, foregone characteristic of our online environments, and work to ensure that anonymous communication is only granted in the cases where it is demonstrably needed. In short: if we want the internet to fulfill its long-implicit promise of being the great cross-cultural unifier and platform for equality that it has long been heralded as, then it is time for it to collectively grow up, recognize that some of the freedoms granted by anonymity are simply selfish and hurtful to those who we often think we're protecting, and set some of those superficial freedoms aside for the sake of building more moral, more just, and more equal communities.