

Real Space and Real People: *Hate Crimes in Cyberspace*

Review of: *Hate Crimes in Cyberspace*

Danielle Keats Citron

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“Cyber harassment advocates must disprove the notion that cyberspace is exempt from real-space norms, much as activists in the past had to convince the public that workplaces and homes had the same rules as the rest of society.” (p. 102)

The digital revolution of this generation has sparked significant opportunity for individuals and groups, but has also generated concern regarding some of the content that exists on the Internet today. During the summer of 2014, the ALS Ice Bucket Challenge, a social-media powered video challenge meant to bring awareness to ALS, dominated news feeds and essentially formed a community that people were eager to join.¹ On August 29, 2014, the ALS Association announced that donations related to the ALS Ice Bucket Challenge had reached over \$100 million, a mammoth increase from the \$2.8 million that was raised in the same period in 2013.² This success highlighting the beneficial aspects of the Internet is contrasted by the recent unauthorized release of numerous female celebrities’ nude photos that subsequently triggered an intense debate about privacy.³ The Internet’s positive and negative influence is exceedingly relevant in today’s society, but the law has yet to catch up with the constantly evolving digital age. The world of cyberspace has mystified the legal regime when it comes to dealing with

¹ Dan Diamond, *The ALS Ice Bucket Challenge Has Raised \$100 Million – And Counting*, FORBES (August 29, 2014), available at <http://www.forbes.com/sites/dandiamond/2014/08/29/the-als-ice-bucket-challenge-has-raised-100m-but-its-finally-cooling-off/>.

² See *id.*

³ Alan Duke, *5 Things to know about the celebrity nude photo hacking scandal*, CNN (September 4, 2014), available at <http://www.cnn.com/2014/09/02/showbiz/hacked-nude-photos-five-things/>.

cyber harassment and cyber stalking, but Danielle Keats Citron's *Hate Crimes in Cyberspace* takes the issue head on and provides reasonable reforms that would help to prosecute these types of crimes.⁴ Citron acknowledges the benefits of the Internet, but her main focus is centered on a discussion regarding the effects of cyber harassment on victims and how the law can govern behavior on the Internet and provide remedies for those who are targeted by harmful online conduct.⁵

Danielle Keats Citron is the Louis K. Macht Research Professor of Law at the University of Maryland Francis King Carey School of Law.⁶ Citron has written for several law reviews, including *California Law Review*, *Michigan Law Review*, and *Boston University Law Review*.⁷ Her opinion pieces have been featured in the *New York Times* and CNN.⁸ Along with her accomplishments as a professor and writer, Citron has also established herself as an adviser and board director for various projects, including the American Law Institute's Restatement Third, *Information Privacy Principles Project* and the Cyber Civil Rights Initiative.⁹

The book is divided into two parts with a total of nine chapters. Part one includes three chapters, which provide the context surrounding Citron's later arguments about reforming laws to encompass cyber harassment and cyber stalking. In the first chapter, Citron brings the issues to life by introducing the experiences of real-life people whose lives were drastically affected by cyber harassment, cyber stalking, and revenge porn.¹⁰ Posts containing public information, sexual threats, and blatant lies destroyed reputations of innocent victims and blemished their

⁴ Danielle Keats Citron, *HATE CRIMES IN CYBERSPACE* (Harvard University Press 2014).

⁵ *See id.*

⁶ DANIELLE CITRON, <http://www.law.umaryland.edu/faculty/profiles/faculty.html?facultynum=028>.

⁷ *See id.*

⁸ *See id.*

⁹ *See id.*

¹⁰ *See* Citron, *supra* note 4, at 35.

futures in the job market.¹¹ Citron discusses how these individuals received no help from law enforcement, even though the hateful, threatening, and frightening comments continued, whether the victims stayed silent or sought to fight back.¹² Chapter two explores the concept of anonymity on the Internet and how it may actually allow people to act more destructively based on the assumption that their behavior is not traceable.¹³ Chapter three ties in the negative social attitudes felt towards victims of cyber harassment.¹⁴ There is a tendency to blame the victims for their predicaments and thus cyber harassment is not seen as a high priority in the eyes of law enforcement.¹⁵ Citron makes a sharp analogy that society's willingness to blame the victim for cyber harassment is the same attitudes that were expressed towards sexually harassed employees and battered wives.¹⁶

Part two delves into what can be done to remedy the current outlook on cyber harassment through the law, as well as the public. In chapter four, Citron provides the historical background of domestic violence and sexual harassment and compares both issues to the way cyber harassment is viewed within the judicial system and society.¹⁷ She explains that the first step in bringing more awareness to cyber harassment is to change how the public views online abuse.¹⁸ However, Citron concedes that sometimes even with public support of the victims, harassers still overpower and continue the abuse.¹⁹ This concern fluidly leads into chapter five, which explores

¹¹ See Citron, *supra* note 4, at 35.

¹² See Citron, *supra* note 4, at 46-47.

¹³ See Citron, *supra* note 4, at 58-59.

¹⁴ See Citron, *supra* note 4, at 74-75.

¹⁵ See Citron, *supra* note 4, at 77-78.

¹⁶ See Citron, *supra* note 4, at 80-83.

¹⁷ See Citron, *supra* note 4, at 100.

¹⁸ See Citron, *supra* note 4, at 100.

¹⁹ See Citron, *supra* note 4, at 113-18.

the law's position on cyber harassment and the victims' opportunities for justice.²⁰ Although victims can sue their abusers under tort and copyright law, there is less opportunity and less success dealing with the use of civil rights law to take on harassers.²¹ Citron also expresses that the possibility of criminal sanctions could prove to be a deterrent to potential offenders considering whether or not to participate in cyber harassment.²²

Chapter six furthers Citron's analysis concerning how the law can be updated so that cyber harassment victims have legal remedies available to them and so that perpetrators are more accountable for their behavior.²³ She suggests that criminally, cyber harassment and stalking laws should be reformed to "reach the totality of the abuse" and revenge porn should be illegal.²⁴ In terms of civil rights, states should punish online harassers who interfere with one's right to employment, education, and self-expression due to group bias based on the victim's gender or sexual orientation.²⁵ Citron discusses the challenges that accompany reforms for cyber harassment, but still provides proposals that Congress can use when it decides to embrace the need to update the law surrounding this subject.²⁶

Chapter seven deals with legal reform that will make site operators and employees more accountable for their actions on the Internet.²⁷ Citron provides a history of law that deals with protection or liability of site operators with regards to defamatory content on their websites.²⁸ She then provides proposals meant to find the balance between the needs of the victims and the

²⁰ See Citron, *supra* note 4, at 120-23.

²¹ See Citron, *supra* note 4, at 121-23.

²² See Citron, *supra* note 4, at 129.

²³ See Citron, *supra* note 4, at 142.

²⁴ See Citron, *supra* note 4, at 142.

²⁵ See Citron, *supra* note 4, at 155.

²⁶ See Citron, *supra* note 4, at 157.

²⁷ See Citron, *supra* note 4, at 167.

²⁸ See Citron, *supra* note 4, at 168-75.

freedom of the Internet.²⁹ In chapter eight, Citron recognizes First Amendment challenges to regulating online speech.³⁰ She distinguishes threatening, hateful speech from that which enhances self-government and cultural interaction.³¹ Finally, in chapter nine, Citron discusses how those in society, including schools and parents, can help improve the cyber world.³² She urges the reader of the importance of becoming a responsible “digital citizen.”³³

In *Hate Crimes in Cyberspace*, Danielle Keats Citron attempts to bring cyber harassment and cyber stalking to the forefront of the legal agenda by providing reforms that will allow the judicial system to help victims seek relief for their experiences and potentially deter perpetrators from engaging in cyber harassment. Citron immediately grabs the reader’s attention by providing the true accounts of women who were victims of cyber harassment, cyber stalking, and revenge porn. Rather than diving into legalese that would surely confuse the average reader, Citron makes the problem of cyber harassment relatable, thus creating a book that could be read by anyone. The format of the book creates logical transitions for each chapter building off the previous. By the time the reader gets to the chapters that deal with Citron’s proposals for reforms, he or she has already read a thorough a systematic discussion of cyber harassment’s societal impact and history. When Citron expresses her own ideas of how to strengthen this area of law, she not only proposes well-developed reforms, but also intelligently notes the weaknesses in her arguments. Conceding about certain aspects of her amendments demonstrates that Citron does not believe her proposals would be the only successful reforms. She simply provides

²⁹ See Citron, *supra* note 4, at 175-85.

³⁰ See Citron, *supra* note 4, at 190-91.

³¹ See Citron, *supra* note 4, at 194-95.

³² See Citron, *supra* note 4, at 226-27.

³³ See Citron, *supra* note 4, at 249-50.

realistic changes that are available for the legal field to embrace and use to improve the judicial system and behavior on the Internet.

Overall, *Hate Crimes in Cyberspace* is an eye-opening book that alerts the reader of the troublesome problems of cyber harassment, cyber stalking, and revenge porn. Citron's proposals allow the reader to understand that cyber issues can be addressed and improved with the help of law enforcement, the judicial system, and the public. Citron's work is not only enjoyable to read, but is also very informative and persuasive. *Hate Crimes in Cyberspace* is a fundamental read for anyone who has a computer and uses the Internet. Cyber harassment, cyber stalking, and revenge porn may have been on the backburner, but Citron opens the door for attorneys, judges, and legislature to understand the harsh realities of the cyber world and create reforms that will permit victims the opportunity to receive the justice they deserve.