

Code and Other Laws of Cyberspace

Written By Lawrence Lessig

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Every now and again an author writes a book that inspires its readers to think critically about a particular issue. Lawrence Lessig's *Code and Other Laws of Cyberspace* provokes its reader to think about the future of the Internet with a responsive and discerning mind. Lessig does not attempt to convince the reader how the Internet will or even should be (although he certainly offers his opinion). Rather, Lessig explores how the Internet could be. He examines those possibilities by using hypothetical situations that he analogizes to real life (or non-cyberspace) circumstances. Lessig makes clear that although the Internet is growing at an incredible pace, it is still young and impressionable. He tries to dispel the myth that the Internet is either unregulable or that it is better left unregulated. Instead, Lessig argues that the Internet can and should be controlled and that the most important question is how it should be controlled.

Lessig contends that there are four ways in which Internet activities (and non-Internet activities) can be regulated: (1) the law, (2) social norms, (3) the market, and (4) the architecture. On the first level, one of the most evident ways to regulate activities on the Internet is to pass a law banning those activities that are considered undesirable. At the second level, social norms regulate the Internet. For example, "spamming" is generally an activity that is frowned upon. There may not be a law against it, but people usually do not appreciate getting "spam" and often times there are policies prohibiting it. Third, the market regulates the Internet. Many activities do not survive on the Internet simply because there is no market for them. On the other hand, some activities are especially suited for the Internet and therefore thrive. Lastly, the architecture of the Internet will affect how the Internet is regulated. For example, certain types of architectures may allow a person to track another user's activities, to collect private information,

or to verify that a person is who he says he is. The architecture is a sort of built in regulator. The creator decides what he wants to do and how he wants to do it and the architecture provides him with a means to accomplish his goal.

Lessig next looks at how each of these four restraints or pressures can regulate specific activities on the Internet. He scrutinizes how the restraints could affect intellectual property, privacy, and free speech. Lessig urges that there must be a balance between control and no control at all. He asks:

“How much control should we allow over information, and by whom should this control be exercised? There is a battle between code that protects intellectual property and fair use; there is a battle between code that might make a market for privacy and the right to report facts about individuals regardless of that market; there is a battle between code that enables perfect filtering and architectures that ensure some messiness about who gets what.” (p. 186).

Although Lessig unambiguously conveys his opinion about how each of these struggles should be resolved, he is careful to point out that it is not important that people agree with him, only that they think about balancing these issues.

The importance of Code And Other Laws of Cyberspace lies in the fact that it truly inspires the reader to think about one of the most pervasive and important creations to date. The Internet affects businesses, government, and private citizens alike. Through this book, Lessig has at least begun to work through some of the challenges that regulating the Internet poses. He dispels the notion that regulation is impossible and undesirable and invokes the idea that the Internet can be as secure or as open as we choose to make it.