

Where is Cyberspace?

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Internet Law

Fall 2007

Class 3

A Bit of Trivia



The Long Lines Building, 33 Thomas St.

Where We Are

- Introduction
- Part I: Public Law
 - Jurisdiction
 - Free Speech
 - Intermediaries
 - Privacy
- Part II: Private Law

Where We Are (zoomed in)

- Jurisdiction
 - Where is Cyberspace?
 - No Government?
 - Which Government?
 - Jurisdiction over Persons, Actions, and Things

Is cyberspace a place?

The Argument

“Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. . . . You are not welcome among us. You have no sovereignty where we gather.”

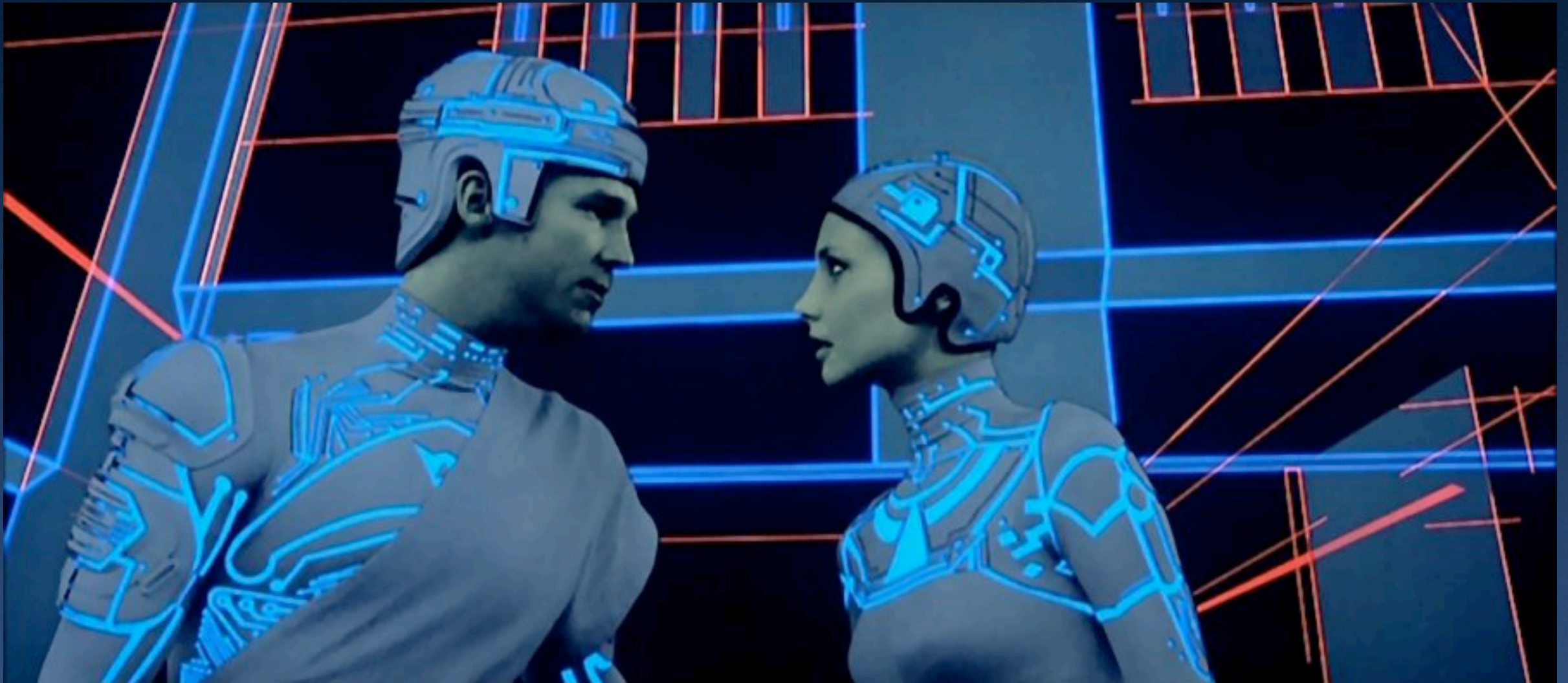
—John Perry Barlow

The Argument

“I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. . . . Cyberspace does not lie within your borders. . . .”

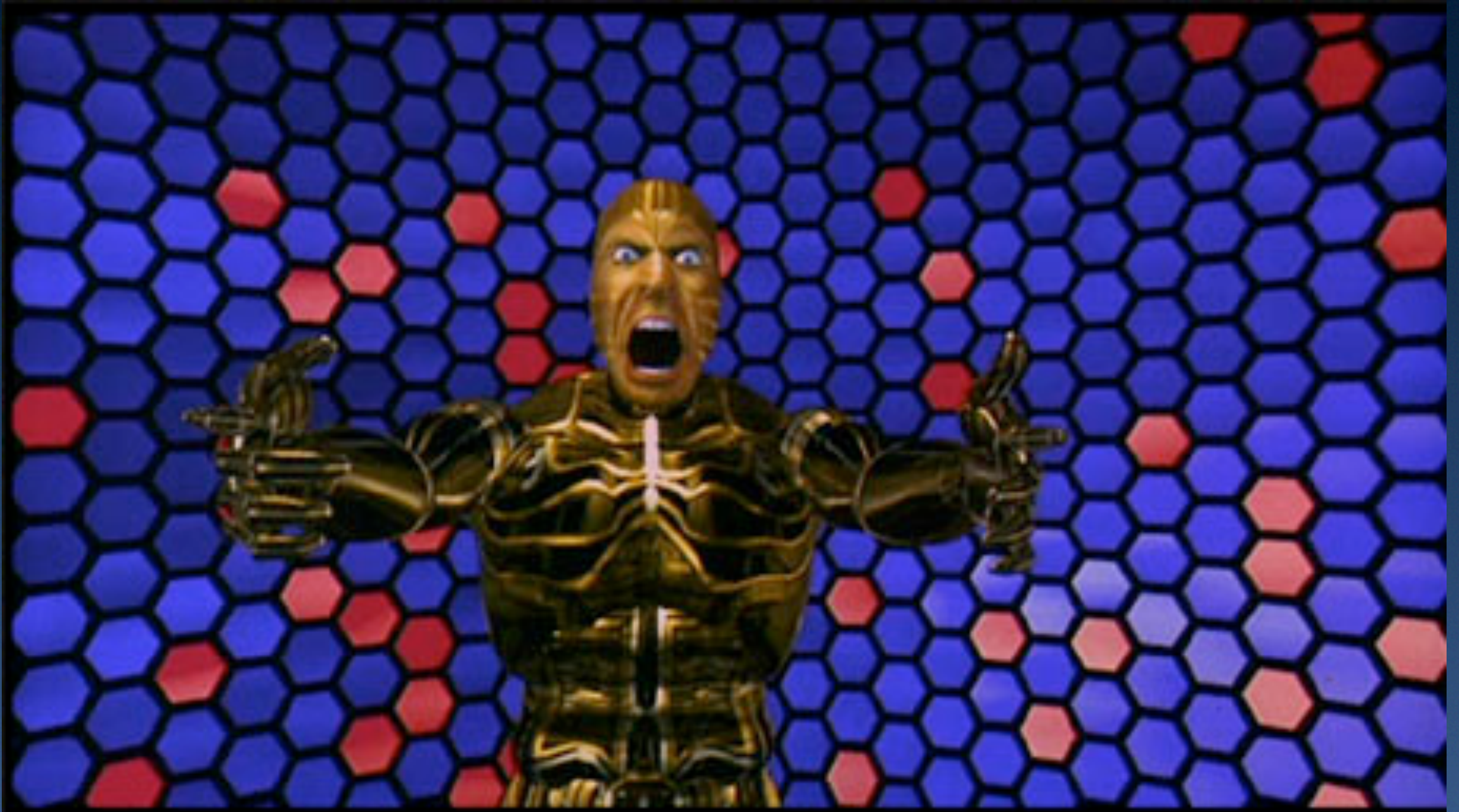
—John Perry Barlow

The Argument



Tron (1982)

The Argument



The Lawnmower Man (1992)



The Matrix Trilogy (1999–2003)

The Argument

“They were wild dogs now, large enough so as not likely to be bothered, small enough to be mistaken for the amateur users Mr. Slippery followed Erythrina down narrow paths, deeper and deeper into the swamp that represented commercial and government data space.”

—Vernor Vinge, *True Names* (1981)

The Argument

“A consensual hallucination
experienced daily by billions
Unthinkable complexity. Lines of light
ranged in the nonspace of the mind,
clusters and constellations of data.
Like city lights, receding. ”

—William Gibson, *Neuromancer* (1984)

The Argument

“Hiro is approaching the Street. It is the Broadway, the Champs Élysées of the Metaverse. It is the brilliantly lit boulevard that can be seen, miniaturized and backward, reflected in the lens of his goggles. It does not really exist. But right now, millions of people are walking up and down it.”

—Neal Stephenson, *Snow Crash* (1992)



Second Life (2003)

Gromez

60

Desolace

N

Gromez

835 600 30/40 No Upkeep

Menu Allies Quests Chat

Shaman

Armor: 0 Speed: Average
Damage: 4-6 Range: 60

WARCRAFT

I challenge you to the battlegrounds!



Private Meles
Level 60 Human Paladin (Player)

Type '/help' for a listing of a few commands.
Type '/help' for a listing of a few commands.
You raise your fist in anger.
Meles points over yonder.
Meles points over yonder.
[Gromez] says: I challenge you to the battlegrounds!

World of Warcraft (2004)

Game action bar with icons for abilities and items.


The power of the spatial metaphor

- Hunter: people think in terms of places
- William Mitchell, *City of Bits* (1995):
“*This* will be the place for a global village.”
- There’s a reason Lessig calls computer software “architecture”

So is it a place?

Multiple Perspectives

- Kerr: Internal and External
 - Last time we discussed . . . ?
 - “Cyberspace” implies . . . ?
- Which is right?
 - Lessig: “dual presence”
 - So obvious, it’s easy to forget

The background of the image is a green-tinted photograph of a forest path. The path is made of dirt and leads towards a large, leafy tree in the distance. The trees on either side of the path are also green, and the overall scene is bathed in a vibrant green light. The text is overlaid on this background.

There
is no
spoon.

Some actual law

for a change

Voyeur Dorm (pp. 66–68)

Tampa City Code § 27-523:

“Any premises . . . on which is offered to members of the public . . . entertainment featuring or in any way including specified sexual activities . . . or depicting specified anatomical areas.”

Does it apply to *Voyeur Dorm*?

Lessons Learned

- The spatial metaphor is powerful . . .
 - . . . but not conclusive
- There is no spoon
- Cyberspacess, not cyberspace
- Pay attention to the communities
- Today's themes: (2) with hints of (1) & (4)

Next time

Could the Internet declare independence? Should it?