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Book Review of Hate Crimes in Cyberspace

Debarati Halder¹

Centre for Cyber Victim Counselling (CCVC), India

Hate Crimes in Cyberspace. (2014). Danielle Keats Citron, Harvard University Press, Cambridge, Massachusetts. Pages 343. ISBN: 978-0-674-36829-3 (hbk)

Since its inception as a popular interactive medium, cyber space has attracted varied types of users who use internet communication technology (ICT) and digital communication technology (DCT) with different motives. While positive use of the ICT and DCT has been seen as a boon to new social as well as scientific developments for the benefit of human kinds, negative use of the ICT and DCT has on many occasions eclipsed the positive side. Users of ICT and DCT found this medium of communication as a free platform to express their feelings since cyber space solicit anonymity, quick publication of views and a large world wide audience to make the user feel worthy of his/her words. Added with this weak laws to regulate negative expressions in the cyber space and less monitoring of the user generated contents by the social networking sites (mainly due to the huge inflow of data and less number of staff in the social networking sites to monitor such data) have encouraged individuals to use cyber space as a medium to express and execute hate through ICT and DCT. Danielle Keats Citron emphasizes on this very issue in this particular book: Hate crimes in cyber space.

In the introduction, the author begins the book with the story of “Anna Mayer” and her experience of cyber harassment and cyber stalking whereby her privacy was infringed by anonymous posters, her future job prospects were affected and she was left terrified. With some more similar case studies the author briefly explains the concepts of cyber harassment, cyber stalking, cyber hate and revenge pornography and why it should be considered as an important issue to discuss. The introduction chapter is able to catch the interest of the readers especially in page 9 where the author has provided a table containing the types of online reputation information that had influenced rejection decisions in US, UK and Germany; the top most reasons being concerns about the lifestyle of the candidate, inappropriate comments and text written by the candidate and the availability of the unsuitable photos, videos and information primarily in the cyber space. The author argues that this could be the worst effect of cyber hate on individuals, besides other devastating results including withdrawal symptoms shown by the terrified victims. The introduction also briefly points out who could be the targets of cyber hate; as the

¹ Advocate and Managing Director, Centre for Cyber Victim Counselling (CCVC), 55, Saibaba Colony, 4th Street, T. Nagar, Tirunelveli, Tamil Nadu, India. Email: ccvcindia@cybervictims.org; PhD Alumna, National Law School of India University, Bengaluru, India.

author had shown with the help of the resource from WHOA (working to halt online abuse), while women can form the biggest group of victims, cyber hate may affect youth belonging to sexual minority groups and racial minority groups as well. The introduction chapter then briefs the readers about civil rights movements in the cyber space and free speech challenges which would be broadly discussed in the following chapters.

The book is divided into two parts: part one has three chapters under the broad title “Understanding cyber harassment”. The first chapter speaks about digital hate. The author has explained the issue with the help of three cases which involved women victims, two of whom had experienced anonymous mob attack which also included cyber stalking and the third victim had experienced interpersonal hate crime, which resulted in revenge porn. The author has shown that while in some cases victims may presume about their attacker’s identity and motive (especially in cases of interpersonal attacks), in cases of mob attacks, the harassers’ activities may be directly related to the subculture of the sites where they are members and such sites may be sites which are “devoted to hate” and make profit out of hateful, abusive posts by the posters. Digital hate also includes trolls and the author argues that trolls often gather to harass the victims for their amusement. The effect of trolling is no less traumatizing and the author has beautifully described this in page 54 where she says “some trolls behave like virtual vultures, targeting victims after others have done so.”

The second chapter deals with how the virtues of the internet have been a negative boon to its vices. The author argues that there are two factors in turning the virtues of the internet to curse to the others (the victims): the key features of internet which motivate users in creating more sadistic environment for others, such as anonymity, group polarization etc, and the technical factors such as ‘information cascade’ and ‘Google bomb’. These last two factors are prime factors to spread the harassment to the world wide audience. However, the chapter is not all negative about the virtues of internet; author has also shown how Google bomb and information cascade had been counter (positively) used to reduce the harassments which were created due to the negative impact of Google bomb and information cascade. The underlying message of this very chapter therefore is, even though such virtues of the internet can make it a vicious space, the positive social attitude can make it a constructive space as well.

The third chapter speaks about social attitude in regard to hate crimes in the cyber space and this is the last chapter in Part One. In this chapter, the author explores the social attitude which demotivates the victims to report crimes. Invariably, trivializing of cyber harassment cases by the police and the courts as well as the society as a whole, has been seen as an important factor to demotivate victims globally. The author has explained this with the help of three case studies from the US, where the victims were not given due attention and were blamed for their responsibility in the occurrence of the harassment. The author has shown that inadequate police mechanism and less informed officers are mainly liable for this. Nonetheless, such social attitude has affected the charging and sentencing decision which has further made the victims loose trust on the criminal court systems.

The next part has six chapters and it deals with strategies to move forward to combat harassments in the internet. In the introduction chapter, the author had mentioned that while there are criminal laws to combat hate crimes, civil rights laws can very well be used as well. But they are rarely used. In chapter four the author introduces the readers with the concept of civil rights in the cyber space. The author has shown that while there are

several measures available to combat cyber harassment by victims individually as well as by concerned civil society as a whole, and cyber stalking laws have made progressive developments since 1999, neither of these can offer complete solution to the problem. A unique feature of this book is the author has separately dealt with the problems of legal recourse in relation to the victims, the harassers and the intermediaries in the following three separate chapters.

In the fifth chapter the author shows what the available civil remedies are and traditional criminal laws in the US depending upon the nature of the harassment and the execution procedure when it comes to defending the rights of the victims. However, the author rightly points out that in cases of availing civil remedies, the victim may have to face challenges for protection of identity and more possible online mob attacks if the complaint appears online with the real name of the victim. While there are numbers of federal as well as provincial criminal laws penalizing various sorts of online crimes including stalking or infringement of privacy etc, the author claims that neither the traditional criminal laws had been able to provide fruitful results when it comes to harassment based on gender etc, or when the harassment has affected the life opportunities of the victims always. Considering all these challenges the author emphasizes on considering the harm inflicted on the victims as civil rights violation in the cyber space and possibilities of restoring justice with cyber civil right laws. In the past five chapters the author has shown several cases of cyber harassment where the victims were unable to get due justice due to poorly framed criminal law liabilities on the harassers.

The sixth chapter is devoted to understanding the present laws and proposals for updating the existing laws for enhancing the accountability of the harassers. The author opens this chapter with a three folded suggestions which would achieve this; the author proposes that criminal laws regarding cyber stalking and harassment should be revamped to cover the entire procedure as well as result of the harassment and a complete ban of revenge porn; civil rights laws should be updated to penalize the harasser's act of infringing other's right to work, education, self expression etc; pseudonymous litigations should be permitted. The author has provided excellent model laws for this purpose which can update laws like federal cyber stalking law S.2261A, or which can be formed in the model of civil rights laws of California, or S.1981 of the civil rights Act of 1866 (which guarantees right to racial minorities to make and enforce contracts). However, while these laws and legal reform agendas may regulate the cyber harassments to a certain extent, the author argues that the goal of combating online harassment would not be fully achieved as long as the intermediaries are not regulated properly. In chapter six the author critically examines the existing laws like S.230 CDA in view of liability of the websites for the contents which were created or developed by them, extortion sites including those who make profit by charging money for removing the harassing contents etc and proposes some positive amendments to this law which will enhance the liability of the site operators in cases of online harassment cases.

The seventh chapter becomes extremely interesting especially in page 181 where the author has discussed about liability of the employers for online search of past records and discrimination of prospective candidates on the basis of the same. It is important to note that while some countries including Finland has prohibitory regulations against such kinds of discrimination, the US lacks such laws. She has urged the policy makers to look into the civil rights laws in dealing with such issues.

While the author has discussed about the forms of hate in the cyber space, the traditional criminal, tor and civil rights laws to combat the same and need for better legal mechanism to enhance the liability of the website operators in online harassment cases in all these chapters, in chapter eight she defies the myth that her arguments including her proposals for legal reforms undermine the commitment to free speech guarantee under First amendment guarantees. She argues that First amendment guarantee of free speech is not absolute. Online platforms are not one way medium to express one's feelings, they are also "hybrid workplaces, schools, social clubs and town squares" and this makes necessary restrictions on free speech more meaningful. While expression of hate full views have been considered as 'protected speech', true threats conveyed through online mob attack or interpersonal cyber attacks are not protected speech. The author has further emphasized on issues of standard of First Amendment protection for defamation in cases of private individuals which are different from cases of defamation of public figure.

The ninth chapter is the last chapter in this part which speaks about the role of non-legal actors in combating cyber harassment. The web companies like Google etc, schools and parents have individual as well as combined role to present a harassment free cyber space to children as well as young adults. The author examines the present positive developments that have been made by these actors and discusses what should further be done. The book concludes with positive note where the author had shown the present positive developments in the three major cases that this book relies upon. She ends the book with an urge to the readers to consider cyber civil rights legal agenda as an important means to combat online harassment, as such legal agenda "is essential to shift our cultural attitude."

The book serves the need in various ways. The best gift of this book is Citron's model state law for combating revenge porn in page 152. This book advocates for embracing cyber civil rights laws and it makes this project a unique one. The other unique feature of the book is the cases that have been relied upon to frame the arguments by the author. The lucid language, page set-ups, framing of the chapters, referencing style and effective discussions on critical points of laws, especially civil rights laws make the book a researcher's special possession. Special mention must be made about the packaging of the book and the price. These make it stand apart from other books on cyber crimes. Nonetheless, the book proves extremely beneficial not only for researchers in internet studies and laws, but also for civil rights studies, communication, criminology, penology, and victimology.