Accountable online pseudonymity between education and reputation

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Abstract

Anonymity, online, is a given, or at least it was. The Web 2.0 and social networks have challenged, some say changed, the social norms. Public powers and private companies want identified (or identifiable) people. Online anonymity is often considered as a danger for the development and the safety of the Internet. It is not just a matter of criminal behaviours to be limited, it is a matter of a social capital to be protected and promoted. The point is that the pleasantness of the Net environment shouldn't come from the restrictions of freedoms and debate.

First of all the paper aims at clarifying what we talk about when we talk about anonymity (and about the different concept of pseudonymity), offline and online: not only there are different levels, degrees and ways, but it can be argued if it is a right, a value, an instrument or simply a fact. While in the United States anonymity, offline and online, is seen, at least from the Supreme Court, as a defence from the tyranny of the majority, in Europe things look different, as the recent Delfi case before the European Court of Human Rights shows.

Then anonymity and its relationship with the Internet are scrutinized, trying to determine to what extent it should be safeguarded, challenging the reasons put forward to ban it or to substantially curb it. Legislation and draft legislation from different legal systems (mainly US and EU) are analyzed. The dangers for both the online and the offline world, connected to the limitations to anonymity are taken into account, considering different solutions. Increased ISPs' liability for anonymous content is one of the path that national and international courts are taking: while anonymity is apparently allowed, the judicial trend is going to reduce the public debate, pushing Internet intermediaries to censor contents and restrict the participation in public fora.

Finally, considering the impact that anonymity may have on individuals' online behaviours and on the future of the Internet, possible solutions in order to guarantee accountability without limiting freedom are looked for, investigating the role that education and reputation may play. The risks of an unaccountable and uneducated anonymity go beyond crimes: valuable content is lost or devaluated; questionable behaviours favour restrictions of individual freedoms; serious and thoughtful dissent is mixed with valueless rants: hence, generalized and blamed; political dissatisfaction is channelled in fruitless outbursts, diverting public opinion from the real issues.

The possible solutions are challenging. Firstly, promoting civic digital education (possibly through a new, concise Netiquette), which is not simple: the risk is to produce vague and soon-to-be-outdated rules. Secondly, protecting a digital pseudonymous reputation, which is easier in market-driven environments than in "speech-driven" environments. Still, if we want to avoid stricter legislation and judicial interpretation, operating on digital awareness and thoughtful participation is a road to take.