

## How does the Internet Facilitate Deviance and Crime Online?

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The Difference between Deviance and Crime

- ▶ **Deviance**
  - ▶ The recognized violation of cultural norms (thoughts and behaviors)
- ▶ **Crime**
  - ▶ The violation of society's formal laws



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The Difference between Deviance and Crime

- ▶ All crime is deviance, but not all deviance is seen as criminal
- ▶ All deviance is met with some type of attempt to correct the deviant behavior
- ▶ Sociologists tend to be more interested in deviance (criminologists focus more on crime)



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### Deviance Online

- ▶ If deviance means the violation of norms, then before we can understand deviance online we must first think about what norms are being broken...
- ▶ We can identify these norms in two ways
  - ▶ First, we can say that norms are being imported from the physical world.
  - ▶ Second, we can say that new norms are being developed in cyberspace

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### Deviance Online

- ▶ In the first case, society has recognized many forms of behavior online as **crimes**. The state regulates behavior through legal sanctions (fines, prison, etc.)
- ▶ In the second case, it is often up to the citizens of the cyberspace community to regulate behavior and sanction **deviant** behavior
  - ▶ Let's focus on deviance that derives from breaking the norms developed in cyberspace

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### Deviance Online

- ▶ If norms, and thus deviance, varies in every community (at least theoretically) then in order to identify deviance we must observe each community
- ▶ One way is to observe the FAQ's in the community. FAQ's put into writing the proper behavior of each community
- ▶ Another way is to observe people's reactions to behavior (i.e. a response can determine if the behavior is deviant or conforming)

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## Deviance Online

- ▶ Types of Deviance
  - ▶ Dishonesty (textually through lying and visually by using a an image that is not one's own)
  - ▶ Flaming
  - ▶ Making comments that are ideologically opposed to the values of the community
  - ▶ Breaches of "etiquette"




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## Deviance Online

- ▶ Types of Deviance
  - ▶ Cyberstalking\*
  - ▶ CyberBullying\*
  - ▶ Cyberharrassment\*

\*These forms of deviance have become so common they have been formalized into crimes in every state (<http://www.ncsl.org/default.aspx?tabid=13495>)




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## Crime Online (Summary of Brenner Reading)

### Three types of Crime

- ▶ Computer is a target
  - ▶ Hacking
  - ▶ Malware
  - ▶ Virus
  - ▶ DDoS Attacks
- ▶ Computer is a tool
- ▶ Computer use is incidental




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### Crime Online (Summary of Brenner Reading)

#### Three types of Crime

- ▶ Computer is a tool
  - ▶ Fraud
  - ▶ Theft
  - ▶ Identity theft
- ▶ Computer use is incidental
  - ▶ Computer used to gather information, contact accomplices, etc.




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### How does the Internet facilitate deviance and crime?

- ▶ Society's leaders and scholars are aware that these new forms of deviance are because of cyberspace
- ▶ But what is it about the Internet that facilitate (enables, allows) for these new forms of deviance and crime?




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### How does the Internet facilitate deviance and crime?

- ▶ Cyberspace is unique in that the laws that govern it are *completely* manmade.
- ▶ In real space, we have to obey natural laws – gravity, space, time, etc.
- ▶ This constrains what we can do (our behavior)
  - ▶ Ex. We cannot make ourselves invisible, we cannot teleport, etc.
- ▶ But in cyberspace, whatever laws we wish to apply to the environment are of our own making
- ▶ We make the laws that govern cyberspace through HTML, HTTP, Java, etc....through code




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Remember the Values of the Internet? (or better, the values of the scientists who developed the Internet)

- ▶ Openness – the belief in sharing code and ideas
- ▶ Trust - the Internet began as a small community of users who could be trusted
- ▶ Equality – No user had priority over another. An information packet (e-mail, for example) sent from a student moves along at the same speed and priority as an information packet sent from a general in the army
- ▶ These values informed the early code that was written

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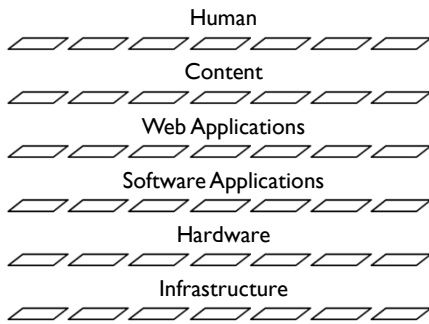
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Remember The Layering of the Internet?



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Remember the Layering of the Internet

- ▶ Every layer operates through code
- ▶ Computer programmers or web designers wrote the code the code for each layer
- ▶ This early code (HTTP, HTML, etc) was informed by the values of the Internet
  - ▶ Information and users are anonymous – “Trust”
  - ▶ Information is equal - “Equality”
  - ▶ This code was shared – “Openness”

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### Remember the Layering of the Internet

- ▶ Every layer, except the “human” layer, operates through code
- ▶ A computer programmer or web designer wrote the code allowed for a certain environment
- ▶ This code allows certain behavior
- ▶ Thus the original architectural decisions (all based in computer code) made it possible for deviance and crime
  - ▶ Information is anonymous
  - ▶ Users are anonymous
  - ▶ Information is equal (a concept called net neutrality)




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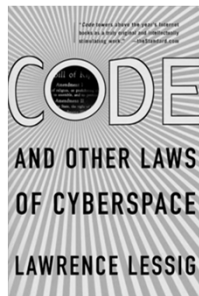
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### How does the Internet facilitate deviance and crime?

The ways in which programmers write code determine what we can do online. It can enable or constrain deviance and crime. Thus, ultimately, code is law (Lessig 1999)!




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### Code is Law - Examples

- ▶ Wikispaces
  - ▶ Anyone with Internet access can potentially view a Wikispaces website
  - ▶ The designers of Wikispaces wrote code which allowed owners of a Wikispaces website to block non-registered users from accessing the website




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## Code is Law - Examples

### ► Wikispaces

- The code as written does not allow the deviance that comes from anonymity (on the flip-side, it may stop someone's site from gaining popularity)
- This is an example of code regulating behavior (and discourages deviance)




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## Code is Law - Examples

### ► CALEA (Communications Assistance for Law Enforcement Act)

- A provision of this act requires cell phone companies to keep information about where a person makes a cell phone call (In case they need to track a criminal later)
- Prior to this bill, companies only needed this information temporarily




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## Code is Law - Examples

### ► CALEA (Communications Assistance for Law Enforcement Act)

- But the government has asked cell phone companies to change the code through which its services are offered in order to regulate behavior
- This is an example of government regulating behavior (attempting to stop crime) by regulating the code written by intermediaries




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Code is Law - Examples



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