



What's in a name?

Real name policies and
social networks

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Background to nym wars

- History of pseudonymous BBSs, dungeon worlds/MUDs -> early social networks & virtual worlds
 - Eg Lambda MOO (1990/1); LiveJournal (1999), Second Life (2003)
- Sociological research on multiple plastic and reconstructable identity online from early 90s – Dibbell, Turkle, Rheingold – “virtual reality”
- Even sites dependent on “identity” eg eBay – no real name requirement
- Turn of the tide – Facebook, 2004
- “High school yearbook”, hence real names
- Contract requirement of real name not very widely enforced
 - Tho Salman Rushdie, 2011
- Google +, 2011

“Google+ makes connecting with people on the web more like connecting with people in the real world. Because of this, it’s important to use your common name so that the people you want to connect with can find you. Your common name is the name your friends, family or coworkers usually call you. For example, if your legal name is Charles Jones Jr. but you normally use Chuck Jones or Junior Jones, any of these would be acceptable. If you are unable to complete the Google+ sign-up flow, or if your profile is or could be suspended for a name-related issue, review our guidelines below. If your profile name was already saved, and we find your name doesn't adhere to our Names Policy, you will have a four day grace period to change your name or appeal our finding before we take further action.”

Advantages of real name policies

- **Accountability**
- EFF
- *“that real names improve user behaviour and create a more civil environment; that real names help prevent against stalking and harassment by making it easier to go after offenders; that a policy requiring real names prevents law enforcement agents from “sneaking in” to the service to spy on users; that real names make users accountable for their actions.”*
- Hunting the four horsemen of the infocalypse: pedophiles, terrorists, organised crime, hackers and trolls
- Cyberstalking/cyberbullying/ Internet suicide discourse
- **Real names are “natural”**
- Facebook
- *“Facebook is a community where people use their real identities. We require everyone to provide their **real names**, so you always know who you're connecting with. This helps keep our community safe.”*
- **Economic advantages?**
- Profiling/OBA business models
- Use of real name as surrogate unique identifier?
- Cf Acquisti’s work linking face recognition -> Facebook -> real name-> SSN number -> PROFIT
- Schmidt, Edinburgh festival, 2012: *““if we knew that it was a real person, then we could sort of hold them accountable, we could check them, we could give them things, we could you know bill them, you know we could have credit cards and so forth and so on, there are all sorts of reasons*

Disadvantages of real name policies

Freedom of speech and political anonymity

- “It’s my name! “ Perri 6; Sting; Aishling NicDaeid
- *McIntyre v Ohio Elections Comm* (1995)
- *“Anonymity is a shield from the tyranny of the majority. It thus exemplifies the purpose behind the Bill of Rights, and of the First Amendment in particular: to protect unpopular individuals from retaliation—and their ideas from suppression—at the hand of an intolerant society. The right to remain anonymous may be abused when it shields fraudulent conduct. But political speech by its nature will sometimes have unpalatable consequences, and, in general, our society accords greater weight to the value of free speech than to the dangers of its misuse.”*

Preventing social harm/Accountability?

- dana boyd “Real names” policies aren’t empowering; they’re an authoritarian assertion of power over vulnerable people.”
- Complaints from domestic violence victims; LGBT people; bloggers and dissidents. Loss of multiple roles.
- Cf onlinecontrol in China - 2012 law
- Real names exacerbate social media surveillance by employers/police/private bodies
- Real names exacerbate leaks/hacks cf Korean experience, 35 m IDS exposed on Nate and Cyworld.

Does (EC) law help?

- Right to freedom of expression (art 10, ECHR)) but no apparent legal right to pseudonymity in European human rights law, or EC law, even for political speech (?) Many exceptions, no priority of speech over privacy/ national securitycf *Macintyre*
- *Promusicae* : ECJ filesharing disclosure case
 - Held : EU state did not *need* to provide an action for disclosure of pseudonym from ISP (as part of EC copyright law)but..
 - *Could* if it desired (eg UK – Norwich Pharmacal orders)
- UK : *Author of a Blog v Times* [2009] EWHC 1358 (QB): Nightjack unmasked. “
- Data Protection? Schleswig-Holstein DPA held FB real name policy contrary to guarantee of anonymity/pseudonymity in Ge. Teleservices Act. Overturned (jurisdiction) -> Irish DPA.
- Irish DPA audit of FB : real name policies just part of running business 😊

Does technology help?

- Previous social networks work (Edwards and Brown, Brown and Marsden, Palfrey, boyd etc) shows user voice as to policies of social networks ineffective because competition fails to operate through early incumbent, lock in and network effects
- Legal help might come from rights to data portability (draft DPReg); data interoperability
- Attempts to build “anti-Facebooks”, decentred control , open source , personal data stores etc, eg Diaspora, fail to gain traction due to network effect; also “management “ may change (cf LiveJournal)
- Over to the techies! CREATE funded work at Horizon DE Hub, Nottingham
- Goal to build *tools* to allow social networking rather than build a network.