

Panel on: The Creation and Distortion of Communication through Information Technology

Abstract

Information and communication technology has opened up both challenges and opportunities for the process of communication. This is particularly true for communicating effectively and efficiently in the digital age, where unique problems of creation and distortion, especially misinformation and bias, can arise.

In addition, the broad diffusion of a communication medium eventually prompts both the public and private sectors to establish mechanisms to regulate that medium under the rubric of the public interest. Sometimes this can happen through self-censorship on the part of the industry, while other times it requires the institution of governmental law and regulation. The emergence of the Internet as a mass communication system has raised questions about how this medium can function to benefit society, as well as concerns about its potential harm.

Focusing on the nexus of the process of communication and the limitations and prospects of information technology, this panel explores some of the major concerns of the digital age from a legal and policy perspective. The topics to be covered through interactive discussion include: anonymous speech and cybersmearing; the nature of publication and misinformation; and Internet content filtering, freedom of speech, and intellectual property.

Proposed Panelists

Mary Elizabeth Bezanson, University of Minnesota, Morris

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Topic: Can You Say That? Communication Contours of Cybersmearing

New technology asks members of society to reorder their thinking about their world. The deep penetration of new informing technologies in the Internet age invites people to reconsider their conceptions of effective communication, misinformation, and bias. This presentation establishes the contours of communication in cybersmearing. In particular, the presentation considers the implications of anonymous speech, defamation, emotive language, the right to receive, among other issues, on the personal approval and legal protection of speech in cyberspace.

This presenter works in rhetoric and freedom of speech with a particular interest in the right to receive. Among other major publications, she is the author of a U.S. Supreme Court reader on the right to communicate.

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Kenneth J. Levine, Emerson College

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Topic: Misinformation Published on the Internet: It's Time to Update the Sullivan Rule

The publication of misinformation, either international or not, has been the focus of several U.S. Supreme Court cases. In *New York Times v. Sullivan*, the Court ruled that public figures can recover damages for misinformation by proving "actual malice" from the publisher. As "publication" on the internet provides the ability to quickly modify text, this presentation will suggest that the Court should review *Sullivan* in light of the new technology.

This expert's research includes issues of freedom of expression within organizations, information privacy, anticipatory socialization, international communication, and task versus social communication.

Susan B. Kretchmer, The Johns Hopkins University

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Topic: Filtering, Freedom of Speech, and Intellectual Property: The Implications for Law and Policy in the Digital Age

One of the most important issues confronting the global cybersociety of the new millennium is Internet content filtering and its impact on communication in the Information Age. Two crucial and very timely topics raised by filtering and its inherent tendency to create misinformation and bias are freedom of speech when filtering technology is mandated to block "objectionable" content from view, and the intellectual property rights of filtering companies that wish to protect proprietary information of commercial value. Thus, we will explore the possibilities for negotiating the borders between the competing interests of technological advancement, societal concerns about the effects of that technology, property rights, legal precedents and public policy, and the implications for the future of the Internet.

This presenter is the author of numerous papers, articles, and book chapters on information and communication technology issues, including freedom of expression in cyberspace. Her work explores the historical, social, and cultural relationship between communication and technology in popular media, law and public policy, and social change.