

PRIVACY, FREE SPEECH AND  
“BLURRY-EDGED” SOCIAL NETWORKS

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*Why do people post content on a medium available to the whole world that is not intended for the whole world?*

*Much of the Internet related scholarship over the past ten years has focused on the enormous benefits that come from eliminating intermediaries and allowing user generated one-to-many communications. Many have noted the tension created between the positive benefits for free speech and the negative effects on user privacy. This tension has been exacerbated by Web 2.0 technologies that users exploit to post information generally intended for a small network of friends and family, but left available to the whole world to access with the thought that someone they cannot identify a priori might find the information interesting or useful. I describe this as users taking advantage of the “blurry edges” of their social networks.*

*This paper describes the origin of legal thought about public and private information as rooted in the social role of news intermediaries in making the binary choice, based on their institutional expertise, whether information is newsworthy and should be published or to protect individuals privacy. I also describe the role the evolution of Internet technology played in creating a medium people comfortably use to disclose personal information, particularly the move from individual publishing on message boards, to the World Wide Web, to Web 2.0. Finally, I explore whether we can create a legal, technical, or normative framework to permit users to maintain networks with blurry edges while still appropriately balancing speech and privacy concerns.*

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