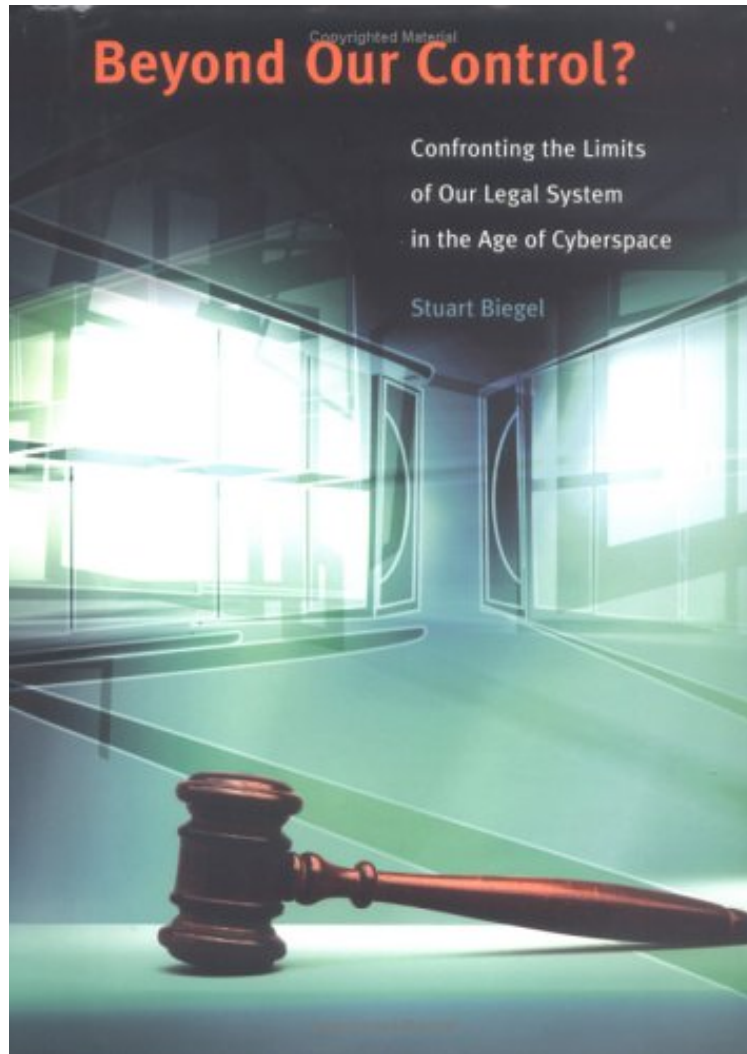


(Get free) Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace

# Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace

Stuart Biegel

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**Stuart Biegel : Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace:

0 of 0 people found the following review helpful. going back into legal webhistory to understand the present By len lavensif you are just starting to read about the legal aspects of the internet and the controversies than this is the book for you. it will guide you through the big controversies about copyright and other questions and give you some perspective because in fact even as technology has changed very fast, the controversies and the legal environment are

still the same 12 of 13 people found the following review helpful. Excellent overview of various Internet and legal issues

By Ben Rothke

When the ancient Israelites wandered through the desert, their sustenance was from a food called Manna. In Hebrew, the word Manna comes from the root of two words that mean What is It? When it comes to the Internet, many legalists look at this system of interconnected networks and ask, What is it? This topic is the theme of Stuart Biegel's timely and well-written book, *Beyond Our Control*. Biegel writes from real-world experience; he is an attorney and teaches cyber law at UCLA. While the lawyers and legal scholars consult case law and their legalistic tomes, *Beyond Our Control* provides non-lawyers with tremendous background on the issues now surrounding our legal systems and the Internet. One of the questions the book tackles is whether the Internet and cyberspace is a revolutionary new medium requiring its own set of legal policies, or if it is simply an evolutionary technology that can exist under current legal regulations. The question is significant, as such differences can determine whether or not a song downloaded from the Internet is a criminal offense, who has jurisdiction when a threatening email is transmitted, and the legal nature of a distributed denial of service attack. There is a common perception that the Internet is a like the uncontrolled wastelands of the Wild West, and Biegel uses the Wild West analogy to compare the Internet to movies such as *Shane*, *The Man Who Shot Liberty Valance*, and *Cimarron*. It is important to note that Biegel astutely asserts that it is generally agreed that the Wild West imagery of popular culture comes not from the history books, but from the western films. Biegel quotes historian Jim Kites, who describes the excitement that many find in the Wild West (and equally with the Internet) by saying, it is placed at exactly that moment when options are still open, the dream of primitivistic individualism, the ambivalence of at once beneficent and threatening horizons, are still open... For many involved in cyberspace (especially in the open source movement), they see the Internet as a place where such options are still open. Yet, the romantic notion of the Internet has often run head long into the law. A main theme of the book centers on how to deal with P2P file sharing, such as MP3 files through Napster and Gnutella. For users, such a practice was considered an extension of their own music libraries; for the RIAA, it was outright thievery. This ease of use in downloading music caused an uproar among music executives and the ultimate demise of Napster as a corporate entity. Yet while many perceive cyberspace as unregulated, Biegel shows that although there are not as many laws for cyberspace as there are for aviation, for example, cyberspace is nonetheless significantly regulated. Biegel shows how the Federal Trade Commission has transformed itself from a sleepy back-office establishment in Washington, DC, to a protector of consumers on the Internet. The book describes the success of the FTC in fighting cyber crime, which flies in the face of the non-regulated cyberspace myth. Biegel shows how cyberspace has been regulated in a very stringent fashion by the FTC and how consumer protection laws are working there. Biegel also notes that there are more U.S. laws governing copying in the online world than most people even realize. The book takes a look at how the Internet can and should be regulated. The question of International law also comes up, and Biegel notes that some people believe the Internet isn't truly a global medium at all, but simply an extension of the United States. With that, the question of International law regulating an entity that is controlled by the United States becomes interesting. My only personal criticism of the book is Biegel's use of the term Netizens to describe users of the Internet. Personally, I don't think cyberspace users should have their own taxonomy any more than those who use cell phones. Although some readers may opine that they have little value in reading about the current state of cyber law, I strongly recommend reading *Beyond Our Control*. Most of us may not be lawyers, but the topics in the book -- cyber-security, consumer fraud, free speech rights, intellectual property rights, file-sharing programs, and more -- affect us all. 9 of 10 people found the following review helpful. Wonderful review of very delicate issues

By JHFGreat Book

This book touches many of the issues that are pertinent for analysis of the law and cyberspace. It seems that the law is nowhere in cyberspace to most people, but this book helps explain how the law works within these confines. I really like the examples and novel ideas for how to combat problems with lawlessness in cyberspace. Anyone interested in the law or interested in cyberspace should get this book in order to see how some of the current issues are addressed and also to give a heads up on many of the issues that may or may not be troubling. I would recommend this to everyone, from the curious beginning user to the advanced internet user.

This book provides a framework for thinking about the law and cyberspace, examining the extent to which the Internet is currently under control and the extent to which it can or should be controlled. It focuses in part on the proliferation of MP3 file sharing, a practice made possible by the development of a file format that enables users to store large audio files with near-CD sound quality on a computer. By 1998, software available for free on the Web enabled users to copy existing digital files from CDs. Later technologies such as Napster and Gnutella allowed users to exchange MP3 files in cyberspace without having to post anything online. This ability of online users to download free music caused an uproar among music executives and many musicians, as well as a range of much-discussed legal action. Regulation strategies identified and discussed include legislation, policy changes, administrative agency activity, international cooperation, architectural changes, private ordering, and self-regulation. The book also applies major regulatory models to some of the most volatile Internet issues, including cyber-security, consumer fraud, free speech rights, intellectual property rights, and file-sharing programs.

.com Frontiers can't last forever. That's the message underlying *Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace* by legal scholar Stuart Biegel. The pioneers of the Internet have long proclaimed that their domain couldn't and shouldn't be regulated, but increasing commercial and legal pressures are tipping the balance in favor of control. Biegel is neither surprised nor outraged at this development and urges his readers to accept the inevitable and advocate for sensible legislation. His comparisons of Internet activity to traditional means of communication and commerce are intriguing and suggest analogies with existing regulations. Despite his skepticism, Biegel does find some grey areas that will, he believes, require new thinking rather than simply repurposing old laws for new ends. He draws on the ever-evolving MP3 and P2P controversies to keep his writing concrete, and material that could be rather dry flourishes when applied to the daily news. --Rob Lightner "... a study of Internet law that leaves no stone in cyberspace unturned... Biegel proves to be a gifted teacher.... Biegel's well-researched and carefully organized text is one of the most comprehensive of its kind." David McPhie *Harvard Journal of Law and Technology* "Biegel's well-researched and carefully organized text is one of the most comprehensive of its kind." David McPhie *Harvard Journal of Law and Technology* "I recommend for any instructors or researchers who need a popular reference to the recent legal history of the Internet." Curtis D. Frye *Technology and Society Book s* "It is in systematically presenting to the reader an actual analytical framework that Biegel's book becomes highly recommended reading." Jerry E. Stephens *Resource Center for Cyberculture Studies website* "Wherever you travel in your search for a coherent view of the law of cyberspace, and wherever you end up in your evaluation of the legal problems presented by this new global medium, you'll find Stuart Biegel's roadmap very useful." --David Johnson, Wilmer, Cutler Pickering, Washington, D.C. "The law of cyberspace has moved beyond the question of whether regulation is possible to the question of how, or how best. In this powerful and comprehensive book, Stuart Biegel maps a balanced and sensible strategy for preserving values important to our tradition in this new environment for social life, cyberspace. No work better synthesizes and advances a debate that has been only partly grasped by others before." --Lawrence Lessig, Stanford Law School, author of *\*Free Culture\** "A fascinating read, even for those who have been deeply involved in the process. Mueller extracts the essential dilemmas, clearly states alternative visions, and challenges us all to get internet governance right, somehow." --David Johnson, Wilmer, Cutler Pickering, Washington, D.C. Please note: This is a revision of the endorsement that appeared in the seasonal catalog. "The Domain Name System (DNS) is the least understood part of the critical infrastructure that makes the Internet run. It is also the part that threatens the greatest mischief. Mueller has written a magnificent account of its history, and has provided a powerful set of insights to help us understand its future." --Lawrence Lessig, Stanford Law School, author of *\*Free Culture\** "We've ended the century of broadcast culture -- when manufacturers produced the culture we consume. In this brilliant and beautiful book, Paul Miller gives us the rhythm of sampled culture -- culture created by those who can remix, and by technologies that enable anyone to remix. Rhythm Science is science; it is art; it is the story of how freedom would build better science and art. Dark, with bright flashes, in tempo, with syncopation, it is a companion to the next stage, if we're allowed that next stage despite law that would keep us locked in the past." --Lawrence Lessig, Stanford Law School, author of *\*Free Culture\** Please note: This quote should be used in publicity and promotional materials. For the book cover, we will use a shorter version of this quote, as follows: "In this brilliant and beautiful book, Paul Miller gives us the rhythm of sampled culture. Rhythm Science is science; it is art; it is the story of how freedom would build better science and art." About the Author Stuart Biegel is a member of the faculty at the Graduate School of Education and Information Studies and the School of Law at the University of California, Los Angeles.