Preface

Computer technologies have continually and rapidly changed and advanced in the last two decades. The impacts of these rapid changes are affecting the use and applications of computer technologies in society. These impacts bring about new focus and scrutiny. One of the fundamental changes in the last decade has been the realization that the context in which computer technologies are used must take into account the ethical implications associated with their use. Examples of computing ethical issues include, but are not limited to: cyberterrorism; security and privacy responsibilities; intellectual property rights; online piracy; blogger litigation; data recovery; data protection; wireless computing; computer crime; et cetera. Another fundamental change is the increased importance of the legal impacts that new computer technologies introduce. However, these changes do not necessarily correspond to the changes in the computer technology itself.

Ethics, when applied to technology-related issues, are also recognized as cyberethics (Tavani, 2010). There is a plethora of viewpoints regarding the subject of cyberethics. For instance, one major question that many professionals both inside and outside the computer community consider: Are cyberethics different from “regular” ethics? Regular ethics are defined as ethics that apply across all contexts (i.e., medical, legal, business, and religious). In some instances, this question can be answered with a definite yes. However, many theorists would state that there are differences between regular ethics and cyberethics. They base their arguments on the fact that cyberethics is based on the impact of computing technologies on individuals and society. However, this does not indicate that computing technologies have introduced new ethical issues. Therefore, some would argue that there are no differences between regular ethics and cyberethics. Their arguments are based on the fact that computing technologies only bring a new dimension to existing ethical issues. A major problem is the practice and application of ethics in computing environments by computing professionals and users.

In the computing culture, professionals and organizations put emphasis on proper or improper design procedures and practices. While this is definitely important, increasing awareness of the ethical behavioral practices of the computing professional and organization is becoming crucial. Computing technology is pervasive in all areas of society; therefore, when considering ethical practices, this component should not be omitted. Computing professionals and organizations are not different species. However, the ethical practices and applications of computing professionals and organizations are becoming suspect in the light of computer crimes, i.e., fraud, identity theft, embezzlement, etc. (Dudley-Sponaugle & Lazar, 2005).

Ethics is a central component in the legal prospectus. However, many legal professionals and academics believe current legal statutes leave much to be desired in regards to computing technologies. In addition, there are further debates regarding the pedagogical structure of the legal curriculum and the
inclusion of ethics. “There has been some concern about the growing disjunction between legal education and the legal profession. While the law schools seem to be moving toward pure theory, the firms are moving toward pure commerce, and both have abandoned the middle ground -ethical practice” (Edwards, 1992). It is the consensus of legal scholars and practitioners that students should be acclimated to the application of ethical principles in law. In doing so, law students will be more adapt in the interpretation and modification of legal doctrine and precedents in the law. It is believed that a good, practical scholar gives due weight to cases, statutes, and other authoritative texts, but also employs theory to criticize doctrine and to propose changes in the law.

Regardless of their views or positions, most ethicists and legal practitioners would agree that ethics and legal knowledge are important in the applications of computer technologies. The issue for many is how to connect ethics and legal knowledge and practice regarding computing technologies implementation. For the past several years, the editors became interested in the ethical behaviors of users in the application of computer technologies. This lead to several published journal articles and book chapters. While pursuing their ongoing research, the editors were made aware of the lack of publications on how law is being translated and applied to existing computer technologies. This book project became in existence because of the lack or need of different perspectives in these areas. The approach to this book was to discover various viewpoints and issues dealing with the topics of cyberlaw and cyberethics. Moreover, the editors believe the information from this book will provide important insights for future development and research in these areas.

The book “Investigating Cyber Law and Cyber Ethics: Issues, Impacts and Practices” arises from observing the rate of growth registered within the field of technology and the speed at which ethics discussions and legal coverage try to keep up. The difference in advancement offers fertile ground to illegal trades, unethical behaviors, and unmonitored activities in general. Such observation is true for any new endeavor, but it is exacerbated by the high levels of diffusion among the peoples of the world, blurring national boundaries or cultural habits. As the world heads towards a technological global harmonization, the legal systems especially, but also the frames of reference that the field of ethics offers seem to diverge rather than converge. This book’s aim represents the summary of the work of many researchers and practitioners who are striving to unite their efforts towards a significant progress. This book is divided into three sections: Section 1, Legal and Jurisdictional Issues Regarding Cyberspace, gives an overview of the problem; Section 2, Legal and Ethical Implications involving Social Networks and Virtual Worlds, analyzes the above-mentioned gap by focusing on the forefront of technological advancements with the most societal impacts; Section 3, Legal and Ethical Implications in Cyberspace: An International Perspective, steps back from the details of technology and approaches the main topic of this work from multiple national angles.

The first set of contributions gathered in Section 1, titled Legal and Jurisdictional Issues Regarding Cyberspace, offers a wide perspective on legal and ethical issues related to innovations in technology. In Chapter 1, Responsibility, Jurisdiction, and the Future of “Privacy by Design,” Ugo Pagallo analyzes the effects that privacy policies of popular technology-based services have on data protection and personal control. In Chapter 2, titled Hacking: Legal and Ethical Aspects of an Ambiguous Activity, Kirwan and Power offer thought-provoking arguments that describe the always controversial practice (or vocation) of hacking. In Chapter 3 the contribution from Zadig and Tejay, titled Emerging Cybercrime Trends: Legal, Ethical, and Practical Issues, quantify and qualify through examples some of the new and arising concerns in the expansion of crime into new technological niches. Chapter 4, titled Law and Technology at Crossroads in Cyberspace: Where Do We Go From Here? by Ayanso and Herath, analyzes practical
aspects of enforcing laws in modern technology-based terrains. Chapter 5, titled *Cyber Law, Cyber Ethics and Online Gambling*, by Gillam and Vartapetiance, concludes the first section by exploring legal and ethical aspects of gambling and addiction, a significant concern that quickly spread from the physical halls of casinos to the online world.

In Section 2, titled *Legal and Ethical Implications involving Social Networks and Virtual Worlds*, we focus the reader’s attention on the quickly-rising front of technology that aims at recreating sociality, cultures and societies in cyberspace. Chapter 6 opens this section with the chapter titled *An Overview of Child Abuses in 3D Social Networks and Online Video Games*, by Garcia-Ruiz, Vargas Martin, and Olsson, which analyzes the problem of child abuse in virtual worlds and how it is translated into this new frontier from the physical world. Then Chapter 7, titled *Ethics and Legal Aspects of Virtual Worlds* by Power and Kirwan, focus on legal aspects of virtual worlds in general, offering a broader perspective on the state of ethical and legal progress applied to this virtual representation of life. In Chapter 8, Ananda Mitra discusses *Narbs as a Measure and Indicator of Identity Narratives*, offering a new look to narrative bits and how they may affect our personal (and very real) lives. Jean-Philippe Moiny authored Chapter 9, titled *Cloud Based Social Network Sites: Under Whose Control?* a work that analyzes the implications that cloud-based computing may have over the control, or its lack, of our information, which is still available to us locally, but stored globally.

Finally, we conclude this book by offering the points of view of different social and legal systems in Section 3, titled *Legal and Ethical Implications in Cyberspace: An International Perspective*. Anne Gerdes describes the different approach that terror-centered organizations, such as Al-Qaeda, have developed in order to fully realize their potential in conjunction with innovation-based platforms in Chapter 10, titled *Al-Qaeda on Web 2.0: Radicalization and Recruitment Strategies*. In Chapter 11, titled *Google in China: Corporate Responsibility on a Filtered Internet*, Richard Spinello reviews a case that has made headlines for months, by analyzing the difficult interaction between a population that craves information and the restrictions of a controlling government when it comes to access of a technology that makes of free speech its funding pillar. Jonathan Bishop authored Chapter 12, titled *All's WELL that Ends WELL: A Comparative Analysis of the Constitutional and Administrative Frameworks of Cyberspace and the United Kingdom*, a clear depiction of the lag reported in the process of adapting a national legal system to its Internet-based counterpart. In Chapter 13, Sam De Silva demonstrates through the crime of defamation the gaps that exist in the legal systems that cover the physical and the virtual worlds in his work titled *A UK Law Perspective: Defamation Law as it Applies on the Internet*. Chapter 14 explores the globally sensitive topic of copyright protection, an issue that continues to make headlines any time the legal system identifies a significant discrepancy between what the system should do and how it actually works. This work by Eugenia Alexandropoulou–Egyptiadou is titled *The Hellenic Framework for Computer Program Copyright Protection Following the Implementation of the Relative European Union Directives*. The book is concluded by Radomir Jakab in Chapter 15, titled *Internet Advertising: Legal Aspects in the European Union*, which focuses on the poor regulation of advertising in the digital world as opposed to the laws established within the European Union.

This book brings together a wide range of topics regarding the areas of cyberlaw and cyberethics. In it, readers will find discussions, positions, and information regarding the impacts of these topics across a wide network of disciplines and global perspectives. As new technologies continue to evolve, so too must our understanding of its ethical and legal implications. When a new tool or technology is invented and introduced, what emerges is not always what was originally intended. These new emerging ideas
and other advances can have long lasting influences that cannot always be readily foreseeable. It is our desire that this particular book will serve as a both a research and educational tool to encompass knowledge in the growing areas related to technology, ethics and law. It is also our desire that this book will serve to help others see that cyberlaw and cyberethics are important domains in which understanding is key for our future, as our lives become ever further meshed and integrated with the ever growing connected digital world.

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**REFERENCES**

