

**B445. "Law and Order and the Wild, Wild Web" The Christian Science Monitor (January 22, 2004), p. 9.**

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The spam that I have to plow through to find vital e-mail messages is but the latest sign that we must bring the rule of law to the online world. When my grandchildren are visiting, I fear leaving the room; they may misspell the bookseller Amazon or cue in the wrong White House website address and end up on some porn site displaying bestiality.

One of my law-school colleagues just joined a whole slew of others who believe that Americans have a God-given right to steal "intellectual property" - copy CDs and DVDs - without paying a penny, as long as they do it online. If they did the same at Blockbuster or Tower Records, they would be fined or jailed or both.

Meanwhile, my elderly mother is ordering medications on the Internet, circumventing her physician.

And I fully agree with shopkeepers who bitterly complain that their customers have to pay sales tax while those who purchase the same items online are exempt. It's high time to apply to cyberspace the same national and international laws by which we all abide.

Once upon a time, cyberspace was a small, exotic territory in which we could tolerate libertarians and cyberanarchists pursuing their fantasy of a world that governs itself. In those faraway days of 1996, John Perry Barlow, the Thomas Jefferson of the online world, authored "A Declaration of the Independence of Cyberspace," in which he stated: "You do not know our culture, our ethics, or the unwritten codes that already provide our society more order than could be obtained by any of your impositions."

In those days, it was possible to dream of a cybervillage, in which everybody behaved because they were good citizens. But now we live in a cybermetropolis that has turned into an online jungle, in which all that is socially taboo and illegal is found in abundance and vigorously pushed.

One can argue whether or not the German parliament was right in banning the sale of Adolf Hitler's "Mein Kampf" ("My Struggle"), or the French government in banning the trade in Nazi paraphernalia. But it is beyond argument that once a democracy has established a law, it is unacceptable for some shadowy creature to preempt national laws and make "Mein Kampf" available or trade Nazi paraphernalia (and everything else) online under the radar.

Once upon a time, the volume of transactions on the Internet was so small that the fact that it was tax exempt did not seriously damage bricks-and-mortar shops, although even then it was screamingly unfair. The volume of transactions in cyberspace, however, has swelled exponentially, such that Internet and phone sales are now responsible for 10 percent of the retail market.

And then there are small matters such as terrorists, drug lords, and pedophiles. They use cyberspace to meet and coordinate their activities, threatening all that is dear to us.

Law enforcement has made some inroads - true. Public authorities can, sometimes, trace the sources of e-mail messages, albeit only with great difficulty, and often they must navigate in a space in which the laws that allow them to proceed are murky, if not altogether antagonistic. Indeed, even when fully armed with a court order, law-enforcement officers find it very difficult to crack encrypted messages, now commonplace online.

What we need, first and foremost, is what Lawrence Lessig, author of "Code and Other Laws of Cyberspace," has called a cyberspace passport, an authenticated identity, a unique ID number, for all those who seek to travel in it.

They would not be required to present it when they engage in most activities, from sending messages to visiting most Web pages. All those who sell items that are banned for minors, however, would be required to check the age of buyers, as given in their passport. Those who send criminal messages would know that, following a court order, they could be readily identified. Those who ship medications would have to abide by the laws of the jurisdiction to which the drugs are sent, often requiring a prescription. And all those who open shop in cyberspace would be required to collect the appropriate tax and deliver it to the proper state.

The argument that abiding by "all these laws," which differ from state to state, would be very complicated, has merit. But if we can make do in the offline world, then those equipped with computers should be at least as capable of adjusting.

At the foundation of the law of free societies is the notion that all comers will be treated in the same manner. There is no reason my grandchildren, my aging mother, and all others should not be treated the same way in the online and offline worlds.

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