



Date
Thurs 07 March

Time
12.30pm - 1.45pm
Includes a light lunch

Venue
**Room 165 | Bloomberg Center
Cornell Tech | Roosevelt Island**

Guest Speaker
Moran Yemini
Visiting Researcher | Yale & DLI

Title
**The New Irony
of Free Speech**

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Biography

Moran Yemini is a Senior Fellow at the University of Haifa's Center for Cyber, Law and Policy (CCLP), a litigation partner at the law firm of Herzog, Fox & Neeman, a Visiting Fellow at the Information Society Project at Yale Law School, and at Cornell Tech's Digital Life Initiative. Moran has published articles in the fields of law, communications and philosophy (including both theoretical and empirical work), which have been frequently cited in academic articles, as well as by U.S. Federal courts. His research interests consist of various aspects of the intersection of technology, political theory, and law, including the relationship between technology and morality, the theory of Internet governance, constitutional rights in the digital age, and online freedom of expression. Moran holds an LL.B., magna cum laude, from Tel-Aviv University, an LL.M. from New York University School of Law (where he studied under the merit-based Vanderbilt Scholarship), and a Ph.D. in law from the University of Haifa. In addition to degrees in law, Moran's academic background also includes an undergraduate degree (B.A.), magna cum laude, in communications and a graduate degree (M.A.), magna cum laude, in political science, both from Tel-Aviv University.

Abstract

In *The Irony of Free Speech*, published in 1996, Professor Owen Fiss argued that the traditional understanding of freedom of speech, as a shield from interference by the state, ended up fostering a system that benefited a small number of media corporations and other private actors, while silencing the many, who did not possess any comparable expressive capacity. Conventional wisdom is that by dramatically lowering the access barriers to speech, the Internet has provided a solution to the twentieth-century problem of expressive inequality identified by Fiss and others. As this Article will demonstrate, however, the digital age presents a new irony of free speech, whereby the very system of free expression that provides more expressive capacity to individuals than ever before also systematically diminishes their liberty to speak. The popular view of the Internet as the ultimate promoter of freedom of expression is, therefore, too simplistic. In reality, the Internet, in its current state, strengthens one aspect of freedom (the capacity aspect) while weakening another (the liberty aspect), trading liberty for capacity. This Article will explore the process through which expressive capacity has become a defining element of freedom in the digital ecosystem, at the expense of liberty. The process of diminishing liberty in the digital ecosystem occurs along six related dimensions: interference from multiple sources, state-encouraged private interference, multiple modes of interference, new-media concentration, lack of anonymity, and lack of inviolability. The result of these liberty-diminishing dimensions of our current system of free expression, taken together, is that while we may be able to speak more than ever before, it is doubtful that we are able to speak freely.