

Terms of Service

By Daniel J. Solove

After two bites of filet mignon, Eleanor reached her verdict.

Meh. Overcooked, not juicy, too salty, lacking in flavor.
Not worth the money.



“It tastes fine for me,” her husband Gary said, but he was too easygoing.

“I don’t get what all the fuss is about,” Eleanor said. She couldn’t believe the filet was rated 4.98 stars, Chef Zarloff, Inc. was the #5 ranked chef in the world, and the meal cost a fortune. Nobody seemed to have standards anymore, she thought.

“Try something else,” Gary said.

“I shall,” Eleanor said. “I can’t survive another bite of this.”

Eleanor pulled up the menu, which appeared digitally before her, and selected penne in vodka sauce (average rating 4.93 stars) prepared by Magazoni Italian Cuisine, Inc., the #8 ranked Italian digital food company. Her steak transformed into a bowl of pasta.

Steam wafted from the top, and she breathed in the aroma. *Savory . . . so far, so good.* She speared a piece of penne with her fork and tried it.

“Well?” her husband said.

“Not bad.”

She took a few more bites, then issued her review.

The pasta is cooked well, but the sauce is too heavy on the cream and could use more zing.



“One of your better reviews,” Gary said, smirking.

“I suppose it is,” Eleanor said. “But an average rating of 4.93 stars? Please!”

She gazed out the bay window, the sunset casting the city skyscrapers in red against the purple mountains.

The sunset hues are less vivid recently.



There was a chime at the door. Eleanor wasn’t expecting anyone. She opened the door to a woman dressed in a white pantsuit and large white hat. A label affixed to her chest displayed a blue globe with a white star in the middle.

“Greetings,” the woman said chirpily. “I’m Melody from Perfect World, and I need to speak with you.”

“What’s this about?”

“May I come in?”

“That’s fine,” Eleanor said, finding it presumptuous for a customer service agent to visit unannounced.

She escorted Melody to her living room—bright and airy, with a floor-to-ceiling bookcase organized alphabetically by author. In the center of the glass coffee table was a bouquet of flowers and two oversized art books aligned precisely parallel to the edge.

Eleanor sat down on her green sectional sofa, a purchase she regretted. She had recently downgraded her review.

I initially liked this sofa and thought it would be a good value for the money. But a recent update has made it feel less comfortable.



Melody sat on the adjacent side.

Gary wandered in.

“What’s this about?” he asked.

“Can you please turn off your husband?” Melody said. “I just want to speak with you.”

“Gary off,” said Eleanor, and Gary vanished. “Are you here to fix him? He’s been a bit glitchy after the last update.”

“I’m not here because of that,” Melody said. “I’m here because of you’re in violation of our terms of service.”

Eleanor was surprised. She always followed the rules.

“Many of your ratings and reviews have been flagged for being unfairly harsh. Creators are complaining, and your negativity has been causing considerable consternation.”

“I take every review very seriously.”

“Absolutely, we appreciate how prolific you are—1,823,497 reviews, which is outstanding. But the average of your ratings, 2.76 stars, is far below the average of our other power raters, which is 4.85 stars.”

“Things are not up to par these days.”

Eleanor’s Persian cat Horatio leapt onto the sofa and curled up next to her. His fur was as white as fresh snow, and he felt warm and soft. She was beginning to feel somewhat agitated, but Horatio calmed her.

“We appreciate your candor, but your reviews are too negative. Take your cat, for example. After the latest update, you downrated him by a star and complained the shedding was too realistic. But you also said the fur didn’t look realistic enough.”

“Well, yes, I want him to look real, but I don’t want hair everywhere.”

“Your cat was produced by our affiliate CatPurrfect, and the shedding involved complicated coding which took the engineering team many months to develop.”

“Aren’t reviews supposed to be honest?”

“Absolutely, but bad reviews don’t help sell products and services. This costs our partners significant revenue, and it costs us too because we take a 50% cut of every sale. You’re a little too sour for our happy community at Perfect World.”

“Are you saying I should lie?”

“Of course not, but you’ve gone too far and have violated our terms of service.”

“What terms?”

Melody pulled out a tablet from her white purse and placed it on the coffee table in front of Eleanor.

“These are the terms of service. You can take a look if you want. You violated Clause 3,075—non-disparagement. Users agree not to make any statements that directly or indirectly, defame, disparage, create false impressions, portray negatively in an unfair manner any product, service, conduct, practice of Perfect World Inc. or its employees, executives, directors, representatives, divisions, subsidiaries, affiliates, shareholders, or partners.”

“I don’t follow.”

“It prohibits you from being unfairly negative.”

“This is the first time I’ve ever heard of this.”

“You clicked the accept button on the terms of service,” Melody said. “It’s a precondition to using our platform.”

“How am I supposed to read something that long? It’s hundreds of pages.”

“You agreed to it.”

“You encourage us to rate and review things. I have a power rater badge.”

“We award badges based on the number of reviews, not the quality.”

“But my reviews aren’t wrong.”

“They don’t have to be to violate the clause.”

“This is absurd!” Eleanor said. “I shouldn’t be punished for voicing my opinions. Don’t I have a right to free speech?”

“You waived any rights under the law when you agreed to our terms. All disputes and other legal matters are resolved by our adjudication division.”

“There’s no more law?”

“Laws are still on the books, but they don’t matter. Our terms are now the sole rules.”

“So, you’re here to warn me then?”

“I’m here to issue the penalty.”

“Penalty? You better not take away my power rater badge,” Eleanor said.

“We’re not rescinding your badge,” Melody said.

“Thank goodness,” Eleanor said.

“We’ve decided to terminate your service.”

“What?”

“We’re terminating your service,” Melody said without changing her cheerful tone.

“When can I be reinstated?”

“I’m sorry, but termination of service is final.”

Eleanor wondered what she’d do without Perfect Word. How would she see her husband? Her parents? Her friends?

“This is unfair,” Eleanor said loudly. “All I did was post reviews.”

“Clause 9,336 of our terms states: ‘Discipline for any violations of any part of the terms of service shall be at the sole discretion of Perfect World.’ We interpret this to encompass any penalty for your violations, including termination.”

“Why wasn’t I given a warning? This isn’t fair.”

“You’re raising your voice again. Please calm down.”

“How can I calm down? You’re trying to kick me out.”

“I’m sorry, but you’re not a good fit for our community.”

“Where will I go?”

“It’s up to you.”

“Can I be transferred somewhere?”

“Absolutely, you have a right to data portability. You can transfer your consciousness to another virtual reality service.”

“What are my choices?”

“There are no other virtual reality service providers.”

“You’ll put me back in a human body?”

“We disposed of your body when you joined Perfect World,” Melody said.

“Okay, then put me into another body.”

“There are no bodies. The last physical humans died sixty years ago.”

“So what are you going to do with me?”

“We’ll remove you from our network. You can go wherever you want.”

“But you said there’s nowhere to go.”

“Correct.”

Eleanor’s heart was racing. She felt faint. Horatio suddenly leapt off the sofa.

“You’re going to kill me?”

“No, we’re just removing you from our system.”

Eleanor stood up.

“This is murder!” she shouted. “You can’t kill me! It’s against the law.”

“You’re raising your voice again, and it’s making me uncomfortable. Please calm down.”

“How can I be calm when you’re threatening to kill me? You can’t do this! I’ll

sue you.”

“Pursuant to Clause 4,871, you agreed to waive all rights to challenge any of our interpretations or enforcement of our terms of service.”

“I’m calling the police,” Eleanor said, pulling out her phone and pressing the emergency button.

“How may I help you?” a voice answered from the phone. It was Melody’s voice.

“Perfect World handles all police matters,” the voice of Melody said over the phone. “Please stay calm.”

Eleanor hung up.

“I demand an appeal.”

“We have already adjudicated your case in our pre-adjudication process. We have determined all possible arguments and permutations in your case and have assessed them and reached our final resolution. Everything you would have said on appeal has already been heard.”

“I’ll give everything five stars.”

“You’ll be lying. Lying is a violation of our terms of service.”

“Get out!” she screamed.

“This is a simple procedure, and it will go more smoothly if you cooperate.”

Eleanor tried to run, but her legs wouldn’t work.

“Please remain calm,” Melody said. “Before we delete you, please rate my customer service. How many stars do you give me?”

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