

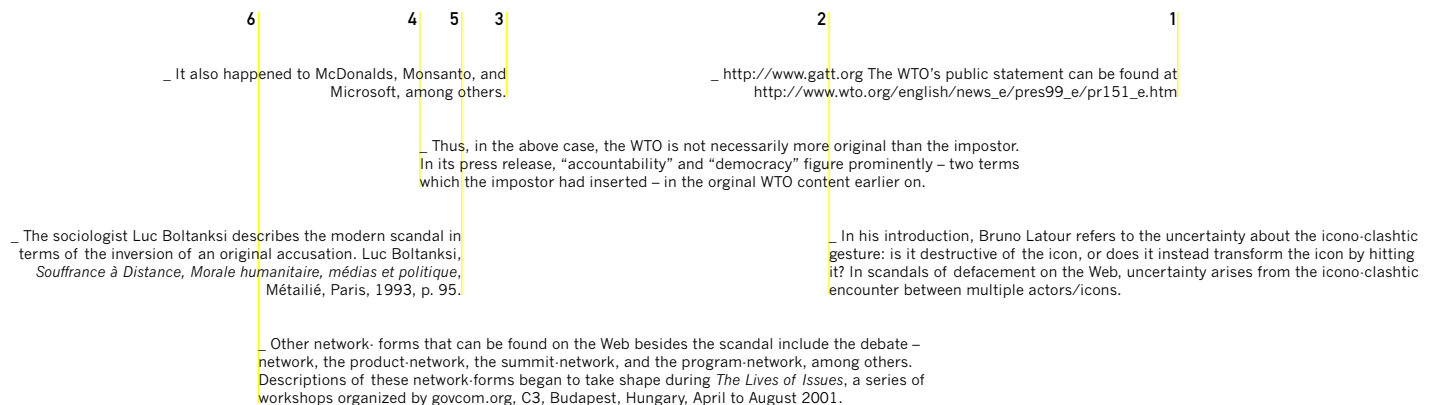
# MAY THE TRUE VICTIM OF DEFACEMENT STAND UP! ON READING THE NETWORK CONFIGURATIONS OF SCANDAL ON THE WEB

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WHEN THE WORLD TRADE ORGANISATION PUBLICLY acknowledged the presence of an impostor WTO site on the Web, it tried to make a scandal out of the uncertainty it inspired in users. The address and content of the rogue Web site are almost the same as those of the official WTO site, except for a few critical modifications. Not mentioning these sensitive alterations, however, in its statement to the press, the WTO instead made the complaint that the site confuses users.<sup>1</sup> They wouldn't know which is the real site and which is fake. Now it can indeed be said that, in scandals of defacement on the Web, confusion over the identity of the actors involved is the real scandal. But this is so, not just because users wouldn't be able to tell the impostor from its target, but also because, as long as the scandal lasts, the division of roles among the actors involved, really is an open question. Which of the protagonists in the scandal constitutes the real target of defamation, remains uncertain for the duration of the affair. In the debacle around the rogue WTO site, it may seem obvious that it is the organisation which stands accused; after all, it is the WTO's site which is being parodied by the rogue. However, as the WTO publicly denounced its critic, the latter may very well have become the subject of scandal. Which actor is being defamed here? As long as a scandal lives, it remains unclear which of the actors involved ultimately stands accused in the affair. And when the uncertainty is finally removed, you can be pretty sure the scandal has dissolved with it. Confusion over the identity of the accused and the accuser can be regarded as the sign of life of the scandal, as its breath or its heartbeat.<sup>2</sup>

The defacement of icons, of logos, and entire homepages, is one of the preferred tactics of scandal mongering on the Web. The WTO is just one entry on a long list of victims (even if, as it goes with victim lists, some of those present on it may turn out not to have been victims after all).<sup>3</sup> In those cases in which the defaced icon proliferates across the Web and beyond, and the target responds, a scandal of defacement is born. Of these scandals of defacement, the production of uncertainty over the identity of the actors involved can be seen as a key feature. As the defacers and the defaced appropriate each other's figures of speech (graphic and otherwise),<sup>4</sup> and exchange accusations, which of the actors involved constitutes the real subject of defamation remains an open question.<sup>5</sup> Identity games, and the production of uncertainty, which according to many define the new media, thus also play their parts in scandals on the Web. However, it would be a mistake to deduce from this that it is impossible to make any diagnosis as to the distribution of shame and blame in scandals on the Web. Perhaps the Web counter-intuitively, even as it fosters uncertainty, also provides means for its resolution. There are network configurations to scandals on the Web. On the basis of these configurations, a diagnosis of the scandal can be made, even if it is only a provisional one. Reading the network, we can find out which actor, at a given moment, stands under attack. Furthermore, it can be determined when the network stopped having a pulse, and thus the time and cause of "death" of the scandal can be established. The network can then provide an answer to the question: which of the actors involved ended up in the position of the victim of defacement, and how that happened. Such an exercise may give us an indication whether the scandal has been treated to a good life by the actors involved.

Among the many types of networks that are currently being articulated on the Web, the scandal network has a legendary status. As distinguished from the debate network or the product network, for example, the scandal network is very active but also very short-lived.<sup>6</sup> Scandals on the Web (just as off the Web), characteristically lead an eventful life but tend to die young, which is why they can be called the legend among network forms. In a short period of time, many actors get tied up in the network, but they disperse again not too long after. A second feature of the scandal network is that it has at its core a small set of main actors, with a much larger media scandal support system configuring around it, nourishing the scandal. Thirdly,



a current of accusation can be seen to run through a scandal network, and you could say this is what animates scandals on the Web, or at least it can serve as the sign of the scandal's on-line life. As the network reconfigures over the course of the scandal, the current of accusation typically changes direction many times, flowing from one actor to the next. The current of accusation is an alternating current, and it is in these alternations that we can locate the confusion over the protagonists' identities that is typical of scandals on the Web. As a way of resolving it, we need to track the current of accusation, and trace its direction at the various moments that make up the life of the scandal, and at the time of its death. Of course this resolution can only be temporary, as a scandal that has apparently come to an end, may become active again, and the accusation may change direction once more. This is exactly what happened in the case of the scandal of defacement that is presented on the next page, the case of the Russian hacker Dmitry Sklyarov versus the software company Adobe.

The case of Sklyarov versus Adobe as it was staged on the Web in the second half of 2001, presents an almost perfect scandal network, exhibiting all the features that make for a good webby scandal. Not only did it feature a well-articulated network, with the protagonists of the scandal solidly tied into a larger media scandal support network, but a series of moments in which the charges changed address can also be identified. The direction of the accusations reversed at least three times. At the origin of the scandal is the arrest of the Russian programmer Dmitry Sklyarov, which sparked the formation of a network in support of his case. This network then displaced the accusation from Sklyarov to Adobe: defamatory links were put out, pointing to the company as the one responsible for the arrest. Adobe's logo was defaced and its good name abused in the URLs of protest sites. Adobe, however, successfully redirected these accusations to a third actor: the law. Making a plea for the release of the programmer, Adobe teamed up with the Sklyarov support network. It thereby successfully deflected the accusations away from itself, onto the court which had ordered Sklyarov to remain in custody. The law, however, turned the accusation back onto Sklyarov. Not by defacing the Sklyarov "logo," of course, and not by putting out accusatory links to his representatives on the Web – the law doesn't hold its tribunals on the Web. But as the news of the indictment of Sklyarov spread, and, arguably just as importantly, as the court hearings of Sklyarov kept being delayed, more and more actors left the scandal network, deserting the affair. The accusation had returned to the original addressee, Sklyarov. As the scandal-network disintegrated, the Russian programmer seemed to be the true subject of defamation in the affair.

The actors who made up the Sklyarov scandal network, even as they deserted the affair, could not really be accused of treating the scandal badly. They had stuck with the issue as long as the accusations circulating in the network seemed reversible. Unlike many other scandals on the Web, unlike those which disintegrate prematurely, and unlike those which don't even configure into networks – as is the case, for example, with the scandal of the many journalists who went missing in Central Asia over the last years<sup>7</sup> – this scandal could count on its protagonists. They kept it going until the accusation was beyond their reach, until it was effectively appropriated by the US attorney's Office. However, when this short piece on the configurations of scandal on the Web was actually already finished, the news broke that the court and Sklyarov had reached an agreement, freeing the programmer of charges. The grown scandal-network now showed another burst of activity. Some of the actors in the network took the opportunity to accuse the law, which was said to hereby admit its mistake of bringing charges against Sklyarov in the first place. It is possible that the scandal-network will now morph into an issue-network, re-opening the controversy about the Digital Millennium Copyright Act, the law under which Sklyarov was indicted. But as far as the scandal of defacement of Adobe versus Sklyarov is concerned, it's pretty certain it will soon die a second death, and

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<sup>7</sup> R. Rogers, "Media Freedom under threat, would somebody please do something? Watching the network effect, or the lack of it," paper presented at The Life Of Issues 5, a workshop organized by govcom.org and the Open Society Institute, C3, Budapest, Hungary, November 2001.

this time it will simply and happily expire from old age. The scandal has already been treated to a good life; now it has also been granted a happy end. \_\_\_\_\_ |