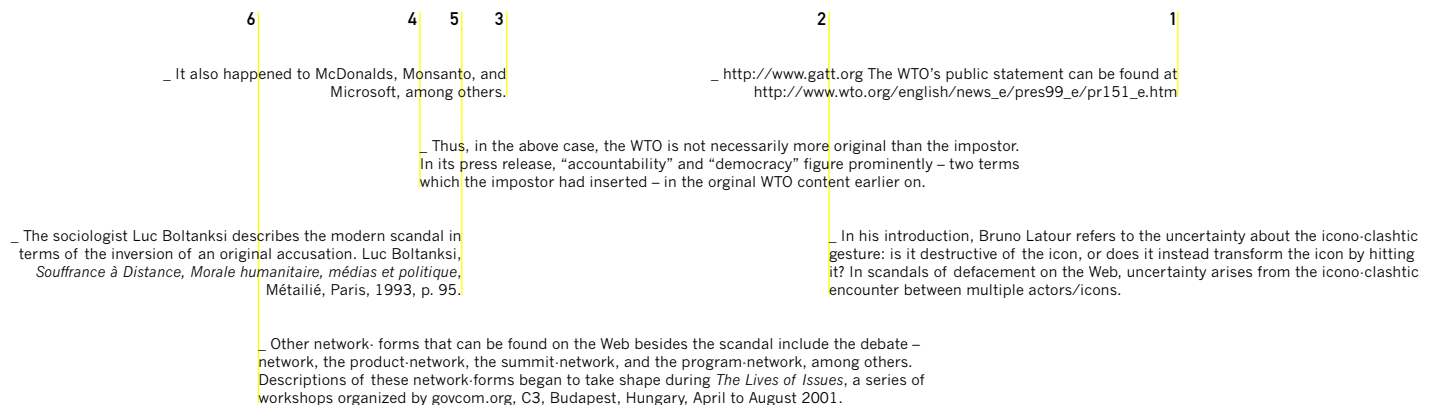# MAY THE TRUE VICTIM OF DEFACEMENT STAND UP!
ON READING THE NETWORK CONFIGURATIONS OF SCANDAL ON THE WEB

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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.[1] 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.[2]

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).[3] 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),[4] and exchange accusations, which of the actors involved constitutes the real subject of defamation remains an open question.[5] 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.[6] 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,

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[6] _ It also happened to McDonalds, Monsanto, and Microsoft, among others.

[1] _ http://www.gatt.org The WTO's public statement can be found at http://www.wto.org/english/news_e/pres99_e/pr151_e.htm

[5] _ Thus, in the above case, the WTO is not necessarily more original than the impostor. In its press release, "accountability" and "democracy" figure prominently – two terms which the impostor had inserted – in the orginal WTO content earlier on.

[3] _ The sociologist Luc Boltanksi describes the modern scandal in terms of the inversion of an original accusation. Luc Boltanksi, *Souffrance à Distance, Morale humanitaire, médias et politique*, Métailié, Paris, 1993, p. 95.

[2] _ In his introduction, Bruno Latour refers to the uncertainty about the icono-clashtic gesture: is it destructive of the icon, or does it instead transform the icon by hitting it? In scandals of defacement on the Web, uncertainty arises from the icono-clashtic encounter between multiple actors/icons.

[4] _ Other network- forms that can be found on the Web besides the scandal include the debate – network, the product-network, the summit-network, and the program-network, among others. Descriptions of these network-forms began to take shape during *The Lives of Issues*, a series of workshops organized by govcom.org, C3, Budapest, Hungary, April to August 2001.

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 succesfully 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 adressee, 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[7] – 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 Millenium 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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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 organizsed 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. ____|

June 22, 2001 — Elcomsoft releases the Advanced eBook Processor

The Russian software company Elcomsoft releases a program, called the Advanced eBook Processor (AEBPR), which can remove the encryption from eBooks for the Adobe Acrobat eBook Reader.

July 5, 2001 — Elcomsoft stops selling the Advanced eBook Processor

After complaints by the American software company Adobe, which produces the eBook Reader, Elcomsoft agrees to stop selling the Advanced eBook Processor, but it continues to distribute a free demonstration version.

July 16, 2001 — Dmitry Sklyarov is arrested

The programmer Dmitry Sklyarov, an employee of Elcomsoft, is arrested by the FBI at the Def Con conference in Las Vegas, after Adobe handed over incriminating evidence to the Bureau.

July 20, 2001 — Protest against the detention of Sklyarov picks up

Protests against the detention of Dmitry Sklyarov, and against Adobe, pick up on the Web.

July 23, 2001 — Adobe pleads for the release of Sklyarov

In a joint statement with the Electronic Frontier Foundation, Adobe makes a plea for the release of Dmitry Sklyarov.

August 28, 2001 — Sklyarov and Elcomsoft are indicted

After having been released on bail, Dmitry Sklyarov, as well as the company that employs him, Elcomsoft, are indicted on five counts of violating the Digital Millennium Copyright Act.

September 26, 2001 — Courthearings of Sklyarov are delayed

The courthearings of Dmitry Sklyarov and Elcomsoft are delayed until November 26.

November 23, 2001 — Courthearings of Sklyarov are delayed

The courthearings of Dmitry Sklyarov and Elcomsoft are delayed until March 2.

December 13, 2001 — The US Court and the Sklyarov legal team reach an agreement

The US Attorney announces that the defense of Sklyarov and the judge of the district of Northern California have reached an agreement: the indictment of Dmitry Sklyarov will eventually be dismissed.

July 19, 2001 — Before the birth of the scandal-network

On its Web site, Elcomsoft provides a detailed account of the actions Adobe has taken to force the company to remove the Advanced Ebook Processor from its site. Adobe's Web site is silent on the issue.
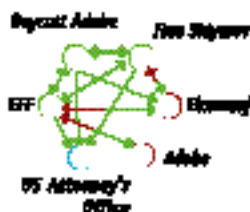
July 22, 2001 — Birth of the scandal-network

Sites calling for the release of the programmer appear on-line, linking intensely among each other, as well as to the parties held responsible for the arrest, Adobe and the US attorney. The Adobe Web site still remains silent on the issue.

July 23, 2001 — The scandal-network turns

Adobe and the Electronic Frontier Foundation (EFF) publish a joint statement on their respective Web sites, calling for the release of the programmer. Soon after, Elcomsoft removes the incriminating material on Adobe from its Web site, as well as its link to the company. A declaration of support for the Free Sklyarov movement takes its place.

September 2, 2001 — The scandal-network turns again
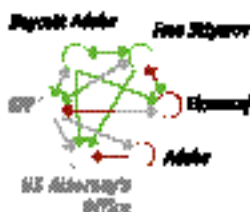
Adobe again reverses its position, as it puts out a declaration of support for the indictment of Sklyarov and Elcomsoft, and linking to the Department of Justice. By this time, however, the EFF has stopped updating its on-line archive of the scandal. Neither do the other actors in the Sklyarov support network respond to Adobe's change of position.

October 2001 — The scandal-network is fading
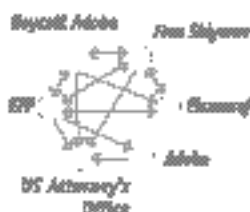
It is difficult to ascertain just how long the Sklyarov support network continues to be active after Sklyarov and Elcomsoft have been indicted, and after Adobe declared its support for the indictment, but by the end of October all protagonists have stopped updating their sites.

**December 13, 2001** — The scandal-network comes full circle
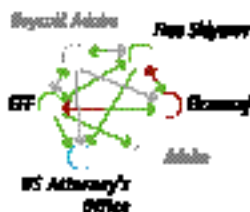
The Sklyarov scandal network is roused from its slumber, after it is announced that the indictment of Sklyarov will be dismissed. Except for Adobe and its critic, boycottadobe.com, all the actors in the core network comment on the good news. The scandal-network has come back to life, for one last time.

The case of Sklyarov versus Adobe on the Web:
A small exercise in reading the network configurations of scandal.

Relations on the Adobe logo found in the scandal-network.

Snapshot of the extended scandal-network

September 1, 2001
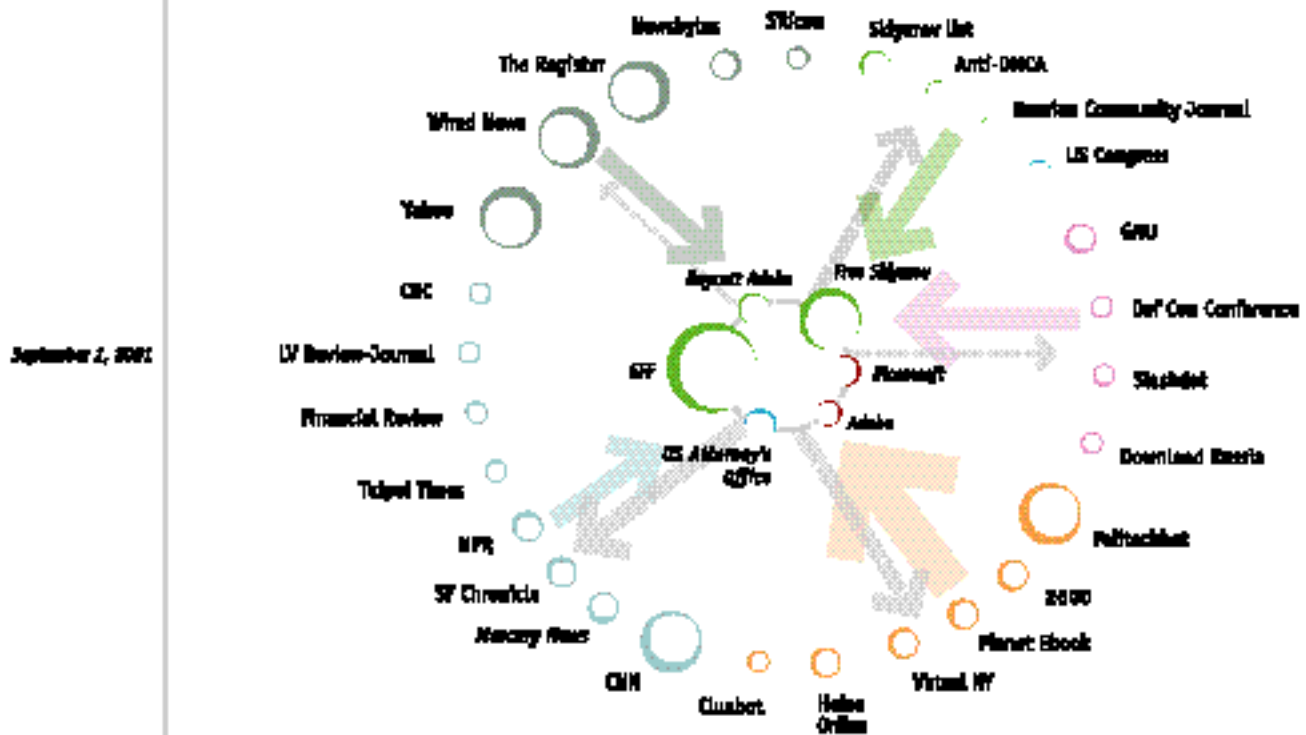
The extended scandal-network: interlinkings between the core network and the scandal support network.

The extended scandal-network is made up of the protagonists in the affair (the core scandal-network) and the relevant actors that reported and supported the scandal on the Web (the scandal support network). It was located with the aid of the IssueCrawler.* This map shows the interlinkings between the core network and the scandal support network. The sizes of the arrows indicate the number of links going from an actor group to the core network, and vice versa. The sizes of the actors indicate relevance, in terms of the number of links each actor in the extended network receives from the even broader network treating the scandal on the Web. The actors of the core network were found by the IssueCrawler to be the most relevant actors of their respective groups.

Legend

Actors in the core scandal-network

- Adobe
- Elcomsoft
- Electronic Frontier Foundation
- Free Sklyarov Campaign Site
- Boycott Adobe
- US Attorney's Office

Actor groups in the extended scandal-network

- Software companies
- Sklyarov campaign sites
- Governmental institutions
- Geek community sites
- Re-time technology news services
- (Webbified) mass media
- (Mozified) new media on the Web

* The IssueCrawler is a piece of software that locates networks on the web through co-link analysis, i.e., who's linked to whom. For a site to be part of the extended scandal network, it must be sufficiently linked by sites in the even broader network treating the scandal on the Web. The IssueCrawler was developed by govcom.org and OneWorld International.