

**The Antaeus Column* :
“When good sites turn bad”: the ethics of digital libraries and internet
legislation.**

* The title of the ‘Antaeus’ column derives from the name of the mythical giant, Antaeus or Antaios. The son of Gaia (whose name means ‘land’ or ‘earth’), Antaeus was undefeatable in combat so long as he remained in contact with the earth. Once grounded by contact with the soil, he vanquished all opponents. However, in order to disempower Antaeus, Heracles simply lifted him from the earth, overcoming him totally. Thus, many times through the centuries, Antaeus has been used as a symbolic figure showing how any human aspiration must remain grounded in order to succeed. LIS research must therefore retain its contact with the ‘ground’ of everyday practice in order to fulfil its potential as a sophisticated research discipline – it must remain empowered by its relevance to practitioners.

“When good sites turn bad”: the ethics of digital libraries and internet legislation.

Abstract

<i>Purpose of this paper</i>	To examine how well internet legislation that is imposed on libraries actually works, and to suggest ways of improving regulatory control of the web with a view to helping digital library service provision.
<i>Design/methodology/approach</i>	A summary description of two library-related instances of dealing with morally objectionable web content, combined with an analysis of the range of regulatory responses to these examples.
<i>Findings</i>	That draconian web-oriented legislation in the most overtly controversial areas of the internet can harm more than it can help; and that an active but more measured legislative response to other areas of internet management where there is need for greater regulation would be welcome.
<i>Research limitations/Implications</i>	There is a clear need for deeper investigation of the practical effect and actual outcomes of authoritarian internet regulation on information users, as opposed to the superficial intentions of such law-making.
<i>Practical implications</i>	Firm suggestions for improving the practice of internet and digital library regulation are made.
<i>What is original/value of the paper?</i>	This paper gives clear examples of where internet legislation works well and where it does not, in the hope of illuminating and stimulating debate on this topic.

Paper type: Viewpoint

Keywords: Libraries; Internet; Ethics; Legislation; Brands; Trademarks.

Introduction

Digital technologies and internet services subject librarians today to many ethical and legal pressures which would have been inconceivable to previous generations of the profession. One particular issue of great concern to many library users is the responsibility libraries have for protecting users from accidentally encountering any of the more objectionable materials to be found on the 'net.

There has been a heated debate in the USA about the duties of libraries in protecting users (above all, children) from the seedier side of the internet when using public library internet searching facilities. There is no lack of literature on the topic, but James (2001) is merely one of many vociferous critics of the attitude of the library profession ('Why would anyone on the library board oppose protecting children from smut?').

What is this controversy all about? On the one hand there has always been a long-standing debate about the type of print material that libraries choose to have in stock. If 'Lady Chatterly's Lover' is a suitable book for a public library (and some would disagree with this statement), is Toni Morrison's 'Beloved' or Irvine Welsh's 'Trainspotting'?

But beyond this, in the era of the internet, there is now another form of debate over the degree of responsibility which libraries have for the material that enters their digital portals accidentally, rather than as a matter of conscious stock acquisition. If a library has a webpac and digital library services, it needs to have open internet access as a core library service. This creates a lot of problems that make stock selection issues seem relatively easy to deal with!

Internet filtering and quality control

For example, after the passing of the CIPA (Children's Internet Protection Act) in 2000 in the USA, the American Library Association (ALA) was at the centre of a heated dispute over its stance on the library-related use of programmes which block access to objectionable web sites on the basis of keyword identification. Although filtering and blocking access to sites on the basis of their known nature and content by identifying and blocking their URLs is a rather more discriminating form of internet protection, filtering by keyword is less easy to implement without blocking access to genuinely useful and harmless information.

In the end the ALA ended up in the Supreme Court for arguing that public libraries should not be obliged to filter internet access. Despite powerful arguments in their favour (Heins, 2003), the ALA lost. Champions of civil liberties have been lamenting ever since (Brennan Center for Justice at NYU School of Law, 2006).

Domain parking

Much of this acrimonious debate seems, in retrospect, rather misdirected and wasteful. Most digital library initiatives would say that compulsory public library 'keyword filters' for internet searches are undoubtedly a form of overkill, blocking library users from accessing harmless as well as harmful web materials. The CIPA thus appears to be an overreaction by 'internet-naïve' conservatives to what is to them a very noticeable form of internet phenomenon, which must be countered by the most draconian means possible.

But such objectionable materials can in fact be combated quite successfully by alternative means which rely on the discretion and professional judgement of intermediaries such as librarians and IT managers. The voluntary and discretionary 'known URL' filtering mentioned above, which does not inhibit information retrieval to such a great extent and which leaves the institution much more in control of its own information retrieval processes, is one such example.

The heated debate on this topic has distracted from other forms of internet phenomena which are more insidious and just as worthy of a degree of moralistic censure. One particular digital library bug-bear is 'domain parking', which is an objectionable and potentially offensive web activity that has genuinely negative consequences for libraries offering public web search facilities. This topic deserves wider examination and debate in the LIS community and beyond, debate which this paper will attempt to initiate.

Trading in domain names

'Domain parking' may refer to a variety of domain registration and web site creation practices. Within this paper, it is used to describe:

- the practice of automatically generating content to sit at the site of an under-used domain or URL, or,
- the practice of generating content to fill the space in a domain which has been given up by its original owner.

Domain parking is thus closely related to the nefarious activities of:

- 'page hijacking', (creating a rogue copy of a popular website); and
- 'cyber-squatting', (in which internet profiteers purchase domains speculatively in the hope of making cash from them in some way, shape or form).

This second objectionable practice includes the more specific scam of buying up domains which resemble or express the identity of those other than the purchasers of the site URL (e.g. buying the 'NickJoint.com' domain when you're not Nick Joint). This has rightly been subject to legislation: the US Anticybersquatting Consumer Protection Act of 1999 (US Department of Commerce, 2003) outlaws the abusive registration or use by a person of a domain name that includes the personal name of someone else, or a name that is confusingly similar to the personal name of another individual.

But, whereas speculative proactive domain parking (buying a domain in the hope that it might become useful and recognised in the future), is less obnoxious than taking someone's valuable domain identity in order to sell it back to its rightful owner, retrospective domain parking (taking over a pre-existing domain and filling it with your own content) seems to be perilously close to the worst form of cyber-squatting.

Such 'inertia' domain parking relies on taking the inherited traffic that used to go to an established domain and ambushing internet users with new content placed at the old web space address. Revenue can then be generated by placing Google or Yahoo ads around the content of the parked site. What is particularly objectionable about this type of domain abuse is that the new content can be quite irrelevant to the original purpose of the domain, and the new content might even be offensive. The idea is to ambush the unsuspecting user of an old established URL with new content

in the hope that this might stimulate unexpected interest, even though the user was innocently looking for an older, now defunct site.

Practical web management problems

If one looks at real instances of retrospective domain parking, you come across some startling examples. The most (in)famous example is the reputation-breaking selling off of a domain by a well respected accountancy firm, Ernst and Young. Having decided to dispose of one of its children's business education site domains, the firm unwittingly abandoned its brand to all and sundry, with the result that it was turned by speculators into a pornography site (Taylor, 2001).

There are now many similar examples of domains that have been used quite properly for a while, with the domains establishing a valuable identity for themselves, only for the owners to decide to re-site the content somewhere else while giving up the domain at renewal. Domain parkers then snap up the domain and place content (sometimes inappropriate and indecent content) at this URL. Here are some examples, together with some indication of what sort of content has been domain-parked at the unrenewed URL:

The Scottish Virtual Teachers Consortium: Copyright and ethics in a digital age

(<http://svtc.org.uk> – originally a site offered by the Scottish Council for Educational Technology/Learning and Teaching Scotland, but now the original content is no longer available)

Present status: Domain given up, content changed, old domain now linking to miscellaneous sites such as:

'Teaching Resources; Svtc; Adult; MP3s; Jobs'

The BSE Enquiry report

(<http://www.bse.org.uk/> - originally the site where the UK government made its major report on this public health crisis available, now moved to: <http://www.bseinquiry.gov.uk/>)

Present status: Domain given up, content changed, old domain now linking to miscellaneous sites such as:

'Business Opportunity | Work At Home | Advertising | Small Business | Real Estate Investing | Internet Business'

National Institute for Social Work: Mental health issues publications.

(<http://www.nisw.org.uk/publications/mentalhealthissues.pdf> , now at <http://www.elsc.org.uk/>)

Present status: Domain given up, content changed, old domain now linking to miscellaneous sites such as:

'How To Boost App Speed ; Expert IT Support ; Doubletake SW Experts ; Linux Appliance ; Nis 250'

(All sites accessed 20/ 1/ 07)

As we can see from the first example above, information searchers seeking information on copyright and ethics will now find a link to 'Adult' sites, among other irrelevancies. This is not a good state of affairs.

Unfortunately for a library trying to keep its web page links up to date, none of these domain content changes can be detected by machine checking of a library web site which originally listed these domains in good faith. Whereas broken links can be spotted by automated programmes, only a human brain can see that a link to the BSE enquiry report (as quoted above) is now linking to advice on how to earn money by working at home. In terms of the practicalities of library web page management, the library web page manager is faced by the horribly onerous task of having to organise manual checks by library staff of all the links in their library web site.

So, apart from the moral dubiousness of an internet commerce practice that substitutes a link on copyright ethics with one that links to adult web sites, the resourcing implications of domain parking for libraries are considerable. Either you cultivate indifference to the thought of an Ernst and Young-type scandal in your library, when a good web site changes into the very reverse of a good web site. Or you have to set aside time for regular manual checking of all the hyperlinks which are listed by your library.

The fact that a human check has to be run on these links means that such a process is very slow. Given the tedious and repetitive nature of the checks, it is hard for one reasonable assiduous clerical worker to check more than a couple of hundred links in a working day, since content changes in each case require a certain pause for scrutiny to enable comparison of the original description of a link with the potentially new content placed at the link's target domain.

Nevertheless there is an ethical duty on libraries to avoid domain parking scandals, because a link to a parked domain that has been written into a referring library web page is a conscious act of direct navigation to a web site. If one's library web is polluted by such links, one cannot blame the keyword searching of a misguided library user. If we as librarians produce lists of high quality, carefully selected links in our library web pages or webpacs, we do have to guarantee the quality of what we select. Domain parking means that constant manual checking of links is an ethical, not just a technical obligation.

Recommendations

Looked at in the light of such web management challenges, librarians appear to be as much the victims of dubious internet practices as their users. So, rather than attacking librarians as devilish entities intent on peddling smut to our young library users (James, op. cit.), it would be helpful if the critics of our profession took a more measured view of some of the problems with which we are faced as we try to acquit our ethical duties as information mediators. Managing library access to the open internet is extremely difficult at the moment, and demonising the profession as part of the problem – instead of being in truth the first victims – shows ignorance of the contemporary information world.

There is a lot of unpleasant material out on the web, and LIS professionals do need to safeguard library users as far as is practical and desirable. However, where there is a demand for certain types of web-based material, there will always be those who will try and satisfy the demand for that material. If the material is objectionable, then it is important that those who have no desire or need to confront that part of the web are helped by information professionals to avoid it, as far as is reasonable possible. The purveyors of such fare should identify their sites as such and do their

best to connect with their market in ways that do not attract the unwary. We should live and let live.

However, domain parking breaks this contract of toleration. There is something particularly immoral about taking a domain with an established identity and using it to trap users into seeing material in which they are uninterested, or even material by which they may be offended. Why are there no articles from outraged US Bible-belt journalists saying 'Who will protect our children from internet domain hijackers?' instead of ones demanding that well-meaning librarians be arraigned in the US Supreme Court for honestly trying to balance freedom of access to information against the need to protect the innocent? There are some misdirected moralisers out there in the more conservative parts of the community of information users who could direct their fire more discriminatingly.

At a practical level, there is a need for greater control of the disposal of domains. At the very least, where a domain is demonstrably expressive, as in the domain <http://www.bse.org.uk/>, then the re-use of such a domain for inappropriate content which contradicts or deliberately debases the expressive nature of the domain could be controlled by legislation. Although there is some suggestion that the advent of Web 2.0 will affect the nature of domain parking ("CmdrTaco", 2007), this is an area of internet practice which will probably remain in need of better regulation – and certainly is a better area for legislation than the sphere of compulsory internet filtering, which has been invaded so precipitately by the US moral majority.

Librarians can do internet filtering for themselves without the leaden straight-jacket of the CIPA. They can do it better and more sensitively than demanded by US law. They cannot control domain re-use – for help in this area they must turn to government. However, governments often seem to react more readily to crude populist journalism than reasoned argument. The end result is incompetent legislative authoritarianism which harms more than it helps, and a lack of sophisticated legislation in areas where it is genuinely needed.

So there is a need for more internet laws that are (to coin a phrase!) 'fit for purpose', and fewer internet laws that are without any real purpose. By 'real purpose', we mean an aspiration to do more than appease those whose terror of the modern world is only exceeded by their lack of understanding of it. But to achieve this, we probably need to see a change in the political complexion of governments on both sides of the Atlantic. Let us hope that such a change comes sooner rather than later!

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