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The MSN Shutdown - An Ethical Review

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Declaration

I the undersigned declare that the project material, which I now submit, is my own work. Any assistance received by way of borrowing from the work of others has been cited and acknowledged within the work. I make this declaration in the knowledge that a breach of the rules pertaining to project submission may carry serious consequences.

Abstract

At the end 2003 Microsoft closed the public chat-rooms of its Internet service called MSN. MSN was pushed by Children's Charities because they feared an abuse of these chat-rooms. In some countries, however, the service was still available but subject to a charge. This review raises ethical questions about Microsoft's and the Children's Charities' behaviour because making the people pay with the excuse of protecting children is considered ethically questionable. Also the Children's Charities pushed for closure of a heavily used service although there is absolutely no evidence that children would be safer after closing down a chat-room.

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1 Introduction

During coursework for a Masters in Security and Forensic Computing (MSSF), students were asked to ethically review a case. I chose to review the shutdown of MSN chat-rooms in 2003.

This was particularly interesting for me, because it uncovers several problems that modern information and communication technologies (ICT) bring. It is a non-neglectable fact that the evolution and revolution of computing technology changed society (and still does). Nowadays, information technology is present in almost every aspect of a person's life. Even on a day-to-day basis, people can hardly avoid facing electronic equipment, be it a computational device (PCs at work) or just something connected to a larger information network (RFID tags in clothes). Current development, also represented by the move to IPv6 [Krill, 2009], creates a future in which each and every object is either able to compute, is connected to a larger network, or both. In an interconnected society, where even a bottle of milk can talk to the fridge that it is in, it is vital to be able to communicate anonymously and freely, because with all the information being digital, it is more easy to obtain, to copy or to store.

As the society at large is affected, it is easy to see that the arising problems are not only of a technical nature, but also moral, ethical and judicial.

Admittedly, this holds for so-called Western or developed countries only; but it still is in my interest, as this is the society I currently live in. Discussing multi-national political issues on how to distribute ICT equally is important but by far out of scope of this review. I thus concentrate on introducing the shutdown of MSN chat-rooms in 2003 as well as the ethical issues around that case.

I will try to maintain an impartial point of view and the structure of this text follows the approach Liffick suggested in [Liffick, 1995].

2 The Case

In October 2003, Microsoft's Internet service, named MSN, closed its public online chat-rooms in several countries. While the countries in the EU as well as Latin America and the Middle East were affected by this closure, people from the US and Canada could still access the chat-rooms if they paid a certain amount of money to Microsoft.

According to MSN UK's Matt Whittingham, the reason for the Internet service provider (ISP) MSN to shut the chat-rooms down was that they "*reached a stage where [they] were no longer prepared to put up with inappropriate communication*"[BBC, 2003]. By that, he meant that children using MSN's chat service might be targeted by child molesters searching for victims. Three months before that announcement was made, British authorities pursued a case involving a 12yr old girl who ran off to meet an older man that she had met through the Internet.

"*Eliminating and curtailing the service will help curb inappropriate uses*", said MSN spokeswoman Lisa Gurry, "*including pornographic spam as well as pedophiles or other sexual predators*"[CRN, 2003].

The company had about 1.2 million users alone in the UK for its chat service [dai, 2003]. Approximately only one percent of the users abuse the service, said Gillian Kent, the director of MSN UK. Furthermore, most child abuse occurs at the hands of relatives in the home [B., 2002] and not by strangers having groomed children on the Internet. Nevertheless, "*the move was necessary to help safeguard children from inappropriate on-line communication*", he said and the service was finally closed on October 14th, 2003. Children's charities acclaimed this development after they have pushed ISPs to close their chat-rooms down [Carter, 2003].

I see several ethical issues in this case. The most important one being the fact that MSN, apparently pushed by children's charities, closed a heavily used communication channel with the justification of protecting children, although the service was still available in some countries for people that paid enough money. Along with that, I criticise the Children's Charities for abusing their social and political power by pushing the closure of a heavily used communication channel, although only a neglectable number of child victims are found over the Internet. They distract from the root cause, namely children being mainly abused by relatives in their homes, by pulling the focus of the discussion onto the Internet. That does not address the real problem.

3 The Parties involved

Based on the above mentioned facts, I am going to show the parties involved:

Microsoft as the chat service provider. Since it is a company registered at the stock exchange, its main goal is to increase the revenue for its shareholders. The revenue is made via advertisements on MSN websites, which provide many users with the latest news, entertainment or communication. The revenue is determined by the number of users actually seeing the adverts and thus keeping the number of page

visitors high is important. Negative impressions of Microsoft or MSN could lead to fewer people visiting their site and thus to a reduced revenue.

Child molesters potentially abusing the service. I presume them interested in finding child victims without being visible to someone else, being it on the Internet or not.

(Regular) Users using the chat service. I assume them to be interested in a free, anonymous and reliable chat service that allows convenient, free and unmonitored communication. Interestingly, their goals are similar to those of the child molesters and it appears that if you cut child molesters' rights, than you immediately cut the rights of regular users as well.

Children using the chat service. It is hard to tell whether children actually are sexually attracted to someone being much older than themselves. Psychology knows the Oedipus- or the Elektra complex [Scott, 2005] which explains children (unconsciously) seeking sexual relationships with elderly partners. Again, as children are a subset of regular users, their goals are quite the same. Experience shows that it is safe to assume that children want to explore and experiment with new technology and that thus known and unknown usage patterns (i.e. playing games, dating, ...) emerge.

Parents watching their children using the Internet. I see them involved in this case because I believe them to be answerable for their children, including education and responsible media usage. While it is safe to claim that they want their children to not be harassed or violated, it is also their responsibility to watch their children's Internet usage and educate them about the dangers and risks involved. At the same time, I acknowledge that new media such as the Internet is not necessarily known to many parents, since the development of ICT went so quickly (cmp. [section 1](#)).

Children Charities pushing ISPs to close their chat services despite the fact that the vast majority of child abuse happens at home.

Government creating laws and trying to solve a child molesting problem. Besides protecting people (esp. children) from any kind of violence, the government's responsibility is also to guarantee freedom of communication. Although these are not orthogonal goals, achieving a balance between them is certainly not easy. Anyway, if it was known that these online services are frequently used to prepare crimes, especially abusing children, than it is the government's duty to observe and investigate in these channels.

Society being faced with the absence of a free publicly available chat. I expect the society to share the interests of the above mentioned (the users and the government): namely free communication and protected children. This is not surprising, because both are a subset of the society after all.

I will make the following simplifying assumptions to cut the above mentioned list to a manageable length. While regular users and children are directly affected by any

decision being made in this case, none of them contributes ethically to this issue. One could expect users to watch for abuses happening in communication channels, but we can not expect the users to know whether a participant is a regular user, a child or a potential child molester. The children could be more careful when using an Internet service, but I recognise that children may be a bit naive and that it is not their own job to educate themselves (up to a certain age). Although the Parents are responsible for watching after their children, they do not have any power over decisions MSN makes. I do not see the child molesters contributing to this case either. While I certainly consider it unethical to harm children, their influence is limited. Not only could they not have influenced any of MSN's decisions, but they most probably could not stop doing what they do anyway. Since there is no option to choose from I do not see any point in analysing it. As I assume that the government was elected by the majority of the people living in the country, I will make no distinction between the government and the society. It is noteworthy though, that as I have already stated in [section 2](#), child molesting is a largely social problem since the vast majority of child abuses are not done by strangers but rather by relatives.

It is interesting that none of the listed participants, including the potential child molester, did anything unlawful (yet). To the best of my knowledge, chatting with children and agreeing to meet is not a crime. And I do not think it should be, because as in real life, you cannot effectively know how old a person on the Internet is. You might have hints such as the language they use or their appearance look in real life, but all that can be played of course.

As a result of the above assumptions, the list of to-be-considered participants consists only of Microsoft and Children's Charities. I see the former contributing to this case because they finally made the decision to close the public chat-rooms. As it was still possible to get access to these chat-rooms if one paid enough money, the obvious question is whether they only want to increase their revenue. I consider doing this by closing widely used public communication possibilities ethically questionable. Another ethical concern I have is Microsoft pretending to protect children by closing their chat-rooms although evidence shows that only very little harm is done to children over chat-rooms.

I see the Children Charities involved because they verifiably pushed ISPs to close their public communication channels and I consider trading the right of free speech for protected children a moral question. Especially if there is no evidence that proves the effectiveness of the suggested method. If there was evidence, it should be easy to either prosecute the wrongdoers or at least help the government to prosecute. I also consider not even trying to solve the root problem but rather only block its appearance ethically questionable.

4 Possible Actions

After having listed the active participants in [section 3](#) and their actions in [section 2](#) I will present alternative actions the participants could have taken. Two extreme solutions are proposed and a third more appealing solution will then be presented in [section 5](#).

Total Closure

It would have been possible for the Children's Charities to push for total closure of any communication channel and for Microsoft to close their chat-rooms for everyone, instead of granting access to the people who were willing to pay.

The problem with child molesters seeking for child victims would not be solved at all. Instead, child molesters would use different communication channels to achieve their goals. These channels would most likely be owned by a company that would not have the financial and political power to help the investigation of crimes. The situation would thus be worse for all the participants: Microsoft would lose income, regular users would not be able to communicate freely and conveniently any more, and children would still be at risk while the likelihood of an infringed crime would be much less.

Total Freedom

Another possibility for Microsoft would have been to withstand the pressure of the Children's Charities and open their services even more by not regulating the chat-rooms at all. No monitoring or surveillance systems would be used to enable the users to communicate without any restrictions. Although it is not possible to determine how important this topic was within the society back in 2003, I consider it likely that Microsoft would have lost visitors and thus revenue, because the negative campaign of Children's Charities clearly dominated the discussion back then. Also, children would now be more at risk because potential child molesters would not need to fear any prosecution. Admittedly, the objective danger for the children was not too high in first place and criminalistic research shows that deterring somebody with tough penalties does not work [Porath and Wippich, 2006]. But I do not see any need to increase the children's risks for more freedom for the users, because the users would not gain as much as the risk for the children would increase.

I do not consider either of these solutions to be optimal since they are extremes that do not tackle any problem efficiently or even worse: create new problems on top of the old ones. Instead of total control (read: closure) or total freedom, I believe a better option can be found that does not suffer from the above mentioned problems of an extremist solution.

5 Alternative Solution

In this section I am going to propose an alternative approach that the participants could have taken. I also will discuss the philosophical ideas behind my proposal.

Blocking a channel does not solve the problem but rather hides or distributes it. Children and child molesters will not stop using online chat-rooms to meet their needs. Especially MSN would have the financial and political power to selectively find people grooming for children and to finally arraign them.

An even better solution would be to educate the users of the online services, especially children. Since people obviously fear that children do not know about the potential dangers on the Internet, the problem of children meeting with strangers in real-life could be tackled by proper education. I could imagine very visible signs stating the dangers, or interactive comics that explain what to do and what to not do on the Internet in order to stay safe. Of course, that will not reach each and every child, but the balance between freedom of speech (on an online chat-room) and safety for children is achieved in a better way.

Combined with good mechanisms and user interfaces (UI) that allow easy alerting of moderators on duty, I believe the situation could be defused easily. I am convinced that if Microsoft spent money on how to design such mechanisms and UIs, they can come up with a solution which works well. On such an alert, the Children's Charities could then give hints on how to collect evidence.

Since the normal usage of the chat service is not affected, I think this solution be expected to be accepted even by regular users. After all, only the user interface would change and moderation policies would slightly change.

I see problems with the above mentioned approach though. Given that MSN had so many users, having moderators on duty that would react on an incoming alert could be very costly. Also, those moderators would need special training to learn how to properly deal with children and potential criminals as well as how to collect evidence correctly. This can be unfeasible unless the government helps the companies (MSN in this case) to handle this burden.

Finally, I do not believe that the problem can ultimately be solved. We can only try to find a solution that helps the participants as much as possible to deal with the situation while at the same time not affecting the quality of the offered service.

The proposed solution is influenced by the ideas of utilitarianism; namely to achieve the greatest good for the greatest number of people (cmp. [Sinnott-Armstrong, 2009]). While I did not want the regular users to be affected in their normal chat-room usage, I wanted to give children the possibility to raise an alarm. Given that this would be well designed and easy to use, it would not take the freedom away from the regular users, protect the children and helps actually prosecuting criminals.

This is the result of the proposed solution achieving much while not doing harm to the other, regular, users.

6 Conclusion

I have introduced the MSN closure case from 2003 in [section 2](#) and listed the participants involved in [section 3](#) as well as their respective actions. Additionally, I raised ethical questions based on the given facts. Furthermore, I listed different possible solutions in [section 4](#) and presented one of them as my favourite in [section 5](#). That approach turned out to be influenced by the ideas of utilitarianism or consequentialism, because it tries to increase the overall advantage for every party involved, focused more on the results rather than the actions themselves. Also, no values are seen in these actions themselves.

I acknowledge that other results can be obtained if other philosophical schools are followed and I do not question them to be better or worse. But in my opinion, naturalism does not provide a mindset that is able to deal with technical and to some extent artificial and abstract innovations such as the Internet and chat-rooms. For me, it is too focused on nature and too uncritical about man-made problems. I consider the idealistic ideas to be worth following but its shortcoming is its simplistic approach. In a complex world with many participants involved that can do serious harm to others, I (sadly) cannot regard idealism as a proper way of thinking. Although I usually admire the concepts of extensialism I do not feel that they can be used appropriately in a setting were many people are dangerously involved. For me, it is too hedonistic to be able to seriously discuss how to solve the problem of children being harmed.

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