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Social and Legal Implications of Social Networking Websites

Introduction

The purpose of this paper is to describe some of the social and legal implications of widespread social networking websites. I will start by briefly describing the history of Social Networking Websites (SNWs) and listing some of the most popular current examples. Then, I will view some of the positive cultural effects that SNWs have made. I will also discuss some of the social implications, such as the huge role SNWs play in our children's lives and how they affect our personal security and privacy. Another important aspect of SNWs is the legal issues and cases which I will examine in a general fashion. At the end of the paper I will present my opinion regarding the ethical responsibilities of developers when developing new means of entertainment that have the opportunity to profoundly affect society.

History of & Types of SNWs

Users of the internet started communicating with each other using several means of electronic communication. Since the early development of the internet, e-mails were used as a standard way of communication. However, different situations require different styles of communicating. The result was a wide range of possibilities to view user generated content. Such methods include bulletin boards, Internet newsgroups, on-line chatting, and web logs (blogs). A new approach was social networking services (websites) that, since the early 2000s, have grown exponentially to include millions of users per site. [1] For the purpose of comparison, it is estimated that the most watched TV show in the US, American Idol, is viewed by an average of about 30 million viewers per episode. [2] Of course one of the main differences in the two media platforms is that television is network generated, and more or less performed for the viewer, while SNWs are user generated and very interactive.

There are many types of social networking websites that are different depending on the initially targeted audience of the founders. One type of SNW is targeted towards students attending the same high school or college (e.g. Facebook.com and Classmates.com). Other types are more specific towards one interest such as music (e.g. Last.fm) or Travel & Lifestyle (e.g. WAYN.com). One of the largest, well-known SNWs is MySpace.com. With over 155 million

registered users, it is rated sixth by Alexa.com traffic ranking. [3] MySpace is one example of a general type of SNW. Other examples of general SNW include orkut.com (owned by Google, with over 40 million users) and the Korean based Cyworld.com (with 15 million users). Another major type of social networking website is on-line dating websites. The most well-known example is probably eHarmony.com, which has 12 million registered users from more than 200 countries. [4] Another example of a popular on-line dating website is Match.com.

Cultural Impact

Social networking websites have become a massive cultural phenomenon. Never before has it been so easy to connect with thousands of others from around the world. SNWs have virtually eradicated the barrier of distance when it comes to meeting new people. Making new friends that share similar interests and ideas can be rewarding in various ways. SNWs attract a wide range of age groups from teens to old people. The Kaiser Family Foundation conducted a survey that showed that teens spend an average of 1 hour and 22 minutes on social networking websites. [5] Yong users mostly use SNWs to express themselves via blogs, video clips, music tracks, posting pictures, and messaging other friends.

Similar to television, this large audience attracted a wide-range of advertisers from independent music bands to giant corporations. It is now common for many music bands to rely on sites like MySpace to promote their new releases.

Social Implications

One of the main social issues that have emerged from the usage of SNWs is the concern about children being kept safe from online predators. Teens and young adults are usually unaware of the possibility of getting into trouble or having someone take advantage of them. They are often easily influenced and their curiosity, inexperience and naiveté make it easier for online predators to gradually seduce them through attention, kindness, and fake friendships. According to the Congressional Internet Caucus Advisory Committee, approximately 1 in 7 kids were victims of online predators in 2005. [6] One of the biggest issues when it comes to social networking websites is that online predators can not only know about a victim but also about their friends, activities, and home and school addresses. This assists pedophiles and sex offenders in committing horrible crimes.

One case involved a 38-year-old man that used MySpace to select and locate victims he later assaulted. [7] Thankfully, he was caught and was prosecuted for multiple counts of sexual assault. Another case involved the murder of a 14-year old girl that reportedly told her friends that she had met a man through MySpace. The Center for Missing and Exploited Children reported more than 2,600 cases of adults using sites like MySpace to lure minors. [7]

Unfortunately, security measures restricting ages don't always work since many children simply lie about their age. Since SNW administrators have been unsuccessful at preventing children from creating accounts, they have tried to locate and delete accounts of suspected predators. That solution is short-lived however, since it is very easy for a predator to create a new one. This has been the case for several sex offenders. [8]

Another social implication is the privacy vulnerability issue that affects both teens and adults. Most users post personal journals of where they've been or their future plans. Some times they post their home addresses, school, or work locations. This information is often viewable by the general public and when posted along with birthdates, pet's name, and other personal information, place users' security at risk. Such posts can be an opportunity for fraudsters and con artists to guess passwords and steal property or bank accounts.

An additional implication is the one that involves employment. Many employing agencies suggest that graduates should clean up their profile since companies can easily view their public profiles. Employers sometimes review a candidate's profile and judge the employee based on their personal life. This might violate the privacy of the applicants, but employers often do it. In different cases, employees' profiles can sometimes help them to get a job. When a profile shows a professional candidate it servers more like a resume than a profile for fun. [9]

Legal Implications

Social problems relating to SNWs naturally gave birth to legal issues. Some members of the U.S. government tried to tackle the growing threat of online predators by introducing new laws that might help prevent future cases. One example is the Deleting Online Predators Act of 2006 introduced by republican representative Mike Fitzpatrick. This bill would have required schools and libraries to protect minors from online predators using commercial social networking websites. [11] However, due to the controversy of its effectiveness the bill was not voted on by the Senate.

Another federal law, that is currently effective, is the Children's Online Privacy Protection Act of 1998. This law "applies to the online collection of personal information by persons or entities under U.S. jurisdiction from children under 13 years of age". [11] Web hosts are required to include in their privacy policy how to get verifiable permission from a parent to use the website. Also, website operators should list the steps they are taking to protect children 13-years old or under. Violation of this law carries economic penalties. A social networking website called Xanga.com had to pay $1 million for violating the COPPA of 1998. The website allowed children under 13 to sign up for the service without getting their parent's permission. [12]

It is very tricky to determine the legal responsibility of SNWs. In one case a 14-year old girl in Texas filed a lawsuit against MySpace when she met a man on the site that later assaulted her. Her representative argued that such sites were careless in not creating safety measures to protect young users. On the other hand, families suing such websites are often accused of bad parenting and as a result what happens to their children.

As much as each group seems to blame the other, the responsibility cannot entirely rest upon just one party. Similarly, the solution will probably require efforts from all sources. The best practice so far is when SNW moderators, government agencies, and families work together to get online predators out of the community. SNWs need to take some responsibility by devising safety measures and access rules. Government agencies help by sharing records of convicted sex offenders and by arresting them either by normal responses to victim calls or by conducting sting operations. And lastly, and most importantly, parents should always be aware of their children's activities online.

Other legal issues involve the content being posted on SNWs. In one incident, a 14-year old posted a threat to a school official on MySpace and was later charged with felony harassment charges. [13] Another incident resulted in the arrest of two teenagers after they allegedly posted a firebombing video on MySpace. [14]

Teens are not the only ones that get legal attention for what is posted. Video hosting websites resemble another type of social networking websites. Universal Music group has filed a lawsuit against MySpace accusing the site of copyright infringement. [15] Several other cases have been filed by music studios against video posting websites. These cases are usually hard to deal with especially that users post all sort of media without realizing what is and isn't legal to post. It is also not realistic for these websites with millions of users to check every post that have been made.

My Opinion

My opinion will be an ethical opinion and I will follow utilitarian reasoning to support it. The issue that I will state my opinion on is that developers share a large responsibility when it comes to protecting children against online predators. When developers work on new technologies they have to keep in mind the implications that this product will have when published to the general public. The Association for Computing Machinery (ACM) code of ethics clearly states that an essential aim of computing is to minimize negative consequences "including threats to health and safety". It also states in section 1.1 that: "When designing or implementing systems, computing professionals must attempt to ensure that the products of their efforts will be used in socially responsible ways" and "will meet social needs". [16]

In the case of social networking websites, it is true that the developers are not responsible for what is posted by users. However, when it is apparent that all kind of users will be using the technology, safety measures must be taken. Similarly, when developing banking systems, it is not left to good faith that users of that system will not try to break in and do harm to other users. That is why, for the greater good of all parties, security measures are devised and computing solutions for safety are made available.

For social networking websites, measures should include ways of restricting access to certain areas for minors, profanity filtering, and maybe suspicious activities reporting systems. Similar measures should be considered when developing technologies similar to SNWs. The only drawback of such measures would be the relative restriction of user's freedom on what to post and who to contact. Compared to the positive effect of these measures, I think it is morally right to strictly implement them based on the utilitarianism ethical doctrine. [17]

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