

Cybersex, Porn, and Filtering



Information Technology and Social Life

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Cybersex

- Pornographers usually first to exploit new technologies

Types of Users

1. Recreational users are those who access online sexual material more out of curiosity or for entertainment purposes and are not typically seen as having any problems associated with their online sexual behavior.
2. At-risk users are those who, if it were not for the availability of the Internet, may never have developed a problem with online sexuality.
3. Sexual compulsive users are those who use the Internet as a forum for their sexual activities because of their propensity for pathological sexual expression.



Cybersex

Types of Relationships

1. Virtual online relationships involve people who never actually meet. They usually engage in sexually explicit text exchanges (i.e., cybersex), and may swap gender roles. Although they may have real-life partners they do not feel they are being unfaithful. The relationship is usually short-lived.
2. Developmental online relationships involve people meeting online but who eventually want the relationship to move from online to offline after becoming emotionally intimate with each other. The shared emotional intimacy and commitment often leads to cybersex and/or a strong desire to communicate constantly with each other on the Internet. The relationship is often long lasting.
3. Maintaining online relationships involve people first meeting offline but then maintaining their relationship online for the majority of the time. This is usually because they are geographically distant. The relationship may or may not be long lasting depending upon the level of emotional intimacy and commitment. With regards to addiction, it is only the first type outlined here that may be addicted to the Internet. The latter two types are more likely to be addicted to the person rather than the activity—particularly as their Internet usage stops almost completely when they meet up offline with their online partner (Griffiths, 2000a).



Legal Issues

- **The Child Pornography Prevention Act (CPPA)** criminalized the creation of what is called “virtual child pornography,” or “morphed” child pornography. Under CPPA images that appear to depict children but do not, including images of youthful-looking adults or images that are computer-generated would be illegal.
- The Free Speech Coalition filed a lawsuit to overturn these provisions of the CPPA on the grounds that the restrictions violated the First Amendment. The U.S. Supreme Court agreed with the Free Speech Coalition, and in a decision handed down on April 16, 2002, found these parts of the CPPA unconstitutional on two grounds:
 - First, the law, as written, is overbroad, prohibiting otherwise legal, non-obscene images depicting teenagers engaging in sexual activity, such as filmed depictions of Romeo and Juliet or Lolita.
 - Second, the prohibition on child pornography is based on the link between the creation of the image and the sexual abuse of the children shown in the image. If an image is created by use of computer technology or by photographing adults pretending to be children, there is no basis in the law to ban the image.
- The Child Pornography Prevention Act affected only those who create films and images. It did not affect libraries. The Freedom to Read Foundation, however, joined an amicus curae (friend of the court) brief in support of certain First Amendment arguments.



Legal Issues

- **The Child Online Protection Act (COPA)** replaced the Communications Decency Act. (The Communications Decency Act was held unconstitutional in a 9–0 decision by the Supreme Court in 1997.) COPA prohibits the transmission of any material over the Internet deemed “harmful to minors,” if the communication was made for a commercial purpose.
- The ACLU challenged COPA on behalf of a group of plaintiffs who provided commercial content for the Internet or who received such content. The trial court found the law unconstitutional on First Amendment grounds. The Third Circuit Court of Appeals agreed that the law was unconstitutional, but said it was unconstitutional because of its reliance on “contemporary community standards.” This made the law overbroad.
- The U.S. Supreme Court reversed the Third Circuit’s decision on May 13, 2002, on very narrow grounds. The Supreme Court did not decide on the constitutionality of COPA, finding only that COPA’s reliance on “community standards” does not by itself make the law unconstitutional. As a result, the Supreme Court returned the matter to the Third Circuit Court of Appeals for a fuller consideration of the First Amendment issues.
- Because COPA addresses only material sent over the Internet for commercial purposes, it does not directly affect libraries. FTRF joined an amicus curiae brief in support of the parties’ First Amendment argument.

All nine justices agreed that the injunction preventing any enforcement of COPA must remain in place while the lower courts further examine COPA’s constitutionality.



Legal Issues

- **The Children's Internet Protection Act (CIPA)** requires libraries and schools to install filters on their Internet computers to retain federal funding and discounts for computers and computer access.
- Because this law directly affected libraries and their ability to make legal information freely available to their patrons, the American Library Association and the Freedom to Read Foundation filed a lawsuit to overturn CIPA, but the Supreme Court on June 23, 2003, in a 6–3 decision, upheld the constitutionality of the Children's Internet Protection Act (CIPA).
- "Opponents of filtering software contend that filters block and discourage legitimate Internet use, like research on such topics as sexually transmitted diseases". I.e. 1996 some filters blocked access to the 30th Super Bowl because, like all Super Bowls, it was designated with Roman numerals: Super Bowl XXX.

About 90 percent of public libraries get federal subsidies for Internet access.

ALA position - Bad in schools and libraries, OK for homes and parents to control