

**Free Speech, Pornography, Sexual
Harassment, and Electronic Networks**

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ABSTRACT

Linking most universities and many companies around the world is a vast computer network called Internet. More than 7 million people, at 1.2 million attached hosts, in 117 countries are able to receive and send messages to about 4,000 newsgroups, representing the diverse interests of its users, as they are usually called. Some of these newsgroups deal with technical computer issues, some are frivolous, and some carry obscene or pornographic material. For purposes of this essay, it will be assumed that by most standards the postings of concern consisting of stories with themes of bestiality, bondage, and incest and encrypted pictures with scenes of nude women and men, and even children, are pornographic and offensive to many people. The issue under discussion is what to do about such offensive material. Issues of free speech, censorship, and sexual harassment arise. These as well as many others are explored and recommendations are made.

Keywords

Information networks, Internet, Usenet, Pornography, Free Speech, Sexual Harassment

I. Introduction

Linking most universities and many companies around the world is a vast computer network called Internet. More than 7 million people, at 1.2 million attached hosts, in 117 countries (Anthes, 1992) are able to receive and send messages to about 4,000 newsgroups representing the diverse interests of its users, as they are usually called. Brody (1992) reports that between 5 and 10 million people have access to Internet. Some of these newsgroups deal with technical computer issues, some are moderated - articles are sent to a moderator who exerts a measure of editorial control before posting or circulating the article, some are frivolous, and some carry obscene or pornographic material. For purposes of this essay, it will be assumed that by most standards the postings of concern consisting of stories with themes of bestiality, bondage, and incest and encrypted pictures with scenes of nude women and men, and even children, are pornographic and offensive to many people. The issue under discussion is not whether this material is pornographic but rather what to do about it given that it is generally agreed to be pornographic.

There is general agreement that computer networks such as Internet (to be described below) have had a major impact on international communication and scholarship. Instantaneous worldwide communication is a partial realization of McLuhan's "global village." The benefits of such a technology are readily apparent and will also be discussed below, but there are some associated problems one of which has been introduced above. Thus the present purpose is to describe this problem and then to explore and advocate a particular approach to confronting it. This program will require an excursion into a new world with an old problem, that of how to deal with sexually explicit material while maintaining free speech as a fundamental principle in a free and open society.

Recently, at many universities in North America and indeed around the world, the occurrence of postings with pornographic contents has suddenly been "discovered." A typical scenario is that a computing centre or facilities manager is approached by a user claiming that he or she has encountered a particularly offensive story on the newsgroup alt.sex and wonders how the university can justify the availability of such "garbage" on a publicly accessible network. Furthermore, how can it possibly be justified that scarce resources are available for this purpose? Another version will be a report from a student, usually a women, that a group of male students are gathered around a workstation in a public area, laughing and discussing the merits of an image of a nude women, lying on a bed with her arms and legs shackled and her genitalia fully displayed. The question now might be: 'How can the university possibly justify the display of such offensive pictures in public on University resources?'

A variety of actions have been taken by university administrators including the banning of suspect newsgroups, resulting in the sudden unavailability of these newsgroups at the site. For the moment we defer the discussion of how the offensive newsgroups are identified. This simple action could trap all newsgroups whose names begin with alt.sex, including such groups as alt.sex, alt.sex.bondage, alt.sex.bestiality, alt.sex.motss (members-of-the-same-sex), and alt.sex.pictures. At the same time, a committee may be struck to investigate the issue and report to the president. Some universities have investigated the situation and then restored all banned

newsgroups; others have not instituted a ban, while still others have maintained the initial ban. The reasons for these actions are varied and reflect the need to satisfy a variety of objectives and interest groups. The relevant issues include free speech, obscenity, sexual harassment, the degradation of women, the 'proper' use of limited university resources, the purpose of universities, the relation between pornography and behaviour, and feminism and pornography.

We will use material derived from the network as a major part of the evidence in the arguments which follow. Thus references to postings to a variety of newsgroups will abound. The purpose of such attributions is not to support a particular position but rather to expose some of the prevailing opinions prevalent on Usenet. It is assumed that a familiarity with networks and bulletin boards exists but more technical issues will receive a more detailed discussion and such terms as Usenet and Internet will be defined later. A simple version of the position taken in this paper is that no suppression or censorship of newsgroups should occur. Steps might have to be taken to deal with consequences arising from the public display of images or text. Such steps will certainly involve the invocation of sexual harassment guidelines.

To focus the discussion, I propose a set of six basic principles that adhere strongly to the principle of free speech, as a hallmark of an open and democratic society. The reflex response to censor material objectionable to some should be resisted and educational institutions, the primary locus of concern, should maintain an active commitment to free speech, consistent with their responsibility to free and open inquiry. Consider the following principles:

Basic Principles

1. Do not treat electronic media differently than print media, or traditional bulletin boards, merely because they can be more easily controlled.
2. Do not censor: Use sexual harassment procedures, if necessary.
3. Issues will proliferate beyond the ability of organizations to control them by rigid policies.
4. Organizations do have a responsibility with respect to the uses and misuses of their facilities. However, they should not use cost of services as an excuse to censor and limit access.
5. Occasional offensive postings do not deter from the benefits of electronic networks.
6. Trust, and educate, people to be responsible.

II. Discussion of the Basic Principles

The Internet reaches people around the world in countries with distinct and varied customs and traditions. Originating in the U.S. it quite clearly carries many U.S. cultural and political values, including an overt and exceedingly vocal concern with First Amendment rights:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the

right of the people peaceably to assemble, and to petition the government for a redress of grievances.

In most of the discussion about censoring newsgroups, the defense is usually based on the above constitutional guarantees of freedom of speech. Many countries do not have such an explicit guarantee or a long tradition of protection of freedom of speech. There is among Usenet regulars in the U.S. a feeling of obligation to protect long established principles in the new electronic frontier. Among other users there is some resistance to having U.S. values, as well as U.S. technology, predominate the world's computer communication channels. In this paper, since most of the discussion will take place with respect to North American events, free speech will obviously have an important role.

Let us briefly examine the 'Basic Principles' before presenting a discussion of the issues at hand. I take these to be a set of guidelines whose application goes beyond the censorship problem. It is my basic argument that electronic media should benefit from the same protection as traditional print media (1.). It is obviously much easier to turn off a network feed than to control the circulation of books and periodicals. While a besieged administration can require its computer managers to restrict access to part of the network, it would hesitate to restrict the circulation of a specified portion of its library collection. Part of the reason is technical but an important part is the historic special status accorded to books and printed material. Note also that speech as manifested in radio and television also has a somewhat less than privileged position. The old is trusted and valued while the new is suspect.

The second point is clear: No censorship. I recognize that free speech protection is not absolute and that there are occasions when compromises must be made but censorship of selected newsgroups by system managers does not warrant such a compromise. No one is required to read or view material on the network. A definite decision must be made to receive it and a definite action must be taken to make this come to pass. No prior restraint should be initiated. However, the consequences of viewing certain material in public places may be detrimental to the well-being of some people. Women who find it offensive and whose feelings are ignored can launch a sexual harassment procedure. Use of public computing facilities does not license anyone to display material that others, not necessarily women, may find offensive. Further, ignoring the expressed discomfort of others, may open one up to charges of harassment, sexual or otherwise. By the same token, private reading or viewing of material that some might find offensive, is not sufficient cause to prevent all from ready access.

The third point expresses the practical limitations of attempting to control access to a restricted resource. Postings to given newsgroups can be cross-posted to other, less threatening, ones. So for example an item in alt.sex might also appear in alt.censorship. The job of making sure that no offensive postings appear anywhere on the network would be formidable, far beyond the capability of any site. But suppose that the number of these cross-postings is limited and not a real concern. Is everything safe for the university and its students and staff? Probably not. The more enterprising people will do a remote login (i.e. connect from the home site) to another site, even in a different country, that carries the desired newsgroup, having first acquired a computer ID

(identification codeword and password) at that site. Once downloaded, postings from this newsgroup are then available for distribution at the home site. Another option is to have a friend at the desired remote site include the forbidden material in an e-mail (electronic mail) message. Presumably no one would suggest that e-mail be monitored for information that has been censored on an originating newsgroup. Thus while many people at a home site would lose their access under a ban of selected newsgroups, some would continue to read or see what others have been prevented from doing.

A number of institutions, when confronted with the issue of offensive material on the network, have taken the position that given the expense of receiving, storing, and distributing network news, it is not possible to accommodate all the newsgroups. Thus they have reserved the right to withhold those groups that have generated the most controversy, namely the sexually oriented ones. By adopting this position they hope to avoid any debate over the real issues. Managers of extensive and costly computer and communications facilities, certainly have the right and indeed the responsibility to define conditions of use as well as standards of behaviour. They are rightly concerned about the possible use of university computers for profit by students and faculty. They are also justified in their concern about the copying of software or the fact that students may be made uncomfortable about the display of sexually oriented images on public workstations. Many universities require users to sign a statement before receiving a computer account, affirming their awareness of and agreement with university computer use regulations. These regulations are also posted in all public areas. All these measures seem to be an appropriate way to deal with the possible negative outcomes of the public display of sexually oriented material.

The proportion of sexually controversial postings is relatively small compared with the vast number of postings made each day on Usenet. Admittedly, this statement is only made on the basis of personal experience as well as a random sampling of reports. There are something like 4000 newsgroups on the net currently and the number increases everyday. The identified offensive newsgroups number fewer than 20, although again this number is open to question because what is offensive is not well-defined and new controversial groups regularly appear. The point is not to provide precise estimates but to recognize that only a low percentage of the traffic consists of controversial material and that these few instances should not detract from the overall benefits available.

Finally, point 6. calls for education and trust. One might expect that at an educational institution, the first response to a controversy emanating from a debate about the appropriateness of images and text, would be a call for discussion rather than a call for banning. There exist many examples of the power of education to defuse hostility and create a climate of cooperation and trust. If the first instinct is to withhold, to restrict, to prevent access, what is the message being promulgated? The call for trust and education is not idealistic and impractical; it represents a basic belief in the power of education and the free and open exchange of ideas. Further, education is not intended to be a one-shot event but an ongoing process.

In the following sections we elaborate on the discussion begun here and draw upon a variety of sources to support the basic principles enunciated above.

III. Relevant Issues

As background to the position taken above, a host of attendant issues will be presented and discussed. The nature of electronic networks will be described and their role around the world evaluated. We will also present a variety of issues associated with pornography and censorship and connect them to the problem at hand. Finally a brief examination of ethical use and responsibility in the management and use of networks will be presented.

III.1 Networks and Electronic Media

It is important to explore the nature of electronic media as contrasted with the traditional print media in order to lay the groundwork for the argument that free speech protection must apply to these newer media.

III.1.1 Electronic Media vs. Print Media

It is important to reiterate that the new media are covered by the same protection as the more traditional print media, although some would like to believe that this is not the case. It is equally important that this principle be recognized from the outset to alleviate the burden of unnecessary battles. But there are some differences. One is time - printed material diffuses rather slowly; a newspaper in a day, a magazine in a week. Articles are received a few seconds after they are posted on a computer network and responses a few minutes later. The shrinking of time does not permit sober second thought; rather the network approximates a face-to-face meeting of thousands in which the communication channel imposes a linear order of rapidly occurring messages. Among the few who frequently post messages are some who feel that they can operate without restraints and that they can say what they wish in any manner they choose. In the alt. newsgroups, that are unmoderated, no one can prevent or restrict anyone from saying anything. Such apparent freedom creates a sense of hubris - anything goes, anything is potentially interesting to someone, an audience exists and awaits with baited breath for the next words of wisdom.

It is as if everyone has a printing press and can send pamphlets instantaneously to every person in a small town. In part the traffic in pornography - stories and pictures - is a manifestation of the early discovery of a new and powerful toy by children who have previously been unable to bare their souls. It coexists with a large mainstream component that "responsibly" uses the network to exchange "useful" technical information. Somewhere in between is a group of people, also large, who find the network a convenient source of information on every subject available - politics, law, food, social issues, culture, music, literature, etc. Electronic media satisfy needs instantaneously particularly appropriate for the 'me generation.' Print media serve and satisfy an older generation, a more patient and reflective one. Some of the frenetic activities of the computer freaks are captured in the novels of the leading writer of 'cyberpunk,' William Gibson (1984), beginning with *Neuromancer*. There are differences between the media but freedom of speech applies equally to both.

III.1.2 Information Networks: A Brief Review

The current debate focuses on the Internet, an umbrella network of networks covering government, university, research, and private business sites around the world. When mention is made of newsgroups, the word Usenet also occurs. Here is a definition taken from Kehoe (1992, p. 29):

Usenet is the set of machines that exchange articles tagged with one or more universally-recognized labels, called newsgroups (or "groups" for short). Usenet encompasses government agencies, large universities, high schools, businesses of all sizes, home computers of all descriptions, etc.

Thus Internet refers to a network of networks, subsidized by various governments, carrying a variety of traffic including e-mail and Usenet while Usenet is an informal collection of diverse, independently controlled and managed sites, carried over many networks including Internet. Internet originated from Arpanet, an experimental network financed by ARPA (the Advanced Research Products Agency of the Department of Defense, now called DARPA) in the late 1960's. Perry (1992, p. 26) reports that "about 17,000 networks plug into Internet, and its users number in the millions. . . . the Internet has 992,000 host computers [in July 1992] up by 100,000 since April."

It is also useful to point out what Usenet is not (Kehoe, pp. 30-31): Usenet is not an organization, not a democracy, not fair, not a right, not a public utility, not a commercial network, not the Internet, not a Unix network, or not software. The newsgroups carried on the Usenet form a hierarchy based on their subject areas with the following seven major categories (Kehoe, p. 35):

Category	Topics
comp	computer science, hardware, software, hobbyists
misc	miscellaneous: law, jobs, investments, sales
sci	sciences, research
soc	social issues, socializing, cultures
talk	debates, open-ended topics, endless talk
news	network information, maintenance, software
rec	hobbies, recreational information

There are also alternative hierarchies including alt (sex, privacy, Simpsons, and just about anything else that doesn't fit in elsewhere), gnu (groups related to the Free Software Foundation), and biz (business-related groups). Note that individual newsgroups are named by a sequence of terms indicating a descent through the hierarchy; so for example, comp.admin.policy falls within the comp major category, is of concern to administrators, and deals with policy issues. Some groups are moderated which means that they have a moderator who must review every posting before distributing it over the network, while in the unmoderated ones individual postings are immediately distributed. Thus moderated groups tend to be more focused and less controversial.

Unmoderated groups are more chaotic, eclectic, wild, outrageous, with large numbers of postings and readers.

As mentioned above, a kind of internal standard of behaviour, a net etiquette (netiquette) has evolved over the years. Regular participants, while blunt and forthright in expressing their opinions, generally observe a number of guidelines collectively understood. When posting to a specific group, one must keep in mind the basic tenor of the interaction - scholarly, informal, dirty, topical, political, off-the-wall, etc. When responding to a previous posting, selected portions of that posting are usually included in order to provide a relevant context. There are a number of acronyms and codes commonly used to "flesh-out" statements in this rather cold, uninformative, narrow communication channel. So IMHO means in my humble opinion, FAQ is a frequently asked question, and a flame is an outrageous spewing of vitriolic vituperation. :-) means smile, :-D laugh, ;-) wink, :-x angry, and :-(frown. A sideward tilt of the head will render these more informative. Names, nicknames, and electronic addresses appear to make things more personal. It is little wonder that regular users jealously guard their independence, their freedom, and their right, indeed need, to be irresponsible, irreverent, and on occasion, funny.

Every month, for the benefit of new users, a series of announcements are posted on news.announce.newusers. The following is a selection from such a posting, originally written by Chip Salzenberg in order to provide a snapshot of Usenet's history, organization, and structure (Spafford, 1993):

WHAT USENET IS NOT:

1. **Usenet is not an organization.** No person or group has authority over Usenet as a whole. No one controls who gets a news feed, which articles are propagated where, who can post articles, or anything else. There is no "Usenet Incorporated," nor is there a "Usenet User's [sic] Group." You're on your own.
2. **Usenet is not a right.** Some people misunderstand their local right of "freedom of speech" to mean that they have a legal right to use others' computers to say what they wish in whatever way they wish, and the owners of said computers have no right to stop them. Those people are wrong. Freedom of speech also means freedom not to speak. If I choose not to use my computer to aid your speech, that is my right. Freedom of the press belongs to those who own one.
6. **Usenet is not an academic network.** It is no surprise that many Usenet sites are universities, research labs or other academic institutions. Usenet originated with a link between two universities, and the exchange of ideas and information is what such institutions are all about. But the passage of years has changed Usenet's character. Today, by plain count, most Usenet sites are commercial entities.
8. **Usenet is not the Internet.** The Internet is a wide-ranging network, parts of which are organized by various governments. It carries many kinds of traffic, of which Usenet is only one. And the Internet is only one of the various networks carrying Usenet traffic.
10. **Usenet is not a United States network.** It is true that Usenet originated in the United States, and the fastest growth in Usenet sites has been there.

Nowadays, however, Usenet extends worldwide.

WHAT USENET IS

Usenet is the set of people who exchange articles tagged with one or more universally-recognized labels, called "newsgroups" (or "groups" for short).

CONTROL

Every administrator controls his own site. No one has any real control over any site but his own.

IF YOU ARE UNHAPPY . . .

Property rights being what they are, there is no higher authority on Usenet than the people who own the machines on which Usenet traffic is carried. If the owner of the machine you use says, "We will not carry alt.sex on this machine," and you are not happy with that order, you have no Usenet recourse. What can we outsiders do, after all?

For the purposes of this paper, Usenet and Internet are used somewhat interchangeably, although the reader should be aware of the differences as noted in point 8. above. To further add to the possibility of confusion, the terms net and network also appear as synonyms to Usenet and Internet.

III.1.3 Networks Are International

One of the main virtues of networks such as Internet is that they are international, that transmissions are sent around the world as easily and quickly as next door. They have altered the way research is carried out, not fundamentally but sociologically. They have shortened time and space and have forced a confrontation of an aggressive culture with many previously isolated and inward-looking ones. What is open for discussion and debate in the U.S. is not necessarily fair game elsewhere. In the U.S. one important consideration of decisions with respect to the judgment of pornography or obscenity, has been the determination of community standards. For international networks, community standards multiply rapidly to the point that no one can assume to know that what "plays in Peoria" will "play in Dublin." The concept of international standards of good taste begs description.

Consider the following posting by Maloney (1992):

The computer/censorship issue related to the fact that only crosspostings to the group talk.abortion (which I hope this posting is getting through to) appear here. The relevant people are concerned that we could be breaking the law by allowing such postings to be read here, as they may have information in them on how to procure an abortion, e.g. a telephone number for an abortion clinic in England. My question is - are they leaving themselves open to prosecution? It seems to me that they cannot be seen to be "distributing" such information *per se*; any more than libraries are by having English telephone directories, containing the numbers of clinics.

Recall that in Ireland, abortion is illegal. Thus an open discussion in the U.S. about abortion may be seen in Ireland as an attempt to convince women to have abortions by supplying information

concerning where in a neighboring country abortion clinics can be contacted. Would a similar situation obtain in the U.S. were the Supreme Court to overturn *Roe v. Wade*, and recriminalize abortions? In any case banning newsgroups which carry discussion of women's rights including the issue of abortion, would arouse enormous protests in the U.S. and would certainly be seen as a serious violation of free speech. I do not know how it would be viewed in Ireland. To turn to another topic, consider the following, by Brossard (1992), in which the system manager at Ecole Polytechnique Federale de Lausanne, presents a classification of newsgroups into 4 categories: (Note that the notation alt.sex* actually refers to a set of newsgroups, the names of which must begin with alt.sex, such as alt.sex.bondage, alt.sex.bestiality, alt.sex.stories, etc.)

Category 1: Required newsgroups (exceptions: see Category 3) bionet.*, bit.*, ch.*, comp.*, etc.

Category 2: Optional newsgroups (exceptions: see Category 3) alt.*, clari.*, misc.*, rec.*, soc.*, talk.*, etc.

Category 3: Prohibited newsgroups: alt.binaries.pictures.erotica, alt.drugs, alt.fax.bondage, alt.personals.bondage, alt.politics.homosexuality, alt.psychoactives, alt.satanism, alt.sex* (6 groups), alt.sexual.abuse.recovery, alt.tasteless, bit.listserv.gaynet, de.talk.sex, clari.news.group.gays, clari.news.law.crime.sex, clari.news.law.crime.violent, clari.news.law.drugs, clari.news.sex, clari.news.terrorism, rec.arts.erotica, soc.bi, soc.motss, sub.sex, talk.abortion, talk.bizarre, talk.politics.drugs, talk.politics.guns, talk.rape [my underlining.]

Category 4: Not available newsgroups: eunet.*

Further, he notes, "The situation is such that I have users who use news servers in the US (Hawaii! [sic]) and Germany (over slow and saturated links!) and who knows where else to read the newsgroups they want." A number of Category 3 newsgroups have been underlined to emphasize the unpredictable range of topics that some countries, in this instance Switzerland, might find offensive. A decision has been made (by whom it is not known) that newsgroups dealing with such topics as sex, including bondage, bestiality, homosexuality, abortion, rape, erotic pictures, drugs, satanism, crime, terrorism, and guns, are not appropriate for the Swiss. Are the Swiss overly concerned about the impact of open discussion in these areas or are such issues just not talked about in public? Whatever the reasons, Switzerland has taken a rather strong and restrictive position.

The final remark of the system manager is important. Not only is there no way to prevent motivated users from accessing the news remotely but such access to remote sites in Germany and Hawaii, for example, has clogged up the long distance lines. Steps could be take to deal with this problem by restricting remote access but to what end? A network established ostensibly to permit and promote the international exchange of information both technical and non, may be constrained because some of the information, and a rather small part at that, does not meet local standards of good taste.

Another example of the control of newsgroups ostensibly for an obvious pragmatic reason comes from Australia. Consider the following posting by Elizabeth M. Reid (1982):

"About two years ago, AARNet (Australian Academic Research Network) ceased to receive alt.sex* and alt.drugs, and although some of those groups have at times come in on alternate paths, the official ban is still in place. Please note that this is not a case of censorship based on content, but a matter of economics. At that time the Aus-US satellite link was running at saturation point . . .

[What about now?]

"Despite upgrades within the last two years, the AARNet Business Plan of September 1992 described the situation as follows: 'this link is now (August 1992) running at 95% utilization levels for 4-6 hours per working day, and it is anticipated that critical congestion and subsequent performance collapse will be experienced well before the end of 1992.' I certainly agree that it is a pity we can't read these groups, but I do agree that if a choice has to be made then non-academic traffic should be sacrificed in order to ensure that academic traffic can be carried."

The excuse that some newsgroups must be eliminated on financial grounds, is usually a way to censor without openly admitting that one is censoring. The additional costs involved in carrying the above groups are marginal and in fact other newsgroups such as alt.censorship were not carried for a while. As Saleeba (1992) remarks, "Some time ago AARNet censored a set of newsgroups including alt.censorship and alt.drugs. Censoring a group for the discussion of censorship smacks of unjustifiable totalitarianism on AARNet's part."

III.1.4 The Growth and Diversity of Usenet

Every month the newsgroup alt.comp.acad-freedom.talk posts a brief statistical overview of readership. The following shows parts of the Usenet Readership Reports for June, August, and October (Kadie, 1992):

<u>Month</u>	<u>Newsgroup</u>	<u>Readership</u>	<u>% of sites</u>	<u>Cost ratio</u>	<u>%Share</u>
June	misc.jobs.offered	280,000	83	0.01	12.2
	misc.forsale	250,000	83	0.01	10.5
	alt.sex	220,000	67	0.04	9.4
	rec.humor.funny	220,000	81	0.00	9.2
				
	alt.comp.acad-freed'm.t	27,000	57	0.03	1.2
August	misc.jobs.offered	160,000	83	0.02	11.5
	misc.forsale	160,000	82	0.02	11.1
	news.announce.new's	150,000	89	0.00	10.3
	alt.sex	120,000	68	0.07	8.4
	news.answers	120,000	84	0.00	8.4
	rec.humor.funny	120,000	81	0.00	8.2
				
	alt.comp.acad-freed'm.t	14,000	59	0.04	1.0
October	news.announce.new's	190,000	90	0.00	12.1

misc.jobs.offered	160,000	83	0.02	10.3
misc.forsale	160,000	82	0.02	10.3
alt.sex	130,000	68	0.04	8.3
news.answers	120,000	84	0.00	8.0
..*				
alt.comp.acad-freed'm.t	16,000	59	0.05	1.0

Readership: Estimated total number of people who read the group, worldwide.

% of sites: Propagation: how many sites receive this group at all.

Cost ratio: \$US/month/reader (estimated).

%Share: % of newsreaders who read this group.

news.announce.new's: news.announce.newusers

alt.comp.acad-freed'm.t: alt.comp.acad-freedom.talk

The most popular newsgroups shown above deal with introducing new readers to Usenet, the listing of jobs, items for sale, and matters of sex. Others provide humorous material, erotic stories, and information about newsgroups. Far less popular are newsgroups about such issues as academic freedom of speech, privacy, censorship, kindergarten to grade 12 life skills, food in Houston, and snow in Austria. It is interesting that while the most popular news groups except for alt.sex are carried at more than 80% of the sites, alt.sex is carried at only 68%.

The number of newsgroups increases everyday as established groups spawn offspring with biological regularity. Moderated groups require votes to determine if a new sub-group should be formed. The names reflect growing specialization as groups exist to cater to every need or interest. One of the particularly interesting aspects of this culture is the readiness of members to respond to any posted request. A friend reports that he asked if anyone could help him find information about how to make contact with Russian students. He received more than 200 responses in less than 24 hours.

III.1.5 Benefits of Networks in the Information Age

Although the Internet is not accessible to the common man or woman it does reach an enormous number of people at universities, companies, government institutions, and schools. And the services it provides are many and growing including, an open marketplace of ideas, some degree of anonymity when necessary, instantaneous access to a wide variety of information sources, multimedia, online books, graphics, and music. There are other networks, of course, that are much narrower in their coverage, providing their members with precise, focused information. For example, Downing (1989) describes two special purpose networks:

By constructing an alternative public realm, two computer communications projects - one devoted to peace issues, the other to making U.S. government information more broadly available - demonstrate the potential of new technology for grass-roots political movements. This is just one of the many examples of the importance of networks, in this instance for political action.

One other quotation from the popular press, *The New York Times*, emphasizes the notion of community (Markoff, 1990):

... Computer networks often become electronic communities that give people thousands of miles apart the feeling of being connected in a small village, with all the intimacy and ease of communications that implies. Known as "electronic bulletin boards," "computer conferences," or "electronic mail" exchanges, these networks are made up of computers linked by telephone lines and equipped with software that allows them to send and receive messages.

During the terrible events in 1989, in Tiananmen Square, in Beijing, electronic mail was used to keep people in the West informed. In a bizarre and tragic event, an associate professor at Concordia University, in Montreal, broadcast, over the newsgroup sci.research, a seemingly endless stream of long, detailed, and obscure messages of his mistreatment by his colleagues, who he claimed had denied him proper professional recognition. Subsequently, he is alleged to have killed four of them as he coolly went from office to office searching out his enemies.

A number of city-wide networks called freenets, similar to community bulletin boards, have recently appeared, supported by public institutions, to provide access for ordinary people to various city information sources. As more cities support such networks and as they are linked into state and province-wide systems, and finally country-wide ones, paralleling the Internet, or even merging with it, networks will fulfill their destiny to bring a sense of community together with boundless information to everyone regardless of distance and money, or at least this is what the proponents believe.

III.1.6 Responsibilities of Information Carriers and Providers

Electronic information carriers and providers are diverse, ranging from television and radio: NBC, CBS, ABC, CNN, cable; networks: Internet, Bitnet, and Cdnet; videotex or bulletin boards: Prodigy, CompuServe, and The Source; to local carriers: universities, companies, government agencies, libraries, bookstores, and video stores. Questions of control, monopoly, money, power, and regional and global interconnections are beyond the scope of this paper but we wish to present some examples of the problems faced by universities in providing computer facilities and network connections to students and faculty, specifically with respect to pornography and obscenity issues. However we might note that Genie, America OnLine, CompuServe, Delphi, AppleLink, MCI Mail, AT&T Mail, and the WELL have all established Internet connections and Prodigy is on the verge of doing so. At this point some 20 million users will be connected through the various networks.

While Usenet serves an academic, research, and growing business community, the commercial services are used by the public at large, and the number of their subscribers is increasing. For example, Prodigy is the largest with 1.75 million, CompuServe has 1.69 million, Genie has 350,000, America OnLine has 180,000, and Delphi has fewer than 100,000 subscribers (Grimes, 1992).

The July/August 1992 issue of *EDUCOM Review* is devoted to the theme Legal, Social, and Ethical Issues Operating in the '90s. EDUCOM is a nonprofit consortium of approximately 600 colleges and universities with 85 corporate associates. Four papers appeared under the advertised

theme:

- (i) Sally Webster. "Dispatches from the Front Line: Computer Ethics War Stories." pp. 18-21.
- (ii) Virginia E. Rezmierski. "Ethical Dilemmas in Informational Technology Use: Opportunity Bumps on the Road to Civilization." pp. 22-26.
- (iii) Susan F. Stager. "Computer Ethics Violations: More Questions Than Answers." pp. 27-30.
- (iv) Marilyn A. Van Bergen. "Copyright Law, Fair use, and Multimedia." pp. 31-34.

Webster (1992) presents one case relevant to the issue of sexually-oriented messages: "One of your staff tells you that a young male student, X, has been receiving harassing mail messages from another user threatening to expose that he's gay, that his e-mail account has been broken into, and that sexual solicitations have been sent to others." (p. 18) After presenting other cases, Webster notes, "The time has come to demystify 'computer abuses,' to strip away from the act the tool with which it is committed, and to concentrate on the abusers and what they have done to each other. 'Computer abuses' should carry the same sanctions and consequences as the same misbehaviors committed with more ordinary tools." (p. 21) This position is consistent with the first of my basic principles.

Rezmierski (1992) includes the following among several incidents mentioned as examples of what has been happening recently across campuses: "(a) A student collects hundreds of files of pornography. Using the network, the files' availability is advertised, complete with cost. (b) A staff member allows her teenage child to help read electronic mail. Instead of just reading, the teen decides to scare people and broadcasts a threatening message to specific international students on campus." (p. 23) She discusses an educational process developed at the University of Michigan to deal with such problems.

Stager (1992) includes the results of a survey of 63 computer center directors on incidents occurring at their institutions over a 12 month period as well as their views of a number of statements dealing with many of the issues discussed above. These results are included in this report. She also makes the following statement on Freedom of Speech on Computer Bulletin Boards:

One of the most difficult management questions is about computer bulletin boards. Should Computer Centers take on the task of monitoring bulletin boards?

It has been established that students at public institutions have protected, First Amendment constitutional rights to free expression. Institutions have the right to reasonably regulate expression as to its time, place, and manner so as to avoid disruption of the educational process and to avoid placing persons or property in danger. However, it remains unclear to many computer center directors whether this right of expression extends to university-operated computer bulletin boards. Many are hoping that *Cubby v. CompuServe, Inc.* will provide some guidance on whether the university can be held liable for the contents of these bulletin boards.

Central to the issue of regulation of expression is the issue of obscenity. Of those directors surveyed, 68 percent agreed or strongly agreed that university-operated bulletin boards are subject to restrictions when material is clearly libelous or

obscene. However, only 44 percent of those surveyed stated they have a general understanding of what their campus considers obscene. (p. 30)

In a letter to the Editor in this same issue, Marcia Lin, Director of the Instructional Technology Program and professor of mathematics, science, and technology education at the University of California at Berkeley expresses her concern about barriers to women in computing. Her final point is given as follows:

Fifth, resort to respect. For example, recently, computers shipped with background screens of nude women were installed in a laboratory at the university. Females felt degraded, but males argued that removing the screens would threaten their right to free expression. Eventually, a standard of mutual respect was established, and all the screens were deleted. I call on all of us to take action against these barriers as well as to identify and address other barriers to equity in computing. (p. 9.)

One final excerpt from this magazine will be included. CNI is the Coalition for Networked Information, a group concerned about networks and management policy for networks, including NREN (National Research and Education Network). The Working Group on Legislation, Codes, Policies, and Practices, one of eight CNI working groups, identified a number of issues as top agenda items, including the following:

Providing model principles, policies, and practices to protect freedom of expression in networked environments, especially when asocial behavior exists, by asserting and testing the hypothesis that the issue is to promote an environment that favors freedom of speech rather than one that restricts distasteful expression. (Peters, 1992, p. 42)

A recent court decision has serious implications for system administrators and BBS system operators (sysops). CompuServe was found innocent in a federal court on a charge of libel for information carried in a n on-line newsletter. The interpretation of the ruling is that such a service is closer to the operation of a bookstore than a newspaper. That is, bookstores are not held to be responsible for the contents of the books they sell because it would be too great a burden to expect bookstore owners to read every book they sell. However, newspaper managers are responsible for the contents of their publications and hence subject to libel suits. Interestingly enough, if a sysop does restrict information because of concerns with obscenity or racial content, then the BBS will be more like a newspaper and therefore open to legal suits. Thus the ruling suggests that not monitoring content will place system administrators and sysops in a better legal position. See Brody (1992) for additional details.

III.2 Pornography and Censorship

We turn to a variety of issues associated with pornography and attempts to deal with it by means of censorship. In the present context censorship is the process of restricting access to

identified network newsgroups at local sites or even removing them entirely. An exploration of the relationship between pornography and behavior is beyond the present scope but some comments must be made especially from the perspective of one particularly vocal branch of the feminist movement. The defenders of free speech have also been vocal about their position. Censorship criteria must be articulated and discussed. As noted above, network users tend to be quite open and vociferous in their defense of free speech. Some of their opinions will be presented.

III.2.1 Impact of Pornography on Shaping Attitudes and Behaviour

An enormous literature exists that purports to prove that reading pornographic literature or viewing pornographic pictures has a serious detrimental effect on the behaviour of men, to the point that they may act out their feelings in aggressive behaviour towards women. Often quoted is the claim made by executed serial killer, Ted Bundy, that he was led to his criminal behaviour by excessive exposure to pornography. This claim has been discounted by most scholars in the field as a final and desperate attempt by a psychopathic killer to forestall his immanent execution. Short of such a drastic position, there do remain open questions about the impact of reading and viewing on behaviour and what qualifies as excessive exposure to pornography to say nothing of what qualifies as pornography, especially in such a society as the U.S., where sex is used on a daily basis to sell everything from automobiles to perfume to beer.

Apart from the arguments about the relationship between pornography and violent behaviour against women, there is an argument that the constant presentation of women in sex-typed roles in advertisements, film, and television contributes to their objectification as sexual merchandise. Thus some of the concerns about pornography on Usenet are that it continues the process of degradation of women, in this new medium, that it primarily serves male interests, that it can be terribly offensive, and that it is readily accessible by young, impressionable boys. More on this last topic will be presented in the next section. It should be admitted by even the staunchest defenders of free speech that some of the postings, mainly stories and pictures on the alt.sex.* newsgroups dealing with bestiality, incest, and bondage are pornographic and without doubt terribly offensive to most women. Surely many men will find them offensive as well.

Two recent books, among many others, present a variety of viewpoints on pornography, feminism, free speech, and of some interest, the impact on men. One is a collection of readings, edited by Robert M. Baird and Stuart E. Rosenbaum, including pieces representing a variety of viewpoints by such articulate and persuading writers as Susan Brownmiller, Andrea Dworkin, Ronald Dworkin, Gloria Steinem, and George Will. I might note that the present concern, the censorship of pornography on computer networks, is not directly addressed by any of the authors. However, basic positions of two streams of feminism are represented, as are strong defenses of free speech as well as arguments for compromises of free speech in the face of violence and degradation of women.

The second book by John Stoltenberg(1989) strongly supports the Catherine MacKinnon - Andrea Dworkin view that anti-pornography legislation should be based on a civil rights approach (that is as a civil law with pornography defined according to harm and claim based on injury to the

victim) rather than on obscenity law (as a criminal law with obscenity defined by arousal, as a crime based on offense to public morals). This position attempts to bypass the issue of free speech and seeks to protect women under a civil rights umbrella. However the net effect would be the same, namely, the prevention of access to material deemed to violate the civil rights of women. This approach would be opposed by most of the net users, who happen to be men with an 'attitude.'

III.2.2 Access by Young People

One of the main reasons given by universities for restricting access to the alt.sex.* and alt.pictures.binary.erotic newsgroups is that young people, both boys and girls, will be affected because many secondary schools access the network through connections to university systems. I have purposely used the hazy word "affected" to avoid controversy over whether or not and how pornography has an impact on the lives of young teenagers or preteens. Suffice it to say that many parents are not interested in a free speech debate nor do they want to be informed about esoteric psychological or psychiatric studies about the impact of pornography on teenagers. Recall that many parents do not even want sex education to be taught in the schools or condoms to be made available. They would be quite upset to learn that their children were reading and viewing sexually-oriented stories and pictures.

One might ask why the universities should feel at all responsible. Surely officials at secondary schools can design their own operating procedures and censor those newsgroups that they feel are objectionable. For an example of this approach, consider the following selections from the posting by Cothorn (1992):

The following is taken from Virginia's Public Education Network (PEN) Acceptable Use Policy for K-12 classroom, teachers, students, parents, and school administrators:

It is therefore imperative that members conduct themselves in a responsible, decent, ethical, and polite manner while using the network.
Each individual's judgment of appropriate conduct must be relied upon. To assist in such judgment, the following general guidelines are offered:
I. Any use of VIRGINIA'S PEN for illegal, inappropriate, or obscene purposes, or in support of such activities, is prohibited. . . . Obscene activities shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communication vehicle.

From the Guidelines for Student Accounts on Virginia's PEN:

5. Generally, students are not permitted to enter professional Virginia's PEN or Usenet discussion groups. Under certain conditions, posting privileges to specific newsgroups may be granted.

From the Public School Student Application for VIRGINIA'S PEN Account:

SPONSORING PARENT or GUARDIAN (Required)

I have read the Acceptable Use Policy and Student Guidelines for VIRGINIA'S PEN. I understand that although administrators of the VIRGINIA'S PEN network have taken reasonable precautions to ensure that controversial material is eliminated on Virginia's Education Network, I will monitor my child's daily use of the VIRGINIA'S PEN and his/her potential access to the world-wide Internet,

and will accept full responsibility for supervision in that regard if and when my child's use is not in a school setting. I hereby give my permission to issue an account for my child and certify that the information contained on this form is correct. [my underlining]

Thus Virginia's PEN assumes some responsibility for controlling students' access to the network but also relies heavily on both students and their parents to assume final responsibility.

III.2.3 Free Speech and Censorship

The First Amendment to the U.S. Constitution appears to make a categorical injunction. Recall the relevant portion: "Congress shall make no law. . . abridging the freedom of speech, . . ." The history of the application and interpretation of the First Amendment is very long and very contentious. It should be noted that it is not an absolute injunction. The obvious counter example is that no one has the right to cry fire in a crowded theater when there is no fire. By the same token the concept of speech has been extended beyond political speech and now offers protection to strip shows, pornographic books, magazines, plays, and films under certain restrictions, the burning of crosses as well as the burning and defacement of the American flag. Therefore it is not surprising that defenders of free speech on Usenet turn to the First Amendment for protection. Laurence Tribe (1992), a distinguished Harvard Law professor and a leading constitutional scholar, has proposed the following Constitutional Amendment:

This Constitution's protections for the freedoms of speech, press, petition and assembly, and its protections against unreasonable searches and seizures and the deprivation of life, liberty or property without due process of law, should be construed as fully applicable without regard to the technological method or medium through which information content is generated, stored, altered, transmitted or controlled.

Ronald Dworkin, Professor of Jurisprudence at Oxford University and Professor of Law at New York University is a staunch defender of free speech and not surprisingly is critical of the MacKinnon-Dworkin approach mentioned above. Professor Dworkin (1992) is also very critical of a recent decision by the Supreme Court of Canada which argued that "the proliferation of materials which seriously offend the values fundamental to our society is a substantial concern which justifies restricting the otherwise full exercise of the freedom of expression." Dworkin's response is sharp and to the point: "That is an amazing statement. It is the central, defining, premise of freedom of speech that the offensiveness of ideas, or the challenge they offer to traditional ideas, cannot be a valid reason for censorship; once that premise is abandoned it is difficult to see what free speech means." (p. 61)

The Supreme Court of Canada in its February, 1992 decision ruled "that anything depicting sexual acts involving children, violence or degradation is against the law. Sexually explicit material with scientific, literary or artistic merit is permitted as long as it does not include banned material." (Ross, 1992) Many of the vocal (so to speak) participants in such newsgroups as alt.privacy, comp.society.privacy, and alt.comp.acad-freedom.talk have expressed concern and

hostility towards Canada because of this decision. Canada is viewed by many as having betrayed a commitment to protect free speech and having yielded to that strident branch of feminism that would readily censor anything tinged with a sexual message.

It is worth pointing out that the Supreme Court decision was made in spite of the following apparent protection given in the Canadian Charter of Rights and Freedoms, which came into effect in 1982:

2. Everyone has the following freedoms:
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

Of course this protection is not absolute as section 1., Guarantee of Rights and Freedoms, states

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

From an American, First Amendment point of view, this guarantee is just a way of diluting freedom of speech protection in response to fear mongers, religious fundamentalists, and the radical fringe of the feminist movement.

As a final ringing endorsement of the protection of free speech, consider the following, Article 19 of the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948:

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Article 19 has been more honored in the breach than in actual adherence. One does not have to be cynical to recognize that very few countries actively acknowledge the existence of this article. It is therefore not surprising that Internet, an international network, confronts free speech issues in most countries in which it operates.

III.2.4 Disagreements within the Feminist Community on Censorship

First a caveat. The following discussion is being presented by an outsider - a man. Therefore it will be brief and no attempt will be made to be comprehensive. Furthermore, my aim is to point out that the issue of censorship of sexually explicit material whether electronic or print is divisive and even the feminist movement is not immune from this debate. In fact the lines of disagreement have separated many feminists and their supporters and resulted in quite a vigorous debate. A few comments from feminist Usenet postings and books will be presented. In a paper by Peg Inman (Inman 1992) the following four points are made in opposition to anti-pornographic campaigns by feminists:

- We disagree with the view that pornography is central to or a cause of women's oppression, and hence reject the strategy that flows from this approach. Pornography does not cause women's oppression, as Andrea Dworkin and Catherine MacKinnon argue; it's a symptom of it.
- Secondly, we believe that pro-censorship campaigns could assist the very powerful and conservative forces that maintain the systematic oppression of women.
- Third, we believe that feminists should be campaigning for more freedom of expression, including the freedom to publish, distribute and consume sexually explicit material and material we find erotic, especially more material prepared by women for women.
- We believe that a more repressive sexual regime will further narrow women's real choices. Feminists seek both to provide an analysis of women's oppression and to promote women's liberation, which means greater freedom of choice in our economic, social and sexual lives.

Without entering this debate, I would note that one underlying issue seems to be whether or not it is acceptable for women to admit that they are sexually stimulated by certain material. However a far more important point is expressed by Ms.Inman, as follows:

Really violent sexually explicit material makes up only a small part of pornography. It is an even smaller part of a much larger body of sexist and violent imagery screening everyday on TV and cinema screens and in a wide range of publications. This indicates the inadequacy of just focusing on pornography: misogynist and violent imagery in material which is not considered pornographic is more widespread and many times more influential.

To focus on the relatively small amount of generally agreed upon pornography on Usenet as a serious and major problem is to misunderstand the power of the popular media, in a misguided attempt to confront the massive problem of the objectification of women.

Another concern of feminist women, an elaboration of the second point above, is that campaigns to censor sexual material are supported by conservative and fundamentalist groups that have little else in common with this branch of the feminist movement and indeed actively oppose most of the widely supported program. Such an alliance however temporary and narrow can only harm the long range goals of the feminist movement. There is also considerable debate about the relation between pornography and behaviour, or more generally about the relation between thought and action. In the case at hand, the famous quotation of Robin Morgan is often repeated - "pornography is the theory and rape is the practice." This issue has been discussed in **Section III.2.1** and neither space nor the current state of knowledge permits a resolution.

It is impossible to adequately appreciate (especially by men) the passion and hurt of women who feel that their lives have suffered because of the widespread availability of pornography. But in my opinion and the opinion of many others, the real damage is caused by the continuous bombardment of images in magazines, newspapers, television, and movies that denigrate and

objectify women. Pornography is certainly a contributing factor in this process, perhaps even a major one, but one cannot engage in large scale censorship because of a belief that reading or viewing pornography actually causes deviant behaviour.

III.2.5 Censors and Censorship Criteria

If we turn to examine the Usenet community for guidance as to criteria for what censors should censor we find quite a range of opinion. Although the history of Usenet is not altogether clear (actually somewhat of an understatement), some interesting information is available. In the early days, considerable controversy existed about what subjects were appropriate for newsgroups and not surprisingly the "establishment" consensus favoured limiting discussions to technical matters. Of course just about everything is anecdotal but it appears that the System Administrators (SA) of the Net "backbone" were apprehensive about permitting clearly non-technical and non-moderated groups to be included. A group of women voted to create comp.women and supposedly this action created so much discord among the SA's that eventually the backbone broke up, leaving the present distributed, and weak, administration. It should be recalled (**Section III.1.2**) that the comp category was supposedly limited to technical matters related to hardware and software, not social issues. It also seems that an additional component was what do with alt.sex and alt.drugs among others. As one person (Lewis, 1992) has noted: "The prevalence of such groups as 'censorship', 'civil-liberty', 'acad-freedom' and the like in alt is because the people who tend to want to create such groups think that having to vote for a news group is fascist."

Most active members of Usenet are vociferously opposed to any attempts to censor material on their newsgroups as well as other newsgroups. However, SA's are often torn between their desire to operate with as few restrictions as possible and their perceived responsibilities to their institutions as well as their users. As such they are frequently subject to calls to prevent obscene material from freely circulating on the network within their institutions. How to translate angry concern to clearly defined operating policy is the dilemma that they confront. During the past few years one academic institution after another has faced this problem. The typical scenario is the sudden discovery that sexually explicit, and even sexually offensive, material is readily available on Usenet and is being read or viewed publicly to the discomfort of some individuals, frequently women. This situation is brought to the attention of senior administrators, either directly or through official channels, who respond with an immediate ban of all offensive newsgroups accompanied by an announcement expressing disgust at the their supposed contents. To forestall criticism by supporters of unequivocal free speech, a committee is set up to investigate all aspects of the issue especially the proper uses of information networks. Note that before such committees can deliver their recommendations, SA's will have to decide which newsgroups fall within the ban. Many users will be surprised to discover that they can no longer access their favourite groups.

It is useful to present a few examples to indicate the scope of responses and the impact on operating practices of some institutions. We have already noted in **Section III.1.3** that in Switzerland steps have already been taken to prevent the distribution of a rather wide range of newsgroups, including some that have not been considered controversial in North America.

Consider the following series of events that occurred at the University of Waterloo, in Ontario, Canada:

- Carl Kadie (1992a) recounts the following bit of Usenet history: "Those of you familiar with the history of this newsgroup [rec.humor.funny (RHF)] will know that in December 1988, due to the efforts of an MIT grad student named Jonathan Richmond, a ban was placed on possibly offensive jokes in this newsgroup at the University of Waterloo. At the time, this newsgroup went into the net only via that site, and Richmond's goal was to control the content of the group by putting pressure on the University through the daily newspapers. {It didn't work of course. RHF quickly became fed out through a wide variety of other paths, and only Waterloo folk and downstream nodes were affected} To many people's surprise, Douglas Wright (President) and J. Alan George (Provost) supported and implemented the ban."
- Kadie continues: "Later groups such as alt.sex were also removed. Pressure from the community, with the vigorous effort by some students and an invited talk by Dr. John McCarthy of the Stanford AI Lab (Dr. McCarthy had played a pivotal role in reversing a shorter-lived ban at Stanford) resulted in the appointment of a committee to study the question of newsgroup availability."
- In May 30, 1991 the report of the Advisory Committee on Network News was released by Dr. Johnny Wong, Associate Provost (Computing and Information Systems). All banned newsgroups (referred to as newsgroups not currently supported) were restored and a designated liaison person was appointed to deal with complaints related to the contents of electronic mail and news articles. Among the recommendations made by the advisory group are the following (Kadie, 1992b):
 2. The University of Waterloo adopt and widely publicize the principle that, in sending E-mail or in posting an article to a newsgroup, it is the user and not the University, who assumes responsibility.
 3. The University adopt and widely publicize the principle that it is the user, not the University, who is responsible for his or her decision to read a mail message or an article posted to an electronic newsgroup.
 4. The University's primary news-server continue to receive all newsgroups generated internally and all newsgroups which arrive over the networks to which the University is connected.

Thus the University of Waterloo adopted a rational set of principles with respect to a non-censorship policy. Further to the above, it also outlined procedures to deal with complaints about specific postings but these seem to involve directing objections to the source of the postings. Interestingly enough, no mention is made of the possible invocation of sexual harassment procedures, although reference is made to the role that could be played by the Ethics Committee, the University Computing Committee, or the Dean of a Faculty. We might also note the ubiquitous Carl Kadie of the Electronic Frontier Foundation and the foremost defender of First Amendment rights on Usenet. Mr. Kadie at the University of Illinois maintains an enormous database of articles, book references, court decisions, university regulations, newspaper reports, and newsgroup postings related to free speech issues. Upon the occurrence of some perceived violation of free speech anywhere, Mr. Kadie is quick to post a comment supported by voluminous references available to anyone who wishes to download the information. As a defender of free

speech on electronic networks and elsewhere Mr. Kadie is indefatigable. His presence serves as a constant reminder of the importance of the free and open exchange of ideas.

In 1992, a number of Canadian universities including the University of British Columbia, Simon Fraser University, the University of Manitoba, and the University of Toronto faced the criticism that they were carrying pornographic material on their computer systems that had been made available over Usenet. Most responded to this criticism in a variety of ways: a ban on identifiable offensive newsgroups followed by a University committee to examine the problem and issue recommendations. At the University of Toronto the response was different. David Sadlier, vice-president (computing and communications) was reported to be unlikely to ban suspect newsgroups: "I am not a censor," he said in an interview (Dahlin, 1992). As Dahlin reports,

Sadlier's view is that if a recipient has to actively select information, there is no need for U of T to take action. If, on the other hand, the messages are flashed across the screen without user consent, his response would be "very aggressive" regardless of the content. Such practice could be described as invasion of people's privacy, he said.

Thus what seems to be crucial in the view of a senior administrator at a major university is the question of an active decision by a Usenet user to read or view sexually explicit material. The fact that pornographic material may be available on Usenet is insufficient reason to initiate steps to prevent access by all users.

III.2.6 Sexual Harassment Procedures

If censorship is not the answer to deal with the problem under discussion, what should be done, if anything? Recall the second item in the list of Basic Principles: "2. Do not censor: Use sexual harassment guidelines." If the arguments against censorship are well-taken, then attention must be paid to the infrequent occurrence of a possibly uncomfortable environment in public computing areas resulting from the display of sexually offensive material in a variety of forms. Thus students, faculty, or staff who are offended by images on workstations or the giggling associated with users reading sexually explicit stories on-line, should take advantage of sexual harassment procedures available at most institutions. Relevant legal statutes may also be invoked of course and as a followup a regular educational process should be initiated. This proposal is certainly not novel but its message should become sufficiently commonplace that the first reaction to one of the initiating events, described above, is not censorship. The reports of a number of committees appointed to deal with the issue of pornography have included recommendations related to sexual harassment procedures.

Consider the following relevant sections of the 1992-1993 Princeton University Guidelines for Use of Campus and Network Computing Resources (Kadie, 1992c):

Those who avail themselves of the campus and network computing resources are required to behave in their use of the technology, in a manner consistent with the University's code of conduct. As stated in Princeton's University Rights, Rules, Responsibilities:

"Respect for the rights, privileges, and sensibilities of each other is essential in preserving the spirit of community at Princeton. Actions which make the atmosphere intimidating, threatening, or hostile to individuals are therefore regarded as serious offenses. Abusive or harassing behavior, verbal or physical, which demeans, intimidates, threatens, or injures another because of his or her personal characteristics or beliefs is subject to University disciplinary sanctions"

[A list of the responsibilities users accept if they chose to use a University computing resource or the network access which the University provides follows, of which the following are particularly relevant.]

.
6. You must be sensitive to the public nature of shared facilities, and take care not to display on screens in such locations images, sounds or messages which could create an atmosphere of discomfort or harassment for others. You must also refrain from transmitting to others in any location inappropriate images, sounds or messages which might reasonably be considered harassing.

.
11. Messages, sentiments, and declarations sent as electronic mail or sent as electronic postings must meet the same standards for distribution or display as if they were tangible documents or instruments. You are free to publish your opinions, but they must be clearly and accurately identified as coming from you, or, if you are acting as the authorized agent of a group recognized by the University, as coming from the group you are authorized to represent. Attempts to alter the "From" line or other attribution of origin in electronic mail, messages, or postings, will be considered transgressions of University rules.

The aforementioned Karl Kadie (1992d) responds to the following, self-posed question:

What should sys admins do about nude pictures and displays of nude pictures in public terminal rooms? Is a special rule banning such pictures and/or displays needed?

The problem is not the pictures themselves but rather their display. By way of analogy, your library likely contains thousands of nude photos (many academic libraries, for example, subscribe to *Playboy*). The existence of these pictures is not harassment because no one is compelled to keep looking at the pictures.

If at the same time *Playboy* pictures, however, were *displayed* in a university office or lab where employees or students must work, the person displaying the pictures might be guilty of sexually harassing a person in the office or lab. Likewise the *display* of nude pictures in a public terminal room (or university office) might be found to be sexual harassment.

.
[So what can you do? Basically, use available "sexual harassment" policy after the fact. Of course notices can be posted in appropriate locations reminding people of this policy.]

This presentation of the problem and solution is supported by many institutions. It recognizes that the public display of certain pictures (and text) may be offensive and that those individuals who are offended may take advantage of existing sexual harassment policies. As a prior step, it may be helpful to suggest to users displaying the possibly offensive material that they may be

unaware that others have been made to feel uncomfortable and would prefer that such material not be viewed in a public area. Of course, if the immediate response is negative, the sexual harassment procedures are still available.

From both a practical and theoretical perspective, censorship is a bad idea and in a very real sense unenforceable, short of restricting all access to non-local networks. Deciding to restrict a certain class of newsgroups based on their supposed content may be easy for alt.binaries.pictureerotica or alt.sex.bondage but what about alt.censorship and talk.rape. How many newsgroups must be regularly monitored and how many instances of objectionable postings must be accumulated before a given offensive newsgroup is added to the delete list? What are the criteria for labelling a posting offensive? Who is to be responsible for applying them? In any case as long as access to the network is in force, anyone can do remote login to a site that has a more liberal policy, if an account can be obtained at such a site or a friend at such a site can e-mail choice postings. Networks connect people in a variety of ways.

IV. Ethics and Responsibility

The management and use of networks carries with it a set of responsibilities and an implied code of ethics, sometimes acknowledged as "netiquette" but often understood as a shared set of principles. System administrators face the wrath of senior administrators responding to complaints of offended parties as well as users concerned that their perceived rights will be compromised by hurried and thoughtless actions. Many users believe that they are responsible for carrying the free speech banner in the brave, new electronic age. In addition to the issue of pornography, other free speech issues have emerged and these will be briefly addressed.

IV.1 Ethical Uses of Computers and Computer Networks

With privilege goes responsibility. A user in a typical educational institution has either explicitly or implicitly agreed to set of conditions for the right to use the computer system, including access to network newsgroups. Among these conditions is the agreement not to use the system for profit-making activities, i.e. a user engaged in a computer business must refrain from using the computer for business purposes or under some conditions pay a fee. The system administrator does not monitor all the users to determine if any are violating this condition but if such an action is reported, he or she has the right, indeed the obligation, to carry out an investigation. Another condition is that users must respect the privacy of other users and must not attempt to break into accounts or to send harassing or unwelcome messages. Many of these conditions are common sense, some incorporate relevant legislation, while others reflect policy established after long term experience in managing computer facilities.

Perhaps a few examples will be helpful in indicating some of the issues that arise and associated viewpoints and controversies. Here is a posting that describes one aspect of Dartmouth University's computing policy (Bronner, 1992):

Dartmouth receives all newsgroups rec, news, soc, alt, etc. We also gateway a number of listserv mailing lists through news as well. If the general alt.* traffic isn't enough Dartmouth affiliates can use local dartmouth.alt.* groups as well. Here it appears to be a departmental decision made by Computing Services. But if a major problem developed the Dean's or Trustee's [sic] might get involved. It has never really happened. A few years ago there was a short period where freshman were printing questionable things to the public printers but Computing Services decided that they would not get into the censorship business. After a while the novelty wore off and that was that. [my underlining] In my opinion alt.* groups and similar things can be a source of problems but nothing really serious. I don't really object when a site rejects alt.* traffic to try and reduce costs, that's reasonable. But if they can afford a full news feed they should allow it.

In Bronner's opinion, activities involving printing "questionable things" on public printers is just an instance of boys having fun and the best policy is to let it run its course. But why shouldn't they be cautioned that this activity may make others feel ill at ease and that they might reconsider the implications of their fun and games. Another opinion from Princeton University is more in line with this position (Flax, 1992):

If the problem is displaying "offensive" images in public computer clusters, then you might want to start a policy that people should view images only in private. If you have a problem with people printing "offensive" images on laserprinters, then you might want to restrict printing to text and academically-related graphics. There's no need to restrict what people read privately or store in their account as long as you make clear to users that they should behave politely in public.

However, it may not be easy for system administrators to convince some users that freedom is not necessarily license. A student at Northeastern University posted the following message (Wells, 1992):

I just received the following message from a net official at my university:
Andy, It has come to my attention that a number of complaints have been posted and mailed to Northeastern relative the content of some recent postings to Internet from your account. While neither DAC or the University have any intention of restricting free speech, there are standards for reasonable conduct. Obscenities and name calling reflect badly on this University especially in a world wide forum. In the future please refrain from using such offensive language; it contributes nothing to any kind of discussion.

The University has received a number of complaints about the foul language that Mr. Wells has been using on Internet and has suggested that in the future he might refrain from employing such offensive language. Mr. Wells response was surprising (at least to me) raising as it did the free speech banner:

Doesn't this constitute a subtle form of censorship? I've always thought that what are pejoratively referred to as "obscurities" can be a valid expression of anger and revulsion, given what a #\$\$*!#!\$@& world we live in. There have always been attacks on the use of "obscurities" in Rap music, with the thought police wanting to

put "parental advisory" stickers on the albums. . . . I just wonder, after Jan 20th, whether we're going to start seeing warning labels slapped on terminals all across the country warning people about such excellent groups as talk.bizarre.

Follow-up postings either supported the administration and indeed complimented it on the manner in which it handled a difficult situation or warned that the thin edge of the wedge of censorship was in operation. By asking Mr. Wells to change his behaviour, he was in effect being told that there were certain ways of expressing himself that were not permitted. Is this censorship? The University had received a number of complaints from other Internet sites; surely, it could have temporarily restricted Mr. Wells' access privileges for having violated good user practices (assuming the University's computer rules of conduct referred to this matter). Notwithstanding, Mr. Wells' argument that obscene language is merely a form of expression, in this context it is a violation of both the University's rules and the generally agreed upon network etiquette. The very fact that his postings generated a number of complaints is certainly evidence that he has offended a number of users, members of a not particularly thin-skinned group.

Donn Parker and his associates at SRI International have been studying issues related to ethical behaviour with respect to computers and computer networks. One outcome is a collection of scenarios that raise potential ethical conflicts and a discussion of these scenarios by a panel of experts from a variety of disciplines. This collection consists of some fifty-four scenarios and only one bears any relation to the issue at hand. This scenario is of considerable interest with respect to the present discussion (Parker et al., 1990):

Scenario IV.8 University Student: Offering Limited Access to a Pornographic Questionnaire

Students at a university were each given small personal computer accounts on the university-owned mainframe. Through the student chapter of the Association for Computing Machinery (ACM), a forum was set up. Any student with an account could sign on, read what has been entered into the forum, and add his or her comments. A discussion of sexual behavior developed. One student briefly described a pornographic questionnaire that had been distributed among students. The questionnaire asked in graphic detail whether the individual would or would not do certain things on a first date. The student also announced that he had put the questionnaire in one of his files and had authorized access under a particular sign-on ID. He revealed the sign-on ID only to those who wanted to see the questionnaire. He warned those who might be offended that the questionnaire was crude. Several weeks later, the student was called into the Dean of Students' office and threatened with expulsion. The university had heard about the questionnaire and had traced it to him through his comments in the forum.

Of the 25 people who voted on this scenario, 21 felt that the student's action in providing the questionnaire to other students was not unethical, 3 felt there was no ethics issue, and only one voted that his action was unethical. The single dissenter thought that participants in the questionnaire were being exploited. However another ethical issue was also present, namely, the action of the Dean of Students in threatening the student with expulsion. Of 26 voting on this

issue, the breakdown was 17, 2, 7 on unethical, not unethical, and no ethics issue, respectively. Most felt that the Dean had no grounds to threaten the student unless he had behaved unethically or violated rules prohibiting his particular behaviour. So that in this case the Dean had abused his power and had violated the student's right to freedom of speech. Others felt that the Dean had just overreacted or exercised poor judgment but had not behaved unethically. Universities have a special responsibility to foster free speech and to resist the urge to censor unpopular or potentially offensive speech.

General principles emerging from this case are that, "Especially in educational institutions, freedom of speech is critical. It is far more important than avoiding embarrassment or risking negative alumni reaction. A student should be held to observance of professional ethics as part of his or her education. However, forgiveness should be liberally applied and sanctions limited." (Parker et al., p. 124) All students should be aware of, and agree to, a set of conditions defining the conditions of use of university computer facilities. Administrators must be consistent in their application of the rules; they must support free speech as a basic principle and intervene only when they must deal with complaints that violations of established rules have occurred.

IV.2 Organizational vs. Individual Responsibility

The discussion begun in the previous section is continued here in a somewhat different form. Responsibility can be defined by adherence to set of externally, well-defined principles or it can be an appeal to internally generated principles, derived from a lifetime of experience and concern. A recent book edited by Carol Gould (1989), **The Information Web: Ethical and Social Implications of Computer Networking**, is interesting in the present context for what it does not include. It consists of a collection of papers by some well known "computer - ethicists" including Deborah G. Johnson, James H. Moor, John W. Snapper, and Donn B. Parker. Except for one relatively brief comment by Deborah Johnson, there is nothing included about pornography, free speech, or censorship. There is a great deal about privacy, ownership, computer conferences, access, and cooperation. For example the editor, Carol Gould, concludes her introductory chapter with a proposal for a general principal of network ethics: "Maximum sharing of information and maximally equal access compatible with the preservation of the value of privacy, as protected by the requirement of free and informed consent." (Gould, p. 33.) What has happened in the past three years to suddenly elevate the issue of pornography to such a level of urgency?

In Deborah Johnson's chapter (Johnson, 1989) she presents for purposes of discussion three cases illustrating possibly unethical behaviour. One scenario is taken from the Parker study, presented and discussed above. Let me quote from Johnson's comments about this scenario (Johnson, pp. 50-51):

"The student who ultimately got in trouble with his university administration seemed to be treating the forum as public. That is, he did not bring the pornographic material into the forum itself, which would have, in some sense, forced students to see it who did not choose to do so. Rather, he informed students

of its availability so that only those who wanted to see what they knew was pornographic, would see it. This approach seems to agree precisely with how we handle noncomputerized pornographic literature. We do not allow public displays or advertisements or distribution by mail to consumers who did not request the literature, but we do allow those who so choose to have access. . .”

There are other issues, including the fact that university resources were being used and that the university wanted to send a message that it retained the power to supervise and police activities on its premises, and the presence perhaps of educational factors. In any case, unlike the opinion expressed above, Johnson does grant universities the right to censor information on campuses if they believe it is the right thing to do. At the very least, they can set ground rules and enforce them by restricting access to university resources.

It may be useful to briefly examine the responsibilities of those professional groups concerned with the handling of information, whether paper or electronic. For example the American Library Association's (ALA) "The Librarian's Code of Ethics" contains the following relevant statements (ALA, 1989):

- II. Librarians must resist all efforts by groups or individuals to censor library material.
- III. Librarians must protect each user's right to privacy with respect to information sought or received and materials consulted, borrowed, or acquired.

Clearly the concern with censorship and privacy must apply to electronic media, including computer files on networks or local computer systems. Another important group of information handlers are members of the American Society for Information Science (ASIS). From the Code of Ethics for Information Scientists, the following is particularly relevant (ASIS, 1990):

Responsibility to Individual Persons

Information professionals should:

- strive to make information available to individuals who need it.
- strive both to ensure accuracy and not to infringe upon privacy or confidentiality in providing information about individuals.
- Protect each information user's and provider's right to privacy and confidentiality.

Responsibility to Society

Information professionals should:

- serve the legitimate information needs of a large and complex society while at the same time being mindful of individuals' rights.
- resist efforts to censor publications.
- play active roles in educating society to understand and appreciate the importance of information promoting equal opportunity for access to information.

If challenged, information scientists may agree that the primary purpose of their Code is not to protect the right to create, transmit, receive, view, and print pornographic material. Nevertheless, they do have a responsibility, as clearly enunciated above to "resists efforts to censor publications," where publications in the age of electronic networks must include newsgroup

postings. The injunction "to make information available to individuals who need it" must also include a resistance to any efforts to censor, or prevent the distribution of, possibly offensive material on Usenet. Picking or choosing "appropriate information" to protect does not appear to be an option.

Computer Professionals for Social Responsibility (CPSR), an activist organization with a well-defined political agenda, represents a diverse group of computer professionals. It maintains an office in Washington to lobby congress on any matter related to computers, communication networks, and their social implications. For example, it has represented the interests of its membership on the matter of NREN, the proposed National Research and Education Network, with respect to a variety of privacy concerns. As might be expected, CPSR, or rather its Berkeley Chapter, has proposed a wide ranging "Computer and Information Technologies Platform." (CPSR, 1992) While this platform has a strong political agenda, there are sections that deal with networks, and the content of network messages and their protection; these are relevant and should be considered. The following is a sampling of interesting passages:

A. Access to Information and Information Technologies

3. An Open National Data Traffic System: A highway system accessible to all.

B. Civil Liberties and Privacy

1. Education on Civil Liberties, Privacy, and the Implications of New Technologies: Prevent unwarranted demonization of "hackers."
2. Preservation of Constitutional Civil Liberties: Electronic transmission or computer communications must be considered as a form of free speech; and information distributed on networked computers or other electronic forms must be considered a form of publishing (thereby covered by freedom of the press).
3. Right to Privacy and Technology to Ensure It: We must ensure that there is no implementation of any technological means of tracking individuals in this country through their everyday interactions.

One final professional society to be considered is the Association for Computing Machinery (ACM), an organization of computer professionals with many members from academia. The recently revised ACM Code of Ethics and Professional Conduct includes the following injunctions (ACM, 1993):

3. Organizational Leadership Imperatives. As an ACM and an organizational leader, I will

- 3.1 Articulate social responsibilities of members of an organizational unit and encourage full acceptance of those responsibilities.
- 3.3 Acknowledge and support proper and authorized uses of an organization's computing and computation resources.
- 3.5 Articulate and support policies that protect the dignity of users and others affected by a computing system.

These are very general principles and do not apply directly to the matters at hand but they do place upon individuals a responsibility to be aware of, and adhere to, organizational policies. The last

point is very important in that it places upon individuals a responsibility to be cognizant of the fact that users are social beings with dignity and should be treated as such. As we have seen this is a non-trivial responsibility.

IV.3 Protective User Behaviour

Both senders and receivers of network postings can take steps to minimize the possibility that offensive material is inadvertently received. It should be made clear (assuming it is not yet clear) that active steps must be taken to receive potentially pornographic postings. Once having logged onto computer system that has a network connection, the user must issue a command such as `rn` (read news). If the user has previously subscribed to one or more newsgroups (and this is easily done by a variety of means) a message will appear indicating the first newsgroup with unread messages. This newsgroup can be entered with a simple `y` (yes) or `n` (next) will evoke the next newsgroup with unread postings. A newsgroup is exited at any point by typing `q` (quit) when asked if one wishes to read the next posting. These simple procedures require active positive decisions at each step. It is difficult to be surprised but of course it can happen.

Responsible posters can also add safeguards to their messages to further prevent readers from encountering unwanted, possibly objectionable, material. For stories with bizarre (assuming for the moment that such a designation is generally accepted) sexual happenings, a warning can be prefaced indicating in more or less neutral terms that the contents of the story may be offensive for a number of reasons. Anyone who then reads the story after such a warning can hardly claim to be offended by having encountered a "disgusting piece of trash, offensive to women and men alike." Other warnings have been attached to postings appearing in the newsgroup, `alt.sexual.abuse.recovery`, devoted to people who have been abused as children and are attempting to deal with their memories of these frightening events. By telling their stories and sharing their fears and hurts with a sympathetic, yet anonymous audience, they develop a community of sorts, and perhaps feel that they are not alone, that others actually share their experiences and pain, and offer hope and support. Many of their stories are detailed, graphic, and purported to be true; however, they have the potential to be offensive to some readers. These will be prefaced with the warning, ****** SPOILER ****** Contains graphic sexual material, may be offensive.

It may be surprising that some people feel the need to bare their souls to strangers but perhaps it is the nature of the medium, including the anonymity of both the sender and the recipients, that encourages such an outpouring of anguish and pain. The spoiler warning is sufficient to indicate the nature of these stories and serves the purpose of preventing surprise encounters. It represents an important feature of the previously referred to netiquette. In addition to all of these safeguards, readers have additional tools at their disposal. It is possible to set up what is called a killfile, a kind of profile of the user's likes and dislikes. When this file is executed it automatically skips over any posting that contains a word that matches a list of key words in the killfile. So for example, if postings by a given individual, `X`, are unwelcome, placing `X`'s name in the killfile will prevent the user from ever seeing `X`'s postings again. The same technique will apply to stories that may contain sexually offensive material. All that is required is that the story contain a keyword

designator that is universally understood and affixed to all appropriate postings. The use of such techniques sets up barriers to unpleasant surprises.

So far the focus has been on sexually explicit or potentially offensive stories, or texts but what about graphic pictures? For reasons of economy, pictures are transmitted in a coded form and thus are never explicitly encountered. No one can claim to be surprised by suddenly seeing a disgusting image on his or her screen. Pictures or gifs, as they are usually known, must first be downloaded and then decoded using readily available software. This active step yields the picture and it is such pictures that have received considerable negative publicity. The point being made here is that no one suddenly discovers lewd and obscene images on the screens of their computers. That such images do appear on public computer screens or printers and are found to be offensive and disturbing by some people is a separate issue and as discussed above may be addressed by appropriate procedures.

V. Other Issues

The problem of pornography and obscenity on computer systems and computer networks is not limited to objectionable postings on some newsgroups. The issues go beyond this and seem to be limited only by the imagination of people to experiment with and to abuse their fellows. Some of these issues will be explored in the following sections.

V.1 Obscene and Threatening E-mail

Any one using e-mail has at one time or another received mail that is disturbing in one way or another. Women report receiving messages with sexual overtones or more blatant content; Blacks are often the recipients of racist messages, and so on. These messages are often directed towards specific individuals and they bring with them fear, anger, vulnerability, and a desire for retribution. They are certainly akin to harassing and nuisance telephone calls, except that the senders are usually more easily identifiable. What can be done? Senders can, and should, be warned that their actions are a violation of a social contract and also a violation of a set of conditions agreed upon by all users of the system. If they do not immediately desist, their computing privileges will be revoked, subject to a hearing. Is this enough? The possibility exists that aggrieved parties may wish to lay charges against their persecutors. There is no reason to expect users of networks to exhibit behaviour of a different kind than the population at large. Offensive behaviour should be subject to the remedies at hand and administrators should publicize such cases, without revealing the names of the parties involved, in order to educate and warn their group of users.

V.2 Non-pornographic Offensive Postings

Given the wide range of topics covered in newsgroups, it is not surprising that passions are frequently aroused in some of them. Newsgroups deal with politics, political philosophy, sex, drugs, violence, weapons, gender issues, free speech, privacy, conspiracy theories, war, religion, criticism, nudism, nationalism, food, movies, books, careers, etc. On many occasions,

participants engage in a form of discourse that goes well beyond acceptable social norms. There are racist, sexist, anti-Black, anti-semitic, anti-Arab, and fascist postings. On moderated groups, such messages can be filtered by the moderators who themselves are then subject to accusations of censorship and violation of free speech. On alt. groups, some participants will call for reason, for moderation, for respect for opposing point of views, and for a reduction in the use of profanity and derogatory remarks. But reminders are regularly posted that no one is censored, that all views are permitted and encouraged and that everyone has the soapbox and should have the right to speak.

Given that there is agreement that electronic media should have the same protection as the print media, what can be done to deal with a stream of hateful, vicious postings. In the U.S., First Amendment protection is highly valued and even the right to utter and print racist or anti-semitic drivel falls under the First Amendment and has been given protection by the courts. No one has to read or listen to anything and however painful racist or anti-semitic utterings may prove to be, it is a burden that all must bear in a free and open society. Other countries, such as Canada and Germany (for obvious reasons) have taken a different position and have enacted hate laws to prevent the dissemination of material, in any form, which threatens or offends any religious, racial, or national group. In such countries, free speech is not assumed to be an absolute right and there are situations in which it must be compromised. It is not an absolute right in the U.S. either but the number of exceptions seems to be considerably more limited.

Usenet depends on the goodwill of its users. This simple statement is both a strength and a weakness. Given the thousands of newsgroups and the millions of users, the incidence of objectionable behaviour is quite low. The fact that it is rare creates a certain smugness and self-satisfaction and inhibits any kind of effective action when a difficult situation arises. No one wants to call for censorship, no one wants to call for the removal of privileges from any participant. Of course, at the local sites, administrators are free to take action for the benefit of their institutions. If complaints are received of harmful postings, a local administrator may feel compelled to suspend access rights, no doubt incurring the wrath of advocates of unrestricted free speech. On occasion, a highly motivated user can flood the network with postings, interfering with everyone's rights and thereby earning universal approbation and calls for removal. The community can act.

V.3 Obscene .plan Files and File Names

As mentioned above, ingenuity knows no bounds. Most unix systems associate with each user account a .plan file. There is a unix command called finger that when given a login id, returns the .plan file, that normally contains such information as full name, phone numbers, mailing address, and whatever else the user wishes known. Some users decided that it would be amusing to place obscene messages in their .plan files in order to shock unsuspecting people who might finger them. Note there appears to be a somewhat shady connotation associated with the notion of finger-ing someone so that the finger-ed person may feel free to use the obscene message as a return finger. In order to sample the kind of debate about such issues that are carried over the network, consider the following posting, where lines preceded by the symbol ">" are copied from a previous posting (Godwin, 1992):

In article . . . [Elizabeth Schwartz, System Administrator, MACS Dept., UMass, Boston] writes:
>My Random House defines it [censor] as to "prohibit, forbid or bar; interdict"
>I claim that is NOT what we are doing!
> Saying "you may post this material anywhere except for this one place" [.plan
>file] is a far cry from prohibiting or forbidding the material!
On the contrary, Betsy, American Constitutional jurisprudence is full of cases in which regulation of expression based on content was considered to be censorship. The issue is not whether you are "banning" the material altogether, but whether you are banning it from their .plan files.

>The reason I am pushing this is that I feel we are a site which is deeply and
>fundamentally supportive of open access and free speech. It hurts to see us listed
>on the same list as folks who are denying newsgroup access, shutting off users,
>and other serious measures.
If you are deeply supportive of free speech, how can you justify a system policy that seems to be grounded in your personal opposition to seeing offensive stuff appear on your screen when you run finger.
. . .

Mike Godwin was until recently on the executive of EFF (Electronic Frontier Foundation), an advocacy group with a very strong free speech position, especially with respect to electronic media. His position on this issue seems to be somewhat extreme. Why should an appeal to free speech be warranted to protect someone's right to store whatever messages they want in a place that can be easily accessed by others with no *a priori* warning? The free speech principle gives one the right to say almost anything at almost any time and place but does not give one the right to hold anyone hostage to one's expressed opinions. Another version of this issue is the apparent need by some users to name their files or passwords with names that contain such words as "cunt", "shit", "asshole", and "fuck". This activity has stimulated some system administrators to run programs to search out such files and to instruct users to rename them. Is this a free speech issue?

V.4 Child Pornography and Bulletin Boards

In Section III.2.2 the issue addressed was the possible access by young people (where the definition of young is left open) of pornographic material from the network. This is a matter of serious concern and has been used by certain institutions as the primary reason for banning selected newsgroups, to prevent children from being harmed by exposure to sexually explicit material. It was argued that it is really the responsibility of the school administrators and parents to establish appropriate policies and an example was given of one such approach. Although somewhat beyond the scope of this paper, it is important to note that access may also be possible through local bulletin boards (BBS) that are able to download material, such as graphic pictures, from Internet connections as well as from other sources. BBS differ in their policies with respect to controlling what teenagers are able to download. Again, parents must play an active role in monitoring their children's choices of entertainment, whether it is movies on VCR's or elsewhere, television shows, video games, or BBS. This is an important issue but one which seems

manageable without offering a serious challenge to the free speech position.

However, another issue does offer a challenge, namely the circulation over networks and BBS of child pornography. Stories and pictures of children, often preteen and younger, in provocative poses or engaged in sexual acts with adults, constitute the class of pornography under discussion. This is one class of material for which a law exists in the U.S., namely the Protection of Children Against Sexual Exploitation Act of 1977 that deals with the production, distribution, transportation, and receipt of child pornography. Up until fairly recently, most of the discussion about child pornography on the network referred to this Act, and usually turned on the question of how to define the offense and what system administrators should do or not do to protect their institutions. However, on December 17, 1992, the following posting by Nagle (1992) revealed a new situation (See also "Child-Pornography):

The Ninth U.S. Circuit Court of Appeals ruled, in *US vs X-Citement Video Inc.*, (CA No. 89-50556), that the sections of the Protection of Children Against Sexual Exploitation Act of 1977 that deal with the distribution, transportation, and receipt of sexually explicit materials are invalid on First Amendment grounds. The court let stand the prohibition on the production of child pornography.

This ruling needs to be looked at more closely, but it may help to remove sysop [system operators] worries about someone posting such material on their system without their knowledge, or about network nodes being liable for material passing through them. This is a step forward, because it was one of the very few legal risks a US sysop had to face, and now it appears to be dead.

Producing child pornography remains illegal, which is reasonable.

On the face of it, especially for a non-lawyers, the ruling appears to be contradictory in permitting the unfettered circulation of illegally produced material. Apparently the key issue in the court decision was that the distributors of sexually explicit material had no way of knowing that underage performers were involved in the production. According to Michael C. Berch, a lawyer, the implications are far reaching, Berch (1992):

Similarly, for BBs and Usenet sites that simply carry a large number of newsgroups, including the erotica images groups, there is no implication that the site is engaged in active distribution of child pornography if a small number of articles are later learned to contain material unlawful under the Act.

Apparently, the Department of Justice plans to appeal to the Supreme Court probably because of the visibility of the Act. If this form of pornography can freely circulate, then presumably anything can, and all arguments about pornography on the network reduce to good taste and local custom, factors not likely to deter many.

VI. Conclusions

However distasteful some of the material that is freely available on Usenet may be to some, the basic thesis of this paper is that no prior restraint should be employed. Six basic principles have

been enunciated and it is hoped that the foregoing discussion is sufficient to convince the reader that they are basically sound and likely to be effective. Electronic networks offer many benefits and with their advantages come certain risks and certain problems. Many defenders of the network culture are vociferous in their defense of unrestricted free speech. Consider this statement, quoted unfavorably in Katz (1992):

IMO [in my opinion], (there is nothing humble about my opinions) censorship is far worse than any form of pornography could ever be. Censorship is like gun control; it creates beaurocracies (?) but does nothing about the basic killer/ abuser instinct.

For supporters of this viewpoint, all attempts to control what appears on Usenet amount to censorship and nothing, no matter how offensive, should ever be censored. Although, the position taken in this paper supports free speech, it does not do so unconditionally. Free speech is not an absolute right. Restrictions have been recognized by the courts. Self-proclaimed absolutists on Usenet cannot act unilaterally. They are part of society at large, independent of their mode of communication.

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