

Free speech and net porn

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What's so special about the internet? All but the most unthinking libertarians accept censorship laws that limit sexual content in film, television, radio, books and magazines.

Yet the hysterical response from the internet industry and libertarian commentators to the Government's proposal to require ISPs to filter heavy-duty porn shows how the internet has become fetishised.

It is not viewed as another useful mode of communication but as the source of ultimate freedom. Home alone in front of my computer I can travel where I like and evade my responsibilities to society.

The internet has spawned a community of devotees who operate in a cow-boy culture that thinks itself beyond the normal reach of social control, as if they inhabit an independent cyber-nation that applies its own laws in the form of voluntary protocols for those who choose to accept them.

The individuals who live in cyberland often display a contempt for social rules and moral norms that would put post-modern academics to shame. Attacking Labor's filtering plans, the CEO of iiNet, Michael Malone, declared: "We live in a world of multiple sets of morality, all of them equally valid".

All moral standards are equally valid. Electronic Frontiers Australia, which represents the most extreme strand of internet libertarianism, has argued that filtering will impose one set of sexual standards on others who don't share them and this makes all net censorship invalid.

Logic without moral clarity is no logic at all. If EFA truly believed this then it would support abolition of all restrictions on films, television, books and magazines. Every perverse and sick practice that could find a market would be available, including child pornography.

Nor do we hear the internet industry or EFA arguing for the abolition of laws that currently ban Australian ISPs hosting material rated X or refused classification. They are happy to accept these laws because they require virtually nothing of them. For them, free speech is a principle worth defending so long as it's expedient to do so.

Democratic societies debate moral standards unceasingly and they elect governments to represent a majority view; but the net libertarians believe their preferred means of communication places them beyond the will of the people.

Of course, certain rights trump majority rule. Free speech is the essence of a free society and restrictions are justified only when unconstrained expression can be shown to be causing substantial social harm.

We know that teenagers and younger children are getting extensive exposure to porn on the internet and on their mobile phones. Among the porn genres easily accessed are those depicting sado-masochism, real or realistic scenes of rape, sexual torture, bestiality, coprophilia and incest. Children are confused, shocked and disturbed by these images and it is likely that some boys and young men have developed unrealistic and perverse expectations about what a sexual relationship involves.

Many people dismiss this as a moral panic; after all inquisitive children have always sought out erotic images. But the internet has dramatically changed what children can see. We are not talking about Playboy nudes, or even men and women having sex. Yes, these are probably the first port of call, but a few extra clicks of a mouse will take you to a vast array of extreme and violent sexual practices.

Nowhere are these concerns more troubling than in some indigenous communities which have been flooded with porn as well as alcohol and drugs. The “Little Children Are Sacred” report found that “sexually aberrant behaviour involving both boys and girls was becoming more common among even younger children”.

Doctors report a disturbing rise in sexual assaults on children by other children, some as young as five, in which they act out practices they have seen in porn videos or on the net.

Opponents of ISP filters simply refuse to acknowledge or trivialise the extent of the social problem. One prominent opponent characterised the Government’s proposed restrictions as an attempt to stop people looking at “naughty pictures”. Net videos of a woman having sex with animals are not “naughty”. Watching someone being raped is not “naughty”.

The spectre of the Great Firewall of China is repeatedly raised, but it is no more than a phantom. Unlike China, Australia is a democratic society. Australian censorship of sexual content in films, books and magazines has not set us on a ‘slippery slope’ to political censorship.

On the other hand, if a strong case can be made to restrict other forms of content—such as how to make bombs—because it is a genuine social threat let’s have that debate without resorting to meaningless slogans about the right to free speech being always inviolable.

These are the principles involved in internet filtering, and it is important to separate them from practical questions of whether mandatory ISP filtering will be effective in limiting youth access to porn on the net.

Independent expert opinion appears to be that filters can sharply reduce the availability of material deemed offensive or unsafe at the cost of a small degree of degradation of the system. Net libertarians greet any suggested degradation with howls of protest because they refuse to acknowledge the extent of the social problem the Government is trying to address.

Yet every social intervention has a cost. My guess is that most Australians—and certainly the 93% of parents of teenagers who, in a 2003 Newspoll survey, supported automatic filtering of internet porn—would judge that the trade-off is worthwhile. The fact that both major parties back the idea tells us something about the level of community alarm.