Alice,

I realize that the computer network is becoming more and more popular. But I am very disturbed. Some friends of mine were over and were using the newsreader when they come upon a newsgroup containing erotica. At first it was just a joke about comp. sci. types, but then they read it, and were very upset. The story was about a young woman who gets viciously gang raped ? in detail. I believe in free speech but this concerns me. Any suggestions? Is it legal to have this type of stuff on where anyone ? of any age ? can have access to it?

Just call me...
Concerned

Answer

Dear Concerned,

With so much information available online, it's likely that some content will be seen as inappropriate by some web users. As far as legality goes, remember that the laws about erotica and pornography on the internet can be confusing. At Columbia, the Computer and Acceptable Use Policy states that "no University system or network may be used for any purpose or in a manner that violates University statutes or regulations or federal, state or local law." In this case, the relevant laws have to do with whether or not the material put on the network is obscene. If it is, it's illegal to transfer the material over state lines, including by a computer using the internet. For example, a Columbia student couldn't use the school's network to send obscene material to California ? doing so would violate federal law and therefore Columbia's policy, as well. (However, it isn't illegal to simply own obscene materials.) To be classified as obscene by state or federal law, material must meet all three parts of the legal definition of obscenity by applying what's called the Miller Test, which was developed by the US Supreme Court in 1973:

- the average person would find that the work, taken as a whole and applying contemporary community standards, appeals to the prurient interest;
- the work depicts or describes sexual conduct in a patently offensive way, when applying contemporary community standards; and
- the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(US Department of Justice)
Historically, the focus of obscenity laws has been on images, but text-only websites have recently been targeted, too. Those cases are still open, though, so there’s no final word yet on the legal questions surrounding online erotica.

Since you seem concerned by what you found on the network, you might want to think of ways to address the issue that don’t involve the ins and outs of the law. You could send an e-mail to the group or individual posting these stories to express your concerns, or to request that they add a disclaimer so that minors or uninterested people (such as those who may be offended, or for whom a story with rape could be triggering) can choose not to view the site. Keep in mind that people don’t always agree on what’s appropriate or offensive, and the internet is no exception. Voicing your opinion, and from there sticking to sites you’re personally comfortable with, might be the best way to go.

Alice!
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Erotica & Pornography

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