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Scandal, Censorship and Representation in the Online World: An Ethical Conundrum

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Abstract

This research begins by examining the foundation issues of content censorship from a literary perspective and then proceeds in comparison to discuss the issues of online content appropriateness and whether the same censorship principles of literature are transitional to the online world. Currently, uncertainty exists in how to tackle this issue as there appears to be a lack of formal rules or suggested guidelines applied to the content appropriateness, management and availability of online material. Therefore, where does the onus of online content censorship exist in this medium? Or is it left to the ethical and moral standards of the material source/creator, online access provider or the cultural ethics of the wider community to adjudicate?

Keywords

Literature, online censorship, ethics, publication.

INTRODUCTION

Recent media reports regarding the posting of adverse incidents and materials on the Internet continues to call into question the controls concerning the nature, content and substance of data placed online, and the ease with which such postings can be made public. There has been somewhat of a community scandal regarding the types of incidents depicted, combined with an outcry concerned with a perceived lack of censorship and ethical judgement regarding the ease with which such online representations are publicly accessible via the Internet.

Prior to the availability of online self-publication, the issue of material censorship was initially based in literature, and with the progressive development of technology, increasingly extended to cross-media broadcasting (i.e. radio and television), films and computer games. The freedom and lack of rules or guidelines in the online world has opened a new and complex dimension in the censorship debate, furthering difficulties about the nature of representation and the influence it maintains over the consumer. The boom in online pornography for example, has proved particularly volatile, raising questions regarding obscenity, morality and the notion that access to certain types of representation is capable of causing subjective harm. The issue of controlling online matter is particularly pertinent when discussing the nature of pornographic depictions and the relative ease with which such material is accessible and is a clear example of the ethical dilemmas associated with Internet usage.

TRADITIONAL LITERATURE AND CENSORSHIP

Australia enforces a classification system upon films, magazines and computer games before their public release; however when it comes to matters of the literary, censorship and censoriousness often centre on subjective questions of taste, on aesthetic judgements of artistic quality, and on debates concerning the functionality of literature in public and private spheres. Literature and censorship have enjoyed a long and antagonistic relationship, particularly during the late nineteenth and early twentieth centuries, with the likes of Charles Baudelaire, Gustav Flaubert, James Joyce, D.H. Lawrence and Vladimir Nabokov. In each of these cases, debates were fuelled by socio-cultural expectations.
regarding gender and sexuality, blasphemy and moral norms, and underpinned by the premise that the relationship between word and world, representation and action, was performative, that material depicted could (and would) effect behaviours enacted.

While literature now appears to be a dying cultural form in a society centred on the hype of graphic media, the power of the word to unsettle remains a remarkably frequent phenomenon. In the past 20 years, texts such as Salman Rushdie’s *The Satanic Verses* and Bret Easton Ellis’ *American Psycho* have inspired a gamut of anxieties concerning the transformative nature of representation, the transgressive qualities of text and the potentially ‘harmful’ influence of consuming ‘morally ambiguous’ fictions. *The Satanic Verses* has had a particularly hyperbolic history, causing international upset due to Rushdie’s unfavourable interpretations of the Koran and ostensibly heretical comments upon the Islamic faith. As Daniel Pipes (1990) observes, it engaged thousands of individuals in protest, "caused the deaths of over twenty people, disrupted billions of dollars in trade, brought profound cultural tensions to the surface and raised issues about freedom of speech and the secular state that had seemingly been settled decades or even centuries earlier" (p. 16). More recent examples include the notoriety of *The Da Vinci Code* (2003), an astoundingly popular success that nonetheless provoked outrage in the Catholic Church and scandal regarding Dan Brown’s claims that the novel was truth-based and his supposed plagiarism of *Holy Blood, Holy Grail*. Kathryn Harrison’s memoir *The Kiss* (1998) attracted enormous attention on its public release, given its telling of an incestuous relationship between the 20-year old Harrison and her estranged father. It was the object of debates concerning *representability* – what should and should not be depicted, regardless of artfulness – and the idea that transgressing cultural taboos has now become a marketing tool for fame and profit.

The ambiguity often attached to literature as a cultural medium has ensured that difficult material has a history of misunderstanding and misreading. Flaubert’s *Madame Bovary*, for example, charged with depraving public morals in its depiction of Emma Bovary’s adultery, is an ironic denunciation of the self-satisfying delusions of the bourgeois. Lawrence’s *Lady Chatterley*, condemned for its sexual permissiveness and rejection of traditional family morals, is in fact rigidly patriarchal. *American Psycho*, with its brutal and graphic series of the violent rape and dismemberment of countless women, and its murderous destruction of homosexuals, ethnic minorities, the homeless and various animals, is an unrelenting critique of dominant phallocentric, materialist, misogynistic, white middle-class male culture. Yet the willingness to misconstrue text in order to promote its censorship, or to advocate public censoriousness, is far from random. The continuity lies in the capacity of scandalous texts to critique the status quo, to trouble cultural norms and boundaries. The imperative behind literary censorship, then, can be seen as an ideological drive seeking to maintain normative paradigms, to control the nature of representation in order to control socio-cultural, religious and political mores. The notion of ethical propriety can thus become little more than protecting the interests of potentially outdated, unjust and oppressive modes of hegemonic power. The irony, of course, is when texts such as *American Psycho* attract vitriolic censoriousness: read superficially, it hyperbolically endorses the norms of mainstream culture whilst read analytically, it supports the political agendas of feminism, refutes the excesses of materialist consumerism and highlights the destructive stereotypes attached to those at the ethnic margins.

Arguably, then, censorship in literature is predicated on critical reading, on ascertaining a fixed meaning from a text and designating its normative/transgressive qualities. Split between an ethos of public information and public entertainment, the novel is a slippery mode, bordering on subjective modes of interpretation and analysis in order to assign a set of possible meanings among a myriad of other likely explanations. Yet in terms of the potential for scandal, literature is a medium that seems oddly orchestrated. Given the long processes of review that a manuscript is subjected to before it is publicly censured, there are imperatives behind scandalous texts that are missing from the instantaneity of the Internet. The novel is a carefully managed product, not the result of a whim and because of this, tends to carry the weight of greater socio-cultural, political or religious initiatives. That is, literary scandal and the scandal of offensive on-line material differ fundamentally in terms of time distancing, the space between the production of a form and its release for public consumption. The result is that literary texts often possess a form of shock-value that contains deeper ideological (social, political, cultural, etc.) agendas; the transience and transformability of the Internet, however, often seems to evade the careful management offered by the literary process.

Yet like the Internet, the novel has always been involved in blurring the gap between spheres, in exposing the private to public scrutiny (Morrison & Watkins, 2007, p. 4). The Internet, however, has
taken the breach between spheres to a whole new level; to the extent, in fact, that the notion of ‘private’ has become an ideal for those ‘too repressed’ to join FaceBook, create an online Blog, remain logged in to MSN, or divulge all on a MySpace profile. While literature retains the imperative of fictionality and requires, to some extent, the patience of concentrated reading and some degree of analytical thinking, the Internet is a medium that allows not only all-welcome access, but also free-range contribution. Thus while literature is subjected to the difficulties of publication acceptance, editorial judgements and critical review, the Internet is a source seemingly void of parameters and as such, theoretically limitless in its content.

However, the Internet, like literature, is highly subject to the censure of public viewing, to the reactions of an audience critical of the material it accesses for either educative or entertainment purposes. The difficulty, of course, arises in the very nature of the Internet: it is a free-for-all medium, instantaneous, user-friendly, endless in its capacity and lacking in parameters, imagination, desire and technical knowledge often the only impediments to its manipulation. And whilst legality ought to prevent the worst of its excesses—child pornography, for example—the Internet remains a place seemingly devoid of restrictions capable of protecting the public from demoralising, unethical and, arguably, ‘harmful’ representations posted by unscrupulous users.

A recent example of this lack of online editorial judgement that drew considerable media attention was the reaction to a video posted on the self-broadcasting community website, YouTube. This was a video of an incident at a Skate Park involving a vicious physical assault on a ten year old boy and depicted the victim being struck repeatedly, while another scene of the video shows a group of older children surrounding and taunting this same individual until he lashed out. A witness to the incident used a mobile device to film this assault, which was subsequently publicised on the YouTube website. The news media reporting and the ensuing public outcry by the community resulted in removal of the offending and the police pursuing further investigations (Breen 2007).

This video is a clear example of digital exhibitionism and exemplifies how the freedom of the Internet and the associated technologies can be utilised for self-publication purposes without the material content necessarily subjected to the rigour of critical editorial review, censorship or any ethical criteria whatsoever, until after the community reaction and complaint. In defense of YouTube™, they obviously cannot monitor or review every video uploaded to their website and therefore largely rely on the ethics of the users in making judgements prior to posting. The YouTube Community Guidelines provide a layman’s version focusing on certain common sense rules in lieu of the legalistic detail contained in the ‘Terms of Use’ document. These guidelines essentially ask YouTube users to apply and consider the appropriateness of the material content prior to posting online and are listed as follows (YouTube 2007):

- YouTube is not for pornography or sexually explicit content. If this describes your video, even if it’s a video of yourself, don’t post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation. Please read our Safety Tips and stay safe on YouTube.
- Don’t post videos showing bad stuff like animal abuse, drug abuse, or bomb making.
- Graphic or gratuitous violence is not allowed. If your video shows someone getting hurt, attacked, or humiliated, don’t post it.
- YouTube is not a shock site. Don’t post gross-out videos of accidents, dead bodies and similar things.
- Respect copyright. Only upload videos that you made or that you have obtained the rights to use. This means don’t upload videos you didn’t make, or use content in your videos that someone else owns the copyright to, such as music tracks, snippets of copyrighted programs, or videos made by other users, without their permission. Read our Copyright Tips for more information.
- We encourage free speech and defend everyone’s right to express unpopular points of view. But we don’t permit hate speech, which is content intended to attack or demean a particular gender, sexual orientation, race, religion, ethnic origin, veteran status, colour, age, disability or nationality.
• There is zero tolerance for predatory behaviour, stalking, threats, harassment, invading privacy, or the revealing of other members’ personal information. Anyone caught doing these things may be permanently banned from YouTube.

• Everyone hates spam. Do not create misleading descriptions, tags, titles or thumbnails in order to increase views. Promoting your channel is one thing, but it's not okay to post large amounts of untargeted, unwanted or repetitive content, including comments and private messages.

YouTube is ubiquitous and accessible to users of all ages with differing cultural and contextual interpretations of the materials posted online. From this perspective it is evident that YouTube is chiefly concerned with the legal perspectives of free speech, copyright and tolerance and yet provides little ethical guidance to the user regarding the censorship of inappropriate content, thus relying on the perception that people generally will act ethically of their volition. Obviously, not all users would even read these guidelines, let alone the 'Terms of Use' document and therefore cannot be a reliable means of content management or guide for ethical user behaviour. Invariably, the reaction is to use technology to automatically addressing content management issues.

TECHNOLOGY-BASED ONLINE CENSORSHIP

A specific example of the technology-based censorship was YouTube’s management of the unauthorised or pirated copyright materials appearing on their website. YouTube itself implemented content filtering technology to automatically identify and remove copyrighted materials previously identified by the copyright owners as a move to placate the movie and television studios, particularly in lieu of a $1.1 billion content piracy suit bought by Viacom in the United States (Anon 2007a).

Another example of censoring online material content now exists in 1600 Victorian State Schools through a ban that denies student access to video-sharing websites such as YouTube in order to limit the growing occurrence of cyber-bullying. This action utilises filtering technology based on text and blocking access of websites as identified by the Education Department such as YouTube and MySpace (Smith 2007).

No-one would argue that the protection of minors from access to unsuitable online content requires some form of censorship and remains an ethical obligation of governing bodies. As the previous YouTube example alludes to, this technology enables self-expression and exploitation of almost instantaneous publication and yet there is no space for editorial consideration prior to publication, unlike traditional literature. Therefore, once an ill-considered piece is publicly online, it becomes irretrievable and open to all types of moral interpretations.

These examples serve to illustrate the instantaneous nature of the online medium that now has authorities grappling with how to address and develop means of managing the content accessibility and censorship of Internet material.

FEDERAL GOVERNMENT ONLINE CENSORSHIP

Currently this area is in a state of flux, but the previous Federal Liberal Government focused their online content censorship efforts on specifically safe Internet use for children by utilising and providing filtering software options for parents to install on their home computers as a means of blocking children from inappropriate online material content and engaging in undesirable activities and behaviours. The thrust of the Australian Government’s online safety program NetAlert is the program’s website freely providing educational and guiding information for parents, teachers and librarians across a number of areas including; but not confined to (NetAlert 2007):

• Cyber bullying;
• Cyber stalking;
• Supervising children online;
• Online publishing;
• Paedophiles and pornography;
• Online safety tips for adults, teenagers and children;
• Spam, and
• Staying safe in online chat rooms.

This represents a starting point with an educational and preventative focus but is not a complete online censorship solution and with the change in federal government, NetAlert’s future is uncertain. An alternative method of online censorship is the introduction in January 2008 of access restrictions to online chatrooms and websites imposed upon those companies that sell entertainment-related content via Internet subscription. This will now compel providers for the first time to check that people accessing MA15-plus content are indeed over 15 years of age and those accessing R18-plus or X18-plus are over 18 years of age (Anon 2007b). The enforcement of these provisions falls under the auspice of the Australian Communications and Media Authority (ACMA) who are responsible for monitoring internet content, enforcing Australia’s anti-spam laws and making rules in regard to accessing the Internet. In this case the ACMA will be able to compel content providers: to remove offensive material, issue notices for live streaming content to cease and the removal of web links to offensive content (ACMA 2007).

Furthermore, current Federal Labor Government policy and legislation would compel ISP’s (Internet Service Provider) to supply a ‘clean feed’ by filtering and blocking access to the ACMA’s non-approved website ‘blacklist’ for all customers and schools, which amounts to nothing more than government censorship by stealth. Of course the policy would enable people to opt-out of the service by contacting their ISP for uncensored access (Dunlevy 2008) however; this should not be the default position.

Arguing for child protection in order to censor online access and viewing choices for adults is not the answer and deeper consideration identifies numerous technical, financial, moral and social difficulties with implementing this policy (English 2008). As Clarke (2007) noted of the previous government’s policy, this enables the use of indiscriminate draconian powers and should not be the right of any democratically elected government. Adults and parents should be free to make their own judgements regarding Internet content censorship and take an active interest in their children’s online activities and utilise freely available filtering software and advice to control their online viewing habits, if they choose. Moreover, the question of ‘accessibility’ is one often placed in hyperbolic terms, suggesting that ethically ambiguous sites and postings are simply ‘there’, lying in wait to spring upon an unsuspecting user as they browse. Like plastic-wrapped magazines and censored texts, unethical on-line material is something that has to be consciously looked for, or even bought; it is unlikely, for example, that whilst conducting a search for statistical data the user finds them self regaled by a series of child pornography. Thus while ‘harmful’ representations clearly abound, the notion of discovery is complicated by the idea of wilful desire, and the right of a consenting adult to access (within the parameters of the law) content freely.

THE ETHICAL CONUNDRUM: WHAT ETHICAL APPROACH TO TAKE?

To address effectively the ethical conundrum of online censorship there is an evident requirement to broaden of scope away from just the narrow technological solution option, to one that encompasses a review of the traditional literary censorship debate, seeks to develop wider and inclusive education programs and taking into consideration the ethical and moral components of censorship under the following non-exclusive overarching points as listed:

• Like literature, on-line censorship should be self-initiated, instigated by the moral positioning and ethical standpoints of the individual;
• Offensive material is a subjective viewpoint; however, some forms are simply illegal and thus subject to legal ramifications;
• The notion of the ‘ethically publishable’ is a continuation of old literary debates; however it has failed to transfer into the realm of new technology. So the processes of review that literature is subjected to no longer stand; the Internet is a medium of immediacy, and lacks the objective time distancing associated with hard-copy published forms;

Current approaches to manage Internet material content remains at the periphery of the issue by only utilising technological means for compliance enforcement and content-blocking. There remains a need to broaden the search for answers to this problem and reflecting on the literature’s dealing with and
managing of the material content offers insight into the subjective area of censorship. Unlike literature, where the content is open to interpretation and analysis, here the online medium presents material instantaneously to the viewer, who is therefore at the mercy of the ethical beliefs of the source regarding content suitability. Nevertheless, to suggest that the Internet should be fitted with censorial systems' adjudicating the nature of material accessed is to suggest that an individual is incapable of determining a subjective response that adequately deals with that content. That is, a user offended by perceived unethical representation is capable of rejecting that representation without the assistance of a 'nanny over-seer', able to log-out, to lodge complaints, to refuse to support the nature of the material available. A user is able to reply and react to offensive material intelligently without the manifestation of Big Brother superstructures determining the nature of response.

CONCLUSION

Literature enables the reader to inhabit the character and yet apply their own ethical beliefs or at least understand through analysis the textual meaning of the literary piece and then choose whether to adopt, argue or reject the premise. Whilst the notion of a reader 'inhabiting' a character has been the cause of considerable debate and controversy (Ted Bundy, for example, notoriously claimed that American Psycho compelled him to rape, murder and dismember women, as Wade Frankum similarly credited his Sydney killing spree to his love for the text), literary works are subjected to rigorous pre-release judgements that mitigate the instantaneity associated with nefarious on-line content. On-line, you are immediately subject to overriding visual content and its specific perspective, and are therefore at the ethical mercy of the 'poster'. Whilst this is not to suggest that literature does not represent the unethical (clearly a misnomer), the immediacy granted by the Internet—the immediacy of uploading, downloading, updating and transforming—proves problematic for the nature of the scandal it is capable of causing; scandal that is capable, as evidenced by cases of cyber-bullying, paedophilia, on-line stalking and child pornography, of actual harm.

Whatever governments do is only playing at the fringe in order to placate community concern, the result being an ad hoc approach that is neither effective nor systematic. Education is the key, where the freedom to consume ought to remain the fundamental principle of access and default position, not the 'nanny' state version that attempts to regulate the minds and thoughts of individuals via governmental ethos driven censorship principles. Inarguably, some forms of representation are simply illegal (e.g. child pornography), thus the notion of censoring select content is a moot point in the ethical debate.

There will always be digital exhibitionism and adults should remain free to choose, apprise and decide what content they wish to view regardless of imposed censorship limitations. Additionally, adopting universal ethical guidelines would help, if only to inform that choice and protect those who wish—and need—protection.

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