

Protecting the Kids? Debates Over Internet Content

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This chapter will examine debates in Canada about how to protect children from offensive and illegal content on the Internet. The stakeholders in this debate include government, industry, parents, educators, librarians, and public interest groups. After looking at the type of content that has been targeted, I will relate the discussion to earlier and ongoing concerns about "moral panics" surrounding children and media content. I will then look at how diverse stakeholders have addressed the issue of offensive and illegal content, particularly pornography. Tensions highlighted include the need to achieve a balance between freedom of speech versus censorship, self-regulation versus governmental regulation, and technological solutions versus education and awareness.

TARGETED CONTENT ISSUES

Studies indicate that children and teens access the Internet at school and home. The YTV Kid & Tween Report 2000 reported that two-thirds of "tweens" (kids aged 7-14) with computers at home have access to the Internet, and they spend an average of 3.8 hours a week surfing the net (Media Awareness Network, 2000). Statistics Canada General Social Survey: Internet Use 2000 reported that teens are one of the biggest Internet users, with "nine out of every 10 teenagers aged 15 to 19 report[ing] using the Internet at some time in the 12 months prior to the survey" (Statistics Canada, 2001). Educators and governments have promoted the use of the Internet as a necessary educational tool for the knowledge-based economy, often, critics say, to the detriment of art and music training (Moll, 2001). But, alongside the widespread celebration of the Internet as a vital educational and learning tool for children and teens, are cautions and grave concerns about Internet content deemed inappropriate for children.

Inappropriate content includes illegal and potentially offensive web sites, such as those containing gambling, pornography, hate, violence, alcohol, tobacco, and gender stereotypes. The issue of problematic content has received much attention from a variety of sectors, including federal and international governing bodies, public interest groups, research foundations, public libraries, and the Internet industry. Not surprisingly, the majority of stakeholders have targeted pornography as one of the primary content issues to address.

Canada's hate speech laws, as they appear in both the Criminal Code and the Human Rights Act, can be applied to the regulation of online hate. However, laws are fuzzier with regard to pornography. Hecht and Neufeld (2000) say that it is necessary, in considering what is harmful to children, to differentiate between legal and illegal content. Certain forms of pornography are legal, whereas child pornography (especially where children are implicated in its production) is illegal. Bill C-15, An Act to Amend the Criminal Code, announced in March 2001, established the government position with respect to child pornography on the Internet. The Criminal Law Amendment Act, 2001 proposes specific penalties for distributing, possessing, and accessing child pornography on the Internet. The bill also stipulates that it is a crime for anyone to use a computer to communicate with "a person who is, or who the accused believes is, under the age of 18 years" for the purpose of "facilitating the commission" of illegal acts with a minor (Government of Canada, 2001).

Canada still grapples with the issue of whether existing laws meet the challenges posed by pornography on the Internet. Does Section 163 (1) of the Canadian Criminal Code apply? Does, or should, the standard of "knowingly" publishing, distributing, or circulating pornography be applied to the Internet? Can the concept of "community standards" be applied to Internet content?

A NEW MORAL PANIC?

Moral panics have become the way in which daily events are brought to the attention of the public. They are a standard response, a familiar, sometimes weary, even ridiculous rhetoric rather than an exceptional emergency intervention. Used by politicians to orchestrate consent, by business to promote sales in certain niche markets, and by media to make home and social affairs newsworthy, moral panics are constructed on a daily basis. (McRobbie & Thornton, 1995, p. 560)

Cultural debates on children and the media are polarized "between children's advocates and researchers, on the one side, calling for more responsible programming and policies from media producers, broadcasters, advertisers, and government agencies on the other" (Kinder, 1999, p. 1). Children's advocates and researchers, Kinder says, are split between those who see children as passive victims of an increasingly commercialized

and sensationalistic culture and those that perceive children as active participants and negotiators of media. Decrying the "loss of childhood" (Buckingham, 2000, 21), members of the former camp deploy this rationalization in their crusade against what they perceive to be a moral decline in society. These advocates further believe that media's increasing emphasis on "tabloidization" and titillation, as well as "sexualization," and sensationalism, reinforces this moral decline.

New communication technologies have always provoked debate over the acceptability of content designed for children (Hein, 2001). In the 1950s Wertham (1953) led a crusade against violence in comic books. His book Seduction of the Innocent galvanized parents, educators, and the media to protest the violence. At his urging, comic book publishers formed the Comics Magazine Association of America. When the U.S. Senate hearings identified a possible connection between comic book content and juvenile delinquency, the Comics Magazine Association instituted the Comics Code Seal that regulated comic book content. In the 1990s, debates over violence and sexually provocative content on television led to the V-Chip. After "reading" information encoded in the rated television program, the V-Chip blocks programs on the basis of the rating selected by the parent. The V-Chip is now required in all new televisions produced in the U.S. (V-Chip Education Project). The Entertainment Software Rating Board created a similar rating system for video games.

MEDIA RESPONSES: SENSATIONALISM SELLS

A dark, violent and persuasive netherworld wants to lure your child's imagination, especially if you're a parent who's not paying attention. It is called the Internet. It is an electronic playground where virtually everyone is a stranger and there are no rules or boundaries. It offers a global audience that awaits your child's worst and darkest feelings. The nightmarish side of the Net includes more than 20,000 e-mail addresses of known pedophiles and Web sites of child pornography. The briefest of searches quickly churns out a sire called Nazi Pedophiles. A few mouse clicks away are web pages filled with racist diatribes, chat rooms stalked by child molesters, newsgroups poisoned by vitriolic rants. (Lowey, 1999, p. AA3)

An attempt by the United States to legislate illegal and offensive content through the Communications Decency Act precipitated widespread media interest¹. This legislation stimulated many international debates and polarized sentiments between free speech advocates and politicians, parents, and children's rights organizations. Free speech advocates argue that any effort to legislate content (even offensive content) constitutes censorship. Politicians and rights organizations disagreed. Various other countries made similar efforts to regulate content (Akdenizof, 2000).

The 1999 Columbine incident generated a further wave of newspaper articles and commentary calling for more vigilant oversight on Internet content. Two male high school students went on a killing rampage at Columbine, an act that many believed to have been strongly influenced by an increasingly violent media culture. Reports that the two young perpetrators had posted a hate web site, which targeted some of their classmates, triggered the debate. When the public learned that information about explosives had also been posted online, the debate intensified (Gibbs, 1999). Canada was certainly not removed from these discussions. Extensive newspaper and television coverage of the events brought the issues to Canada, and a copycat episode in western Canada followed on the heels of Columbine.

A content analysis, which examined 1999 newspaper coverage of the effects of the Internet on children and families, revealed the following conclusions. Overall, the press presented the Internet as a place where more problems (almost 60 percent) than benefits (almost 40 percent) exist. The majority of articles focused on problems such as child pornography (31 percent), online crime (13 percent) and pornography in general (13 percent). The benefits of the Internet described in the articles included educational value (43 percent), social uses (29 percent), and e-commerce benefits (17 percent). Only eight percent of articles talked about the Internet in terms of recreational use or entertainment. Privacy issues (11 percent), marketing to children (nine percent), and hate sites (eight percent) were other problems mentioned in the articles.

Despite these reservations, only six percent of the articles questioned the value of the Internet or its use by children and in schools. Only five percent of the articles looked critically at Internet use and participation by children and young people in relation to digital divide issues (Shade, May 2000).² Without a doubt, media coverage of Internet issues related to families and children tended to concentrate on problem areas (particularly child pornography, pornographic content in general, and criminal content). Is the media, then, whipping up a moral panic about children and exposure to Internet pornography?

Suggestions for improving coverage of the Internet as it relates to children and families include the following. Coverage should be extended to include more critical analysis of the role of Internet technology in the everyday lives of children and young people. Newspapers should more critically assess the commercialization of Web content that is directed towards children. Privacy issues should be examined more critically, especially online marketing practices that secure personal information on children. More youth, educators, and public interest groups should be consulted on stories about the Internet and children.

More nuanced debates on the digital divide in Canada should take place. Although media rarely consider access issues, they depict the young "entrepreneurs" who use the

Internet for e-commerce applications in heroic terms. The media fail to adequately explore the overall media culture of children. Apart from the many articles ruminating over the Columbine tragedy, the media tend to present unsavory Internet content as divorced from the overall media culture, when in fact, the "sexualization" and "tabloidization" of popular culture has become commonplace (Shade, May 2000).

PUBLIC INTEREST RESPONSES: MEDIA AWARENESS NETWORK

The Media Awareness Network (Mnet) is a non-profit media literacy organization, which focuses on developing web awareness modules for schools and libraries. In 2000, Mnet and Environics Research Group surveyed parents to learn more about their children's Internet use.³ The survey was particularly concerned with assessing the effectiveness of measures used to address Internet safety issues and to deal with inappropriate online content. The report, *Canada's Children In A Wired World*, revealed that most Canadian parents are optimistic about the Internet, believing that the benefits outweigh risks. Sixty percent of parents reported that education is the biggest benefit of their children being on the Internet, while 51 percent say their biggest concern is inappropriate content. When asked if their children had come across sexually explicit material—that they were aware of—21 percent reported that they had. Six percent of the parents revealed that their children had been sent unsolicited sexual material. (More may have been unaware of their children receiving unsolicited material with sexual content.) Parents cited "educating children" (94 percent) and "educating parents" (97 percent) as effective strategies for ensuring wise use of the Internet at home.

LIBRARIES: TO FILTER OR NOT TO FILTER?

Concerns about open access to the Internet in public libraries, particularly in Toronto and Calgary, led to vociferous debates. In Toronto and Calgary, public library officials and the community argued whether or not libraries should install filtering software on Internet-accessible computers. A major controversy surrounded the conflict between issues of Internet censorship and preventing children from being exposed to inappropriate content while on the Web. Calgary Alderman Patti Grier was adamant in saying that children should not be exposed to "accidental or intended peep shows," particularly when public libraries are "funded with public dollars" (Dolik, 1999, p. B8).

The Canadian Library Association (CLA) has closely monitored the situation in the U.S. The American Library Association (a national association) "strongly encourages local libraries to adopt and implement Internet policies that protect access to information and promote a positive online experience while respecting parents' rights" (Kranich, 2000, p. 45). However, the association has protested attempts to mandate the use of filtering software on publicly-accessible Internet terminals, arguing that "only about 1.5 of

Internet sites are considered pornographic, and the best filters block about 75% of those" (Kranich, p. 43). The Canadian Library Association has responded in kind, producing a web-based toolkit, Net Safe; Net Smart: Managing and Communicating About the Internet in the Library. The toolkit contains practical resources for use in staff and board training and public education programming.

INDUSTRY RESPONSE: SELF-REGULATION

Industry is concerned about being held legally responsible for the content of their users. So Internet service providers have championed self-regulation and user codes of conduct. For instance, the Canadian Association for Internet Providers (CAIP) includes provisions in their Code of Conduct stating that "CAIP members are committed to public education about Internet issues and technology" and that "CAIP members will not knowingly host illegal content [and] CAIP members will share information about illegal content for this purpose" (CAIP, 1997).

In February 2001, the Canadian Association for Internet Providers launched their "protection portal" as part of the government's "cyberwise" strategy. This portal provides information on several organizations that "combat" illegal and offensive content on the Internet. Organizations include the Simon Wiesenthal Center, which documents the rising incidence of hate online; the Media Awareness Network's Web Awareness project; the creators of "Missing," a videogame and web site that warns children about online predators; and Industry Canada Minister Brian Tobin and their cyberwise strategy (discussed below).

Industry has touted technological solutions as a means to protect children from offensive and illegal content. A plethora of software filters are available on the market (Cranor, Resnick, Gallo, 1998). Many such as Net Nanny, Cybersitter, Cyber Patrol, Net Shepherd, and Safe Surf specifically target parents. But the efficacy of filtering software has been a huge issue, with many groups claiming that filters censor more than they control content. In one study, the Electronic Privacy Information Center (1997) claimed that filtering software prevents "children from obtaining a great deal of useful and appropriate information that is currently available on the Internet". Powell (2000) described filtering software as a "vaccination" of children against offensive content, rather than "isolation" of children from portions of the Internet (p. 40).

Others have promoted self-regulation as a means to protect children and to deal with the problem of illegal and harmful content on the Internet. The Bertlessman Internet Content Summit recommended a coordinated effort, including self-regulation of the Internet industry, self-rating and filtering by individuals and families, the use of hotlines as a feedback mechanism for users, and reliance on law enforcement and the role of legal provisions in supporting self-regulation (Bertlessman Foundation, 1999).

GOVERNMENT RESPONSE: NO REGULATION

In May 1999, the Canadian Radio Television and Telecommunications Commission (CRTC) released their report on new media hearings, which looked broadly at issues of Internet content and regulation. The CRTC, the report said, would not regulate new media activities on the Internet under the Broadcasting Act. With regard to illegal and offensive content, the Commission recommended industry self-regulation and the development of codes of conduct to help combat the distribution of offensive material. They also recommended acceleration in the process of establishing complaint lines, appointing industry ombudsmen, and developing cooperative links with law enforcement agencies, in Canada and abroad. In addition, the report suggested that content filtering software should “assist those who wish to control access to material that they feel is inappropriate.” The regulation of offensive content—and particularly hate propaganda—was deemed to be beyond the regulatory jurisdiction of the Broadcasting Act, according to the CRTC, because it consists predominantly of alphanumeric text. That is, the CRTC perceived the Internet as being mostly text-based, rather than carrying broadcast material.

Certainly the Canadian government has had to consider the proposals of other governments with respect to regulation of offensive Internet content. The United States has approved several pieces of legislation. Congress passed the Child Online Protection Act of 1998 (Pub. L. No. 105-277, 112 Stat. 2681-736) to restrict the commercial distribution of material that could be considered harmful to minors on the Internet. The Act also established a commission to examine the extent to which current technological tools effectively help to protect children from inappropriate online content. The Child Online Protection Act attempts to protect children by prohibiting commercial web site operators from making sexually explicit material that could be deemed “harmful to minors” available to those under the age of 17. Web site operators found in violation of the law may be sentenced to six months in jail and fined up to \$150,000 for each day that the offensive web site is up (see Children’s Online Protection Act; also Powell, 2000). The Children's Internet Protection Act was passed by Congress and signed into law by former President Bill Clinton in December 2000. This law requires public libraries and schools to install pornography-blocking software on computers or risk losing federal funds and assistance (ALA, 2001).

Australia recently passed legislation aimed at protecting children from exposure to inappropriate Internet content. The Broadcasting Services Amendment (1999) establishes a complaints-based legal regime, which uses existing systems and methods of classifying content. The Australian Broadcasting Authority is mandated to regulate carriage of content over the Internet. However, the Act also encourages the development of industry codes of practice. Since primary responsibility for material lies

with its creators, Internet service providers are not liable for material carried on their service. The Act also defines prohibited categories of Internet content (hosted in Australia). Any content classified as RC, X or R requires adult verification. Prohibited categories for overseas-hosted content are RC and X (Australia, Broadcasting Services Amendment 1999). In both the United States and Australia, various public interest groups have protested this kind of government legislation. For example, the American Civil Liberties Union and the American Library Association have argued that such legislation violates the First Amendment tenets of free speech.

In February 2001, the Government of Canada unveiled their strategy for dealing with illegal and offensive content on the Internet. Borrowing extensively from the research and educational strategies of the Media Awareness Network, the government advocates "safe, wise, and responsible" Internet use. Their "cyberwise" strategy focuses on educating and "empowering" users (not through new regulation, but through strengthening the enforcement of existing laws on the Internet), promoting industry self-regulation, implementing hotlines and complaint reporting systems, and supporting consultation, nationally and internationally (Industry Canada, 2001).

CONCLUSION: THE DARK SIDE OF THE NET?

The various approaches to addressing Internet content must therefore take into account the guarantee of freedom of expression enjoyed by Canadians; any efforts to regulate Internet content must be 'demonstrably justified in a free and democratic society'—a standard that is very high indeed. (Pierlot, 2000)

Regulating content on the Internet is a messy affair. Even mentioning regulation sends many into a tailspin—and not just techno-libertarians and free speech advocates. The more palpable fear seems to be that regulation implies governmental control, and in North American societies, such a suggestion raises the specter of totalitarian regimes. The easy line to tow is that of self-regulation (industry), enforcement of existing laws and legislation (government), and education and awareness programs (libraries and public interest groups).

Does the focus on pornography distract from more important content issues, such as hate and commercialization? Hate content (whether anti-Semitic, racist, sexist, or homophobic) is insidious (Mock, 2000). Sunstein (2001) argues that hate groups "expressly attempt to encourage both recruitment and discussion among like-minded people" (p. 63) and also provide links to other like-minded extremist groups. In particular, hate groups target young kids through a variety of techniques: "kiddy" and glitzy graphics, games and activities, and special kids' sections. One example is the neo-Nazi "World Church of the Creator" site; its "Creativity for Kids" section features

crossword puzzles with racist content (Media Awareness Network, "Recruitment on the Net").

Targeting children as a viable and lucrative market has been the goal of many commercial web sites. Often the commercial aspects of the web sites are thinly veiled; at other times, the commercial content is blatant. Interactive quizzes and games, the creation of virtual meeting places such as chat and web forums, and contests and cross-licensing promotions are just a few of the strategies employed. Privacy is one of the key areas under threat (Montgomery, 2000).

Why, then, has pornography received the bulk of attention as the content area that most threatens children and young people? Could its obvious visible nature (rather than the medium that carries it) explain why debates rage amongst and between free speech advocates, feminists, and the Christian right? Lessig (1999) points out that in real space (contrasted to cyberspace), pornography is extensively regulated—through legislation, law, and social norms. Social norms, for example, include age restrictions related to the purchase of magazines and videos, and vendors must position pornographic magazines so that children and youth cannot easily access them. In other words, as Lessig argues, an architecture regulates access to pornography.

The Internet is different, however, as its technical architecture allows for anonymity (users can create multiple identities), deception (users can lie about their ages, race, ethnicity, and gender), and bypassing (information can be sent through multiple channels, in multiple formats, and via different routes). An architecture that zones speech (in this case, pornography) could demand a "Kids-ID" or an "Adults-ID." Browser profiles or the establishment of digital certification are other zoning solutions (Lessig, pp. 176-177), but in both instances, the adult bears the burden to prove that he or she is validated to receive "adult speech."

Not heard in the policy debates over Internet content are the voices of children and teens. In an analysis of policy documentation, press articles, and interviews with those involved in policy design and implementation in the U.K., Oswell (1999) looked at governmental, industry, and parental responses to Internet content regulation and child protection. Internet content regulation and child protection, he remarked, "make[s] visible how governance is a socio-technical process" (p.58) and how regulatory practices deny agency, rights, and citizenship to children when they fail to involve them in policy formation.

But should children and youth be consulted on these issues? Ostensibly, adults (parents, educators, and government officials) represent and protect children and youth. In the debates over Internet content and children, the delicate balancing act has been how best to balance the right to freedom of expression (for adults) with the

protection of children. So far, the onus has been on adults to self-regulate, provide technological solutions, and promote education and awareness programs. Unfortunately, in Canada, most of the debates have centered on pornographic content, not hate speech or overtly commercialized sites that target kids. This more insidious content may be more threatening to children than pornography. The debates need to shift to reflect these concerns. Perhaps what is also needed is more creativity in the design of Internet architecture, so that "offensive" content can be zoned.

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¹ The CDA made it a crime to post sexually explicit material on the Internet. In 1997, the U.S. Supreme Court struck down the CDA. See Lessig (pp.174-6) for more discussion.

² The content analysis focused on articles found in eight major daily Canadian newspapers, chosen for their geographic representation. The complete analysis can be found at Shade, May 2000. URL: <http://www.media-awareness.ca/eng/webaware/netsurvey2000/medconanalysis.htm>

³ The Canada's Children In A Wired World questionnaire was divided into three sections: (1) family use of the Internet; (2) general knowledge and perceptions about issues related to children and the Internet, including online activities and practices in the home; and (3) responses and proposed solutions in regard to issues involving children and the Internet. Environics polled 1080 randomly selected Canadian families who owned a home computer and had children between 6 and 16. Over 70 percent of parents surveyed indicated that they had Internet access at home, and 86 percent of these parents said their children used the Internet. More information can be found at URL: <http://www.media-awareness.ca/eng/webaware/netsurvey2000/index.htm>