

Content Regulation of the Internet: A Normative Perspective

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State Regulations on the Internet

- Self-Regulation of First-Generation Cyberspace: Social Norms in Internet Community
- Why State Regulation: Disorder in Cyberspace or the Desire to Claim Sovereignty or to Protect Citizens from Objectionable Information?
- What Are States Doing with Content Regulation on the Internet

Regulatory Efforts on Internet Content

- The Internet Does Away Geographical Boundaries. Does It Do Away Territorially Based Laws Too?
- Regulatory Models on Internet Content: U.S., Germany and China, etc.
- United States: CDA (the Communications Decency Act of 1996) and COPA (Children Online Protection Act of 1998)
- Germany: Threats on ISP to Enforce Self-Regulation
- China: the "Great Firewall" Intranet by Software Filtering and Internet Company Licensing

Constitutional Problems with State Regulations on Internet Content-I

- Constitutional Values: Free Choice as the Foundation of Individual Freedom
- How Will Content Regulation on the Internet Pass Constitutional Muster in Judicial Review?
- Problems of Vague in Legislative Language and Overbroad in Scope
- Why Nation-wide, Standardized Legislation? What If Different Community Standards in the Real World not Preserved?

Constitutional Problems with State Regulations on Internet Content-II

- Legitimate Purposes: Protection of Minors from Pornography and Objectionable Material? Fear of Out of Control and thus Centralized Control?
- The Least Restrictive Means: Undue Restriction on Adult's Right to Access Online Information?
- Alternatives to Current Approach? A More Sensible and Lenient Legislation? Technological Solutions?
- Decentralized, Local Control of Individuals or Centralized Control of States?

International Problems with State Regulations on Internet Content

- The Transnational Nature of Cyberspace: Multiple Jurisdictions over a Single Entity
- Spillover Effects of a Single Government Regulation: All Users Are Subjected to Regulations Around the World
- Country Shopping for Websites to Avoid Legal Enforcement
- Collective Actions Problems Arising from International Legal Enforcement

Technological Solutions for Internet Content Regulation

- Filtering by Software Installed on PC: Cyberpatrol, Cybersitter, X-Stop, etc.
- Filtering by Software on ISPs' Equipment
- Filtering by Software Installed in Gateways
- Smart Filtering by PICS--Internet-wide Protocols to Establish a Panopticon?
- Filtering by Tracking IP Address; e.g. French Ruling against Yahoo

Problems with Technological Solutions for Internet Content Regulation

- The Accuracy of Ratings Associated with Filtering Technologies
- Filters Block Too Much and Too Little: Human Reviewers Required?
- IP Address Tracking can be Blocked by Using Other Technologies such as Anonymizer.com
- Clever Surfers can Always Tunnel Through Great Firewalls While Most People are Kept from Certain (Valuable) Information

Problems with Technological Solutions for Internet Content Regulation

- Mandatory Filtering Imposed by Government?-- Equals to Legislation and the Constitutional Uncertainties Remain
- Non-Mandatory Industry Self-Regulation-How would the Free Choice of Individuals be Preserved?--Negotiation with User Groups? Will Free Market Work for User Choice?
- The Push for Certifications Coordinated by Government and Industry to Avoid Constitutional Constraints More Easily?
- Decentralized, Local Control of Users for Free

Conclusion-I

- The Struggle between Freedom and State Control will Rage for Some Time
- Constitutional Matters Should Remain to be the Big Concerns for the Legislative
- International Coordination in Sight and More Problems of Compromising to Come
- How Will the Filtering Technologies Protect Our Democratic and Constitutional Values?-The Check and Balance on Code Writers?-How Will the Process be Like?

Conclusion-I I

- How Would We Have Intellectual Freedom and Narrow Digital Divide?-More, not Less, Access to Online Information Is One of the Key Answers
- More Information to Help Diversify Our Thinking and Opinions that Will Enrich Debates and Policy Makings
- How Could the Internet Become the Most Liberating Technologies?-The Hands-off of Governments and Optimal International Efforts
- New Constitutional Order for Fundamental Rights to Information in a Networked Society?