

“A Haven for Perverts, Criminals, and Goons”: Children and the Battle for and Against Canadian Internet Regulation, 1991-1999

IAN MILLIGAN*

While we today take a largely free and unregulated Internet for granted, our present regulatory environment was established in the 1990s thanks in part to a fight around the role of children on the World Wide Web. Public pressure, coupled with a national debate around cyberporn, led to serious calls for its regulation under the prism of child protection. This article explores the tensions and early fights over whether individuals and families should regulate the Internet, or, as some strenuously argued, the government had a responsibility to impose regulation. Children were the focal point of these debates.

Pour nous aujourd’hui, la quasi-gratuité d’Internet et la quasi-absence de réglementation à son sujet vont de soi. Le cadre de réglementation actuel a cependant été mis en place dans les années 1990, en partie par suite d’un combat concernant le rôle des enfants sur le Web. Conjuguées à un débat national au sujet de la cyberpornographie, les pressions du public ont conduit à de sérieux appels en faveur de la réglementation du Web pour cause de protection de la jeunesse. Les particuliers et les familles devraient-ils réglementer Internet, ou, comme certains l’ont fait valoir avec ardeur, incombe-t-il à l’État d’imposer une réglementation? Le présent article traite des tensions et des premiers débats entourant ces questions, débats au centre desquels étaient les enfants.

A PANICKED young boy, mouth agape, face lit up by a computer screen—shocked by “cyberporn”—was the iconic cover of *Time* magazine’s edition of July 3, 1995. The image and the accompanying article set the tone for a debate over the World Wide Web in the United States and Canada. The cover claimed, “A new study shows how pervasive and wild it really is,” and asked, “Can we protect our kids—

* Ian Milligan is an assistant professor in the Department of History at the University of Waterloo. He would like to thank Bettina Bradbury, Ben Bryce, Valerie Deacon, Thomas Peace, and the two anonymous peer reviewers for their suggestions and help with this manuscript. The Social Sciences and Humanities Research Council provided funding for his broader project on web archives.

and free speech?”¹ The growing World Wide Web was not quite four years old at the time of this *Time* exposé. Though the study was later revealed as seriously flawed, it led many Canadians and Americans to begin seeking some regulation of the Web.² Children and youth were at the heart of the ensuing debates. They could interact with this new medium on the same footing as adults: online their age was not readily apparent, their identity was mutable, and a host of objectionable material—from pornography to hate literature—could become available on their screens. Calls for regulation grew, leading the Canadian Radio-television and Telecommunications Commission (CRTC) to hold inquiries, in person and online, into what Canada should do. In a context of increasing recognition that children had to be online for reasons of international competitiveness—if Canadian children were not ready to face the Internet age, commentators feared that European and Japanese schoolchildren might eclipse them—the debate had an added sense of urgency.

Two competing visions of Internet regulation emerged in the debates of the 1990s. Techno-utopians argued that the Internet should be self-regulated. They drew on a tradition that saw unfettered technology as a key to progress. Their opponents argued that the government had a continued responsibility to protect and regulate. Those in favour of more government regulation largely failed. Organized networks of online activists, bringing together big business and techno-utopians in an issue-based alliance, launched an orchestrated campaign to saturate the online and offline hearings and media with calls for Internet freedom. In stark contrast to previous campaigns around regulating childhood behaviour and access, this one did not have legs.³ The present Canadian regulatory regime was established during this period, profoundly influenced by debates informed by the charged, rhetorical category of children.

Historic Roots of the Debate

Opponents of government regulation included representatives of big business alongside an emerging breed of techno-utopians, who were influenced by broader currents of cyberculture expressed in popular magazines such as *Wired*. As historian

1 “Cyber Porn,” *Time*, July 3, 1995, <http://www.time.com/time/covers/0,16641,19950703,00.html> (accessed February 15, 2013).

2 The World Wide Web was made publicly accessible in August 1991. It is best understood as a system of interconnected web pages, accessible to each other through links. While casually synonymous with the Internet, it is not. It is rather a subset of the much broader Internet, which is a global network of computers that can all speak to each other through standardized communications protocols.

3 The history of regulating children’s behaviour is a long one, dating back into the nineteenth century. In the twentieth century, Canadian anxiety over children and the lack of regulation around them is well recounted in Cynthia Commachio, “Dancing to Perdition: Adolescence and Leisure in Interwar English Canada,” *Journal of Canadian Studies*, vol. 32, no. 3 (Fall 1997), pp. 5-27. The impulse to regulate and control continued into the postwar era, as well described by Mary Louise Adams, *The Trouble with Normal: Postwar Youth and the Making of Heterosexuality* (Toronto: University of Toronto Press, 1997). This concern extended to extreme fears around postwar comic books and prompted Senate investigations, House of Commons legislation, and town council resolutions. General overviews of anxieties around youth also include parts of Doug Owsram’s *Born at the Right Time: A History of the Baby Boom Generation* (Toronto: University of Toronto Press, 1996) and social responses to the youth counterculture in Stuart Henderson, *Making the Scene: Yorkville and Hip Toronto in the 1960s* (Toronto: University of Toronto Press, 2011).

Fred Turner has persuasively argued in his *From Counterculture to Cyberculture*, while 1960s New Leftists had been initially suspicious of technology (witness the burning of computer punch cards at protests from Berkeley to Montreal), by the 1980s and 1990s their intellectual successors saw the prospect for utopian social transformation in technology. These “new communalists” drew on a heritage of the 1960s counterculture yet found surprising common ground with the emerging American New Right. Understanding the Internet as a “biological or social system” that could be internally governed, this current expressed the belief that the Web, unlike the top-down models of broadcast television and telephone, “put you in command again.”⁴

Within this paradigm, governments played a minimal or non-existent regulatory role. This techno-utopian current, expressed variously in *Wired* magazine, by non-profits such as the Electronic Frontier Foundation, and by some online users, argued that “the internet was a triumph not of non-profit principles or of cooperation between government and the private sector but of a kind of romantic marketplace entrepreneurship—a ‘frontier’.”⁵ Indeed, cyberpolitics emerged along “libertarian or anarchist” lines.⁶ Despite a libertarian antipathy towards big business, this tradition aligned with the telecommunications industry in this debate. Both had a common interest in limiting the power of government.⁷ Many Internet providers preferred a model that did not require them to police users extra judicially, bear responsibility for their actions, or incur financially costly monitoring expenses. Their image of an Internet fundamentally and intrinsically opposed and allergic to government regulation was a powerful one in this debate.

If opponents of regulation drew on a historical legacy stretching back to the 1960s, proponents of greater government regulation drew on deep-rooted fears around child abuse and technology.⁸ The history of regulating children’s behaviour in Canada stretches back for over a century. Cynthia Commachio has explored an earlier but similar liminal moment of new technology and industrialization in the 1920s when adolescent leisure activities independent from family expanded, and the ensuing reform movement sought to limit the moral dangers associated with

4 Fred Turner, *From Counterculture to Cyberculture: Stewart Brand, the Whole Earth Network, and the Rise of Digital Utopianism* (Chicago: University of Chicago Press, 2006), p. 224.

5 Thomas Streeter, “‘That Deep Romantic Chasm’: Libertarianism, Neoliberalism, and the Computer Culture” in Andrew Calabrese and Jean-Claude Burgelman, eds., *Communication, Citizenship, and Social Policy: Rethinking the Limits of the Welfare State* (Lanham, MD: Rowman & Littlefield, 1999), p. 51.

6 Tim Jordan, “Language and Libertarianism: The Politics of Cyberculture and the Culture of Cyberpolitics,” *Sociological Review*, vol. 49, no. 1 (February 2001), p. 13.

7 In this regard, this alliance is similar to the loose coalition in the 1990s of San Francisco counterculturalists, Silicon Valley, and American New Right politicians such as Newt Gingrich, discussed in Turner, *From Counterculture to Cyberculture*.

8 This article also touches on the field of moral regulation in Canada, a concept used in a variety of ways. There is no single model of moral regulation, and we see it taking place within public and private spaces (as seen in this case). I found the introduction in John McLaren, Robert Menzies, and Dorothy E. Chunn, *Regulating Lives: Historical Essays on the State, Society, the Individual, and the Law* (Vancouver: University of British Columbia Press, 2002) especially valuable. Definitive treatments of earlier moral regulation regimes remain Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (Toronto: McClelland & Stewart, 1991), and Carolyn Strange and Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1867-1939* (Toronto: University of Toronto Press, 1997).

such freedom.⁹ This impulse to regulate and control continued into the postwar era, including fears around widely-distributed and mass-produced comic books, which led to Senate investigations, House of Commons legislation, and town council resolutions.¹⁰

Proponents of regulation also drew on a more recent debate about what technology meant for the very existence of childhood as a category. Neil Postman's influential 1982 book, *Disappearance of Childhood*, argued that childhood was endangered by the "undifferentiated accessibility" of television. Anybody could watch television without much interpretation. It did not require active mental engagement. Most importantly, it could not "segregate its audience."¹¹ Postman was not a solitary voice in this debate. David Buckingham has shown how the disappearing childhood thesis was widespread across the literature as well as across the political spectrum, arguing that it emerged from a similar vein as the critiques of "mass society" in the 1930s and 1940s.¹² The fear of a lost childhood animated much of this debate, and the Internet accelerated the fears of "undifferentiated accessibility." Children using a Web-connected computer could potentially access material that their parents would probably deem objectionable, including exposure to obscene or illegal material. As we will see, there were also reasonable fears about active solicitation by predators online.

There are few historical studies of online culture in Canada. This omission is important: although the Web in some way transcends the nation-state, regulation is still largely carried out at a national level. While a broader study of how this debate between two transnational historic forces is in order, for this article I largely focus on Canada while touching on some relevant broader currents. Canadians operated in an international context around fears of online pornography and child exploitation.

One of the possible reasons for the small literature about the Internet is that it still seems "new," even from the vantage point of 2015. This perception is implicit in the still-common term New Media, bandied about in discussions of the fields of digital humanities or digital history and even in day-to-day discourse. Judged against the longevity of the print revolution, too, the information revolution appears to be in its infancy. There is truth to this paradigm, but the early Internet deserves to be the object of historical study. New Media is not all that new anymore. As Canadians continue to grapple with issues around the Internet and children, notably with the recent failed *Protecting Children from Internet Predators Act* (2012), we can learn much by understanding the historic roots of this debate.¹³

9 Cynthia Commachio, "Dancing to Perdition: Adolescence and Leisure in Interwar English Canada," *Journal of Canadian Studies*, vol. 32, no. 3 (Fall 1997), pp. 5-27.

10 Adams, *The Trouble with Normal*. See also parts of Owram, *Born at the Right Time*, and Henderson, *Making the Scene*.

11 Neil Postman, *The Disappearance of Childhood* (New York: Dell Publishing, 1982), p. 80.

12 David Buckingham, *After the Death of Childhood: Growing up in the Age of Electronic Media* (Malden: Blackwell, 2000), p. 31.

13 The title of this bill mentioned children, although the act itself – which sought in part to allow warrantless searches on online material – did not. See Meagan Fitzpatrick, "Online Surveillance Bill Could Change, Harper Signals," *CBC.ca News*, February 15, 2012, <http://www.cbc.ca/news/politics/story/2012/02/15/pol-online-surveillance-amendments.html> (accessed February 4, 2013).

Accessing the History of the World Wide Web

Writing about recent history presents unique challenges and opportunities. The challenges include a shortage of accessible conventional historical resources: backlogs at many archives mean that holdings from the 1980s, 1990s, and beyond are not accessioned. Privacy concerns reign as many stakeholders are still active, and the material that is deposited is often under long-term content restriction. An exploration of early Internet regulation, and even the CRTC hearings, in archives such as Library and Archives Canada is not yet feasible. Canada's early digital heritage has not been well preserved, either. Before 1996 and the founding of the Internet Archive, there was no systematic preservation of websites. Apart from the usual resources of media surveys, a first glance reveals little that is left behind for future historians.¹⁴ Indeed, as budget cuts continue to affect Canada's national archives, with trickle-down effects for smaller repositories, the unavailability of conventional archived historical sources for studying late-twentieth-century topics may become increasingly normal.

Luckily for historians, by the late 1990s, archival professionals and digital preservationists had begun to realize that the digital past needed to be actively preserved. As one preservationist in *Wired* magazine argued in 1998, "historians will look back on this era ... and see a period of very little information. A 'digital gap' will span from the beginning of the widespread use of the computer until the time we eventually solve this problem. What we're all trying to do is shorten the gap."¹⁵ Testament to early successes, that quotation is itself found today in the Internet Archive's Wayback Machine, which allows historians and other users to access archived webpages back to 1996.

As a result, this article methodologically divides roughly between the period before and after 1996. Before that period, newspapers and published government documents are the available resources. After the beginning of the Wayback Machine's holdings in 1996, however, we can complement this earlier source base and reconstruct the digital story of Canada's early World Wide Web debates. We can see the grassroots advocacy against new media regulation, as well as the ways young people set the agenda within these debates. It offers exciting evidence to reconstruct swaths of Canada's Internet during these debates as well as frustrating silences because segments have been irrecoverably lost.

14 Media surveys were conducted through a variety of means. First, the *Toronto Star* and the *Globe and Mail* were accessed through their online digitization services. These were useful for seeing infographics and page layout, as well as a more traditional view of how the news was presented. These are not perfect sources, however, notably due to OCR errors (especially those caused by line-break hyphenation). That said, the OCR is of fairly high quality by the 1990s data. Secondly, and perhaps most importantly, many Canadian newspapers are digitized by LexisNexis Academic in the post-1995 period. These fully searchable, robust databases offer the ability for a comprehensive media search. I have indicated next to the citations in this article whether they were from LexisNexis or from the ProQuest databases. I have written about some of these issues in Ian Milligan, "Illusionary Order: Online Databases, Optical Character Recognition, and Canadian History, 1997-2010," *Canadian Historical Review*, vol. 94, no. 4 (December 2013), pp. 540-569.

15 Steve Melon, "No Way to Run a Culture," *Wired*, February 13, 1998, <http://web.archive.org/web/20000619001705/http://www.wired.com/news/culture/0,1284,10301,00.html> (accessed via Internet Archive Wayback Machine, December 19, 2012).

Regulating the Information Highway? The Information Highway Advisory Council, the American *Communications Decency Act*, and the Spectre of Cyberporn

The issue of children and youth being able to access widespread stashes of “cyberporn” was at the heart of the initial debate around the Internet in the early nineties. This intensified in the United States and led to the (short-lived) enactment of the *Communications Decency Act* (1996) that sought to regulate speech on the Internet. The Canadian federal government and its administrative arms took a very different approach. Their process was far more consultative and involved greater use of administrative tribunals such as the CRTC. In this, we are again reminded of the importance of “inferior” administrative tribunals—lesser in law than the formal court system—that have a very large role in the lives of Canadians.¹⁶

It is important to remember that much of what we take for granted around the legal regulation of the Internet today was not established in Canada until the events described here. Different paradigms were at play. While questions of legal liability for material continue today, a key uncertainty during this period was whether the Internet would be considered a broadcast medium or a “common carrier” medium.¹⁷ In the former case, service providers, like television as governed by the Canadian CRTC or the American Federal Communications Commission, are held liable for content. If CBC News airs obscene material, it is legally responsible as a broadcaster. The latter model, which eventually triumphed, interpreted the Internet as akin to telephones. If a client utters obscenities over a phone line to somebody else, Bell Canada is not held liable. This is a useful comparison, as it helps explain why legislators and some members of the public understood radio and television regulation as a more useful parallel than the service provider paradigm largely in effect today.

One recurring point raised during the debate that still permeates some contemporary discussions is the idea that the Web somehow eludes regulation.¹⁸ This premise is not true. As an extreme example, Chinese Internet users face daily restrictions on what they can access on their Internet today, thanks to their “Great Firewall.” While such regulation is perhaps unpalatable and unconstitutional, it does demonstrate the technical ability to intervene. Revelations of the scope of the American National Security Agency’s PRISM system, for example, as well as other systems in countries such as Canada, also demonstrate the technical

16 The most interesting discussion of the importance of administrative tribunals is found in Harry Arthurs, *Without the Law”: Administrative Justice and Legal Pluralism in Nineteenth-Century England* (Toronto: University of Toronto Press, 1985). Arthurs has argued, “[S]tates have deliberately decided that the norms, procedures, personnel, or costs of the central legal system will not permit to do what has to be done.” For this concept, and the framework of “low law,” I am indebted to Paul Craven. A modern implementation of low law is also discussed in Ian Milligan, “‘This Board Has a Duty to Intervene’: Challenging the Spadina Expressway Through the Ontario Municipal Board, 1963-1971,” *Urban History Review/ Revue d’histoire urbaine*, vol. 39, no. 2 (Spring 2011), pp. 25-37.

17 Well laid out in “Legal Eagles Take Wing in Cyberspace,” *Globe and Mail*, September 13, 1996, p. A6 (accessed via ProQuest).

18 Part of the problem in this respect is that we often think of the Internet as a “cloud,” as just being out there, when it is actually a network that physically exists in various national locations. For more on the physicality of the Internet, see Andrew Blum, *Tubes: A Journey to the Center of the Internet* (Toronto: HarperCollins Publishers, 2012).

ability of governments to monitor and perhaps even intervene on the Web if they wish.¹⁹ On a more mundane basis, Canadian Internet users encounter the fissures of national borders on YouTube, American media sites, and elsewhere with “this content is not available in your country” messages. On a more practical, historical level, too, the CRTC has long engaged in regulating the “un-regulateable.” As Liora Salter and Felix Nii Lantei Odartey-Wellington explain in their study of the commission:

Much of what the CRTC has dealt with since its inception is “unregulateable.” Over-the-air broadcasting, particularly AM radio, is the best example. As explained, radio waves recognize neither provincial nor national boundaries. Attempts by authoritarian countries to stop over-the-air broadcasting at their borders—jamming signals, for example—are rarely completely successful, and they are unthinkable in a Canadian context. Satellite broadcasting was equally “unregulated-able,” or so it seemed at first. The Internet is nothing new inasmuch as it is regarded as fundamentally “un-regulateable.” It joins a long list.²⁰

The Canadian government *could* have regulated its Internet, both technologically and in spirit. Technology-inclined people might have successfully circumvented any intervention possible in the late 1990s, but it would have affected the general population. As this article demonstrates, many Canadians felt that the government needed to regulate the Internet, a serious argument that was not then dismissed out of hand.

In this context the Canadian government began to grapple with the emerging issues presented by the “Information Superhighway,” as the Web was then popularly understood. While the Web had become publicly accessible in 1991, it was originally navigated through text-based browsers until the revolutionary advent of the National Center for Supercomputing Applications (NCSA) Mosaic browser, which allowed users to explore the Web graphically. The release in 1994 of Netscape, a commercialized version of NCSA Mosaic, allowed users to explore the Web in a fashion similar to the way in which contemporary browsers work. This technology brought with it the spectre of home-delivered obscenity, both hate speech and pornographic, to the forefront of some Canadians’ minds. The number of households connected to the World Wide Web was growing. While comprehensive data from the Canadian Internet Use Survey does not appear until 2005, Canadians increasingly had computers and Internet access. In 1997, 36 per cent of Canadians had desktop computers. By 1998 the ratio was up to 60 per cent. That year 20 per cent had Internet access, and this number doubled to 40 per cent by 2001.²¹ A rapid change was underway.

19 For a chilling account of PRISM and other national security activities online (including those of Canada’s Communications Security Establishment), see Glenn Greenwald, *No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State* (New York: Metropolitan Books, 2014).

20 Liora Salter and Felix Nii Lantei Odartey-Wellington, *The CRTC and Broadcasting Regulation in Canada* (Toronto: Thomson Canada, 2008), p. 573.

21 CRTC, “New Media Report” (Government of Canada, CRTC, 1999), p. 6.

Canada began to compose a formal Internet policy in 1994. As almost an aside, buried within larger discussions around economic development, the Liberal government's Speech from the Throne that year promised to "implement a Canadian strategy for an information highway."²² This initiative led to the creation of the Information Highway Advisory Council (IHAC), chaired by McGill law professor David Johnston (the future Governor General). It was mandated to explore several key issues relating to the Internet with particular objectives around job creation, universal and affordable access, and the protection of "Canadian sovereignty and cultural identity."²³ The creation of this Council set in progress a series of legal and political debates as Canadians tried to grapple with what the Internet represented to their economy and country, but equally as importantly, to their families and themselves.

The IHAC was established to respond to public pressure and awareness about what might be available through the Internet, a timely question given the rapid technological changes of 1994. Increasing amounts of online pornography, obscenity, and hate speech could be found on bulletin boards and websites. Reports of these began to creep into the Canadian media. While obscene images had earlier been deliberately transmitted as unencoded binary strings, consciously reassembled when they arrived at a user's computer, transmission was now being handled in the background by browsers like Netscape. Anybody with an Internet connection could now access pornography relatively quickly and easily. Tensions began to appear that year as increasing numbers of non-technical Canadian users went online.²⁴ Cybersex became a subject of public interest, as writers expressed bemusement about how much there was online. Initially, there was no stated concern about children's accessibility. For the first time since the establishment of the three-year-old World Wide Web, however, children and youth could conceivably access pornography themselves, inadvertently or deliberately.

The first hesitations about children's access began to appear in late 1994. As the *Toronto Star* argued in its Entertainment section (a location that is telling about how the Internet was perceived), "Computer-savvy children should be 'street-proofed' before travelling on information highways littered with obscene material ... [the web] contain[s] a huge assortment of pornography and sex chat-lines that know no bounds."²⁵ More concerns appeared throughout early 1995: advice concerning how families could use the World Wide Web with their children and how to monitor their use, but also important reminders that the Internet was not a cauldron of evils.²⁶ At this point the discussion in the Canadian press was largely

22 House of Commons, Hansard, January 18, 1994, <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=35&Ses=1&DocId=2332258> (accessed May 13, 2013).

23 Information Highway Advisory Council, *Connection, Community, Content: The Challenge of the Information Highway, Final Report of the Information Highway Advisory Council* (Crown, 1995), p. vii.

24 Alanna Mitchell, "Showdown at the Computer Corral," *Globe and Mail*, May 12, 1994, p. A6 (accessed via ProQuest).

25 Michael MacDonald, "Beware Obscenities in Cyberspace," *Toronto Star*, October 3, 1994, p. E1. See also "Network Streetproofing Urged; Assortment of Pornography Available through Computers," *Hamilton Spectator*, September 29, 1994, p. D14 (accessed via LexisNexis). The shift of coverage from entertainment/life sections to the front page and business sections is itself notable.

26 Jim Carroll, "The Family That Gets 'Wired' Together, Stays Together," *Toronto Star*, February 2, 1995, p.

dominated by a handful of technical authors and Internet specialists, bringing a particular techno-utopian perspective to bear on the subject. The Web was not yet popular enough to draw the attention of a very wide spectrum of commentators.

Behind the scenes of these discussions, children and youth were stepping onto the Web in their schools. The first of two duelling regulatory forces emerged as the Canadian government moved to facilitate Internet access for young Canadians. On October 15, 1993, SchoolNet was launched as a federal initiative in conjunction with provincial Ministries of Education. Six hundred schools went online in the first month, and nearly a thousand by early 1994. Services were accessed more than 100,000 times in the first three months. The goals of SchoolNet included sharing resources among educators, building shared learning experiences, providing new markets for Canadian IT companies, and—critically—developing telecommunications and information skills for students.²⁷ While early records of SchoolNet have fallen into the black hole of the failure to preserve early digital material (its first page hosted at Ottawa’s Carleton University was only preserved after the site had moved, and SchoolNet.ca was not preserved by the Internet Archive), this program positioned Canada as a world leader. As Microsoft founder Bill Gates declared, “[I]t’s very exciting to see what’s going on here in Canada in a number of areas. ... [SchoolNet] is the leading program in the world in terms of letting kids get out and use computers.”²⁸ Infrastructure, as a concerted federal and provincial program, was being developed to connect children to the Internet at a very early date. Even before the first official calls for regulation, wires were being laid into the country’s schools.

Calls for government regulation of the World Wide Web began to appear in 1995, the year that the Canadian Information Highway Advisory Council published its final report. In it, we begin to see glimmers of the second current of regulatory thought, one that conceived of the government actively regulating the consumption of Web content. First, the Council argued that the CRTC’s role in cultural regulation should be affirmed and that “Canadian cultural policy must be reaffirmed and strengthened in relation to the new information infrastructure.”²⁹ This proposal would set the CRTC up as a chief regulator of this emerging network, thanks to its leading role in encouraging Canadian content. One side effect was the recommendation to digitize Canada’s past; the aforementioned SchoolNet and Canada’s Digital Collections projects grew out of this impulse.³⁰ Second, and importantly, the Council considered whether the government should censor the Internet when it came to offensive materials. As the executive summary explained, “[B]alance must be struck between ensuring freedom of expression

G2, and “I Know the Internet, and it’s not a Cauldron of Evils,” *Globe and Mail*, March 21, 1995, p. A23 (both accessed via ProQuest).

27 David Mappin, “Canada’s SchoolNet Initiative,” *Educational Technology Research and Development*, vol. 42, no. 2 (1995), p. 94.

28 “Moving the Information Society: Moving Canada into the 21st Century” (Government of Canada, Industry Canada, 1996), p. 23.

29 Information Highway Advisory Council, *Connection, Community, Content*, p. 29.

30 *Ibid.* For more on SchoolNet and Canada’s Digital Collections, see Ian Milligan, “Mining the Internet Graveyard: Rethinking the Historians’ Toolkit,” *Journal of the Canadian Historical Association*, vol. 23, no. 2 (2012), pp. 21-64.

and imposing controls to deter harm, particularly to children.”³¹ To do so, the council recommended clarification of some laws around liability but also, more importantly, exploration of technical solutions to regulate offensive content: filters and, more troubling, solutions that would “ensure that all material distributed via the Internet from Canadian sources can be attributed to a verifiable person and site.”³²

Increasing calls for censorship were noted in the media, and the IHAC report was put into the same vein (as a *Toronto Star* technology writer put it) as an emerging current of discussion “railing on endlessly about pedophiles lurking in the back alleys of cyberspace waiting to pounce on helpless children and the pervasiveness of hate literature, child pornography and other forms of contraband.”³³ Techno-utopian writers began casting and stereotyping their opponents as overprotective “nannies,” a charge that dovetailed with neo-liberal rhetoric. Indeed, a month before that *Toronto Star* column, new right spokesperson Newt Gingrich had appeared on the cover of *Wired* magazine—described as a man who could “hold up his end of a conversation about the Net.”³⁴ While many techno-utopians would have little truck with the intrusively social conservative views of Gingrich, the neo-liberal critique of government embodied by people like him had appeal when applied to the new Web frontier.

Quotations such as the previous one indicate the double role that the media played in the debate that was beginning to develop. The major reason was the small pool of technology writers in Canada, unsurprising given the newness of the World Wide Web. Early participants emerged from the intellectual tradition being established by cyberculturalists, which drew on the libertarian ethos of *Wired* magazine and the new communalists and accordingly saw a largely unregulated Web as a social good. While such authors were often writing about the Web for Canadian newspapers to help users make sense of it, they also brought the sensibilities of content creators to bear. Technology writers, then, played a significant role in advancing a techno-utopian and even libertarian perspective. Other writers within the media advanced the argument that more regulation was needed. Pro-regulation articles tended to be found in feature sections or the main section of the newspaper, usually in an op-ed or advisory capacity. The two main groups of writers help explain why newspapers such as the *Toronto Star* and the *Globe and Mail* produced articles that often took adamantly ideologically opposed positions.

As the IHAC reflected on Canadians and the World Wide Web, a media furor broke out in the United States around the issue of accessible cyberporn.³⁵ It

31 Information Highway Advisory Council, *Connection, Community, Content*, p. xiii.

32 *Ibid.*, p. 134.

33 K. K. Campbell, “Censorship and the Net,” *Toronto Star*, September 28, 1995, p. J1 (accessed via ProQuest).

34 The article itself is Esther Dyson, “Friend and Foe,” *Wired*, August 1995, <http://www.wired.com/wired/archive/3.08/newt.html>. The broader significance of this is discussed in Turner, *From Counterculture to Cyberculture*, pp. 230-232.

35 The best discussion of the furor is “Fighting a Cyberporn Panic,” a chapter in Mike Godwin, *Cyber Rights: Defending Free Speech in the Digital Age* (New York: Times Books, 1998).

changed the tenor of the debate in both countries. Writing in the *Georgetown Law Review*, undergraduate student Marty Rimm published “Marketing Pornography on the Information Superhighway: A Survey of 917,410 Images, Descriptions, Short Stories, and Animations Downloaded 8.5 Million Times by Consumers in Over 2000 Cities in Forty Countries, Provinces, and Territories.” Among ten other findings, Rimm argued that “83.5% of all images posted on the Usenet are pornographic.”³⁶ *Time* magazine’s cover story in July 1995, featuring the scared-looking boy at the computer, was based on an exclusive sneak peak at this study. The exclusive story, with its banner headline “CYBERPORN,” promised to show how “pervasive and wild it really is.”³⁷ Indeed, that boy’s image—as Tim Gill puts it, a “powerful image ... of a solitary child, face lit only by the light from the screen, completely at the mercy of the images being transmitted”—became part of a wider genre.³⁸

While it was quickly demonstrated that Rimm’s methodology was grossly flawed and dramatically overestimated the frequency of pornography, the Internet became associated with danger to children and a haven of smut. This perception emerged despite consistent refutation of the analysis in newspapers, including the *Globe and Mail*. One article in the latter argued that rigorous studies suggested a more appropriate figure would be two to four per cent.³⁹ Even the *Time* editor responsible admitted his error in publishing the flawed article.⁴⁰ Nonetheless, in the United States, the *Time* article and the Rimm study fuelled an ambitious law to regulate speech on the Internet in the name of protecting children. While Rimm’s study overstated things, it did capture an essential truth beginning to dawn on parents and other users: there really was a considerable amount of pornography online. If Postman had eloquently laid out the problems that television presented to children and parents, the Internet increased the challenge. The computer did not differentiate its content based on audience demographics. In the Internet age, it would be easier than ever for a child to stumble on or explore pornography. Whether this was sufficient rationale to regulate the Web would lie at the heart of the debate to come.

Within this context governments began to act. In the United States, action took the form of proposed and actual legislation. Senators J. James Exon of Nebraska (a Democrat) and Chuck Grassley of Iowa (a Republican) argued for and

36 Marty Rimm, “Marketing Pornography on the Information Superhighway: A Survey of 917,410 Images, Descriptions, Short Stories, and Animations Downloaded 8.5 Million Times by Consumers in Over 2000 Cities in Forty Countries, Provinces, and Territories,” *Georgetown University Law Journal*, vol. 83, no. 1849, <http://groups.csail.mit.edu/mac/classes/6.805/articles/pornscare/rimm-study/mrtext.html> (accessed January 29, 2013).

37 *Time*, “Cyber Porn,” July 3, 1995, <http://www.time.com/time/covers/0,16641,19950703,00.html>.

38 Tim Gill, “Conclusions” in Tim Gill, ed., *Electronic Children: How Children are Responding to the Information Revolution* (London: National Children’s Bureau Enterprises, 1996), p. 100.

39 Jack Kapica, “A Gross Distortion of the Porn Picture,” *Globe and Mail*, July 14, 1995, p. A13 (accessed via ProQuest).

40 “‘Cyberporn’ Hearing and Exposures of Flaws in Rimm Study,” *EFFector: Electronic Frontier Foundation Publication*, vol. 8, no. 14 (July 26, 1995), <https://www.eff.org/effector/8/14> (accessed January 29, 2013). The apology was also noted in K. K. Campbell, “Censorship and the Net,” *Toronto Star*, September 28, 1995, p. J1 (accessed via ProQuest).

eventually succeeded in passing the *Communications Decency Act* (CDA).⁴¹ The *Time* magazine containing the results of Rimm's report was waved on the Senate floor. The CDA, which criminalized any transmission of "indecent material" to a minor, almost immediately failed the constitutional test by the federal courts and subsequently the Supreme Court, largely due to its infringement of free speech. Nonetheless, this act set the stage for greater thought around Internet regulation.⁴² American legislators, rebuked by the courts, continued to work on future legislation to regulate the Internet in the name of protecting children.

This legislation had an impact on the Canadian debate. Commentators were wondering what would happen in Canada and whether similar legislation would be forthcoming. Canadians were, per capita, some of the most connected people in the world. Yet they relied upon browsers provided by American corporations, visited American websites, and, increasingly, worried about their children online as well.⁴³ Technology writers were concerned. One dubbed it "Orwellian legislation" in the *Globe and Mail* and noted that "whatever happens in the U.S. will likely be mimicked by other nations—like Canada. So Canadians should watch what's happening south of the 49th to better deal with the ill-considered forces of censorship when they try to assert themselves here."⁴⁴ Official noises from Ottawa were somewhat muted. Responding to German censorship moves in late 1995, the assistant deputy minister of Industry Canada was quoted as saying, "[W]hether new legislation is required or more forceful application of existing legislation is required is still being debated. I'm sounding a little bit on the fence because we [Canada] are on the fence."⁴⁵ In the same article, an Ottawa Internet company president was quoted as admitting that "the 'dark side' of the Internet causes a lot of concern among parents anxious to protect children from racism, violence and sexual deviants."⁴⁶ From these previous three quotations, we can see not two but three perspectives: the techno-utopian, the child protectionists, and the uncertainty and ambivalence expressed by others trying to weigh these competing forces.

In the short term, however, overt political debate in the Canadian legislature was delayed until the IHAC finished its consideration of the Internet. Its

41 Robert Cannon, "The Legislative History of Senator Exon's Communications Decency Act: Regulating Barbarians on the Information Superhighway," 49 FED. COMM. L.J. 51, pp. 55-56 (1996), <http://law.indiana.edu/fclj/pubs/v49/no1/cannon.html> (accessed January 29, 2013). See also VikasArora, "The Communications Decency Act: Congressional Repudiation of the 'Right Stuff'," *Harvard Journal on Legislation*, vol. 34 (1997), pp. 473-512.

42 See Pamela Mendels, "Supreme Court Throws Out Communications Decency Act," *New York Times*, June 26, 1997, <http://partners.nytimes.com/library/cyber/week/062697decency.html>. An early discussion of future avenues (written after the act was originally enjoined by federal courts but before the Supreme Court ruled) can be found at Solveig Bernstein, "Beyond the Communications Decency Act: Constitutional Lessons of the Internet," *Cato Policy Analysis*, 1996, <http://www.cato.org/pubs/pas/pa-262.html>.

43 Matthew Kerby, "Communications Decency Act Violates First Amendment," *CAUT Bulletin*, vol. 44, no. 7 (September 1997), http://www.cautbulletin.ca/staging/en_article.asp?ArticleID=2588 (accessed February 1, 2013).

44 K. K. Campbell, "Orwellian Echoes from South of the 49th," *Globe and Mail*, February 22, 1996, p. G3 (accessed via ProQuest).

45 Jennifer Lanthier, "Ottawa 'on fence' over CompuServe Ban," *Financial Post*, December 30, 1995, p. 2 (accessed via LexisNexis).

46 *Ibid.*

aforementioned report had suggested an investigation of Internet regulation. As American legislators debated on the floor of the Senate and House, Industry Canada quietly continued its study with a follow-up report on regulation. A study of existing laws and legislation was undertaken to determine whether more were needed. Lawyers were brought on board to give advice, and, more crucially, 200 participants were invited to hearings in Toronto, Vancouver, and Montreal. These events were controversial as they were not well publicized and consisted mainly of Industry Canada lawyers, large Internet providers, and government representatives.⁴⁷

Despite these shortcomings, this legal consultation was the first of its kind in the world. The focus groups revealed deep debate and division about the Internet and the Web. Those who wanted to “preserve the new frontier” shared the technoliberation paradigm. They drew on explicit tropes of keeping the Internet free of government regulation, implying that it was best understood as an organic network. Their opponents argued that government regulation was needed for reasons of public safety and moral norms. For policy makers, the lesson was that the Canadian response should be minimal:

If amendments to existing laws are needed, they should only be made in a de minimis way and in a way as technologically neutral as possible under the circumstances. Legislators should also be mindful of the need to balance the interests of the users, publishers and disseminators on the one hand, and those of the authors, on the other, while preserving freedom of expression and only imposing limits on such freedom as necessary in a free and democratic society.⁴⁸

In contrast to their prominent rhetorical presence in the public debate, children and youth remained in the background of this official dialogue. The discussion was waged on legal grounds.

Public perceptions of the World Wide Web were more complicated. Canadians were surveyed in July 1996 about their perceptions of New Media, and the results show no consensus (Table 1). A survey of parents, a politically important demographic, less than four years later found that some 32 per cent favoured government regulation of the Internet.⁴⁹ While not a majority, a quarter to a third of Canadian parents sought some form of Internet regulation.

Within this increasing ambivalence, a new debate began to emerge: child pornography and the online exploitation of youth. Writing in the *Kitchener-Waterloo Record*, University of Waterloo professor and EEC co-founder Jeffrey Shallit took aim at what he saw as two emerging fallacies: that the “Internet is a haven for criminals and pedophiles” and that it was full of unreliable information.⁵⁰

47 Matthew Friedman, “Ottawa Consults a Chosen Few for Policy on Internet Liability,” *Montreal Gazette*, September 18, 1996, p. D9 (accessed via LexisNexis).

48 Michel Racicot, Mark S. Hayes, Alec R. Szibbo, Pierre Trudel, “The Cyberspace is not a ‘No Law Land’: A Study of the Issues of Liability for Content Circulating on the Internet” (Industry Canada, February 1997), p. 23.

49 Media Awareness Network, “Canada’s Children in a Wired World: The Parents’ View” (prepared for Industry Canada, Health Canada, and Human Resources Development Canada, 2000).

50 Jeffrey Shallit, “Media Help to Whip Up Anti-Internet Hysteria,” *Kitchener-Waterloo Record*, December 4,

Table 1: Canadian Perceptions of New Media, July 1996

What Concerns Us	Business	Consumers
Hate literature, pornography is a serious problem	35%	52%
Restrictions (similar to those used in publishing and broadcasting) should be implemented	51%	70%
Government should require development of software to restrict children's access	71%	85%
Such technology should be controlled by:		
the individual	57%	49%
service providers	18%	17%
government	17%	24%

Source: *The New Media – A New Reality*; Andersen Consulting, July 1996. As printed in the *Toronto Star*, July 23, 1996, p. C6.

Given increasingly widespread concern, calls soon emerged for the CRTC to regulate the Web, a uniquely administrative (or “low law”) approach. Despite the widespread discounting of the Rimm report by commentators, journalists, and observers, the Internet was being seen as a haven for unsavoury content, a perception that would have considerable consequences as Canada continued to develop its technology policy.

“The Challenge and the Urgency”: Economic Development and the Spectre of Internet Pedophilia

The year 1996 was a critical turning point in official policy towards the “Information Superhighway.” If early discussion around the Internet treated it as a form of entertainment, a recreational space for communication between like-minded enthusiasts, it was now being taken more seriously. In 1996, the policy paper “Building the Information Society: Moving Canada into the 21st Century” was released by Industry Canada. It responded to the IHAC recommendations and articulated the federal action plan for the Internet, establishing the framework for two crucial elements. First, “the challenge and the urgency” of getting online was clearly outlined. Countries in the European Union, Japan, and the United States were seen as moving ahead of Canada on information strategies, and, as the report explained:

If we fall behind our major trading partners in building our Information Highway, its worldwide counterpart will come to Canada—later—and not the way Canadians want to see it.

1995, p. A6, <http://www.etc.ca/pages/media/kw-record.04dec95.html> (accessed February 6, 2013).

Failure to seize the opportunity of using Canada's Information Highway will also result in reduced competitiveness and the loss of high-growth knowledge industries and high-quality jobs.⁵¹

As Communications Canada had noted in its earliest musings on New Media, "literacy, once considered a causality of the media age, is now its motor. The information society resulting from new media requires more literacy not less: it takes highly skilled people to design and develop new media products and services."⁵² In an era of post-Cold-War uncertainty about Canada's global standing, Internet development was wrapped up with questions of overall national economic competitiveness, relevant in both the telecommunications sector and the realm of (future) human capital.

Second, the policy paper officially connected the Internet to educational and re-training opportunities in federal strategy. The Canadian government had received multiple reports about how Canadian-owned businesses and Canadians themselves were lagging behind international peers when it came to adopting and using new technologies.⁵³ As a country grappling with deindustrialization, Canada could use the Web as a chance to change learning strategies and open up new, transformative opportunities: "rather than thinking of learning as an educational experience completed early in life, Canadians will view it as an enriching lifelong process vital to their continuing employment and success."⁵⁴ The importance of these new skills, however, meant that it was critical to make sure that children, students, and youth would be able to use the new information technologies. SchoolNet began receiving more prominence. It combined the goal of youth education with concern about Canadian culture and heritage online by collaborating with Industry Canada to facilitate construction of Canadian heritage websites by youth (aged 15 to 30). Private corporations were offered contracts if they used young people as web developers, in an effort to further human capital and recognize the significance of this new medium.⁵⁵ Just as the Web had been connected to fears of pornography and threats to children, it was also associated with education and economic potential. This fear of being "left behind" underpinned the ensuing discussions and debates.

As these developments occurred, however, the cyberporn issue was further evolving to complicate Canadian understandings of the World Wide Web. Merging concerns about online pornography and ambivalence about children online, the

51 "Moving the Information Society: Moving Canada into the 21st Century" (Government of Canada, Industry Canada, 1996), p. 3.

52 Communications Canada, "New Media ... New Choices" (Government of Canada, Communications Canada, 1992), p. 29.

53 For example, a 1990 study found that American-owned companies in Canada used desktop computers, networks, e-mail, and other technology 15% more than their Canadian-owned peers. This finding built upon reports in the late 1980s that found Canadians lagged behind several other western countries in adopting new technology. See Communications Canada, "Technologies in Services" (Government of Canada, Communications Canada, 1990).

54 *Ibid.*, p. 22.

55 Elizabeth Krug, "Canada's Digital Collections: Sharing the Canadian Identity on the Internet," *The Archivist* [Library and Archives Canada publication], April 2000, <http://www.collectionscanada.gc.ca/publications/archivist-magazine/015002-2170-e.html> (accessed February 1, 2013).

issues of child pornography and child exploitation emerged as fulcrums of public concern. Worries went beyond swapping illegal and obscene photographs, as before, to include adults chatting online with children about sex. The issue was pressing. The Internet revolutionized the production, distribution, and consumption of child pornography, transforming it from an unreliable and dangerous hard-copy supply chain to a potentially interactive Internet commodity. Richard Wortley and Stephen Smallbone have convincingly noted that the Internet has contributed to the “exponential growth of the child pornography problem.” They cite the growth from around 800 print subscribers for the highest-circulation American child pornography magazine in 1980 to over 250,000 subscribers for one website in 2000.⁵⁶ Other scholars provide evidence that the anonymity of computer-screen communication can reduce offenders’ inhibitions.⁵⁷ Child pornography is an egregious crime, trafficking in pictures of sexually abused and exploited minors who cannot give consent in any way. Scholars have convincingly demonstrated that it appears to have flourished (both in the late 1990s and today) in the openness of the Internet, as a virtual community has developed.⁵⁸

While many of these issues remained unstudied in the mid-1990s, the early signs of this troubling shift were becoming visible.⁵⁹ In 1996 a journalist in the *Globe and Mail* cautioned in an article entitled “Internet Eases Sexual Exploitation” that “pedophiles can use the Internet to locate other pedophiles in their own city, to exchange tips on where to find child prostitutes, or to get advice on how to abuse children without leaving any evidence.” The author added by way of example that children could be sent images of cartoon characters having sex to open them up to exploitation.⁶⁰

Through late 1996 and early 1997, consumers of the Canadian media saw consistent associations between the Internet and danger to children. A feature article on “Cocooning [the] Young from Web Hazards” cautioned and advised parents about the dangers and the value of blocking software. One current of opinion began to argue that the government needed to make blocking software mandatory. A parent explained the dangers, rebuking those who drew parallels to earlier ways children expressed an interest in sex: “If we looked up ‘penis’ in the dictionary when we were 10 years old, we didn’t get an invitation to have phone sex with someone.”⁶¹ This was the crux of the “undifferentiated accessibility” of Postman’s television taken to a new level. Federal Justice Minister Allan Rock

56 Richard Wortley and Stephen Smallbone, *Internet Child Pornography: Causes, Investigation, and Prevention* (Santa Barbara, CA: Praeger, 2012), pp. 25-27.

57 Max Taylor and Ethel Quayle, *Child Pornography: An Internet Crime* (New York: Brunner-Routledge, 2003), p. 15.

58 See Philip Jenkins, *Beyond Tolerance: Child Pornography on the Internet* (New York: New York University Press, 2001).

59 Paul Knox, “Child Porn Flood Swells,” *Globe and Mail*, August 27, 1996, p. A1 (accessed via ProQuest). These themes continued, such as in “Porn Sites Grow on Internet,” *Kitchener-Waterloo Record*, February 4, 1998, p. A5 (accessed via LexisNexis).

60 Jeff Sallot, “Internet Eases Sexual Exploitation,” *Globe and Mail*, August 27, 1996, p. A8 (accessed via LexisNexis).

61 Mary Gooderham, “Cocooning Young from Web Hazards,” *Globe and Mail*, November 26, 1996, p. A8 (accessed via ProQuest).

stepped into the fray, noting in a report that “parents and educators have indicated concern over the lack of means to protect children from exposure to inappropriate content on the Internet.” He argued that there needed to be a way “to protect the vulnerable while safeguarding our fundamental freedoms of expression and association.”⁶²

Compounding this panic was a prominent article in the *Globe and Mail* on “Tracking High-Tech Pedophiles,” which cautioned Canadians about the “vast, borderless Internet.” This long article about child pornography suggested that “with the vastness and accessibility of cyberspace ... crime fighters have no hope of getting to it all.” It also highlighted that children online were vulnerable to “grooming” and offered a list of tips about how to “netproof” children.⁶³ If a frontier metaphor appealed to techno-utopians, the lawless aspect of that vision was disconcerting to others.

The dual messages of the media continued. Some newspapers gave voice to the techno-utopians, including Electronic Frontier Canada president Jeffrey Shallit. He contended that media reports had “blown the issue out of proportion, making people think child pornography is everywhere on the Internet and prompting them to call for control of the medium.” Shallit pointed out that “[t]here are busts all of the time for child pornography that’s [presented] on paper, but you don’t see anyone saying we should investigate how paper is produced and sold to avoid the problem.”⁶⁴ Yet the potential of the World Wide Web to disseminate near-infinite copies of material led others to contest that comparison. The Halton Regional Police held a workshop in the suburbs of Toronto, with a police sergeant publicly demonstrating “the types of things children can access ... I had child pornography pictures up within 10 minutes—nude children involved in sex acts.”⁶⁵

An inconclusive, syndicated piece rhetorically asked, “Is cyberspace or society spawning the sickos?”⁶⁶ Coverage noted the establishment of a separate adult-themed area of CompuServe, a popular Internet provider, which aimed to consolidate pornography and other objectionable material behind age verification filters.⁶⁷ Global efforts to police the Internet were recounted.⁶⁸ Worries about children spending too much time online appeared, complete with additional tips about Internet-proofing one’s children.⁶⁹ The Simon Wiesenthal Center called for the closure of a British Columbian Internet service provider as it hosted hate-speech

62 Andy Riga, “Rock Aims to Shield Children from Violence on Internet,” *Hamilton Spectator*, April 3, 1996, p. A3 (accessed via LexisNexis). See also “Ottawa Seeks Ways of Blocking Offensive Material from Youngsters using Internet,” *Vancouver Sun*, April 3, 1996, p. A4 (accessed via LexisNexis).

63 Mary Gooderham and Brian Laghi, “Tracking High-Tech Pedophiles,” *Globe and Mail*, December 14, 1996, pp. A1 and A12 (accessed via ProQuest).

64 *Ibid.*

65 Brad Honywill, “Babysitting Kids on the Net,” *Hamilton Spectator*, October 2, 1996, p. N2 (accessed via LexisNexis).

66 George Johnson, “Is Cyberspace or Society Spawning the Sickos?” *Globe and Mail*, April 5, 1997, p. C27 (accessed via ProQuest).

67 “CompuServe Creates Adult-Themed Area,” *Globe and Mail*, July 30, 1997, p. B12 (accessed via ProQuest).

68 Stephen Handelman, “Law and Order in Cyberspace,” *Toronto Star*, August 17, 1997, p. A1 (accessed via LexisNexis).

69 S. J. Ross, “Young and Wired,” *Toronto Star*, September 4, 1997, pp. J1 and J2 (accessed via ProQuest).

sites, one of which notably included “a cartoon ‘clearly directed at children’.”⁷⁰ A Queen’s University professor explored the exploding realm of child pornography in the *Globe and Mail*, noting that the “profitability of adult-oriented sites [was] more influential than laws controlling them.”⁷¹ In 1998, the Ajax Block Parents held a session on Internet safety. It was publicized and seen as especially relevant due to a “growing number of arrests in the region linked to child pornography and the Internet.”⁷² Julian Fantino, then president of the Ontario Association of Chiefs of Police, argued that “the kids down the street” were vulnerable to abuse and stated, “Canadians need to wake up. Canadians need to be outraged about what’s happening to our children. No child is safe from this. This is not fear-mongering. I think it’s an everyday situation, everyday threat because children are pursued actively, everyday by the pedophile movement. It is scary.”⁷³

These media reports, as well as growing public concerns, led some Internet Service Providers (ISPs) to make pre-emptive moves towards self-regulation. This step was a sensible business decision—better to regulate oneself, from their perspective, than have legislation imposed. The largest Canadian Internet provider, iStar, blocked access to several text-based newsgroups on the grounds that binary data was being used to transmit child pornography and bestiality, among other obscene images. While some controversy ensued, the president of iStar declared, “[D]espite some small groups who are worried about censorship, the larger group—we call them the quiet majority—are being quite supportive and they’re the ones we’re trying to reach.”⁷⁴ Further coverage noted that several smaller providers, such as the National Capital Freenet, had done the same, and the *Ottawa Sun*—bucking the trend of panic—argued that any outcry was “overblown.”⁷⁵ An Edmonton ISP followed suit later that summer, responding to police “suggestions” that it was hosting illegal content.⁷⁶

Not satisfied with self-regulation, Saskatchewan NDP MP Chris Axworthy addressed the issue of child exploitation and pornography in a broad effort to regulate the Internet. His bill, C-424, was advanced as the *Internet Child Pornography Prevention Act*.⁷⁷ It called for three key legal changes: first, to make

70 Ross Howard, “B.C. Urged to Shut Internet Provider,” *Globe and Mail*, January 16, 1998, p. A7 (accessed via ProQuest).

71 Geoffrey Rowan, “Child Porn Grows on Internet,” *Globe and Mail*, February 4, 1998, p. A4 (accessed via ProQuest).

72 Philip Mascoll, “Session Teaches Internet Safety,” *Toronto Star*, May 12, 1998, p. B2 (accessed via ProQuest).

73 Ian MacLeod, “‘No Child Safe’ from Being Used in Internet Porn, Police Warn,” *Ottawa Citizen*, October 8, 1998, p. A5 (accessed via LexisNexis).

74 Stuart McCarthy, “iStar Blocks ‘Illegal Activity,’” *Ottawa Sun*, July 10, 1996, <http://www.etc.ca/pages/media/ottawa-sun.10jul96.html> (accessed February 6, 2013).

75 Rob Hall, “iSTAR Not Alone in Net Crackdown,” *Ottawa Sun*, July 17, 1996, <http://www.etc.ca/pages/media/ottawa-sun.17jul96.html> (accessed February 6, 2013).

76 Kerry Powel, “Internet Connect pulls the plug on 15 Controversial Newsgroups,” *Edmonton Journal*, August 14, 1996, <http://www.etc.ca/pages/media/edmonton-journal.14aug96.html> (accessed February 6, 2013).

77 K. K. Campbell, “Bowie on the Web: Cyberspace Oddity,” *Toronto Star*, July 16, 1998, p. J8 (accessed via ProQuest). The act is preserved at “Bill C-424,” 1st Session, 36th Parliament, House of Commons of Canada, <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=2330327&File=16> (accessed February 8, 2013).

using the Internet to “facilitate sex offences involving children” an offence; second, to have the CRTC grant licences that would make Internet providers responsible for “block[ing] access” to “portions” of the Internet with child porn; and, third, to give the Minister of Industry the right to carry out warrantless searches in pursuit of this objective.⁷⁸ While the bill failed (unsurprising for a private member’s bill), its calls for regulation captured elements of the public mood, as later CRTC hearings would demonstrate. Energy and interest were being invested in advancing this alternative view of the Internet’s future based on greater state regulation.

The future of Canada’s Internet policy was constructed in this climate. On the one hand, governmental and business concern about whether Canadian children were connected enough was increasing and pointed to one role the government could play: ensuring access through SchoolNet, facilitating meaningful youth engagement through the Canada’s Digital Collections project, and ensuring that Canada’s next generation of human capital was nurtured. This vision was motivated by fears that Canada’s future competitiveness, which was linked with the digital revolution, would be eclipsed by more successful programs in the European Union, the United States, or Japan. Contesting this vision of increased access was a different perception of the Web that saw the Internet as lawless, unpoliced, and potentially or actually a dangerous place. For proponents of this view, the Internet needed to be regulated and controlled with an eye towards protecting and observing users. As Canadian homes and workplaces became more connected, it was increasingly clear that regulation—in whatever shape—needed to be discussed.

Regulating the Electronic Frontier: Canada’s Debate

While early Web regulation revolved around Internet privacy, by the mid-1990s, it had begun to focus more on the regulation of objectionable material. The aforementioned reports on the Information Highway had explored potential regulation, and by late 1996 CRTC chair Françoise Bertrand began to make her views public. Regulation made sense, she argued to the CBC, which reported “that companies that provide Internet access should take responsibility for pornography or hate material available on their servers, since, in her words, ‘they are the ones who are bringing it to the home.’” To nay-sayers, she did not mince words: “Some will say, ‘Internet? Impossible. You cannot regulate that.’ But one thing I know is, certainly from the start, to say there is no place, or no role, for the CRTC is certainly not in my mind.”⁷⁹ While specific technical details on how this would be accomplished were not forthcoming, her statements laid the groundwork for the CRTC to intervene in the ongoing debate over Internet regulation.⁸⁰

More senior government officials were even more critical of this emerging medium, explicitly connecting it to children’s safety. As Lloyd Axworthy, Minister

78 “Bill C-424 Summary,” House of Commons, <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=2330327&File=11> (accessed February 8, 2013).

79 Wade Rowland, “Regulating the Net,” *Toronto Star*, January 16, 1997, p. H1 (accessed via ProQuest).

80 Rob Hall, “New CRT Boss Floats Net Folly,” *Ottawa Sun*, November 18, 1996, p. A16, <http://www.etc.ca/pages/media/ottawa-sun.18nov96.html> (accessed February 6, 2013).

of Foreign Affairs and International Trade, explained upon his return from a G7 conference: "My 11-year old gets plugged into the computer and hits a few keys and all kinds of things show up." He noted that it "scar[ed] the bejeesus" out of him.⁸¹ He would continue to push for Internet regulation and against "the dark side of the information revolution ... I do not accept the laissez-faire attitude of those who say we cannot counter such abuses."⁸²

Finally, in August 1998, the CRTC announced a public investigation into whether the Internet needed to be regulated. As a prominent article in the *Globe and Mail* put it, "[R]egulation could be used to promote Canadian culture or protect Canadians—particularly youngsters—from obscenities such as pornography and hate propaganda on the Internet."⁸³ Indeed, the writer framed the issue as one between "Internet watchdogs" and "parents' groups." Mark Genius, the executive director of the National Foundation for Family Research and Education, declared: "The 'they can't do it' argument is a copout."⁸⁴ The debate would pit an idealized construction of "parents" against an idealized techno-utopian Internet.

By this point a comprehensive investigation was arguably needed to define the legal uncertainty and ambiguous nature of what even constituted "New Media." ISPs were not clear on their legal responsibilities for hosting obscene material. A survey of the Electronic Frontier Canada's website demonstrates a long string of debates about the Internet throughout late 1997 and 1998, providing comprehensive coverage of both perspectives on the issue.⁸⁵ Libraries found themselves in a grey zone: a Burlington Public Library patron, for example, "was reading to his five-year-old daughter in the library when they noticed an image of a nude woman that had been left on the screen of a nearby Internet station." He soon went to the library board, with other patrons, to demand safeguards.⁸⁶ The library was on shaky legal ground, making clarification necessary.

The CRTC hearings were the opportunity to bring all of this to a head. Advertisements were posted in major newspapers for the CRTC survey of "New Media." New Media was itself up for definition, although the CRTC's working definition included "virtually all services found on the Internet, as well as 'services and products that make use of video, audio, graphics and alphanumeric text; and involving, along with other, more traditional means of distribution, digital delivery over networks interconnected on a local or global scale.'"⁸⁷ The hearings themselves were established to consider four questions:

81 "Censorship Ahoy!" *eyeWeekly*, December 26, 1996, http://contests.eyeweekly.com/eye/issue/issue_12.26.96/news_views/eye_net.php (accessed February 6, 2013).

82 David Crane, "Net Needs Worldwide Controls," *Toronto Star*, June 25, 1997, p. A4 (accessed via ProQuest).

83 Robert Brehl, "CRTC Asks if it Should Regulate Internet," *Globe and Mail*, August 1, 1998, p. A1 (accessed via ProQuest).

84 *Ibid.*

85 Electronic Frontier Canada, "EFC Media Archives," undated, <http://www.efc.ca/pages/media/> (accessed February 7, 2013).

86 Derek Weiler, "To Filter or Not to Filter? Burlington Library Seeks Legal Opinion," *Quill and Quire*, March 1999, <http://www.efc.ca/pages/media/quill-and-quire.01mar99.html> (accessed via EFC, February 7, 2013).

87 "What's New Media? CRTC Seeks Ideas," *Toronto Star*, August 1, 1998, p. E5 (accessed via LexisNexis).

- a) In what ways, and to what extent, do new media affect, or are they likely to affect, the broadcasting and telecommunications undertakings now regulated by the Commission?
- b) In what ways, and to what extent, are some or any of the new media either broadcasting or telecommunications services?
- c) To the extent that any of the new media are broadcasting or telecommunications, to what extent should the Commission regulate and supervise them pursuant to the Broadcasting Act and the Telecommunications Act?
- d) Do the new media raise any other broad policy issues of national interest?

Its parameters regarding regulation were broad, including Canadian content and cultural considerations, as well as issues around obscenity, hate speech, violence, and marketing to children.⁸⁸

Despite their role in raising questions about the dangers of the World Wide Web, newspapers and other media outlets generally came down against regulation. As *Eye Weekly* correctly noted, “[M]ost newspaper columnists and editors come down on the same side of the fence. Everyone speaks their piece about how regulation online is unacceptable—not to mention technically difficult, if not impossible.”⁸⁹

Part of the opposition was tied to broader neo-liberal, anti-statist rhetoric, notably the argument that the CRTC was looking for a way to justify itself, a recurrent theme. Regulation was feasible, the *Halifax Daily News* pointed out, due to centralized backbone infrastructure, but it speculated that the CRTC move was simply a way for the organization to “justify its existence.”⁹⁰ While the CRTC claimed that it brought an open mind to the proceedings, editorials expressed hesitancy about the CRTC’s history of regulation.⁹¹ In the *Montreal Gazette*, Matthew Friedman was “frankly appalled,” claiming that the “whining ... comes from the 75 per cent of Canadians who have never actually used the Internet.”⁹² As an author in the *Globe and Mail* noted, “We hope that the CRTC has managed to get its collective head around the fact that the Internet has become too large and too important to control in dribs and drabs of regulatory gobbledygook.”⁹³ This sentiment was echoed in the *Star*.⁹⁴ *Toronto Computes!*, an online newspaper,

88 Broadcasting Public Notice CRTC 1998-82, CRTC, July 31, 1998, posted on *newmedia-forum.net* (jointly produced by the University of Toronto and the CRTC), http://web.archive.org/web/20000529123830/http://www.newmedia-forum.net/pn/pn_2.html (accessed via the Internet Archive Wayback Machine, February 7, 2013).

89 Ingrid Hein, “The CRTC Can’t Regulate the Net,” *Eye Weekly*, September 10, 1998, http://contests.eyeweekly.com/eye/issue/issue_09.10.98/news_views/eyenet10.php (accessed February 6, 2013).

90 Parker Barsz Donham, “The CRTC Wants to Watch the Net ... and Netizens Are Not Too Happy About the Whole Idea,” *Halifax Daily News*, August 5, 1998, <http://www.efc.ca/pages/media/halifax-daily-news.05aug98.html> (accessed February 6, 2013).

91 The open-mind perspective is best enunciated in the interview given by David Colville, a CRTC Vice-Chairman, to *canoe.ca*. See “David Colville Chat,” *canoe.ca*, October 16, 1998, <http://www.efc.ca/pages/media/canoe.16oct98.html> (accessed via EFC, February 7, 2013).

92 Matthew Friedman, “CRTC Should Drop Net-Regulation Process,” *Montreal Gazette*, August 5, 1998, p. C9 (accessed via LexisNexis).

93 “CRTC Goes On-Line, Finds Work,” *Globe and Mail*, August 6, 1998, p. A18 (accessed via ProQuest).

94 Carol Goar, “Censoring Net Would Sap its Vitality,” *Toronto Star*, August 15, 1998, p. B2. See also Eric Rothschild, “No Need for CRTC to Regulate Internet,” *Toronto Star*, September 24, 1998, p. A23 (accessed via ProQuest).

observed that “[t]he notion of Net regulation has received a thumbs-up from some quarters, including anti-child pornography advocates who welcome the strong arm of government in protecting kids from the Web’s nastier side.”⁹⁵ Increasingly, both sides framed the debate around the role of children, at least when it came to censorship. Internet providers began to mobilize their customers to participate.⁹⁶ In the CRTC these currents came together, as the government presided over an expansive discussion about the future of the World Wide Web in Canada.

“A Haven for Perverts?” Public Perception of Web Regulation

Canadians and other onlookers expressed their consternation and bemusement on USENET, a forum to discuss issues on the Internet, similar to today’s bulletin boards or listserves.⁹⁷ USENET groups would certainly be skewed towards a techno-utopian user base: there was a technical barrier to posting to USENET; more importantly, these communities pre-dated the World Wide Web and may have been perceived as closed groups to relatively new entrants. Some debate did occur, however. On *wpg.general* (USENET’s general discussion board for Winnipeg residents), users debated whether regulation was possible—“you watch they will conclude that the idea was uninformed and impossible to implement”—or whether “[t]here’s the potential here for damage—damage that has not deterred legislators from attempting to implement federal standards for liability and content south of the border.”⁹⁸ In *ns.general* (discussion for Nova Scotians), comment fell along similar lines: while most argued that CRTC intervention would be wrong, one user declared that the “net was designed as a mechanism for the military and select universities to communicate in the event of a wide scale attack, most likely nuclear, not as a haven for perverts, criminals, and goons that wish to do and say as they wish.”⁹⁹ The CRTC was decried as an “Internet Nanny” in *nf.general*, Newfoundland’s discussion board, harkening back to the neo-liberal underpinnings of Web culture.¹⁰⁰ Online sentiment was disproportionately anti-censorship. Yet, as we will see, it was far from unanimous.

Online networks moved quickly to respond to the CRTC, as their means of communication was seen as threatened. This response was the first big online protest movement, akin to today’s Internet petitions and organizing. USENET

95 Christopher Guly, “CRTC Eyes Internet Control,” September 1998, [https://groups.google.com/forum/?fromgroups=#!search/CRTC\\$201998/news.admin.net-abuse.usenet/OVUhyVOYc8k/vHSXsSmt9ZAJ](https://groups.google.com/forum/?fromgroups=#!search/CRTC$201998/news.admin.net-abuse.usenet/OVUhyVOYc8k/vHSXsSmt9ZAJ) (accessed via Google Groups archive, February 7, 2013).

96 Marlene Orton, “CRTC puts Net under Regulatory Microscope: High-Tech Industry Sends ‘Hands-Off’ Message,” *Ottawa Citizen*, October 6, 1998, p. G9 (accessed via LexisNexis).

97 Much of this activity has moved from USENET, still active today on a much smaller scale, to Internet forums.

98 *wpg.general* USENET group, “CRTC,” August 2-12, 1998, [https://groups.google.com/forum/?fromgroups=#!search/CRTC\\$201998/wpg.general/8hexDrg_nXQ/9nRTv_HZLAIJ](https://groups.google.com/forum/?fromgroups=#!search/CRTC$201998/wpg.general/8hexDrg_nXQ/9nRTv_HZLAIJ) (accessed via Google Groups archive, February 7, 2013).

99 *alt.ns* USENET group, “CRTC & Censorship,” August 21-28, 1998, [https://groups.google.com/forum/?fromgroups=#!search/CRTC\\$201998/ns.general/HAqyVHHM8/e-Ns6Gwvnlk](https://groups.google.com/forum/?fromgroups=#!search/CRTC$201998/ns.general/HAqyVHHM8/e-Ns6Gwvnlk) (accessed via Google Groups archive, February 7, 2013).

100 *nf.general* USENET group, “The CRTC To Be Our Internet Nanny??” August 2, 1998, [https://groups.google.com/forum/?fromgroups=#!search/CRTC\\$20New\\$20Media/nf.general/hTPmePyipJM/Lcfzhoa3EIJ](https://groups.google.com/forum/?fromgroups=#!search/CRTC$20New$20Media/nf.general/hTPmePyipJM/Lcfzhoa3EIJ) (accessed via Google Groups archive, February 7, 2013).

became a locus of anti-regulation organizing. The Internet was constructed as being intrinsically antithetical to government intervention. One communications blast, by the principals of Toronto's MultiMediator Strategy Group, declared that, for those Canadians who cared about "the future of the Internet in Canada," the moment was at hand. They made a service available that would enable people to fill out a template, with their views and requisite background information. These were then printed and a hard copy forwarded to Ottawa.¹⁰¹ The service became a hub of activity, providing a central node for those wanting to participate in the hearings and learn of the various submissions that were coming on board.¹⁰²

Some businesses were particularly interested, as Canadian media producers could benefit from the extension of Canadian content regulations. On the other hand, ISPs and companies like Bell and Rogers understandably argued for self-regulation. They accordingly helped to harness online networks, encouraging their users to contribute their thoughts. The marriage between Web activists and big business was in many ways historically rooted. As has been noted, an understanding of the World Wide Web as a naturally evolving, organic entity, a process stemming from the 1960s, was by now discursively associated with an understanding of the market as similarly natural and organic.¹⁰³

Newly formed formal and informal networks provided a forum for public discussion. Thanks to the Internet Archive, some—but not all—of this record is preserved. CTV & Sympatico NewsExpress hosted an online site, "Fencing the Frontier," that provocatively stated on its home page that "the CRTC constantly seems to act like an overbearing mother who doesn't want her children to grow up ... but can we get by without her?"¹⁰⁴ This neo-liberal rhetoric certainly made its perspective clear, drawing on the techno-utopian vision of the Internet needing to "grow up" without government interference. Bell was providing a relatively subtle big business perspective on the issue. The home page suggests that there were provocative discussions around whether the net should be regulated, how to protect privacy, and how to support Canadian content. Unfortunately the Internet Archive did not preserve the specific discussion pages.

Two critical discussion boards created in September 1998 were preserved and are now available for viewing through the Internet Archive's Wayback Machine. CRTC officials had asked the University of Toronto's McLuhan Program in Culture and Technology to create a space to receive the opinions of digitally-connected Canadians.¹⁰⁵ These discussion boards allowed anybody to post and to

101 This initiative was discussed in Joann Napier, "Have Your Say with Link to CRTC," *Ottawa Citizen*, September 28, 1998, p. D2. For an online example, see man.general USENET group, "CRTC and the Internet," September 26, 1998, [https://groups.google.com/forum/?fromgroups=#!search/CRTC\\$201998/man.general/Qb-CDd7iQMk/0xd7uhb5PGQJ](https://groups.google.com/forum/?fromgroups=#!search/CRTC$201998/man.general/Qb-CDd7iQMk/0xd7uhb5PGQJ) (accessed via Google Groups archive, February 7, 2013).

102 "It's Time to Speak Up: CRTC New Media Hearings," *MultiMediator Website*, December 2, 1998, <http://web.archive.org/web/19981202124637/http://multimediator.com/crtc/info.shtml> (accessed via Internet Archive Wayback Machine, February 7, 2013).

103 Turner, *From Counterculture to Cyberculture*, p. 224.

104 "CTV & Sympatico NewsExpress: Fencing the Frontier," *CTV.Sympatico.ca* homepage, captured January 25, 1999, <http://web.archive.org/web/19990125085310/http://ctv.sympatico.ca/> (accessed via Internet Archive Wayback Machine, February 19, 2013).

105 "NewMedia-Forum," *newmedia-forum.net*, April 28, 1999, <http://web.archive.org/web/19990428084444/>

join in discussions with each other on these topics, with the CRTC subsequently using the forum information for its hearing deliberations. In contrast to the actual physical CRTC hearings (discussed below), which tended to attract the usual deputants (businesses, broadcasters, and formal public interest groups), this forum did not consist of professional voices: they were ostensibly everyday Canadians expressing their opinions, if perhaps of above average education and means.

Such sources need to be used with extreme care. On the one hand, they were made available with little restriction or gate-keeping: anybody with an Internet connection could navigate to <http://www.newmedia-forum.net/> and make herself or himself heard. The technical barrier was even lower than for posting to USENET, requiring only the ability to fill out a simple online form. On the other hand, this campaign did not operate in the absence of external forces. Internet users were encouraged by their ISPs to make their voices heard, a fact that again would skew the demographic in favour of those already on the World Wide Web. A concerted, loosely-organized campaign to lobby the government on behalf of technoutopian users was also advanced by ISPs and computing interests. The resulting submissions are, as a result, predominantly against regulation. Bearing that in mind, one can see them as a useful source that is best analysed in a qualitative rather than a quantitative manner.

This forum was the “first ever Web site to become part of the official government record.”¹⁰⁶ A McLuhan Centre professor further noted in the same article—falsely, it turned out, as the discussions would have been lost if not for the Wayback Machine—that “the Newmedia-Forum site will sit there in cyberspace as a permanent record of the dialogue between the government and the public.” As Stephen Downes, a popular Internet writer at the time (and today), noted after the decision:

In traditional CRTC hearings, a panel is convened, suits from the radio and television industry state their case, and the verdict is rendered. The process, although ostensibly public, is tilted toward large industries who have the time and resources to make formal submissions.

In the case of the Internet hearings, however, the CRTC and the McLuhan Institute at the University of Toronto convened a parallel online discussion as part of the formal process.

The forum, open for three months last fall, attracted 375 responses from an estimated 200 individual authors. And while the forum did not attract the major players (who presented their opinions to the Board in person, as usual), most industry types subscribed to the list server and kept track of the ongoing discussion.¹⁰⁷

<http://www.newmedia-forum.net/home/home.html> (accessed via Internet Archive Wayback Machine, February 7, 2013).

¹⁰⁶ Derek Thomson, “Reining in the Net,” *Toronto Star*, November 26, 1998, p. K4 (accessed via ProQuest).

¹⁰⁷ Stephen Downes, “The CRTC’s Decision,” *NwsTrolls*, May 19, 1999, <http://www.downes.ca/post/309> (accessed February 7, 2013).

Analysing an Internet forum opens up special challenges and opportunities for a historian: the postings are akin to letters, but skewing to a different demographic. Fifteen years ago, Internet users tended to be male, to come from more affluent households, and to be relatively young (below the age of 44, as one study of Canadian non-users demonstrated).¹⁰⁸ Using forums also involves interesting technical challenges. They are born-digital sources preserved in online repositories such as the Internet Archive, which provides opportunities for digital research methods. I made the decision to download them all using a custom-built program and view them through Voyant Tools, a website developed by an interdisciplinary team of Canadian researchers, which easily allows one to explore large arrays of text.¹⁰⁹ These sources, like letters to MPs, some surveys, and newspaper submissions, represent particular views. They have the advantage of generating records of those who had access to the Internet (at home, at work, or in the library) and wanted to have their opinions heard. Some ISPs directed their users to the site, which lends some of the responses the feeling of being part of a semi-organized advocacy campaign. Again, however, as we will see, opponents also found their way to the site.

In this digital world, children emerged as a central fulcrum around which discussions of censorship and regulation on the World Wide Web were framed. A common argument acknowledged that children needed to be insulated from pornography and other offensive content, but saw this as the purview of parents through the use of passwords, keeping the computer centrally accessible, and other forms of electronic monitoring.¹¹⁰ Some parents mobilized their status to argue that they should have sole responsibility for ensuring what their kids could or could not access. Not surprisingly, given the advocacy campaigns behind this initiative, the anti-regulation forces were the vast majority—at a roughly ten to one ratio.¹¹¹ Yet reading the submissions as qualitative sources does give us a perspective into various voices at work on both sides of the debate.

Despite the overwhelming emphasis on avoiding regulation, direct online debate ensued between pro-free-speech supporters, many of whom saw children as being deployed as a useful excuse for regulation, and child-welfare supporters who found such an insinuation offensive.¹¹² These latter voices are worth

¹⁰⁸ Andrew Reddick, Christian Boucher, and Manon Groseilliers, *The Dual Digital Divide: The Information Highway in Canada* (Ottawa: Public Interest Advocacy Centre, with funding from Human Resources Development Canada and Industry Canada, 2000). This report has considerable information on non-users, which group broke down into those who would use the Internet but could not due to various barriers (literacy or cost), those who did not see the point of using it but might be convinced, and senior citizens who would likely remain permanently estranged from online work.

¹⁰⁹ I write code in *Mathematica 10*, a proprietary language. Individuals who want to learn more about basic scraping and information extraction from the Internet are encouraged to read the collaborative, open-source textbook *The Programming Historian*, 2012-Present, <http://programminghistorian.org>.

¹¹⁰ Sharyn Richards, New-Media Net Forum, September 19, 1998, 12:33:54 -0400, Internet Archive (see above for links), explored via voyant-tools.org; Kevin Pender, New-Media Net Forum, October 7, 1998, 13:26:55 -0400; Len Waller, New-Media Net Forum, October 7, 1998, 13:57:01 -400; Geoff Chorley, New-Media Net Forum, October 7, 1998, 13:58:42 -0400. These are just a representative sample.

¹¹¹ Thomson, "Regulating the Internet," *Toronto Star*, p. K4 (accessed via ProQuest). My own analysis bears this figure out.

¹¹² Witness the debate between Janet Lindsay and Glenn Lane, carried out on October 15, 1998 in the New-

highlighting. Brad Fothergill, writing on the forum, was clear on why he thought the CRTC needed to step in:

As a father of three young children I would welcome the CRTC's intervention of [*sic*] materials allowed on the net. While I support free speech ... We, the people, in our fight to protect our freedom are allowing the pollution of our children and our society. No matter how "good" a parent one is, one cannot be with thier [*sic*] children at all times. Nor indeed should they be. Some help (like that of the CRTC) is required in todays [*sic*] multimedia.¹¹³

Fothergill was not alone. "As a mother of a young family I strongly agree and also speak on behalf of many of my friends who also have yoiung [*sic*] children," wrote Gaby Bubas, "We strong [*sic*] agree in censorship because our children are exposed to alot of things children shouldnt [*sic*] have to deal with in particular things that were not issues when we were growing up."¹¹⁴ Another writer from Nova Scotia argued, "Porn is DISGRACEFUL to women and children of all ages and should NOT be placed on the Internet where children of all ages can get access to it."¹¹⁵ A more nuanced discussion came from another contributor, who was generally supportive of Internet freedom with only some hesitation. Given that he felt children were generally "more computer literature [*sic*] than their parents," it would be folly to leave regulation solely up to parents. Instead, the CRTC needed to "exercise some stewardship."¹¹⁶ Similarly, noting that material destined for gay bookstores in Vancouver was still being seized at the border, Sandra Ayala noted that it was hypocritical to allow unfettered dissemination of pornography on the Internet. "Who is going to take care of my future and my children?" she asked.¹¹⁷

The rapid access to offensive material led others to call for regulation. One parent used the example of his child typing in "pictures of horses" and being led to a pornographic website, even with an Internet monitoring program installed. He was appalled: "something should be done to prevent this from happening."¹¹⁸ Another user then chimed in to note, "[I]t seems to me that 30 seconds of exposure to such materials is hardly worth the trade off of allowing an arm's-length government agency to regulate the medium for us ... it's asking too much to expect the entire medium to be childproofed for us."¹¹⁹ Another response, on the CRTC's sister forum *Voxpop*, captured much of the ambivalence of regulation advocates: "Children need a certain amount of protection from all the Internet contains. At the same time I tend not to trust governments who get into the business of controls."¹²⁰

Media Net Forum (accessed via Internet Archive).

113 Brad Fothergill, New-Media Net Forum, October 7, 1998, 13:38:25 -0400 (accessed via Internet Archive).

114 Gaby Bubas, New-Media Net Forum, October 7, 1998, 13:41:24 -0400 (accessed via Internet Archive).

115 Sean D. Lane, New-Media Net Forum, October 8, 1998, 11:10:30 -0400 (accessed via Internet Archive).

116 Jordan Hill, New-Media Net Forum, October 13, 1998, 19:13:41 -0400 (accessed via Internet Archive).

117 Sandra Ayala, New-Media Net Forum, October 39, 1998, 12:56:12 -0500 (accessed via Internet Archive).

118 P. Cosluich, New-Media Net Forum, October 24, 1998, 12:29:58 -0400 (accessed via Internet Archive).

119 Joe Jackson, New-Media Net Forum, October 25, 1998, 23:32:52 -0500 (accessed via Internet Archive).

120 Diana Meredith, VoxPop Forum, October 28, 1998, 13:40:50 -500 (accessed via Internet Archive).

Tomie K. was more succinct: “my only concern is to keep children out of porn sites.”¹²¹

Others put their views more strongly. Calling many free speech advocates opportunists, Lincoln Yeung argued, “We might have to sacrifice our freedom but for the sake of our children I am prepared to accept a bit of the sacrifice. I don’t know what is the problem of those crying fowl [*sic*], look behind their mask and I am sure one can discover the sickening agenda of this group.”¹²² Others were more to the point: “Please do what you can to get rid of the pornography online. It is very offensive and too accessible to children.”¹²³ Attempts by Internet Service Providers to encourage their users to send anti-censorship comments to the CRTC also backfired in at least one case: “Guess what?” wrote Hilda Morris. “I’m all for the CRTC regulating the net to prevent access to pornography—it sickens me that children can still freely access such sites.”¹²⁴ This current of opinion was rarer in the mainstream media, but it did appear in the *Kitchener-Waterloo Record*, where a piece argued that, as laws against pornography were hard to enforce on the Internet, “refusing to regulate and monitor Web sites effectively condones the glorification of violence, rape, pedophilia, and bestiality.”¹²⁵

Of course, much of the meat of the hearings took place in the Ottawa region, with 85 groups formally convening at the CRTC’s headquarters in Hull, Quebec.¹²⁶ The official deputants were a far less diverse group than those online, involving major media companies, ISPs, advocacy groups, and a handful of others. Some continuity existed between the forum voices and the professional voices: “Internet users are no more upset by the debate than many of the commission’s professional applicants,” the *Globe and Mail* wrote, “the broadcasters, telephone companies and content creators—who are coming to realize what new media may mean to their business.”¹²⁷ For the most part, however, these businesses were concerned with their economic competitiveness: Canadian content took a front seat, as did other forms of support for Canadian business.¹²⁸ Telecommunications companies took the stance that they were already moving towards codes of conduct and argued that the CRTC should instead actually relax current regulations.¹²⁹

When the question of children appeared, submissions took a full circle to the economic development versus safety debate discussed earlier. The president of the Canadian Broadcasting Corporation, Perrin Beatty, opposed web regulation but

¹²¹ Tomie K, VoxPop Forum, October 31m 1998, 23:43:53 -500 (accessed via Internet Archive).

¹²² Lincoln Yeung, New-Media Net Forum, October 26, 1998, 00:17:29 -0500 (accessed via Internet Archive).

¹²³ Patricia Washington, New-Media Net Forum, October 28, 1998, 10:35:28 -0500 (accessed via Internet Archive).

¹²⁴ Hilda Morris, VoxPop Forum, October 20, 1998, 10:18:13 -0400 (accessed via Internet Archive).

¹²⁵ Marie Snyder, “Porn Doesn’t Belong on the Net,” *Kitchener-Waterloo Record*, March 13, 1999, <http://www.etc.ca/pages/media/kw-record.13mar99a.html> (accessed via EFC, February 7, 2013).

¹²⁶ James Baxter, “Hearings Examine Federal Role in Regulating Internet: Can the New Media be Policed Effectively?” *Vancouver Sun*, November 24, 1998, p. A14 (accessed via LexisNexis).

¹²⁷ Brenda Dalglish, “CRTC Wrestles with New Media Question,” *Globe and Mail*, November 19, 1998, p. D2 (accessed via ProQuest).

¹²⁸ Such as Valerie Lawton, “Broadcasters Wary of Cyberspace Competition,” *Toronto Star*, November 25, 1998, p. A6 (accessed via ProQuest).

¹²⁹ James Baxter, “Keep Hands Off, Net Giants Tell CRTC,” *Ottawa Citizen*, November 25, 1998, p. D6 (accessed via LexisNexis).

argued that Canadian public policy needed to play a role to “ensure that our children have a chance to be exposed to values that represent this country,” perhaps by encouraging Canadian content.¹³⁰ While the first few days of the hearings discussed the Internet as valuable for educating children and youth, several deputants raised the dangers for children directly on the fourth day of the hearings. Addressing the CRTC committee, Mr. Kafieh of Palestine Heritage Canada (PHC) unequivocally rejected censorship: “PHC is greatly concerned that the CRTC is being pressured by groups working to restrict the freedom of speech of Canadians as exercised on the Internet. PHC regards the alleged dual justification for regulation – to protect children from pornography and to fight the spread of hate propaganda – to be intrinsically without merit.”¹³¹ Following Kafieh, speaking on children as well, the Media Awareness Network (which itself grew out of earlier CRTC investigations into violence and the media) argued in favour of self-regulation; the path forward with children would be “web literacy.”¹³² The network prepared an entire package around how to train children and what to show them, demonstrating to the CRTC its “CyberSense and Nonsense” and “Jouer sans se faire jouer,” both of which had goals of making young people “Savvy Surfers.” The Concerned Children’s Advertisers group echoed these points. Overall, the tenor of the physical hearings and that of the online discussion were very different. The former placed far less emphasis on pornography and child welfare. Business wanted industry self-regulation, an opinion echoed by media and other participants. The minority of activist parents’ voices did not make it into this part of the official story.

The CRTC adjourned, made final arguments in early 1999, and then issued its final report in May 1999. The widely anticipated report—leaked the day before—declared that the CRTC would not regulate content.¹³³ As CRTC chair Bertrand declared, “Our message is clear. The CRTC will not regulate the Internet, nothing on the Internet.”¹³⁴ “The announcement was universally cheered by the country’s Internet community,” noted the *Vancouver Sun*, quoting the president of the Canadian Association of Broadcasters as seeing a shift from the CRTC’s traditional “protect” mode to a new “promote” mode.¹³⁵ Provisions in the Criminal Code and industry self-regulation were deemed sufficient. The “Commission acknowledg[ed] the views of the majority of parties to the proceeding that generally-applicable Canadian laws, coupled with self-regulatory initiatives ... are more appropriate means for dealing with offensive material in new media.” These opinions were derived from a variety of sources, which the Commission noted

130 CRTC New Media Hearings, statement by Mr. P. Beatty, November 24, 1998, CRTC URL, <http://www.crtc.gc.ca> (accessed February 11, 2013).

131 CRTC New Media Hearings, statement by Mr. Kafieh, November 26, 1998, <http://www.crtc.gc.ca/eng/transcripts/1998/tb1126.htm> (accessed February 11, 2013).

132 CRTC New Media Hearings, statement by Ms. D’Arcy of Media Awareness Network, November 26, 1998, <http://www.crtc.gc.ca/eng/transcripts/1998/tb1126.htm> (accessed February 11, 2013).

133 Simon Tuck, “Internet is Regulated Enough, CRTC Says,” *Globe and Mail*, May 18, 1999, p. A1 (accessed via ProQuest).

134 Valerie Lawton, “Watchdog Keeps Hands off Content on Internet,” *Toronto Star*, May 18, 1999, p. D1 (accessed via ProQuest).

135 “CRTC Vows Never to Seek Controls on the Internet,” *Vancouver Sun*, May 18, 1999, p. A3 (accessed via LexisNexis).

had a broader base than many of its other operations: “Many of the submissions came from individuals, groups and industries that had not previously appeared at or participated in Commission proceedings.” The report noted that this breadth of representation was extremely useful. The McLuhan Program was specifically seen as significant.¹³⁶ The *Montreal Gazette* succinctly argued that the CRTC had met the future.¹³⁷

Critics mobilized the rhetoric of children in thunderous denunciations of the decision. Rosalind Prober, the Winnipeg-based co-founder of an anti-sex-trade advocacy group, “called the decision a betrayal of vulnerable children.”¹³⁸ The Canadian Jewish Congress spoke in similar tones: “I mean, anybody who’s got a child who can press two buttons can pull up all kinds of hate on the Internet.... So, yes, we would very much like to see some kind of rules of traffic, I suppose, installed, which would hopefully put some kind of a damper on that.”¹³⁹ Calls for Internet regulation did not abate, but, with this official discussion, the wind was clearly out of the pro-censorship sails. The New Media report was followed a few months later by an official CRTC order that “exempts from regulation, without terms or conditions, all new media broadcasting undertakings that operate in whole or in part in Canada.”¹⁴⁰ A short-lived controversy would break out about chat rooms, leading to some calls for returned regulation in that avenue. These calls were continually unsuccessful, however, and became less frequent. An opportunity had passed. In stark contrast to much of Canada’s history of regulating childhood and youth, this opportunity was not pursued.

Why Didn’t Canada Regulate?

Canadians emerged from the twentieth century largely with open access to the World Wide Web, encumbered only by standard Criminal Code provisions. Despite a substantial minority of parents and a smaller yet sizable minority of Canadian citizens overall who wanted the government to take a larger role, the government did not adopt any measure beyond encouraging ISPs to self-regulate illegal and obscene material. In contrast to the United States’ adoption of the CDA and COPA in 1996 and 1998, Canada’s interests in Canadian content and economic protectionism saw discussions take place first under the auspices of a committee and subsequently before the CRTC. The results were materially the same—users have largely unfettered access to the World Wide Web in both countries—but this endpoint was reached through differing approaches.

Much of the process reflected the evolution of online activity. At a turning point in Canadian Internet policy, advocates of freedom on the World Wide Web were both self-mobilized and encouraged by the media and large Internet service providers to speak up. As a result, this argument dominated the submissions to the CRTC and the online forums set up to consider the issue, and it received the lion’s

¹³⁶ CRTC, “New Media Report” (Government of Canada, CRTC, 1999), p. 3 (accessed via LexisNexis).

¹³⁷ “CRTC Meets the Future,” *Montreal Gazette*, May 20, 1999, p. B2.

¹³⁸ Tuck, “Internet is Regulated Enough,” *Globe and Mail*, May 18, 1999, p. A1 (accessed via ProQuest).

¹³⁹ *Ibid.*

¹⁴⁰ CRTC, “Public Notice CRTC 1999-197,” December 17, 1999, <http://www.crtc.gc.ca/eng/archive/1999/pb99-197.htm> (accessed February 19, 2013).

share of coverage in the national news media. It helped that media, such as in the case of the CTV Sympatico discussion, also had an interest in the CRTC's ruling. ISPs, seeing their business models threatened, worked with users to advocate the status quo. Internet activists, mindful of what had happened in the United States with the introduction of punitive albeit unconstitutional legislation, were aware that regulation could actually be put in place. The telecommunications sector also strenuously advocated self-regulation. This coalition of techno-utopians, primed through historic forces to see an alliance between a seemingly natural and organic Internet and market-driven business interests, was able to wage an effective campaign. Ultimately the government's receptivity to these appeals was important. Concerned about economic competitiveness, recognizing the need for human capital to face the challenges of overseas nations and shape the new media economy, the government supported programs for children to learn about and understand the Internet.

It is worth pausing briefly, however, to note what the result meant for children. They could now increasingly access the Internet and engage with a world on a very different level. Other users would not see them as children, but instead as usernames or custom avatars (characters or images generated by users to represent themselves on the Web, from a picture of an elf to a self-portrait). They had much greater freedom online than in person, being able to present themselves as children, adults, youth, members of opposite genders, and so forth. A transformative moment had arrived. The physical world of normalcy could give way to a brand new world of online connectivity. It would not all be perfect, of course, as recent debates over cyber bullying, pressures, and exploitation demonstrate. Unregulated online communication has been connected to cyber misogyny, a virulent form of cyber bullying that has led to teenage suicides. In a familiar refrain, the executive director of the West Coast Legal Education and Action Fund noted in August 2014 that such harassment eludes Criminal Code sanctions and maintained that the Web was a "wild west" for civil rights.¹⁴¹ Regulation of online speech is very much a debate that continues to be with us today. However, proponents of a free approach to the World Wide Web had seen a victory in the late 1990s. The Canada that in the 1950s had regulated comic books now let children explore a global network without onerous official government fetters. Individual regulation of the World Wide Web has largely triumphed, putting families in the driver's seat, as opposed to state regulation.

141 Brett Throop, "Cyberbullying Has 'Hugely Disproportionate Impact on Women and Girls,'" *CBC News Online*, August 11, 2014, <http://www.cbc.ca/news/cyberbullying-has-hugely-disproportionate-impact-on-women-and-girls-1.2731195>.