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[Home](#) > [Erotica on the Internet](#)

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## **Erotica on the Internet** <sup>[1]</sup>

Alice,

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

Just call me...

Concerned

### **Answer**

Dear Concerned,

Explicit and graphic content, such as the material you mentioned, can certainly be triggering. Though certain content may seem offensive or disturbing to some, it doesn't necessarily mean it's illegal. In order for explicit material to be controlled by the government, it has to be considered "legally obscene," but unfortunately, the laws about erotica and pornography on the internet can be confusing — more on that later. It's unclear whether the materials you viewed were either obscene or illegal, but regardless, the rules tend to be stricter for underage audiences. Whether or not it's illegal, you ultimately make the decision about what to view or not. If something you come across on the internet is triggering or makes you uncomfortable, that's reason enough not to engage with it. Read on for tips on maneuvering your way around potentially unpalatable material.

First, some legal talk: to be classified as "obscene" by state or federal law, material must meet the Miller Test, which determines whether something is legally obscene. If material meets all of the following criteria, it can be federally regulated as obscene material. Any material that is knowingly distributed to or depicting minors (ages 16 and younger) however, is a special case — only two of the three conditions of the Miller Test must be met to designate material as obscene:

1. The material would be defined by an average person applying contemporary community

standards as appealing to “prurient interests,” a legal term which refers to an unhealthy or morally objectionable interest in sex.

2. The material would be defined by an average person applying contemporary community standards as depicting or describing patently offensive sexual conduct.
3. The material would be defined by a reasonable person as lacking any serious value, including literary, artistic, political, or scientific significance.

You may be thinking, what exactly are “contemporary community standards”? Unfortunately, that’s a real challenge when it comes to regulating this type of content — with the internet, there’s no clear division between different community standards because information can be accessed and shared globally. As a result, some experts have suggested that the Miller Test be updated and made consistent across all communities to avoid this ambiguity.

In addition to the Miller Test, there are also laws created specifically to protect children from exposure to obscene material on the internet, including the Children’s Internet Protection Act (CIPA). Explicitly sexual content that violates the protection of minors can be reported to law enforcement: obscene materials sent to or involving children can be reported to the [National Center for Missing and Exploited Children](#) [2], and child prostitution can be anonymously reported to the [National Human Trafficking Resource Center](#) [3].

Concerned, it’s great that you support free speech, but interestingly, obscene material isn’t actually protected under the First Amendment (freedom of speech under the U.S. Constitution). Obscene materials become illegal when the regulations stipulated for the sale, distribution, transportation, receipt, and production of specific content — including all forms of media disseminated electronically (via computers, radio, and television broadcast), through artwork (such as drawings, cartoons, paintings, and digital images), as well as written text — are violated.

In order to acknowledge and respect your own comfort and values, you can use different strategies to minimize your exposure to unwanted and sexually explicit content. Many web browsers and mobile devices have screening features that let you and your family browse online, as they filter and block access to explicit or harmful content. Often, these features also have options that allow you to flag or report offensive material, bringing it to the attention of an administrator or moderator. You might contact your internet provider for additional details. And if you’re interested, it may be worth consulting the information technology personnel at your school or workplace for additional advice on safe browsing.

If you find yourself very upset by explicit material, you can seek support and guidance from someone you trust, such as a friend, family member, or qualified counselor or therapist. In addition, you could also check out the [Erotica & Pornography](#) [4] section in the *Go Ask Alice!* archives for more information.

Alice!

Category:

[Sexual & Reproductive Health](#) [5]

[Erotica & Pornography](#) [6]

[Miscellaneous](#) [7]

## Related questions

[Erotic videos with women in mind](#) [8]

[Personal ad fantasies](#) [9]

[Strangers on the internet](#) [10]

## Resources

[Sexual Violence Response & Rape Crisis/Anti-Violence Support Center](#) [11]

[Counseling and Psychological Services \(CPS\) \(Morningside\)](#) [12]

[Mental Health Services \(CUIMC\)](#) [13]

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## Footer menu

- ▼ [Contact Alice!](#)
  - [Content Use](#)
  - [Media Inquiries](#)
  - [Comments & Corrections](#)
- ▼ [Syndication & Licensing](#)
  - [Licensing Q&As](#)
  - [Get Alice! on Your Website](#)
  - [Full Site Syndication](#)
  - [Link to Go Ask Alice!](#)

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### Links

[1] <https://goaskalice.columbia.edu/answered-questions/erotica-internet-0>

[2] <http://www.missingkids.org/cybertipline>

[3] <https://traffickingresourcecenter.org/report-trafficking>

[4] <http://goaskalice.columbia.edu/category/erotica-pornography>

[5] <https://goaskalice.columbia.edu/category/sexual-reproductive-health>

[6] <https://goaskalice.columbia.edu/category/erotica-pornography>

[7] <https://goaskalice.columbia.edu/category/miscellaneous-4>

[8] <https://goaskalice.columbia.edu/answered-questions/erotic-videos-women-mind>

[9] <https://goaskalice.columbia.edu/answered-questions/personal-ad-fantasies>

[10] <https://goaskalice.columbia.edu/answered-questions/strangers-internet>

[11] <https://goaskalice.columbia.edu/resource/sexual-violence-response-rape-crisisanti-violence-support-center>

[12] <https://goaskalice.columbia.edu/resource/counseling-and-psychological-services-cps-morningside>

[13] <https://goaskalice.columbia.edu/resource/mental-health-services-cuimc>