“The Unsettling, Yet Undeniable Legality of Virtual Child Pornography” Response

The Internet is an unimaginably vast trove of data, and growing every moment. If our governmental organizations do not move quickly to control it, the Internet has the power to cause devastating and irreparable damage. The legality of virtual child pornography is one such pressing example of a government agency failing to act in the face of a potential catastrophe. Provisions could have been made to the Supreme Court’s 2002 ruling to better protect children from sexual abuse without infringing on free speech.

First of all, the argument that virtual child pornography has no clear victims is true, but the keyword is “clear.” Child molestation may be caused by watching virtual child porn, even if the victims are not molested on-screen. The correlation between watching and acting on pedophilic urges is unarguably clear. One recent study puts the correlation between watching and acting as high as 76% (Hall, 457-471). The causality between the two crimes is harder to prove, but is currently hotly debated. In the words of a New York Times article titled, *Debate on Child Pornography’s Link to Molesting*, “A pedophile serving time in a Canadian prison said that child pornography fueled his sexual urges.” The dangerous potential of virtual child pornography is clear. If legal, it could be even more dangerous than real child pornography as it gains legitimacy and more widespread viewing. Rather than protect real children from abuse, virtual child pornography could cause far more molestation to occur in the future than real child porn already has.

Secondly, an argument can be made that virtual child pornography is merely a demonstration that mainstream culture deems heinous, such as a Ku Klux Klan rally. This is an invalid example, however. The Supreme Court case regarding the Ku Klux Klan rally in New York was referring to the masks they were wearing. The allowance to wear masks is incomparable to the decision between allowing virtual child
pornography or not, because the latter is so much more potentially dangerous to innocents. Given its highly controversial correlation vs. causation with child molestation crimes, virtual child pornography cannot be considered a mere demonstration as a KKK rally is.

A stronger argument can be made that restricting virtual child pornography would be restricting creative freedoms—an unwarranted artistic censorship. Hollywood cinema depicts underage sexual activity all the time, and censoring this has been inarguably forgone since the death of Hollywood’s Production Code in the 1960’s (Maltby, *Hollywood Cinema*). The law shot down by the Supreme Court in 2002 was, admittedly, too broad to protect mainstream media and artistic practices. Caveats could have been created by the Supreme Court, however, to protect children without fully passing the law. Most judges agreed that suggested underage sexual acts should be allowed, but virtual child pornography could have been an exception to their allowance. The dissenting opinion regarding the virtual child pornography aspect of the law argued that virtual child pornography could be indistinguishable from real child pornography. This is the major hole in the boldest arguments to allow virtual child pornography. Given the warpable nature of video technology, every prosecutor will now have to prove that child porn distributors are providing real children, which is difficult if they edit the videos to appear virtual, or as technology develops begin to claim their real videos are just high-quality virtual porn. Ultimately, virtual child pornography is simply too dangerous a technology to allow.

**Bibliography**

Some citations taken from Wikipedia.
