School of Journalism and Mass Communication  
Speech, Sex and the Digital Media: JMC 3185:005.  
Syllabus for Fall 2014

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Office hours: Mondays & Wednesdays: 1:30-3:15 PM.  
Icon Course Management tool: icon.uiowa.edu

Course Description, Scope and Purpose

Visual communication has existed since human beings first walked on the face of the earth. Indeed, human history is a history of visual communication because human beings are inherently visual communicators. From million-year old cave drawings and rock paintings to clay tablets, hieroglyphs, and contemporary digital visual animations, human beings have expressed themselves in visual narratives. A narrative that is common across all cultures is sex-themed visual imagery. These range from scenes of nudity to representations of explicit sexual activities. This is because human beings are sexual animals. In many parts of the world, all sexually explicit visual content in the media, and especially on the Internet is classified as “pornography.” It is viewed as a decadent “Western” phenomenon that has the potential to corrode and undermine the moral fabric of other societies and cultures. Many countries
consider the “West” the cesspool of sexual decadence, the origin of pornography that is being diffused to the rest of the world through the Internet (Eko, 2001). The premise of this course is that historically-speaking, explicit sex-themed visual imagery—what is now variously called pornography, erotica, and obscenity—is not a “Western phenomenon” per se. Archeological and art history evidence shows that explicit visual depictions of scenes of human sexuality are as old as the earliest human civilizations. Archeological and artistic artifacts point to the fact that all civilizations in all continents had cultures of explicit sex-themed visual imagery that were regulated under culture-specific religious and secular laws. This course will explore the history, and cultural context of the regulation of sex-themed visual narratives from the Valley of the Tigris and Euphrates rivers in Ancient Mesopotamia, to Silicon Valley in California. In other words we will survey the regulation of obscenity, pornography and erotica— and their representation in different media ranging from clay tablets to tablet computers. Our focus will be on the study of these sex-themed visual narratives as “regulated representations” in diverse historical and cultural contexts.

**Philosophical Approaches**

We will survey how sex-themed visual imagery has evolved from rule-based religious, political and social artifacts to symbols of freedom of expression. As we approach the modern era, we will be guided by the major global instruments of freedom of expression: The Universal Declaration of Human Rights, the Declaration of the Rights of Man and of the Citizen (1789, France), the First Amendment (1791, US); the European Convention on Human Rights (1950), and the Canadian Charter of Rights and Freedoms.
**United Nations Universal Declaration of Human Rights**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19, Universal Declaration of Human Rights (1948).

The United Nations’ **Universal Declaration of Human Rights** sets forth the international standard of freedom speech, freedom of opinion and freedom of expression through the media. It protects verbal, non-verb, visual and symbolic communication. Nevertheless, not all countries respect freedom of expression. Our fundamental philosophical posture is that visual communication is a human right..

**The First Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment I, Constitution of the United States (1791).

The First Amendment sets forth the scope and contours of freedom of speech and expression in the United States. Sex is one of the highest forms of expressive conduct that can be used for good or ill. Sex-themed visual content falls within the purview of the constitutional protections accorded speech and expression in the United States. This is because the First Amendment protects
many types of speech, including certain types of speech dealing with human sexuality. Indeed, issues involving human sexual functions run like a thread through media law in real space and cyberspace. This course will enable students to appreciate the American constitutional and judicial system, as well as how judicial decision-making has defined and shaped mass media dissemination of sexual content under the First Amendment. We will also explore application of the principles of freedom of speech and expression to pornography, obscenity and erotica visual communication in a number of media contexts at the national and international levels.

The Canadian Charter of Rights and Freedoms

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

2. Everyone has the following fundamental freedoms:

   - (a) freedom of conscience and religion;
   - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
   - (c) freedom of peaceful assembly; and
   - (d) freedom of association.

Through out this course, we will explore how sex-themed visual imagery has been regulated under different ancient cultures as well as these famous instruments.
Required Textbook


Freedom of expression in class.

“Under the First Amendment there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas.”


Simply put, all ideas are welcome. Free speech is the stock-in-trade, the very life-blood of communication in democratic societies. Under the First Amendment, the United States is considered a marketplace of ideas (*Abrams v. United States*, 1919). Therefore, no idea is too controversial to be expressed. In this course, students are encouraged to freely express their ideas, even if they are unpopular, unorthodox, unconventional, liberal, conservative, or offensive, provided such ideas are expressed in a civil, professional manner. **Since we will be discussing some legal issues on which most people have very strong personal opinions, and over which even reasonable people often disagree, students are to treat their colleagues, even those with whom they differ, with respect. If you do not like an opinion, feel free to advance a counter opinion.** If you want to express an opinion, even one contrary to that of the professor, do not hesitate to raise your hand and speak your mind! All opinions are welcome. One of the aims of education is to help students become independent thinkers who have a skeptical attitude towards the world and towards popularly accepted ideas.

Though Freedom of speech is very important, freedom of thought is just as crucial. The world needs more thinkers and fewer talkers. As Danish philosopher, **Søren Kierkegaard** put it: "People demand freedom of speech as a
compensation for the freedom of thought which they seldom use.” To become an independent thinker is indeed a noble aspiration; to become an intellectual or political clone is a deplorable condition.

The professor will grade all written work purely on its academic merits. No student will be penalized or otherwise disadvantaged because of opinions he or she expressed in class or in a written assignment.

Administrative Home

The College of Liberal Arts and Sciences is the administrative home of this course and governs matters such as the add/drop deadlines, the second-grade-only option, and other related issues. Different colleges may have different policies. Questions may be addressed to 120 Schaeffer Hall or see the CLAS Student Academic Handbook

Electronic Communication

University policy specifies that students are responsible for all official correspondences sent to their University of Iowa e-mail address (@uiowa.edu). Faculty and students should use this account for correspondences. (Operations Manual, III.15.2. Scroll down to k.11.)

Understanding and preventing Sexual Harassment

As defined by the Supreme Court of the United States, sexual harassment is an unwanted sexual advance made towards a person of the same or opposite gender. It takes two forms: 1) Creation of a hostile work environment through sexual jokes, display of pictures of a sexual nature, sexting (sending people unwanted, indecent images and text messages), off-color humor, groping and the
like, and 2) *quid pro quo* (literally, this for that) sexual harassment where a person in a position of power or authority demands sexual favors from subordinates in exchange for a good grade, promotion, salary increase, or other advantage (*Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998)). Sexual harassment is a violation of the Civil Rights Act of 1964. It subverts the mission of the University of Iowa and threatens the wellbeing of students, faculty, and staff. All members of the UI community have a responsibility to uphold this mission and to contribute to a safe environment that enhances learning. Incidents of sexual harassment should be reported immediately.

See the UI **Comprehensive Guide on Sexual Harassment** at:
<http://www.uiowa.edu/~eod/policies/sexual-harassment-guide/index.html>

for assistance, definitions, and the full University policy.

**Reacting Safely to Severe Weather**

In severe weather, class members should seek appropriate shelter immediately, leaving the classroom if necessary. The class will continue if possible when the event is over. (*Operations Manual, Part IV*<http://www.uiowa.edu/~our/opmanual/v/16.htm#1614>, 16. See items e, h, and i.)

**Class Etiquette and Student Complaints.**

The statement of student rights and responsibilities is set forth in the Student Academic Handbook (found at the College of Liberal Arts Web site: http://www.clas.uiowa.edu/students/academic_handbook/ix.shtml). It includes procedures for student complaints concerning faculty actions. If you have any complaints about this course, please discuss the matter with me first. If you are not satisfied with your discussion, feel free to contact the Associate Director of Undergraduate Studies, Prof. Charles Munro. If you are still not satisfied, contact
the Director of the School of Journalism. Complaints cannot be brought later than six months after the alleged event.

**Use of Electronic Media Equipment in Class.** Students are free to use their laptops or iPads to take notes in class. However, using laptops and iPads for other activities that may distract other students or disrupt the class is strictly **Verbotten**! All cell phones, ipods, and pagers are required to be in the off position. Texting in class is not allowed.

**Language Issues:**

1. **Legal Vocabulary:** Each discipline comes with its specialized vocabulary. Law is no exception. Students will be required to know the most common legal terms used in the media. Look up unfamiliar words in a law dictionary. That is the best way of making sense of most of the material in this course. Expect to spend at least three hours of study time for every hour of class time. This includes reading an average of one chapter per class period.

**Attendance, Professionalism & Extra Credit**

Class attendance is a professional expectation. If you are going to be absent, please send me an e-mail to that effect. Please note that the professor will not provide notes or lecture summaries to students who are absent from class without a valid excuse as set forth in University of Iowa regulations. Those who attend class and participate in discussions will receive 5% points over and above their final score for the course.

**Deadlines and Make-ups.**

The media are ruled by deadlines. Students must bear in mind that in the professional world, they will live by deadlines and die by deadlines. Students are expected to do their readings before class and demonstrate familiarity with the material. They are also expected to turn in their assignments in class when they are due. Late assignments will be accepted only in circumstances where students have a valid medical, family or other emergency, in accordance with University of Iowa rules and regulations. Please note that no e-mailed assignments will be accepted unless in emergency cases as described in the University Handbook.
Students are required to turn in a clean, legible, printed, hard copy of the assignment in black ink. Make up exams will be given only in emergency cases that satisfy university criteria for “Excused Absences from Examinations.” Please see the College of Liberal Arts Handbook at http://www.clas.uiowa.edu/students/academic_handbook/ix.shtml.

**Academic Honesty**

The College of Liberal Arts and Sciences’ policy on academic fraud, dishonesty, and cheating is spelled out in the Student Academic Handbook. Please consult it at http://www.clas.uiowa.edu/students/academic_handbook/ix.shtml. In brief, all assignments must be the result of the independent endeavors of each student. Students who attempt to pass off other peoples’ work, including material from former students of this course, as well as material downloaded from the Internet as their own, will receive a zero for that particular assignment, and expose themselves to further academic sanctions as prescribed in University of Iowa rules and regulations pertaining to plagiarism and academic dishonesty.

Some students have been known to turn in the same or very similar assignment or paper to two different courses. This is an unethical practice that is unacceptable under university rules and regulations. Turning in an assignment or paper for this course constitutes certification on your part that the paper is the result of your individual endeavors and that you have not turned in the same paper to another course for credit.

**The Iowa Dozen**

This course will adhere to the general principles of journalism education set forth in the Iowa Dozen:

We learn...

– to write correctly and clearly
– to conduct research and gather information responsibly
– to edit and evaluate carefully
– to use media technologies thoughtfully
– to apply statistical concepts appropriately

We value...
First Amendment principles for all individuals and groups
– a diverse global community
– creativity and independence
– truth, accuracy, fairness, and diversity

We explore...
– mass communication theories and concepts
– media institutions and practices
– the role of media in shaping cultures.

College of Liberal Arts & Sciences Policy on Cross-Enrolment.

The College of Liberal Arts and Sciences has set forth a new policy on cross enrolment. If you are a student in one college and take courses offered by another college, please bear in mind that in matters related to the application or non-application of a specific course to your degree requirements, the policies of the college in which you are enrolled will be applicable.

ADA Accommodation:

Reasonable accommodation will be made for students with functional limitations and medically certified learning disabilities, in accordance with the relevant provisions of the Americans with Disabilities Act (ADA), and University of Iowa policies. If you have a learning or functional disability that requires accommodation, please consult the University Disabilities Office and have that office send me official documentation explaining the type of reasonable accommodation needed.

I. Course Method, Assignments, and Grading.

The course will follow the discussion, case study, and legal case brief method. That means we will read the material in the text, study the historical and cultural contexts of law, and apply freedom of expression to specific cases involving the regulation of sex-themed visual imagery (obscenity, pornography & erotica). We will carry out a systematic study of the landmark obscenity decisions of the Supreme Court of the United States, as well as key cases from lower federal courts whose primary focus is sex-themed visual imagery. The aim is to distill
from these cases, the free speech rules and principles applicable to sex-themed visual imagery.

**Course Methods and Grading:**

Student grades shall be derived as follows:

1) **Class Presentation (5% of course grade).**
   Each student will be assigned a partner. Together, both students will prepare and deliver a Power Point presentation on a topic or sub-topic of one of the chapters in the text. Note that this is a visual communication class. Be sure to illustrate your presentation with images. See a few examples in the text.

2) **Mid Term examination: 30% (October 21, 2014).** The midterm examinations will consist of multiple-choice questions, matching items, short answer questions requiring knowledge of speech and sex terminology, laws and regulations.

3) **Term Paper (15%).**
   **Completed paper due: November 18, 2014.**
   Write a five-page term paper on a specific ancient or modern sex-themed issue or topic covered in the textbook or the detailed history and final conclusion of a specific sex-themed controversy or case in the United States, Canada or Europe. For example: the regulation of sex-themed visual imagery in advertising, the law of pornography in South Korea, Thailand or the Middle East. There is also pornography and revenge pornography in social media, art, the Internet, et cetera. You are also free to choose a historical topic, sub-topic, or controversy in the textbook.

**One-page abstract of paper (due October 21st)** Before writing the paper, you are required to choose a topic, research it and write a one-page summary of what your term paper will be about. Your abstract must contain a title, and must indicate what the aim of your paper is going to be. Your paper must focus on speech, sex and freedom of expression issues. I want to see evidence that you have done some preliminary research and that your topic is feasible. You may not
proceed with the paper until your abstract has been approved. This is done to avoid situations where students write term papers that are out of topic.

**Complete paper:** Write a five-page paper, excluding references on the topic that was approved. Note that you are not being asked to write a news story, news feature, a blog, an opinion piece or an editorial. Your assignment is to write a research paper with appropriate citation of sources and a reference or bibliographic page. You are further required to use no less than 3 references of which at least 3 must be printed (books, journal articles, newspapers or magazines of record or their electronic/online versions). The textbook and readings can be included in the bibliography.

**Due: November 18, 2014**

**Writing style:**
All papers must be typed, double-spaced, printed single-sided, and must conform to either the 5th Edition of the APA Publications Manual. Example:

Existentialists (Camus, 2002; Kierkegaard, 2005) believed life is absurd. Einstein (1955) believed in ensoulment while Camus (2002) thought the idea was absurd.

Or

**The Harvard Law Review (Blue book style).** Example:

“Frederick Schauer calls the United States the “recalcitrant outlier” of international human rights, which, he suggests, has made values of health, privacy, safety, civility, respect and dignity subservient to “the paramount constitutional concerns with freedom of speech and freedom of the press.”¹

(Note this is a footnote citation style).

Please note that e-mail submissions are not acceptable. You must turn in a printed copy of the paper on the date it is due. Papers can be turned in early at the instructor's or teaching assistants’ offices.

All term papers should follow the following outline:

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¹ See Frederick Schauer, The Exceptional First Amendment, in MICHAEL IGNATIEFF (ED.) AMERICAN EXCEPTIONALISM AND HUMAN RIGHTS 29, 30, 42 (2005).
1. Descriptive Title (on a separate title page).
2. Introduction (present the topic, state its significance, and define terms.
   What cases/controversy will you be analyzing?
3. Statement of the Research Question (What is the aim or objective of the
   study? What do you intend to do? What is its scope?).
4. Body of paper (analysis). Do what you said you were going to do. Case
   analyses and comparisons come in the body of the paper.
5. Findings/results. If you are doing a comparative study, analyze similarities
   and differences.
6. Conclusion (a recapitulation of what you just did and what you/we can
   learn from the study).

**Grading:** Papers will be graded according to the following criteria:

a. Relevance/significance of paper topic to the subject of the course.

b. Clear statement of the objective of the study.

c. Quality of content & Focus: Analysis of primary sources (cases, statutes,
   etc, rather than secondary sources—what other authors/analysts say about
   these cases).

d. Organization: Clear, captivating introduction, smooth transitions between
   ideas and paragraphs. The analysis is exhaustive, and the conclusion
   presents the writer’s assessment of the issue at hand and has closure.

e. Quality of writing, grammar, usage, punctuation (note possessives and
   noun pronoun agreement) word choice and bibliography.

4). Final Examination: 45%

The final examinations will consist of multiple-choice questions, matching items,
short answer questions requiring knowledge of speech and sex terminology, laws
and regulations. Sample questions will be discussed in class.

5. Attendance and active participation in class discussions: 5%

**Letter grades will be derived as follows:**

92-100% = A
90-91% = A-
89-90 = B+
## COURSE MODULES

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<tr>
<th>Week</th>
<th>Module Number &amp; Topic</th>
<th>Readings/Cases/Themes to be discussed</th>
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<td><strong>1</strong></td>
<td><strong>1. General Introduction to the course:</strong> The Problem of sex-themed visual imagery, cultural attitudes, terminologies of sexual imagery.</td>
<td><strong>Chapter 1:</strong> Introduction, the sex goddess, temple prostitution and the Cig trial in Turkey.</td>
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**Discussion questions:** What was the reason for the Cig trial? What is the scholarly and legal difference between art, erotica and pornography?

| **2.** | **2. Theoretical Approaches:** Definition of terms– speech, sex, sexuality, obscenity, pornography, erotica | **Chapter 2:** The attempt to ban porn in Iceland, sex-themed visual images as regulated representations, Diffusion of Innovations, deterritorialization and reterritorialization, *Eros* and *Agape*. |

**Discussion Questions:** What was the reason for the attempted porn ban in Iceland? What is the meaning of re-presentation? What is diffusion? Why are sex-themed visual images regulated representations? Why were the Lascaux paintings re-presentations of reality? How are adult porn magazines agents of deterritorialization? What is the difference between *Eros* and *Agape*?

| **3.** | **3. Ancient Sex-themed Visual imagery in Babylon.**  
4. Assyria  
5. Egypt  
6. Varuq/Waruq (Persia). | **Chapter 3:** Ancient Sex-themed visual imagery: The narrative relief sculpture of the Uruk/Warka Vase, Cuneiform writing on clay tablets; the Code of Hammurabi; the entwinement of the sexual and the sacred (religious); Hebrew Scriptural views; the narrative of Herodotus, religion as the “mother” of sex-themed art in Mesopotamia; Erotic art in Ancient Egypt. |

**Discussion Questions:** Why was ancient Mesopotamia called the cradle of civilization? Why was the Uruk vase called mankind’s first pornographic representation? What was the first state-owned “mass
medium? Explain why writing was the first technology of governance. Why is it important to study the “innovations of the ancient civilizations?” (p. 38). What is the connection between Hammurabi and the United States? What was the Hebrew/Jewish view of Ancient Near Eastern sexual practices? How did Herodotus, view them? Why is the Warka vase a “memory object?” What was the Turin Erotic papyrus. Why is it important to study these ancient civilizations? (Ricoeur, p. 51).

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<td><strong>Discussion Questions:</strong> What was the “lesbian” controversy? What is the origin of the word “pornography?” How has it evolved over time? What is meant by Greek “frankness about sexuality?” What were symposia? What is the Aphrodite or Venus of Milos? Where is it located? What was temple prostitution?</td>
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<td><strong>Discussion Questions:</strong> How does the Chinese Communist Party view pornography? What was the Taoist philosophy of sexuality? How was ancient Chinese erotic art regulated? What are the modern influences on Chinese policy on sex-themed art? What was the ancient Japanese attitude toward explicit sex-themed art? Why is Japan called “over-sexed and comics crazy?” What are Shunga, Manga and anime? How has Japanese sex-themed culture been balanced with the norms of international law? What was the Yokohama World Congress Against the Sexual Exploitation of Children? Has globalization changed Japan’s regulation of its sex-themed culture?</td>
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<th>6</th>
<th>9. India: Entwinement of the Sacred and the Sensual in Indian art</th>
<th>Chapter 6.: From the Kamasutra to the Khajuraho temple complex. Regulation of Obscenity on the Internet.</th>
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<td><strong>Discussion Questions:</strong> What is the Krishna and the Gopis legend? What is the Kamasutra? What is the Khajuraho temple complex? Why is it important? What is the Devadasi system? How has India reconciled its erotic and ascetic traditions in the age of globalization? How does India regulate pornography on the Internet?</td>
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to the Greco-Roman world.

**Discussion Questions:** What do the following mean?: The Torah, the Septuagint, the Greek New Testament. How did Judeo-Christian sexual morality diffuse to the Greco-Roman world? Where did the concept of “obscenity” originate? What was the role of Emperor Constantine in the diffusion of Judeo-Christian morality in the Greco-Roman empire?

| 8 | 12. Explicit Sex-themed Sexual Imagery during the Roman Empire, |
|   | 13. The Renaissance, and |
|   | 14. The Enlightenment “libertine” philosophers |

**Chapter 8. Pompeii & Herculaneum, the Renaissance, sex and art, the Renaissance, the Reformation, the Counter Reformation and the Council of Trent**

**Discussion Questions:** What was the Renaissance? What was the role of sex-themed art in it? What were the Roman areas of Pompeii and Herculaneum? What are they famous for? What was the Protestant Reformation? How did the Council of Trent affect sex-themed art? What was Kant’s sexual morality? What is the importance of the Enlightenment “libertine philosophers?” What was the role of De la Bretonne in creating the modern meaning of he word “pornography”?

| 9 | 15. American Puritanism and the Regulation |
|   | 17. Sex-themed films as regulated representations. |

**Chapter 9.**

1. “How to read a legal opinion” (Kerr)

**Discussion Questions:** What was the Virgin Mary and the Cow Dung controversy? Who were the Puritans and what was their view of sex? What was the Hicklin test? What was the class-based system of regulation of obscenity in England? To what institution was obscenity law first applied in the United States? What is the link between pornography and technology?

| 10 | 18. *Playboy* as sexual capitalism |
|    | 19. Freudian psychoanalysis and repression. |
|    | 20. Sexual Capitalism and mainstreaming of pornography in America |

**Chapter 10.** Pedagogy of the Repressed: Sexual capitalism and the speech rights of Sex industry professionals.

**Discussion Questions:** is “Sexual capitalism”? What was the sexual revolution? How is *Playboy* magazine the symbol of sexual capitalism? What did Freud mean by repression? What was the main theme
advanced by Marcuse? What do porn professionals mean when they say their work is protected symbolic speech and expressive conduct?

| **Discussion Questions:** What was the issue in the Shaya-Castro controversy? What is the Pickering test? |

| **Discussion Questions:** What is cybersquatting? How have the courts protected the copyright of pornographic magazines? What does the Sex.com case tell us about sexual capitalism? |

| **Discussion Questions:** What do Welbourne’s bare breast stunt and the “Go topless day” tell us about modern feminists? What is the meaning of “negative” and “positive rights”? What is the meaning of repression? Where did the concept originate? How did feminists characterize pornography? What was the issue and outcome of *American Booksellers v. Hudnut*? What is the reasonable limits clause of the Canadian Charter of Rights and Freedoms? |

| 14 | 28. Technological evolution and the problem of pedopornography in France and Europe. 29. Regulation of computer-generated child porn in the United States and France | **Chapter 14.** Regulation of Online Pedopornography in the United States and France. |
| **Discussion Questions:** How did technological developments lead to the re-presentation of the problem of child porn? What is the difference in between France and the U.S. in terms of their approach to child pornography? What is the main international instrument that regulates |
| child porn globally? What does U.S. v. Matthews tell us about journalists and child pornography? How do the U.S. and France view computer-generated child porn? |