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Youth Protection and Internet from a Sociological Point of View

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Youth becomes always then a subject for discussion, when the young people behave obviously differently from the way their parents behaved in their youth. To show that youth as a biological phenomenon is an extended phase of puberty, which basically can only be legally endorsed under consideration of some incalculabilities, is not wrong but does not go far enough. Youth becomes a social fact, as soon as something is communicated as youth. From this viewpoint of view there has not always been youth like that. Historical and sociological research has shown that other societies do not have youth in the sense of a *passage of status*, i.e. a very long phase of transition with its own rights between childhood and adulthood, but only young adults who can for some time every now and then count on tolerance. Modern society, however, will have to accept the third, i.e. youth. Why?

It is a sign of modern society not to be in possession of a norm and value catalogue from which one can derive clear and concise instructions of what to do in every situation. Society, who in the process of enlightenment is no longer able to put knowledge and certainty on a par, has become too confused and complicated for this. Therefore the societal function of youth is for society under the label "youth protection" to inform itself about the secret and also open catalogue of norms and values of society, e.g. that which is really, and sometimes contra factually, valid.

One can also say: under the label "youth protection" a modern society, which is no longer able to commit its personal inventory to a central goal, is supplying itself with fairly consistent expectation stabilisers. Otherwise it would hardly be possible to call the consumption of alcohol unproblematic every day trading and at the same time undesirable. Otherwise it is also hardly possible on the one hand to appreciate freedom of expression and free accessibility of information and on the other hand to exclude certain information from free access under special conditions. Clear bans may in the short term produce a consistent situation, in the long run however they may increase the risk that the norms and values are not even contra factually valid, e.g. when it is realised that the consequences of braking a ban is not as bad as had been feared. It is practically impossible in modern society to act consistently in every case and take note of every ban. It is made more difficult by the fact that many infringements have no direct consequences or if they do they are more likely to be abstract. Consequently there has to be a much greater effort to explain to new society members the function of a ban which is also valid when no one is looking.

This latently valid catalogue of norms and values, which has not been completely safeguarded through highly detailed positive law which is impossible to safeguard against, because the becomes reality for instance in families where young parents, who are professionally totally unprepared, suddenly have to take sole responsibility for children and who in conflict situations only have the memory of their own childhood and youth as moral pattern available. The validity of such value reference is constantly activated by the mass media like the news reports on criminal actions as well as films dealing with psychological and social deviations and transgressions. It is not only parents, but also heads of schools and public prosecutors who cannot simply accept and even welcome or praise in the free-speech-manner the, from their point of view, problematic and even

criminal content of the Internet in the way it is presented to them, because they have to follow not only their own moral position but also that of the functional imperative of the organisation in which they have accepted a position. For them the Internet is no terrain for playful-experimental technical adventures, but a serious part of everyday life.

Everyone is now levelling this morally loaded value catalogue against the suspected threats through the Internet, as long as there are no reliable legal figures available. As for the protection of children from the problematic content of the Internet, we make it easy for ourselves in our sociological thinking: without doubt should children be under the supervision of their parents or the school. It is generally not recommended to leave children on their own to watch television, listen to cassettes with fairy tales or surf on the Internet.[1] If not even this material which has been shown as correct for children can be guaranteed as trauma free - apart from the fact that to become socialised is hardly possible without trauma - it can definitely not be expected or demanded of the social universal medium Internet.

Considering the protection of young people on the other hand so is the situation quite different, because juveniles receive or been granted cognitively and emotionally a far greater degree of autonomy, and should be supported in their exercise of autonomy, especially in handling technical material, to learn evaluating risks.

It should be remembered that for instance nude pictures in the Internet as well as at the newspaper stand are accessible without particular resistance. The threshold of inhibition to give on suspicion into the computer or let a search machine look for Porno, XXX or Sex and then comb through the hits, is surely to be categorised lower than thumbing through a Male Journal in the supermarket.[2] As a special component of the easy accessibility should be underlined the accidentally becoming aware of youth endangering material. Access to porno-videos is, if the offer of erotic films especially for private viewing after midnight is not attractive for the young people, there is in the Internet a form of Webcam-peepshows possible, the payment for which does make it however difficult for the young people as it usually is settled by credit card. It must however be pointed out that it is not difficult for young people to have access to porn videos and especially those with violence (Splatter videos or Japanese Mangas) in a conventional way. A person who does not look sufficiently old enough for adult videos can get hold of them via an older brother of a good friend. Entrance to the cinema is possible for young persons in a multi-screen cinema. They buy a ticket for a film suitable for young people under 18 and after the supporting film of the adult picture, when they doorman has gone, they switch cinemas. A much greater problem do we think therefore is the access to youth endangering material specifically in the Internet in view of extremist writings: the specific search for typical terms

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[1] We have noticed that a great number of scenes in Disney films for children can lead to traumatic experiences in children. In the same way can the reading of fairy tales - think only of Hans and Gretel and Little Red Riding Hood at an early age have problematic effects.

[2] If one is categorising these appearing pictures youth-politically as danger to the young people, then one should recommend that in a widespread information campaign in public journals and newspapers it is pointed out that the producers of such websites the actions of their customers write down in the log file and that they of course evaluate these log files data. Young people (and surely not only these) should know that they are not unobserved, even if they are sitting in front of the computer alone in the room. Especially as after a visit to such a website there is a great risk that in the next few weeks and months a large number of sex-picture offers come by e-mail and with that the risk exists that the parents will find out about this excursion, even if belated.

of extremist vocabularies can easily and quickly lead to inflammatory articles without bounds. On the other hand is this, too, only relative in view of the existence of known book shops with specific offers of political, philosophical or religious publications, which only deepen the extremist ideology of the hate publications, kept deliberately short. In that case we can say: the Internet as the new distributor makes access to problem content in many cases undoubtedly easier, whereas looking at the content no specifically new quality has come about.

Such relatively sobering balance of the danger potential of the Internet, which in our view should be estimated no higher than any other societal infrastructure of this magnitude, is often not shared.[3] Even so, as far as parents, teachers and representatives of state institutions are concerned, does the Internet spread something more worrying. Why is that?

To look at it analytically one has to observe that the danger potential of the Internet does not lie with the medium, because that would be equal to confusing medium and form. As little as one cane blame the medium telephone (or its company) when a murder is planned by using it, or the medium train (or its company) when it transports large numbers of tax embezzlers, in the same way one cannot blame the Internet (or its provider) when socially undesirable and criminal material is spread through the medium Internet. It is not the Internet that is the danger it is the use of it. If, following this, we are nevertheless talking about the dangers and risks of the Internet it is only going to be a shortened speech.

Generally, the concern-creating risk-communications in modern (functionally differentiated) society are on the increase because there is no longer a centre available which will bring order into the whole, only for functionally specialised systems can this be expected. Niklas Luhman, a german sociologist, writes as follows:

> "Der damit [mit der *funktionalen Differenzierung*, M.R.] gesamtgesellschaftlich ansteigende Irritationskoeffizient spiegelt die gleichzeitige Zunahme von wechselseitigen Abhängigkeiten und Unabhängigkeiten. Die daraus folgende Unübersichtlichkeit schließt es praktisch aus, in den Beziehungen zwischen den Systemen mögliche Veränderungen und ihre Auswirkungen durchzukalkulieren. Folglich spielen sich Vereinfachungen ein. Die vielleicht wichtigste besteht in Appellen und Schuldzuweisungen, die die Selbstbeschreibung der Adressaten nicht in Rechnung stellen." (Luhmann 1997: 763)[4]

The reason why the endangering potential of the Internet is thought of as being very high (and not without reason) by the masses is because this medium provides generally more societal imponderables and possibly reactivates conflicts which had already been

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[3] In comparison one only has to think of the socially accepted dangers in traffic. Our opinion to classify the general importance of the Internet for the functioning of modern society as no less than that of traffic.

[4] "The rise of the irritation coefficient in society as a whole mirrors the simultaneous increase of interdependence and independence. The unclear conditions which follow from this exclude practically any possibility to calculate the changes and effects a relationship between the systems might have. Consequently simplifications are brought in. Perhaps the most important consists of appeals and apportioning of guilt, which does not calculate the self description of the addressee."(Luhmann 1997: 763)

laid to rest. The rather vague and confused worries which all apply to the paradox of the simultaneous state of independence and non-independence, are fought by transferring them on to new areas of conflict, which is very suitable for the young as they are already very good in handling the new technology and are anyway in the process of dealing with this paradox. Looking at it from a sociological point of view we have our doubts whether it really refers to the youth. Perhaps they are made the ones to suffer for the fact that on the basis of the Internet use many general changes are being announced which concern every member of society. These general developments of society can be shown especially clearly in two aspects, using youth protection as example:

- The contact with the Internet exceeds the communicative structure of family and organization, but it intrudes so to speak into its territory by means of the PC. Other dangers to these territories which have been set in motion partly through giving young people legally autonomy and most of all that they can decide for themselves what to do with money, have in the meantime been domesticated. To say it differently: We may already assume that young people know how to handle money and are aware that painful contracts have to be met. In the meantime also the rules for the consumption of radio and television have been found. But it has to be proven that young people can also basically handle the risks of the Internet. The same is valid for the adults.

- What is more the controlled risks for young people of using the Internet may possibly be re-actualised, because the socially available forms of communication in the universal medium Internet makes a radical response. It is possible without much effort to buy shares directly in the Internet from the PC at home as well as possibly start a risky political campaign or have a discussion with a renowned scientist. Even as a young person. But one can of course just as easily become the victim of a missionaries or criminals. With the Internet one is directly connected to anything in society. In the Internet one feels the full communicative force of societies anything goes.

- They are the large technical communication systems like the Internet, which are to industrialise those in society who until now have not been industrialised (compare Rost 1996), the cosy ones, one could say, who have been disembedded of time and space (compare Giddens 1996).

  The full industrialisation, which still has to be dealt with, replaces the traditional media of dissemination paper, radio and television with a (self-)operating dimension of the technical symbol processing. The changes in the communication medium changes the form of interaction (compare Rost 1998). The standard contact with other people does not primarily move over the traditional difference known/unknown person in direct observance of interaction, but demands a much higher differentiated solution of the mutual taxation and the contact which follows. We would like to call this modern modus of standardised contact, which historically was first formed in the towns (compare Simmel 1984) and is today universalised by the Internet, trust without confidence.[5] To reach this mode of contact, when one

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[5] As pedestrian one trusts for instance the driver of a car to stop when the light is red, without having to thank him personally and post haste become his friend.

no longer runs away from a stranger, but first of all trusts him without giving him your confidence, seen historically, makes great demands on the socialisation performance of (not only) the young people.[6]

These two aspects, i.e. the Internet as a media for social communication where people meet each other in the medium as well as operate as an activate machine, which becomes as obstinately creative recognisable (compare Esposito 1993; Rost 1997), lead to the computer and Internet being either raised too high as "wishing machine" (compare Turkle 1986) or diabolized as "dangerous machine". The Internet functions in this double sense as a powerfully effective catalyst of a once again pointed radicalisation of modern times. That is why everywhere there is felt enormous pressure for action, which is challenging now especially instruments of the youth protection.

The formal control strategy of youth protection is to safeguard the young(er) generation from damaging and disturbing influences or at least shield them. The aim is genuinely pedagogical and is derived from an understanding of young people, formulated in the Federal Republic in the 60s and beginning of the 70s, and which has basically not changed to this day.

It was noticed that the institutional basis of youth protection was built on out of date ideas, as far as the conditions for socialisation of young people was concerned (compare Flitner 1965). It was not queried that youth took up a special position in contrast to the adult-world and consequently are in need of special protection. On the contrary it was remarked that the danger for youth was the result of a long term deficit in the upbringing and did not any longer consist of chance events in the life-story of the person (compare Dritter Jugendbericht 1972). This was not used as an argument against youth protection, but was supposed to draw attention to the fact that youth protection with its partial effect would not be able to stop long term developments. On the contrary, with youth protection the worst of the serious shortcomings were supposed to be kept under control and the adults as addressees for youth protection held responsible. This criticism was supported in The Rights of the Child- and Young person in so far as it formulated in 14 of the original youth protection order that with suitable measures the power of resistance and responsibility for their own action should be strengthened in young people.

The debate of the 60s and 70s, which reached into the 90s, was held far on the horizon of the nation-state. This situation has however changed towards the end of the 20th century. Now youth protection in the Internet has to be analysed in the context of world society. On this we base the necessity to present the following three important patterns of differentiation of world society, which are at the same time functioning as sociological guide distinctions?

(a) *Segmented more sensitive differentiation* referring to families, tribes, clans, and ethnic groups, formulated in general terms: which supports simple forms of interaction. (b) *stratified hierarchical fine differentiation* in special context of organizational units like nation-states, institutions and companies and (c) *functional, fine differentiation* which has developed world-wide large functional systems beyond the borders of nation-states: economy, science, law and politics.

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[6]Incidentally this contact mode which is intended for cooperation can achieve its optimum in play-theory (compare Axelrod 1984). One may be able to see in that evidence of the continuing process of civilisation.

Our idea is to formulate a nationally sanctioned protection of young people for the Internet, which should have the ability to be connected to society world wide. Requirement should be pedagogical structuring, i.e. taking into account the worries of parents, headmasters and judges in juvenile courts in reference to the transported criminal content. These worries are neither simple to negate nor are they simple to accept. Looking beyond these worries one has to observe further that under the label Youth protection unintentionally processes of violation of a civic right may be set in motion, i.e. in connection with data protection, the right of anonymity, the private sphere and freedom of expression.

2 Sociological background

In order to look at the situation more closely, we shall give a short sociological background. We clarify the basal sociological main differences of interaction, organization and social systems, to be precise the segmented, stratified and functionally differentiated social system. We must not assume that these sociological leading differences count as part of general knowledge. After that we discuss very briefly concepts of youth using the Leitunterscheidungen. With this we shall show that the concept of youth, predominant today, seen from the aspect of youth protection is a product of a stratified structure of society. This is not surprising as this concept corresponds functionally consistently with the predominant view of families and administrations. But, from this view, youth protection reflecting modern times must not get involved in this alone. On this identified theoretical basis one can pose the question how the concept of youth in modern functionally differentiated society has changed and what role in this situation can be trusted to be given the content filter, if explained as a simple entrance ban. From a sociological perspective our answer will be: *The installation of content filters are unavoidable, even if they are not functioning technically perfectly and are causing legal and political conflicts.*

2.1 Interaction, organization and society

Social systems come into being when at least two people become aware of each other. An emergent order is formed, without the possibility for the participant to refer back to a pre-established most likely present certainty in themselves, the other or the third instance. This chaotic constellation, in which sudden organizing obstinate communications appear, is called by sociologists *double contingency*. The way in which communications are joined together, decides the form of the social system which gives form to the communications, so that it becomes possible to form a synthesis out of understanding, communication and information. The sociological-systematic theory approach, which we use here, has as its basis an order-from-noise concept, according to which paradoxes, avoided by conventional logicians, are being taken advantage of as creative structure organisers - and that applies to the theoretically started observation as well as practically to the formation/coming into being of the social system. Theories are considered, to formulate it pompously, as paradoxically drawn-up traps themselves, in which the paradoxes are caught.

Sociologically three different forms of social systems can be distinguished: interaction systems, organisation systems and societal sub-systems. (Luhman 1997: 812ff)

An interaction system emerges, when people come face-to-face to each other and this meeting has not been arranged by an organization or by paying at the cash desk or the consideration of a traffic-light. When a society primarily reproduces itself through such simple interaction connections, one calls this a primary *segmented-differentiated society*. In a *segmented-differentiated society*, one talks traditionally of a *clan (tribal)* society, are all part-systems principally divided into equal parts. Speech serves as form of communication. The position of the people is firmly ascribed in the social order. Analogised to to-days circumstances we classify the family structures, clans, ethnic groups and also the peer-groups sociologically as mainly segmented-differentiated, as far as this form of structure can be maintained in a functional fine differentiated environment. In a family demands for full control are made over the charges and as a rule, in the sense of the familys conception of itself in keeping together, in case of conflict overwhelmingly morally secured.

Organizations too are a form of association with double contingency, where the participants do not first of all act according to their wishes per chance according to the situation, but have to make their action and communication dependent of the membership of the organization, or have to leave or be dismissed. If a society differentiates itself primarily over an organization, then one can call this a stratified society. Stratification is present where a society without differences in status is inconceivable. Stratification depends on accepted differences in wealth, the upper class is relatively small and can hold their ground without special effort. All highly cultured societies have been aristocratic societies with the script-culture. We classify to-days structures of institutions in society, i.e. in the area of education (schools, training posts, universities), organised meetings of young people, youth employment or social office, youth associations etc., but also administrations and government offices sociologically as primary stratified-differentiated. They too demand regulations, which are however only valid when specifically intensified and not primarily about morals, but are legitimised in a functional differentiated environment with positive legal norms.

Social sub-systems are a further form of association which has double contingency. Symbolically generalised communication media are here available to the participants, who arrange the continuation of their communication in their own special way. Symbolically generalised communication media are possession/money, power/ rights, love, and truth/values (Luhmann 1997: 336), the use of which social systems like the economic system, political system and the science system reproduce. Communication media do not regulate free floating meetings and nor actions which are organised for members, but situations where the participants are confronted by sharply intensified decisions which are connected to the communication media: pay or not to pay, power or no power, true or false. These systems arose when communications became intensified in their function, as one could see for instance in the position European science and politics took towards religion in the 16th century.[7] The same is valid for the separation of economy and politics,

[7]To give only one example: First of all questions concerning economy were moving on the horizon of religion - which interest will please God and which economy makes sense where religion is concerned - and a debate started in the 16th century questioning the economic consequences of interest, or generally the

of politics and science. Having property does not, in modern society, give the person the right to formulate generalised truths. This functional differentiated specialisation, which typically is taken as theme of modernisation and secularisation, does not of course get accepted everywhere in the world. It is also dependent on communication, not only speech and writing but even more on the distribution media of mass communication, the development of which started with printing and has been universalised with the Internet. We classify the primarily effective social structures, to which individuals see themselves exposed, - and which can no longer only be caught as an economically determined class - as functionally differentiated. Here it is determined which form of communication connects specifically and which does not.

The social participation of individuals is today no longer realised through segmented family descent, through stratified position or class, but through legally recoverable legal claims, through access to money, through enlightened, scientifically substantiated knowledge, through access to socially adequate communication media. A social full participation is only possible through these generalised media, which are kept technically and cognitively very simple to handle. (Even from the view of the individual it is always a matter of binary intensified situations of decision: either one pays or one does not pay, either one is right or one is not, either one is able to make contact with a certain net-address or not).

3 Youth sociologically

Youth is created when people are observed as young persons. This presupposes first of all an expansion of time in the form of a young-person-phase with as exclusive identified circumstances. And secondly is an image of transition from a dependent child to an independent adult connected with it, in which young people have only limited accountability.

In primarily segmented differentiated conditions youth cannot be found in that sense, because although this form of stratification knows age differences, it is at the same time not able to classify age differences in the stratification mode. Consequently, this social formation only knows initiation rites, which in a short time-span regulate the transition from child to adult without going through the youth-phase. In the lower strata of a primary stratified differentiated society a youth-less form can still be found. It corresponds with a modest conception of the adult. The reverse is: the more demanding the adult role-set is, the more extended is the youth-phase. The completely reciprocal character of the communication, segmented through structured differentiation, cannot be put on a par with the concept of youth as a special phase. Children are subjected to hard selection regarding later adulthood, then subjected to initiation rites (i.e. a test) and finally as completely responsible members of society declared. They reach a social position and keep this until the end of their life or until they are banned or sent into exile. A change in the social position is not anticipated during the time-span - and consequently no youth. Such societies without youth are today found in segmented differentiated sub-societies: Sinte and Romany as well as parts of Turkish and Greek society.

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economic consequences of *economy*. For a long time there was massive resistance from the Church, e.g. through a ban on interest (compare Tawney 1969).

Youth emerges when the stratified (stratifikatorisch) differentiation is developed, that means when the absolute reciprocity in the structuring of society brakes down. With the stratified differentiation different adult roles emerge which cumulate to definite sets of expectation. These sets of expectations were understood by classical sociology of youth in analogy for class trata to make different claims and demands (compare Mannheim 1929). These claims and demands on adult roles induce a youth phase as transition to these different role-sets which varies in length. Aristocratic youth is long, because languages, court etiquette, exercises in virtuosity, how to deal with unlimited available time, have to be learnt at great expense. Youth of farmers is short as the role-sets are not as demanding as for the aristocracy, but market and educational virtues have to be passed on, and so are house etiquette, table manners etc. Youth of the working class is short; a quick kick over the traces which is replaced by long-lasting, discipline demanding work in the factory.

The connection of stratification differentiation and youth becomes clear in the beginnings of the science of youth in the early 19th century - youth on the basis of dangerous working-class boys, violin playing daughter of a middle-class family, etc. - until the start of youth-sociology in the 20s of the 20th century. The problem of the generations is there tackled as analogous to the problem of the social classes, even though this beginning does not say anything for the concrete structure forming of youth. On the contrary, much space is left open for different youth concepts in the frame-work of stratification differentiation. In that sense in the German speaking area a youth concept has established itself which is named "status-passage" (compare Schelsky 1957; Hurrelmann 1994). This concept comprises youth as a passage from childhood to a socially established role of adulthood. Connected to that is a youth-concept which looks on the youth-phase as transition and protective sphere, as a phase of self-discovery and self-testing, as socialisation and preparation for the tasks of being an adult. This concept of status-passage involves that one understands youth as a phase of life which requires special protection from the family as well as state institutions.

In English speaking areas youth is thought of as an independent phase of life. In the different transitions from the particularistic and obstinate value-optimising family to the universalistic world of the adult role a structural contradiction occurs. Here peer-groups achieve the development of unfamiliar dispositions, which make the connection to the adult world possible. In this context Youth and youth culture is understood as a largely autonomous sphere, in which young people mostly follow their peers as models rather than adults. This happened at the same time as the advent of pop-culture in the USA and in Britain. In southern Europe on the other hand only rudimentary performances for young people developed. Youth is mostly spent within the horizon of the family and is only completed when young people leave their family to start their own household, which for men can be as late as their mid/late 20s. Here the very effective (powerful, strong) reference of the Roman Catholic Church can be estimated on the youth-concept. Generally it can be said that the development of youth-concepts is still very much dependent on the self-conception of the adult world. For the parents to be able to take youth as a theme the repertoire of behaviour has to be sufficiently demarcated and clarified. It is typical that adults have the fear that young people become "the wrong kind of adults, if they continue this way. Growing up is no longer what it used to be." (Clausen 1976: 34). Youth is functioning in this horizon. To create an idea of what youth is, a sufficiently well defined stratified differentiated and demanding concept of the role of adults is first of all

necessary and then an insight into the differently developed powers of organization.

In the primary functionally differentiated society, in which we would like to include especially todays western national states, this primacy of the stratified differentiation is relativized, that is to say not simply "got rid off" but substituted by a further, specialised structure of expectation. This has immediate consequences for the concept of youth. If it is no longer guaranteed that societal reproduction is via the organised role-set of the adults (i.e. class-differences), then the area of transition, in which the youth concept was first formed, will also be weakened and fade. At the same time the debate, in which the field youth is charged with more than complex demands, on youth is getting stronger. If the role-sets of the adults get blurred because they are no longer separated by clearly recognisable class-differences, then too much may easily be expected of youth on the many possible transitions. This means that youth becomes a lifetimes burden zone in which all possible things have a right of disposal. The wonderful time of youth, once much acclaimed by the adults, now becomes an acknowledgement by the adults towards the young people that they are glad not to have to through this anymore. To add to this youth becomes some kind of projection screen for the personal as well as societal future, on to which a society is projecting all its worries and fears as well as its hopes and dreams for a better world. Youth becomes subjected to very high uncertainty (contingency). The result: this high uncertainty makes the demands for special protection for the young people even more urgent and shortens at the same time the distance single protection measures, developed in the traditional segmented (family) or stratified (organizations) context, can reach (compare Herrmann 1995).

In the primary stratified differentiated society are the expectations, which young people have to work off, dependent on the role-set of the adults and in consequence society reproduces itself via these sets. It was unusual when the son of a farmer of fisherman did not grow up to be a farmer or fisherman. The situation is however different in the primary functional differentiated society. The expectations, which young people have to work off, are not only set by the parents wishes, who themselves had them handed on from society, but very directly from the imperative functional system. For them too as individuals it is relevant what formal legally recoverable rights they have, whether their arguments count in a dispute and how much money do they have at their disposal. And it is not at all self evident, that one can expect young people to keep book on a small scale, when this form of accountability for oneself only became a mass-phenomena in the course of the Protestant ethic (compare Weber 1976). This means that under the regime of the functional systems a transitional or test period is even more important than in the older systems. But functionally no such transition has been provided and the old claims are still there. To formulate it slightly differently, one cannot prepare for functional differentiation with the module of stratified society. And at the same time a modern functional differentiated society needs more preparation, because she is in many ways much more demanding than a less complex differentiated society.

Youth become an object not only for law suits and marketing strategies, but also for science. And this from the moment when the every day field youth from the parents view point gets blurred because of the discussed changes in the form of the differentiation. If youth is being discussed in stratified context under the aspect of resistance and adaptation, i.e. in the form of rebellion, then it is the difference between perturbation and adaptation which is in the foreground and which we shall call in a general sense *individualisation*.

With reference to youth this concept is more and something different than only rebellion against role-sets which have been brought forward and are contradictory, and also includes the aversion to functionally separated competence against which rebellion is not even possible. The avoidance of content filters is in this sense no act of rebellion even if parents and teachers like to call it that, but rather competence training in deciding for oneself how to deal with the modern communication medium Internet. Parents, headmasters and representatives of state-run institutions have to consider that young people, who have possibly been identified as problematic by their guardians, actively search for content which will suit their interest and that they are as a rule not simply passive victims of the medium Internet (or their user). Young people shape their own culture, even with the help of the Internet. A suitable youth protection policy has to take this into consideration.

Youth protection policy has a long tradition in Germany. In Prussia child and youth work was already regulated in 1832. But not until the beginning of the 80s of this century became youth media protection a subject for discussion as part of youth policy. In the normative centre of youth protection is still the idea that one has to counteract the threats to young people in modern society wherever the influence of the family cannot reach. It is self evident that youth protection is part of the function of upbringing and in this operates in the asymmetric difference of selection and motivation. Traditionally the selective part of youth protection is made up of bans which relate to places dangerous for young people, alcoholic beverages, public dance events, film events, picture carriers, gambling-halls. These bans are very extensively regulated in the Law for the protection of young people in public and they try, as mentioned, to make valid the latent value-canon of society in the Federal Republic. How double edged this type of ban has become in the meantime, to warrant adoption, can be observed in the media context: bans generally generate an impulse to get involved in the very thing that is banned. Politically formulated: by making the swastika strictly taboo (= adaptation constraint) the swastika becomes interesting for young people, to shock (perturbation effect) the adults, and not only parents and teachers, but society so to speak - whatever one understands by society. It is the adults who interpret such action as political intention. Some may rememberin the 60s red flags and red stars were highest on the list of taboos.[8]

At present youth protection extends beyond the classical form of the simple ban in its practical use by strengthening the motivational side of support for learning and development for young people, as it is formulated especially in the child and youth support law. But this is valid: looked at from the meaning of youth protection it is impossible, in relation to upbringing, to overstep a primacy in the level of interaction. If youth protection looks in this way on the competence of interaction it will not understand the Internet medium fully and consequently will react in an unnecessarily restrictive way.

Young people today have to be able to deal with a complex structure of demands. The work sphere is traditionally coded and concretely occupied by adults. Yes, it is generally the working sphere which decides the status of having reached adulthood. The latent continuously excessive demands on youth will in our opinion lead them to creating their own reference structure. Youth will start to go their own way in the cultural framework of

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[8]Of course this is no game. On the contrary, young people pick up fundamental patterns in this context from the field surrounding the taboo. In that way the new-right swastika followers adapt the body-centred vitality and the peoples pathos of the national-socialists and those of 68 take over the hypostatic working approach and working class pathos.

society and start to completely differentiate this. As evidence for this we regard the emergence of the pop-culture in the 60s, especially in the USA and England, which developed into the world-wide culture of crackers and hackers (compare Eckert et al. 1991).

Modern youth is consequently no longer to be seen as a transition phase, but is more correctly to be understood as a phase of stepping into another form of existence, an independent aim in life. Young people do not only create their own interests, as for instance in their contact with the Internet, but they also practice a changed value structure. With this a cultural framework is created which possibly transforms the former youth culture into a young culture (Schulze 1992: 368ff). And it is conceivable that this change in culture - as once the working paradigm - will spread to all areas of life.[9]

Whether this development has fully taken in Germany and the level of the anglocentric area been reached cannot be regarded as certain. We have to record the fact that in Germany there are a number of established, special youth-institutions merely in the field of education and training, which are bound to traditional (work-) values and norms and are quite effectively opposing this development (e.g. Jugendaufbauwerk, Berufsbildungswerk, Youth organizations (of the workers welfare association, church related welfare and social work, welfare organizations)). Even so: the old fear that youth has become dangerous because it is not just the traditional rebellion which will disappear after a time. It is possible that the ties between the generations have somehow been broken.

The older generations are today hopelessly overtaxed to be able to offer the young clear expectation structures which could somehow be called modern. If a society communicates in the medium of youth about the secret catalogue of values, it means at the same time the contrary, that society in its normative frame-work has been made insecure in the medium of youth. More recently it has been pointed out that youth in this sense is functioning as a seismograph in the political development (compare Hurrelmann 1992). It is impossible to be committed to a central value-catalogue, and yet it cannot simply be abandoned despite the contradictions.[10]

It is evident that the problem formulation and answers of classical youth protection - not only in connection with the application of content-filters - can hardly be transferred to youth in modern society. We would like to point out that the range of such regulations, like the one for the "law for the protection of young people in public" and connected proceedings, has to be estimated as low as never before, which should, however, not be enough reason for dropping them. On the contrary: it is essential to offer young people clear structures of expectation, so that they can come up against them and give them serious thought. This is about explaining the actually present, normative meaning of society, and this in the clear awareness that these meanings can only in a small part in direct interaction, that is through direct social control, be stabilised. The functional-differentiated society is in other words dependent on the fact, that the transition from "outside control to self control" (compare Elias 1976) has to take place already early in the youth-phase.

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[9]For this information we thank Torsten Boehm. For further constructive critique we would also like to thank Michael Schack.

[10]In this situation - and this only as an incidental remark - the promise of the adults, that youth will only then reach maturity, when they are traditionally ready to be gainfully employed, cannot be expected socio-politically to have an attractive, motivating effect on the young people.

In our opinion the important thing is not whether, in connection to the Internet, to ban access to certain content or to give completely free access without fuss, but to explain modern structures of expectation in such a way, that they first of all explain their normative content themselves and secondly make it possible for further structures to be formed. It is not possible to formulate these credits more specifically. The traditional solutions of to ban or not to ban have in any case each a similar effect: it is not fair on the young people, because it overtaxes them. A ban which is pinned too high may increase the probability that an external criminal network is generated, which operates against the value consensus of the Republic; with corresponding prospects of promotion for the young person, the adaptation is then secured in a negative career.[11] A complete release from the question for youth protection in the Internet would mean totally dispensing with the formulation of normative contents and overtax the young people by withholding just these normative contents, leaving them alone with a complex selection problem.

4 Risky strategies of using content-filters

How risks in the infrastructure are handled in modern society can be shown with different technical examples. Although it is known that from time to time a crime is being planned by telephone, it is only after a judicial decree that a personally ascribed call can be filtered.[12] Even though it is known that the post office conveys pornographic and extremist material, only mail in accredited areas of security (e.g. prison) are filtered. Even though it is known that organised crime is also motorised , no filter places are installed on the motorways in the Federal Republic. Road blocks and large-scale searches have to suffice in special circumstances, after the crime has been committed. Important is in these examples that they show that in no event strategies exist for perfect, impassable seals, but that differentiated operationalizations are driven onto a risk basis.

By the, up to now, undefined concept "Content-Filter" we understand a technical ensemble which on one hand consists of a catalogue of reference values as well as an operative unit. Technically these references are placed in a data bank and a scanner programme, which reads in the text lines to be checked - these can be text from web-pages or Internet addresses, and it also recognises picture patterns - then produces them for comparison. The word content is here supposed to mark the difference to the purely formal-technically designed filter systems (e.g. firewall) which do not need editorial care.

That such filters can be used definitely effectively is a well founded experience as for instance in the Web-Washer (suppression of advertising material from websites) and Spam-filter (filtering out advertising e-mail). The insertion of such filters is not only a technical question, but also a political one, whatever the technical realisation looks like. That is why we have to in a short form to approach some typical filter strategies from a sociological perspective.

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[11] One can think here for example of well organised exchange rings for cracked software in the school yard with powerful pupils, who because of their activity have far more money at their disposal than their fellow pupils.

[12] Whereby this control based on the rule of law is through secret service activities in the framework of the Echolon-project at least in the international framework evaded (compare Ruhmann/Schulzki-Haddouti 1998; Martens 1999).

In unclear situations which in relation to the Internet can hardly have cooled down by experience, the rigid reference belongs to its own system - be it the family, be it the school or administration - to the first of all nearest lying strategies of the complexity reduction of those, who have taken on responsibility for others. One reacts to threats in segmented context by sealing off, stratified by combating and bans, modern functional by operationalised transformation of unspecified dangers in calculable risks (compare Luhman 1991).

In other words: the obvious thing would be, risk avers not to permit Internet on the PC at home or in school. Such fundamentalist defence strategies with limited effect could have been possible until 1995/96 (as selection strategy on the hardware level) without any particular legitimacy pressure on the decision makers. That however changed quickly in the way society reflected in breadth on the chances of this medium and especially when www-addresses were flashed on the screen during the news-broadcasts on television. Parents as well as heads of schools became aware of the risk if they were to keep their charges away from modern technical development - especially as they were the ones (and partly still are) who tried to cover up their deficient knowledge of computer and Internet with simulated threadbare critique. An Internet connection had to be made, with which one put off the problem of unwanted content: from the level of hardware of the Internet connection, which had been made in the meantime, one level up to the one of protocol (compare with the 3-layers-model in Rost/ Schack 1995: 40ff). Whereas with parents it most likely was the cost argument which at first was predominant, why they did not give the young people free/unobserved access to the Internet, teachers/Heads of schools saw themselves forced to give access only by employing filters.

Which filter-strategies can be followed in this situation?

- First of all it is possible to draw up the already mentioned black-list/white-list one-self or one can buy them, on the basis of which certain contents of the Internet can be checked and, if necessary, closed. Instead of aiming directly at the content, a scanner can on the protocol level recognise certain server addresses using the black-list/white-list and stop the access. Or a compulsory proxy, that is a certain way into the Internet, can be prescribed. Apart from the fact that it is easy to circumvent these lists and filters, the question arises which authority has the power of decree over these black-lists/white-lists: in whose hand lies the decision as to which content shall remain outside and how this can be technically arranged, especially as such lists can practically never be complete? Traditionally family and state see themselves challenged in this respect, we also see here a niche for the creation of a new service.

- On the cable level, filter effect could be achieved if only certain providers were to be passed or recommended for young people to log into the Internet. That too is a political issue: either the providers have got themselves an image of respectability and appearing family friendly. Or a trustworthy institution has given them an appropriate quality seal. It is conceivable and also realistic that providers have to undergo a state registration procedure.

- Desired filter effects are certainly going to be created as soon as electronic money and in particular identifications systems (e.g. card reader in the PC or via a bio-

metric procedure (analysis of the retina, the thumb, the face etc.)) have spread to the PC at home. With identification procedures it would be possible to identify the user before entry into certain discussion forums or even web content. Nevertheless, reliably functioning identification systems increase at the same time the danger for young people by the fact that they are only then really clearly recognised. This danger which can go out from the Internet through the use by children and young people is in our opinion then also the greatest. The modern "bad Uncle" is no longer recognised by the fact that he promises more sweets. A young person is attracted to those adults who pretend to understand him differently than his parents, takes him seriously in his worries or his political, philosophical or erotic views. Electronic money can have a filter effect as certain contents of the Internet simply go beyond the budget of the young people. Moreover, financial transactions are put into protocol, so that parents and schools at least get a rough idea of the dealings of the young people.

- Apart from the immediate use of content filters it could be considered to threaten with its use. Such filters with a time limit operate with the difference self restriction/threat. Interesting with filters used with a time limit are an important shift in the causal attribution of the entry ban: it is no longer the one who imposes the ban (parents, teachers, state) who is causal, but the one who offers the content. It is sociologically supported that the threat (in this case with filters) makes a stronger impression than its execution, because the threat can filter damaging events without already provoking the negative consequences of the implementation. The point therefore is, to keep a convincing filter instrumentation in readiness and at the same time refrain from long-term use.

- Besides this classical method of threat and control through a third instance we think that a procedure of taking responsibility oneself as a concept - including time limit and recording of actions - is the most sensible. The procedure of taking responsibility corresponds in view of the risk-acceptance with simultaneous legal intervention best with modern demands. According to this everyone who wants to put something on the net is under an obligation to score his/her own content suitably, i.e. to turn it into a header.[13] Then it is only a question of technical detail, whether the scanner, with the connect and shortly before issue of a webpage, is set on the header or whether these headers move comfortingly straight into the protocol.[14] Legally there should be no problem to prosecute those who do not put their own contents in a suitable header so that content-scanners cannot react correctly. Here a separate service area specialising in the correct forming of a header for the net-content could be created and which would also take responsibility for the correct header.[15] An international header-index should be created, which in addition would be com-

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[13]This type of self-classification is already being practised by authors who insert Meta-tags in their top web-page so that the search-machine can index these pages semantically correctly and place them as far forward as possible in the hit-list. The same applies to the keyword line in the header of news-group articles, which, however, does not get used very often.

[14]Technically it would possibly make sense if the content-scanner were universally realized at protocol-level, for instance in order to watch over bidirectional IRC and ICQ interaction.

[15]This function would, however, have to be separated from the function of the Internet-provider, one level lower as the instance, who is merely responsible for the correct delivery of data-parcels.

plemented with national titles. However, here are a whole row of detail problems (e.g. update cycles, formal consistency demands etc.) needing to be solved, which we do not have to discuss here.

In effect at the moment a whole mass of different filters are being created. EDP-representatives of schools and libraries see themselves obliged to install Internet filters or scoring-programmes on the PCs in their sphere of influence. With a little delay the parents will follow. A whole row of institutions is filtering in this way certain contents, because they are offering specially aligned contents on their websites (i.e. keep other contents specifically outside): churches, political parties, trade unions, welfare organizations, software houses, state institutions. Even more important than these, we think, is the influence of websites of youth journals like those of the pop-bands. These receive much more attention and can in case of transgression be regulated additionally through economic sanctions.

These filter-authorities mentioned filter more finely, flexibly and lastly more economically than it is possible for a Federal Test Centre for youth-endangering publications. It has to be added that the Federal Test Centre is creating its own paradox where published material is concerned, by passing indicated materials (blacklists) to interested young people for specific investigations. This problem exists of course for all blacklist procedures, and it cannot be avoided by keeping these lists secret. The same problem is valid inversely for whitelists, because they contain the material which is not indicated. It would make sense to create an institution for observation of the Internet with reference to youth protection. In that way one could guarantee that information on the extent and trends of youth endangering materials in the Internet could be obtained if required. It is not absolutely necessary that this has to be an action by the state, because it could well be that self-help groups of parents get organized, who besides their observations also have their webpages to recommend, which they are taking care of editorially.

We assume that those installing such filters, be it the parents, EDP or youth protection agent of the organizations who in their own limited competence evaluate the efficiency of the filter programmes - and judged accordingly, the filter effect is in their opinion generally sufficient. Seriously one should, however, not expect too much of the above mentioned procedures with a view of a really secure filter effect. Not only is the functioning of the filter technically insufficient and in legal-political terms problematic, but also quite often paradoxical.[16]

A technically effective functioning filter-system can only be realized via a virtual sub-net, which is either keeping contact with the Internet on no level (i.e. neither cable, protocol, nor user level) or where very strong restrictions are imposed on crossing into the Internet and all contents are controlled centrally. This is for instance the case in some big firm's

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[16]How paradoxically these filters can be used was shown for instance concretely by the publication of the Lewinsky reports of the Republican Kenneth Starr in the Internet. This report could quite often not be reached in the USA because of a political initiative, mostly by Republicans, who had been supporting the use of content filters in public institutions. The Lewinsky report got stuck in the filter as pornographic material.. Content filters are also used in public libraries in the US State of Utah, which makes it impossible for Mormons to access either Shakespeare or the Bible (compare http://censorware.org/press/press_03-23-99.html)

Intranets. But such sub-nets usually lack the link to the realities, with which the net-user has to deal on a daily basis. As this link and with that the immediate usefulness are missing, participation in such an Intranet is damaging to the time balance and makes holes into the attention-budget of the participants - the Intranet is then either ignored, nobody is really using it, or, in view of those who have set up this Intranet, perverted by finding work-arounds with which it could be possible to get hold of the Internet.[17]

Filters, which are not realized by a sub-net with central navigation, offer in concept little resistance when the interest in circumvention is high. Because they cannot be lawfully and consistently bound-in world wide. In the world wide operating Internet there can always be found a server who will offer a loophole, and even if it is only because this server is insufficiently configured. We can see that dealing with the Internet shows the same phenomena as dealing with the uncontrollable world economy or the need for world legislation /world police to intervene in cases of intranational conflicts, where human rights had been violated. This shows mercilessly and irrevocably that nations have arrived in a global society. The Internet generates in this all those conflicts which have to be mastered in supranational, global societal frame. To work on them from the aspect of "youth protection" may at first seem obvious with good reason, but is not sufficient.

5   The relation of youth protection and citizens protection

In the previous chapter we have mentioned in short the technical possibilities to control the content without showing the problems for citizens caused by third party control. We shall amend this.

The reason why the Internet is especially efficient in communication is because it permits a quasi-space-less, purely interest guided meeting of people. But exactly this ability increases the risk, that false people come to meet and to avoid these risks the state has to watch over bi-directional communications. In abstract terms: the Internet presents risks for the user when there is either too much or too little anonymity. Too much anonymity can mean that crimes cannot be attribute to culprits who can be bodily apprehend. Too little anonymity can mean that precise data relating to people, which become available automatically, can be open to misuse.[18] One can measure to what extent we are dealing with a state founded on civil rights laws by the way this state is dealing with the balancing act between too much and too little anonymity. One can measure how far parents really understand their young as autonomous persons by the familier way they deal with the balancing act.

Especially in the functionally differentiated areas is society to a very high degree relying on secure anonymity: e.g. when making payments (Money outside the Internet functions without administrative overheads perfectly memory-free, no traces are left), at the secret ballot, in the assessment of the publishing value of submitted scientific essays. In the same

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[17]In China it seems that one is trying to install a national Intranet-Internet, with very few well controlled crossings into the World Internet. In reality this traditional protectionism does not function very well.

[18]The palette of misuse reaches here from the person who maintains a website, who through exploitation of log data markets his products by e-mail to potential customers, right up to political regimes who systematically spy on and torment citizens.

way society relies on the fact that balance sheets, strategies or also self revelations can be transmitted without unauthorised inspection. Without doubt should these data, aiming at contents, be protected. Moreover, in the Internet (or on a PC with content-filter) it is also important to protect the traffic data. Traffic data causes data-protection officials special headaches, because technically they accumulate unavoidably at some point and can be gathered under the following questions: who communicates in what form and at what intensity with whom? Because an extra big effort is needed for the universal medium Internet to generally keep the established forms of anonymity and privacy (through re-mail, mix and encryption programmes, to name the key words) the risk is, in our opinion, especially big that under the label "youth protection" the balancing act of too much or too little anonymity, under the impression of an urgently needed guarantee for youth protection, is being abandoned through the installation of content-filter-processes and as a result too little anonymity accepted. What may be acceptable in the family, i.e. that parents with the use of action reports receive information, what their children are up to with the PC, is from the view of a citizen (in the form of a pupil, library-user or employee) not absolutely acceptable.[19] The consequences of the installation of content-filters cannot be clearly predicted, but presumably they will first of all increase the level of societal conflict. As the understanding of people's roles does no longer happen traditionally, but has to be made explicit, because they are subject to a process of increasing legislation[20] the installation of content-filters will lead to the explication of societal value catalogues, which is remaining more or less in the dark.

On the one hand one could be of the opinion that through this the norm and value catalogue may be made accessible to positive law. That is to be welcomed because procedures of a state founded on the rule of law are effective. On the other hand one could be of the opinion that the administrative overheads, dragged about by a society without structures that remain latent, are too high.[21] These factually valid latent value references have to remain latent, in contrast to explicated rights, in order to be still binding under contrafactual, contradictory modern societal conditions. If such value references are explicated, simplified and made consistent with content-filters, there is a risk that these will lose their binding function. Whether there will be compulsory replacement for this value-loss or whether such a replacement is (no longer) necessary, because the administrative overheads of the positive jurisdiction can be dealt with, mechanically supported, is possibly not clear to anybody. In this respect one has to reckon with the fact that the content-filter will first of all bring all those problems one had hoped to stop through its use. And secondly that can mean that these filters which are really trade under the label "youth protection", but without problems can be used in other areas of discourse, in which they

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[19]Compare Schulzki-Haddouti 1999. That the tendency to accept reduction of anonymity and protected private communication is real is shown especially clearly in the world wide led national debates about whether a strong, only privately accessible encryption especially of e-mail (e.g. by PGP without key escrow) in the sense of a normative power of the factual shall be permitted or not.

[20]As an example of increasing legislation we would just like to mention the large number of extravagantly formulated documents, which nowadays have to be filled in before a surgeons can operate, publishers get involved with authors, suitors with marriage and employees with employers

[21]For this reason in Germany one gives the judges in juvenile criminal law relative wide scope of assessment in order to be able to make a more and more problematic social prognosis. Because it is essential to prevent a criminal career, although, looked at formally, this may already have been started. In the USA operates the justice in the moment by punishing juvenile crime if it is adultlike as adult crime. This is the traditional american culture of revanche.

would be contra-functional and possibly lead to fundamentalisation of discourses, possibly in the area of politics or science, and to the restriction of civil rights.

Modern society makes use of the difference of morality, ethics (in the sense of one moral of different morals) and positive law and with that does not put everything only into the light of legal theoretical considerations and regulations. When conflicts arise in society for which no theoretically convincing - and for lower legal authorities practicable - legal form could be found, as at the time with reference to many uses of the Internet, the risk exists that these differences therefore are eliminated to the disadvantage of legal rights and in favour of morality. It cannot be appropriate in the case of society's universal medium Internet for mere morals to have the authority to judge. Instead that the highly reflected legal system can get a grip, the publicised, not on legal figures oriented opinion of the mass communication medium offers forms of decision in the presumed urgently to be solved conflict situation. And again: the tendency is threatening a form of fundamentalisation of the public discourse which under the label "youth protection" and the simulation of personal consternation of the parents is functioning especially effectively.

6   Facet

It is established that there is a need for filters aimed at content and that these should be installed. It is less important that technical experts assure us that these filters are easy to bypass and are in certain cases even useless. On account of the many technical insufficiencies can the use of the content filter only be named as a symbolic youth policy. Yet such a policy is not ineffective because of it, but on the contrary it is suited to a modern, pluralist society, because in that way she will permit the other too without losing in decisiveness.

Ultimately, in our opinion, in judging the efficiency of the filter the important thing is not whether the real problem-content is kept outside. More decisive is that parents, teachers and state institutions find themselves put under strong pressure to act and in fact install such filters to do what can be done at present. To look at it from the sociological angle they are ensuring themselves of the secret-natural value catalogue of the society of the Federal Republic of Germany. In this respect even technically insufficiently functioning filters are fulfilling a psychological as well as a social function.

Desirable would be the development of a filter-mechanism which would protect the rights of the citizens and at the same time make effective youth protection possible. An experiment with filter-systems, which under the label "youth protection" appears as especially urgent, is at any rate risky, when the filter-infrastructure so developed can be used not only for youth protection but for the communication of the whole society. One should not assume that the reduction of civil rights was intended. We could certainly not identify an authority who we could assume to have such interest or whom we would give a chance to keep up such a strategy effectively. On the contrary, on the one hand one has to reckon with not intended consequences of intentional actions: with the toll came smuggling. On the other hand, as a consequence of the installation of the Internet in society, we have to reckon with far more dramatic consequences than only the unprotected access to optional

information. Related to society the consequences are immeasurable, when the flexible societal value and norm background is explained through the use of content-filters. Specifically related to youth protection it is questionable whether under compulsorily perceived acceptance of the reduction in citizens rights through quickly knitted together content-filter-concepts a youth can be protected, which no longer even exists in the form focused on.

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