

## Pictures At An Exhibition – *new media 2*

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Take a hypothetical scenario. Part one. You are the CEO of a flourishing company which last year defended itself against an allegation by a seventeen year old girl that one of your staff assaulted her. You woke up this morning to discover that a nude photograph of yourself had been published in an international newspaper read globally, along with a commentary from the girl admitting her personal vendetta and her intention of publishing more compromising images of your staff. Your family is shattered and your career risks ruin. Part two. Your lawyers quickly obtain an injunction preventing further publication. The image supplier and newspaper are charged with a range of criminal offences and civil proceedings eventually provide compensation and restore your reputation.

Part one of this hypothetical scenario has now happened, but with a crucial difference. The image was not published in a newspaper but on a social networking internet site. Briefly, the girl in question told media outlets today she had had a series of social encounters with members of a Melbourne football club. In a separate and unrelated location, perhaps fuelled by alcohol or high spirits, one team member said he took a number of risqué images of his colleagues and then apparently provided them to the girl after assuring his team mates they had been deleted. The girl has now posted images, including one of the team captain naked, on her Facebook site alleging she took the photographs herself and threatening to continue publishing until she receives an apology from the club for its alleged lack of interest in her sexual assault complaint. On all sides, the issues could not be more serious.

Firstly, if the club did fail to undertake a proper investigation into the assault allegation it must, of course, be held responsible. No-one, moreover, has disputed the girl's assertions of an unwanted pregnancy; and in a culture where sporting celebrities seem able to act with impunity just *because* they are sporting celebrities, the grossest imaginable exhibitionism by footballers is sadly commonplace. But the first image to be published is of a sport star who enjoys considerable respect and integrity and is not directly accused of any impropriety. And at the age of seventeen, which is over the age of sexual consent, there is presumably a degree of responsibility on the girl herself. Certainly, pregnancy requires an act by two people. By her own admission she frequented nightclubs with professional footballers more than once. There are still aspects of this matter to be verified, the main ones being who took the photographs and the real nature of the girl's suffering. If she has been treated shoddily she should receive full redress through the proper legal channels.

But the real point is that in the conventional media this could not happen without serious legal consequences for the publisher and the image supplier. For that reason, no editor would publish such material merely on an individual's say-so. And yet in the so-called new media it can happen to anyone without warning. The girl herself appears to have no understanding of, let alone remorse for, the destruction she risks causing; and she is advised, she says, that there is no lawful way to prevent her publishing more photographs. The shocking reality on show is an individual's complete disregard for the damage her shotgun strategy is causing to those not directly implicated in her circumstances. She simply seems to want to hurt anyone associated with the club.

The ill-informed antagonism characterizing much modern adolescent behaviour results from a lack of knowledge of the balance between rights and responsibility. Allowing the caveat that they have every right to be angry, young people none the less think that if they want to do something it follows that they have the right to do it. What has come to be called “generation y” is often criticized for this (and often correctly) but whatever their failings they are no more than the product of earlier generations who failed to properly parent them. Neither is it all bad. Despite the Australian myth of the “healthy distrust of authority”, there’s very little evidence of it being any more than rhetoric among older generations, which makes adolescent willingness to challenge institutional power rather refreshing. But there’s much to be feared for the future if protective checks and balances evolved over centuries cannot be applied to new media.

This is why we elect and pay politicians, and yet time after time they fail us. The internet will always run well ahead of their ability to comprehend the challenges it poses but this case really does seem to confirm that government has forgotten how to govern. There is no way to police a global website from Australia but it’s *entirely* possible to frame legislation preventing an Australian individual from publishing material damaging to another Australian individual in a new media platform, and it should have been done by now. Today, though, the federal government and its attorney-general, Robert McClelland, had just one word to say on the matter. Nothing.