

SEXTING AND YOUNG PEOPLE

Thomas Crofts, Murray Lee, Alyce McGovern and Sanja Milivojevic



Sexting and Young People

Sexting and Young People

Thomas Crofts

University of Sydney, Australia

Murray Lee

University of Sydney, Australia

Alyce McGovern

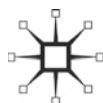
University of New South Wales, Australia

and

Sanja Milivojevic

University of New South Wales, Australia

palgrave
macmillan



© Thomas Crofts, Murray Lee, Alyce McGovern and Sanja Milivojevic 2015
Foreword © Megan Mitchell 2015
Softcover reprint of the hardcover 1st edition 2015 978-1-137-39280-0

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2015 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-349-67885-3 ISBN 978-1-137-39281-7 (eBook)
DOI 10.1057/9781137392817

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Crofts, Thomas (Wayne Thomas), author.

Sexting and young people / Thomas Crofts, University of Sydney, Australia;
Murray Lee, University of Sydney, Australia; Alyce McGovern, University of
New South Wales, Australia; Sanja Milivojevic, University of New South Wales,
Australia.

pages cm

1. Sexting – Law and legislation. 2. Teenage sex offenders – Legal status, laws, etc.. 3. Social media – Law and legislation. 4. Sexting – Social aspects. 5. Sexting – Australia. I. Crofts, Thomas, author. II. Lee, Murray, author. III. McGovern, Alyce, author. IV. Milivojevic, Sanja, author. V. Title.

K5194.C76 2015
344.05'4702854678—dc23

2015012352

Contents

<i>List of Illustrations</i>	vi
<i>Foreword</i>	viii
<i>Acknowledgements</i>	x
 Part I Understanding Sexting by Young People	
1 An Introduction to Sexting and Young People	3
2 Conceptualising Sexting	9
 Part II Young People and Sexting Discourses	
3 Media Representations of Sexting	25
4 Sexting as Child Pornography	43
5 Factors Determining Whether Young People Are Prosecuted	56
6 Sexting Education	75
7 Review of Existing Research	91
 Part III Sexting: Young People's Voices	
8 Online Survey Data	107
9 Perceptions and Practices of Sexting	129
10 Perceptions of Legal Responses to Sexting	144
11 Making Sense of Sexting	161
 Part IV Futures and New Directions	
12 Developing Responses to Sexting	181
13 Conclusion	202
<i>Appendix</i>	206
<i>Notes</i>	236
<i>Bibliography</i>	240
<i>Index</i>	257

List of Illustrations

Figure

3.1	Number of sexting-related articles by year	30
-----	--	----

Tables

3.1	Number of sexting articles by year and media source	29
8.1	Have you ever sent a sexual picture/video (by age)?	110
8.2	Have you ever received a sexual picture/video (by age)?	110
8.3	Have you ever sent a sexual picture/video of yourself (by gender)?	111
8.4	Have you ever received a sexual picture/video (by gender)?	111
8.5	How many people have you sent a sexual picture/video of yourself to?	112
8.6	How many people have you received a sexual picture/video from?	112
8.7	Have you ever sent a sexual picture/video of yourself (by sexual preference)?	113
8.8	Have you ever received a sexual picture/video of yourself (by sexual preference)?	113
8.9	How many people have you sent a sexual picture/video of yourself (by sexual preference)?	114
8.10	How many people have you received a sexual picture/video from (by sexual preference)?	114
8.11	Have you ever sent a sexual picture/video of yourself (by relationship status)?	115
8.12	Have you ever received a sexual picture/video (by relationship status)?	116
8.13	How many people have you sent a sexual picture/video of yourself (by relationship status)?	116
8.14	How many people have you received a sexual picture/video from in the past 12 months (by relationship status)?	117
8.15	Where did you first hear about sexting?	117
8.16	Why do you think girls send sexual pictures/videos?	118

8.17	Why do you think guys send sexual pictures/videos?	119
8.18	There is pressure among people my age to post sexual pictures/videos in their (social networking) profiles	120
8.19	There is pressure among people my age to post sexual pictures/videos in their (social networking) profiles	121
8.20	Why did you send a sexual picture/video of yourself?	122
8.21	What might discourage you from sending a sexual picture/video of yourself?	124
8.22	Personal pictures/videos usually end up being seen by more than the people they were sent to	126
8.23	Have you ever shared a sexual picture/video with someone who wasn't meant to see it (by age)?	126
8.24	Have you ever shared a sexual picture/video with someone who wasn't meant to see it (by gender)?	127
8.25	Have you ever shown (in person) a sexual picture/video to someone who wasn't meant to see it (by relationship status)?	127
8.26	What do you think is the most serious thing that could happen (consequences of sexting between teenagers)?	127

Foreword

When is a nude picture a ‘gift’?

The ‘sexting problem’ is frequently raised with me by adults and young people in my role as National Children’s Commissioner. Adults are worried about the risks associated with children’s exploitation and exposure to explicit images in the context of an unregulated digital world. Young people are concerned that what they understand to be private choices and associations are over-policed. It is clear that there is a big disconnect between adults’ and young people’s perspectives in this space.

This watershed book by Thomas Crofts, Murray Lee, Alyce McGovern and Sanja Milivojevic – *Understanding Sexting by Young People* – provides a rare window into the hearts and minds of young people and their use of technology in their relationships with each other. By conducting a series of focus groups and a survey of over 1400 young people, the authors have gathered new information about sexting behaviour and attitudes to it from both young receivers and senders of ‘sexts’. The information generously given by young people for the study is eye opening. Hearing directly from young people about their own interactions and relationships is a powerful reference point from which to gain a deeper understanding of their experiences and perspectives, and, in turn, enables us to rethink our policy and educative interventions.

The authors also set the context within which sexting acts are currently considered, through exploring: the impact of media commentary; the legal frameworks that capture ‘sexting’ as child pornography; and current educational responses to sexting which tend to perpetuate gender stereotyping and victim blaming.

In analysing the survey results, the authors conceptualise sexting between young people as part of ‘a gift economy’. Sexting, it is argued, generally constitutes a ‘gift’ and the way in which this gift is received depends on the relationship to the sender. A receiver may feel compelled to reciprocate the gift or to send the gift on as a gift to someone else. Of course, taking this latter path usually undermines the position and trust of the original sender.

Despite perceptions in the media and in the community, most sexting participants did not feel coerced or pressured into sending images. Most

young males and females in the study reported that they send images 'as a sexy present' or to be 'fun and flirtatious', and, for some participants, sexting was also experienced as a safe way to explore sexuality without physical sexual contact. That said, some participants did accede that there are situations where they might experience pressure to send or send on an image, for example, to keep a relationship, or to look popular.

The negative risks associated with sexting have been well documented. However, for the growing teen, we need to remember that taking risks is a fundamental part of their development and often experienced positively.

Further, the survey results show that sexting generally occurs within a relationship. While many young people report sexting sexual images, they also report not doing it very often, and usually with only one partner.

The authors point to the urgent need to address the criminalisation of sexting among children and young people, even if it is consensual, under a range of current child pornography and child abuse laws. They suggest that new laws covering non-consensual sexting by young people may partly be the answer. However, they warn that care must be taken to ensure that any reform does not end up being a net widening exercise that sees more young people charged with offences.

When we think about our commitment to uphold the rights of children and young people, we are obliged to consider the balance between keeping children safe and their rights to free expression, association and privacy – all so important for their healthy development and identity as active citizens. These human rights are not divisible and need to be able to coexist. While laws can play a part in regulating risky or harmful behaviour, education about the sexual ethics around sexting is more likely to be the solution.

Understanding Sexting by Young People presents a comprehensive and insightful analysis of the issues surrounding the contemporary phenomena of 'sexting' by young people, and the behaviours and perceptions of young people about their motivations in relation to sexting makes for compelling reading.

Megan Mitchell
Australian National Children's Commissioner

Acknowledgements

The authors would like to acknowledge the generous support of a Criminology Research Grant from the Australian Institute of Criminology without which the research that inform this book would not have been possible. Gratitude also goes to the NSW Commission for Children and Young People and the Law School at the University of Sydney for co-funding this project. The team also wishes to thank the NSW Commission for Children and Young People's Youth Advisory Committee for their input into the construction of the survey instrument, and the University of Sydney's Law School and the School of Social Sciences at the University of NSW for ongoing support for research endeavours. Chapter 11 of this book draws on Lee, M. & Crofts, T. (2015). Gender, Pressure, Coercion and Pleasure: Untangling Motivations For Sexting Between Young People. *The British Journal of Criminology*, 55(3), 454–73 and is reproduced with permission.

This book would not have been possible without the research support of Jarrad Elsmore, Sarah Ienna, Laura McDonald, Dr Lauren Monds, Sally Richards, Dr Tanya Serisier and Dr Shaun Walsh. We thank you all for your important insights. The authors also wish to acknowledge the intellectual input of Dr Michael Salter in the early stages of the research project from which this book is drawn.

Most importantly the authors wish to thank all the young people (and some not so young people) who participated in the focus groups and online survey. This research would not have been possible without your participation.

Part I

Understanding Sexting by Young People

1

An Introduction to Sexting and Young People

Introduction

Young people integrate online and digital technologies into their everyday lives in increasingly complex ways. As McGrath (2009, p. 2) notes, '[y]oung people...see technologies (especially the internet) as a vital part of their social life and the building of their identity'. As mechanisms for socialising, education, relaxation, gaming, romance or communication between friends and peer groups, new technologies provide a key framework within which young people live their lives. Yet, the ways in which they incorporate romantic and sexual relationships and practices into this technology-dominated, virtual world has been relatively underexplored by researchers and, subsequently, it has become problematic for policymakers. Media and social commentators play an important role in drawing our attention to the intersections of digital technologies, sexuality and sexual practices of young people. However, such commentary has also seen these complex interconnections misunderstood and oversimplified. At the very core of contemporary debates around young people's online sexual practices, new technologies, social media, and childhood sexuality has been the phenomenon dubbed 'sexting'. While sexting has many meanings, which we critically explore in more detail below, it generally refers to the digital taking and distribution of images of a nude/semi-nude person through mobile phone or social networking sites.

There has been growing political, media and public concern about sexting in recent years, particularly sexting among children and young people. There have also been, in a range of jurisdictions, either reports of minors being prosecuted under child pornography or child abuse or child exploitation¹ laws for sexting-type behaviours. These two elements

of sexting – practices and perceptions, and regulation and legislation – form the core themes of this book. However, before we pursue these themes in depth, we need to set the scene. This introductory chapter considers how sexting is defined, discusses a number of scenarios said to constitute sexting, and introduces some of the conceptual frameworks used in this book to analyse practices of sexting by young people,² and laws and regulations which seek to govern such practices. The chapter also outlines the nature and structure of our research project, some of the key arguments we will be making in this book, and introduces the structure and content of the chapters that follow.

Defining sexting: complexities, discourses and terminology

The term sexting is a portmanteau first created by the media that derives from a conflation of the phrase ‘sexy texts’. It was first used to describe the sending or receiving of sexually explicit text messages (Rosenberg 2011). However, the term has now expanded to include the digital recording of naked, semi-naked, sexually suggestive or explicit images and their distribution via mobile phone messaging, email, or through the internet on social network sites, such as Facebook, Instagram and YouTube (see, e.g., Joint Select Committee on Cyber-Safety 2011, [4.47]). As the Law Reform Committee of Victoria notes, the term sexting is evolving and ‘encompasses a wide range of practices, motivations and behaviours’ (2013, p. 15).

Thus, as Ostrager (2010, p. 713) notes, while sexting could be loosely described as a ‘more technological approach to sending a flirtatious note’ (see also Lenhart 2009), this scenario is only part of much bigger picture. The term sexting is now commonly attributed to the making and distributing of nude or sexual ‘pics’ within a wide range of quite different scenarios: from taking a picture of oneself and consensually sharing that image with a friend or intimate partner, to the non-consensual resending of an originally consensually made image to a third party or the non-consensual taking and distributing of the image, to simply uploading an explicit image of oneself onto a hard drive. Other scenarios include the recording of a sexual assault, or adults sending an explicit text to ‘groom’ a child (Law Reform Committee of Victoria 2013, p. 19). ‘Sexts’ may also be used as tools to harass, bully, threaten or even coerce a person to behave in a certain way. Depending on jurisdiction and the age of participants, these behaviours may or may not constitute

criminal offences. Thus, the complexities of sexting require a thorough investigation of the practices it encompasses as well as the motivations, relationships, and perceptions of the actors involved.

Sexting as a term has been particularly salient in popular media and political discourse. It has, in a sense, discursively captured the public imagination. Indeed, sexting among young people has become a significant cultural phenomenon, a topic of major media discussion and the target of concern by law and policymakers. Over the past few years, news media in Australia, North America, Europe and other Western countries have reported numerous cases of sexting where minors have used digital technology to manufacture and distribute sexual images of themselves and/or other minors, in some cases falling foul of child pornography laws. Populist responses to this behaviour have ranged from liberal commentators calling for the decriminalisation of sexting, to conservatives insisting that sexting should be considered a form of child pornography (see Weins and Hiest 2009, p. 2). Media reports and public discourse about sexting tend to gravitate between moralising statements about the inappropriateness of such behaviour by young people, and the emotional and physical harms engaging in sexting potentially cause for young people, to concern that the current legal frameworks in some jurisdictions wrongly allow for the prosecution of young people under child pornography laws. There are reported cases across jurisdictions internationally that have seen young people added to sex offender registries or facing other extreme punishments; outcomes that well may have a significant negative impact later in their lives (see Chapter 4). To an extent, the broad range of activities that fall under the definition of the term sexting means that there is a lack of clarity over the need for a legal response to it (Moran-Ellis 2012, p. 116).

Before we outline the research and data covered in this book, we need to discuss the use of terminology. The term sexting is not commonly used by young people, even young people who engage in the practice, as discussed in Chapter 9 in this book. Rather, young people refer to forms of technologically mediated sexual communication as 'nudes', 'dirty pics', 'nude selfies' amongst other terms. Sexting, to them, is a term used by 'out of touch' adults (Weins 2014, pp. 3–8). Largely, we agree that the term is problematic because, as we will argue in this book, sexting fails to distinguish the full range of behaviours, scenarios, motivations and emotions that characterise technologically mediated sexual communications. Despite this, we have decided to use the term sexting throughout this book as it is the term commonly used in academic and public discourse.

About this book

This book investigates the phenomenon of sexting by young people. We examined this under-researched but emergent contemporary legal and social issue using an inter-disciplinary and multi-methods framework asking the question: Are current legal and policy responses to sexting appropriate and are they reflective of young peoples' perceptions and practices of sexting? As such, the research that informs this book had three specific aims: to document young people's perceptions and practices of sexting; to analyse public and media discourse around sexting; and to examine existing legal frameworks and sanctions around sexting and develop recommendations for appropriate and effective legislative policy responses to the practice. The research consisted of a three-stage research project: quantitative surveys and qualitative focus groups with young people, recording their views and experiences of sexting; a media discourse analysis aimed at capturing the tenure of public discussion about sexting; and an analysis of existing laws and sanctions that apply to sexting. Importantly, this research sought to give voice to young people on this topic – a voice that has long been absent from such discussion (Karaian 2012). In doing so we are not suggesting that laws must slavishly respond to the voices of young people. However, their voices can help us to understand their various motivations for, and practices and experiences of, sexting. This in turn can assist in evaluating the effectiveness and appropriateness of existing laws and how laws and policies might best develop to address sexting.

Structure of this book

This book has four parts. The first part, which includes this introduction, explores how we might understand sexting. To begin we provide an overview of key conceptual frameworks we use in the book to explain and theorise sexting practices, as well as to frame existing research and literature on the topic.

Part II discusses what we currently know about sexting. It examines media, law and policy, and educational responses to sexting as well as assessing the already available research into sexting by young people. Chapter 3 begins with an exploration of media representations of sexting. Our analysis focuses on Australian and New Zealand media reports since 2002, and explains the emergence of sexting in the media discourse. We ask how sexting rose to be such a newsworthy topic and outline some of the key themes that have emerged from the media coverage on sexting.

Chapters 4 and 5 capture law and policy responses to sexting in Australia and internationally. We first look in Chapter 4 at significant sexting cases, primarily in the United States but also Australia, the United Kingdom and Canada. This is followed by an overview of child pornography laws to help understand how sexting has been conceptualised by the law and policy makers and why it can be prosecuted as child pornography.

In Chapter 5 we inquire whether and why young people have been charged, or not charged, for child pornography offences. We also explore why there has been a reluctance to legally remove young people from the possibility of being charged with child pornography. The chapter discusses topics such as the age of criminal responsibility, barriers to prosecution, defences to child pornography offences, constitutional protections, and the exercise of discretion.

Chapter 6 turns to the educational responses to sexting. It provides an overview of key international, Australian national and state-based awareness-raising campaigns. We identify the predominant voices and discourses in these campaigns and offer a brief evaluation of these existing approaches.

The final chapter of Part II offers an overview of the current empirical research. We critically assess methodologies and research findings relevant to sexting and young people. In exploring existing responses to, and knowledge of, sexting by young people, Part II of the book provides the contextual background for Parts III and IV.

Part III of this book contains the detail and analysis of the results of our quantitative and qualitative research into young people and sexting. Chapter 8 begins by outlining the findings from the survey component of our project. This includes, among other things, exploration of: the prevalence of sexting; the relationships between sexting participants; gender relations and sexting; the motivations for sexting; and young people's understandings of the legal consequences of sexting.

The qualitative element of our research is outlined in Chapters 9 and 10. In Chapter 9 we discuss perceptions and practices of sexting. This includes: how young people negotiate their online identity and privacy; how they define sexting; how they perceive motivations for sexting among their peers; and how they perceive the prevalence of sexting among peers; as well as their views on the social consequences and impact of sexting. In Chapter 10 we present young people's views on criminal justice interventions around sexting, based on their reflections on two case studies of legal responses to sexting. Part III concludes

with an overall analysis and discussion of the findings of our quantitative and qualitative research in Chapter 11.

Part IV of this book draws together the themes of the book in order to critique existing responses to sexting by young people and to make suggestions for alternative law and policy approaches. We offer some concluding thoughts on sexting practices by young people in Chapter 13.

2

Conceptualising Sexting

Introduction

How should we understand both the nature and context of acts of sexting and socio-legal concern about such acts? In this chapter we discuss the conceptual frameworks through which this book views these different aspects of sexting. First we discuss the conceptual tools we use to understand the construction of sexting as a socio-legal problem, then we move on to how public perceptions and reactions to sexting might be understood. We then discuss our framework for understanding motivations for sexting, and finally comment on sexting and the nature of the image.

It would be useful to be able to conceptualise the practice of sexting, attempts to control the practice, the reactions of the social audiences, and the actors' motivations through a single framework. However, as our analysis will indicate, there is no one convenient conceptual framework through which to frame these various elements of sexting by young people. Rather, the multi-methods approach to the research that informs this book also requires multiple conceptual frames through which to view these issues. The conceptual frameworks we deploy are informed first and foremost by the collection and analysis of the research data – rather than being imposed upon it. Underpinning this, we also conceptualise the criminalisation of sexting by young people as a social process (Becker 1963); such a process requires an act and actor (an 'offender'), a social audience (media and/or public), a social reaction (policing, law, policy), and a (constructed or actual) victim. Our multi-methods approach sets out to capture this process and the interaction between each of these elements.

Sexting as a socio-legal problem

On the face of it, sexting appears to be a new practice and problem. Indeed, the problematisation of sexting seems to fit the schema of a moral panic – ‘a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests’ (Cohen 1973, p. 9). However, on closer inspection, there is justification not to treat the issue as a traditional moral panic. First, there is no clear ‘folk devil’ in the sexting practices of young people. Admittedly, there is a possibility of an online child sex offender sharing child pornography or ‘grooming’ young people, but he or she is not central to the practice – not a key actor on which to place anxiety as per Cohen’s (1973) famous model. Second, while moral panic theory does not necessarily assume the cause of panic must be novel, it does assume something of a break from past ways of conceptualising a particular issue. Again, as we will discuss throughout the book, we do not believe sexting by young people fits this schema.

Rather, as a social ‘problem’ we can trace some of today’s concern about sexting by young people back to much more long-held concerns about both new forms of media technology and expressions of childhood sexuality that come to be regarded as promiscuous. In analysing these issues, we draw on a range of social theories. First, we deploy critical theories of late modernity in order to understand both concerns about the dangers of new technologies and how the speed of new technologies is impacting upon and changing the nature of practice. Second, we draw on a far longer – seemingly continuous – history of social anxieties about childhood sexuality and attempts to regulate and govern its expression. Third, we make use of contemporary gender theories to understand the ways in which gendered ‘double standards’ play out in sexting behaviours that can create divergent experiences for boys and girls engaging in or affected by sexting.

Technology and sexual harms in late modernity

The social and cultural changes that commentators have variously termed ‘late modernity’, ‘liquid modernity’, ‘second modernity’ or ‘post-modernity’ have at their core notions of the collapse of time and space – or the increasing domination of time over space (Bauman 2000; Giddens 1991; Virilio 1986). Technological developments have allowed global communications and the transference of information to occur instantaneously. As Bauman (2000, pp. 10–11) notes:

[T]he long effort to accelerate the speed of movement has presently reached its ‘natural limit’. Power can move with the speed of the

electronic signal – and so the time required for the movement of its essential ingredients has been reduced to instantaneity. For all practical purposes, power has become truly exterritorial, no longer bound or even slowed down, by the resistance of space (the advent of cellular telephones may well serve as a symbolic ‘last blow’ delivered to the dependency on space: even the access to a telephone socket is unnecessary for a command to be given and seen through to its effect. It does not matter any more where the giver of the command is – the difference between ‘close by’ and ‘far away’, or for that matter between the wilderness and the civilized, orderly space, has been all but cancelled).

This mastery over space, a capacity to transfer information instantaneously, has accompanied and hastened significant social and cultural transformation. As Virilio (1986) would have it, this increase in speed can change the nature of events themselves. Indeed, one of Bauman’s (2000) key observations about liquid modernity is that social forms now change so quickly, structural adjustment is all but impossible. Humans struggle to adjust to, and keep up with, the very changes their ingenuity facilitates, reflecting what scholars have termed ‘reflexive modernisation’ (Beck 1992; Beck et al. 1994). These changes thus appear disruptive and dangerous, and bring with them further risks that require further cultural and social adjustment.

In the 70 years that have passed since the mass adoption of the television in the developed world, our communications technologies have gone through unprecedented development and change. Key exemplars of communications technology illustrative of the changes Bauman suggests include the telephone, the photograph, the television and the internet. These four technologies converge in modern devices such as personal smart phones and tablets. These devices are liberated from the socket, instantaneous in nature and, now, found in the hands of the masses.

There is also little doubt that the speed and penetration of new technologies have presented significant challenges to the traditional notion of the sovereign state and its attempts to govern. Borderless (and ostensibly ‘ungovernable’) cyberspace undermines state-based regulation and security even as tougher laws attempt to reassert sovereignty (Aas 2007). Ever-blurring boundaries and borders ‘that are no longer physical or territorial lines on a map’ (Pickering 2008, p. 177) see states struggling to deal with the apparently unavoidable – a growing threat of cybercrimes of great variety. As such, the customary practices of criminal justice interventions, such as search, seize and arrest, are deemed

inadequate for offences that take place in cyberspace (Fox 2001). In order to address cyberthreats, various state and non-state actors, politicians and the media have called for more rigorous state interventions, tougher legislation, practices of self-policing when online, the expansion of internet monitoring powers, censorship and parental controls, and unconditional cooperation with law enforcement in investigating offences (Howden 2011; Berg 2011; Jewkes & Yar 2010). The debate around crime in the age of digital technology incorporates a 'part of the problem' and a 'part of the solution' standpoint, in which searching for 'the solution' can potentially lead to 'new punitiveness' (Pratt 2000), pre-emptive justice policies and the violation of rights of internet users and others impacted by such policies.

Importantly, each new telecommunications device and its accompanying utilisation require new manners and etiquette (Marx 1995). Each advance in mediated communication brings an emergent cultural change with a 'set of interactional codes and symbolic manners appropriate to the technology' (Ferrell et al. 2008, p. 106). Like the technology itself, these codes and manners do not come fully formed. Just as the language of phone texting has developed with the technological advances of the mobile phone, the technical capacities of such phones to produce and disseminate images have opened up new capabilities and possibilities (McLuhan et al. 1967). But if we follow Bauman, the 'manners' – and ethics, procedures and practices – are always playing catch-up, as the liquid social form and modern technology shifts once again. And, like these manners, law and regulation also continually play catch-up. Also, if we agree with Virilio's (1986) notion that technology that is fast will win out over slower or outdated technologies, it is not surprising that sexting has gained popularity within a very short period of time. This new form of sexual communication has obvious significant advantages in terms of the rate at which sexual dialogues can occur.

Governing childhood sexuality: continuities

While much recent academic research and media reporting of sexting takes as its starting point the notion that sexting is a somewhat new activity – an activity essentially made possible by the development of new information and communication technologies – there are important caveats to this conceptualisation. As Garland (1997), drawing on the work of Foucault, tells us, we need to be wary in evaluations of the present that conceive of contemporary problems and anxieties

as significantly different or largely discontinuous with those that came before them. Just as there is nothing novel in the production of pornography,¹ youthful sexual expression (or exploitation) is certainly not a new phenomenon (Fishman 1982). Of course new technologies have affected the delivery speed of such expression, just as they have affected the level of opportunity for some forms of exploitation. In this sense, genealogical and governmentality frameworks that often point to hidden continuities in discourse are also important analytical tools for understanding how sexting has become a pressing contemporary issue.

From a genealogical perspective, the history of present anxieties about childhood sexuality and telecommunications technologies is somewhat continuous. For example, the problematisation of childhood sexuality – how to suppress and/or regulate it – emerged in the late 17th/early 18th century (Fishman 1982). While much of the early discourse around the management of childhood sexuality concerned masturbation, the ‘experts’ guiding this regulation have changed over time. By the 18th century, anti-masturbation pamphlets and pronouncements on the topic from figures as significant as Jean Jacques Rousseau proliferated (Fishman 1982). While the baton was passed to School Masters and the church in the 19th century, by the 20th century the discourse was dominated by clinicians, psychiatrists and social workers, who made sex education mainstream by introducing it into the public school system. The later 20th century became a period where childhood sexuality was no longer to be suppressed *per se*, but managed and regulated. Parents could give over the problem of regulating childhood sexuality to a state happy to outline a set of normalising principles. As Foucault notes:

The sexualization of children was accomplished in the form of a campaign of health of the race – precocious sexuality was presented from the eighteenth century to the end of the nineteenth century as an epidemic menace that risked compromising not only the future health of adults but the future of the entire society and species. (1990, p. 146)

The key point here is that childhood sexuality has always been about something more than childhood sexuality – it has been both an instrument through which to manage, and an indicator of, the moral health of a nation. Any contemporary account of sexting needs to acknowledge this continuity, recognising an array of differing attempts at the governance of childhood sexuality.

A similar argument can be made in relation to telecommunications technologies. As Wartella and Jennings noted in 2000 (p. 31), '[c]omputer technology has ushered in a new era of mass media, bringing with it great promise and great concern about the effect on children's development and well-being'. Again though, there is continuity. Similar to historical debates around the emergence of new technologies (such as telephone, television, radio, movies), contemporary narratives are fuelled with concerns about the impact of new media on children's morality, ethical principles, and capacity to expose them to illicit sexual and criminal behaviour (Wartella & Jennings 2000).

Likewise, the governmentality perspective illustrates the ways in which the influence of neo-liberal politics has intersected with technology and childhood sexuality in the context of sexting by young people. This may explain why sexting by some groups – young people, and young girls in particular – may be problematised, while at the same time sexting among adults can be seen as a legitimate form of risk-taking, excitement or inter-relationship practice. As O'Malley tells us:

The broad political rationality generates a cultural milieu in which risk taking may be regarded as a 'good thing' and be applied to all manner of domains other than those originally imagined. In the nineteenth century, prudence had been such a strong requirement imposed on the mass by Victorian liberal politics, that risk taking was generally frowned upon except among a privileged few who could afford the luxury... Neo-liberal governmental rationality has been 'innovated' into legally problematic practices by certain individuals or groups. Governmentality may be useful as a way of rendering intelligible the risky rationalities deployed by such individuals and groups, and the ambiguities of their relations with other rationalities such as neo-liberalism. (2010, pp. 14–15)

So while childhood sexuality may long have been a problem for government, the political contexts in which its regulation has occurred have shifted considerably. Nowadays, this means that the regulation and criminalisation of sexting by young people occurs in a context of a broader individualisation where online sexual expression is not only tolerated but in some cases will be expected; for example, some research suggests that there may be a greater use of social networking 'hook-up' apps in some gay cultures (see Gudelunas 2012, p. 348).

While continuing anxiety about childhood sexuality is a key component of the discourse around young people and sexting, there is also a

more recent concern about child abuse. Concerns around child sexual abuse have grown significantly since its 'discovery' as a problem the early 1970s. With new, digital technologies, these concerns have been renewed and strengthened because of the very core of the online engagement: its perceived clandestine character and potential global reach. This, together with the very scale of the growth of online technologies, the threat of online predators and other unwelcome 'Others', and the vulnerability of potential victims, has resulted in 'a series of local and global moral panics' (Jewkes 2007, p. 5) that have purportedly warranted a quick and uncompromising response, mostly within a punitive framework.

Sexting as gendered practice

A range of existing studies into sexting have highlighted the often gendered nature of the practice. Gender has also provided a lens through which sexting by young people has been problematised, with educational campaigns often focusing on the way in which sexting can have negative effects on young women (see Chapter 6).

There are complex issues of consent and agency around the application of feminist theories to sexting that go to the heart of contemporary feminist debates. In particular, these revolve around the value and capacity of young women's sexual desire. Radical feminism, for example, might suggest that, given the girls involved are minors, and given the broader patriarchal power structures or post-feminist cultural pressures that produce sexualised forms of girlhood, young women's desires and self-construction are always bounded. This is seen to be the case even when the behaviour is consensual – in other words, young women's agency and, consequently, their consent is limited. On the other hand, post-structural feminist or post-feminist accounts may see such behaviours as legitimate expressions of young women's sexual desires, and understand attempts to regulate this as essentially the silencing of their voices or repressing displays of their sexuality. While these two positions are not mutually exclusive, they do provide analytical challenges we will expand on later in this book. Within the sexting scholarship, however, there are a number of issues relating to gender to be addressed.

Pressure and coercion

First, there is the argument that pressure and/or coercion is a key reason why young females (in particular) send images of themselves to others (usually young males). Englander (2012, p. 3) notes in relation to her own research that '[i]ndisputably, the most important motivation for sexting revealed in this study (and others) was pressure or coercion'.

However, one of the reasons why debates around pressure and coercion become circular is that the variety of forms and origins of pressure that might be experienced are not always well articulated. These presumed elements of pressure fall into three categories that overlap and intersect: individual pressure, peer group pressure and socio-cultural pressure.

Individual pressure operates within individual relationships between sexting participants (senders and receivers). Such pressure is likely to have some basis in the biographical particularities of individuals involved. This kind of pressure is also the type more likely to become coercive. At one end of the scale of individual pressures one partner in a relationship might ask for an image of the other which the other only sends because he or she feels obligated to for the good of the relationship – but which the sender might also enjoy sending. Pleasure and pressure are not necessarily mutually exclusive feelings – just as risk can be both exciting and dangerous. At the other end of the scale, an individual could be blackmailed into sending an image of himself or herself under the threat of some kind of shaming, humiliation or even violence (see eg. Keeley et al. 2014; Katz et al. 2014). The latter is probably more accurately a form of cyberbullying rather than sexting, but nonetheless an act of sexting might be the result (and also become the tool of further incidents of cyberbullying). The way such individual pressures are experienced (or not) are likely to be related to the status or position of power of the sender. That is, the biographical and socio-demographic characteristics of the individual being asked for a photo will place that individual differentially in relation to power.

Peer group pressure involves what criminologists refer to as midrange social dynamics of particular peer or social groups and might even extend to entire school cohorts, but they may be bounded geographically, be relative to a specific class or ethnicity, and be themselves specifically gendered. For example Peskin et al. (2013) noted that sexting is prevalent among ethnic minority youth. Indeed, it is clear from the currently available qualitative research (Ringrose et al. 2012, 2013; Albury et al. 2012) that particular peer and social groups are likely to influence normative behaviours where a member of such a group might feel his or her group membership is jeopardised by non-participation in sexting. At the other extreme, peers may actively coerce individuals to send images of themselves through abusive behaviours that have a continuum from the classroom and playground into cyber-space (Ringrose et al. 2013). We might conceive the dynamic of such peer groups through an interactional framework (Becker 1963; Lemert 1981) where labels (internalised and

externalised) and group dynamics create incentives (or disincentives) to engage in sexting. Sexting behaviours may be positively reinforced within the group culture.

Socio-cultural pressure is the general normative pressure in any social order. For example, the contemporary sexualisation of culture is said to have created normative expectations whereby women and girls may be expected to perform sexualised subject positions. There is a body of literature that sees young women as becoming increasingly sexualised and pornified in post-feminist cultural and social contexts where forms of sexualised selfhood are to be performed (Attwood 2009; Durham 2008; Gill 2012). Additionally, cultural (heterosexual) norms create a situation where particular displays of feminine (hetero-) sexuality might be rewarded or judged positively (or negatively). As Powell (2007, p. 11) argues:

Subtle pressure relates to the gendered social norms or expectations as to what men and women are 'supposed' to do in a relationship ... this is further borne out in research which suggests that ideals surrounding love, romance and sex as well as gender-role expectations of sexual encounters, can influence the occurrence of unwanted or 'compliant' sexual experiences.

Gill (2012) has likewise questioned whether notions of young women's 'empowerment' through practices such as sexting may simply be reinforcing, reproducing and reflective of sexualised and sexist (hetero-) normative expectations. She notes that the term may have lost any analytical purchase given its co-option for consumerist and possibly exploitative purposes. As a result of pressure and coercion at these levels, it is legitimate to question whether young women in some instances are able to fully and freely *consent* to the activity, even where they produce and send the image.

Gendered double standards

As well as pressure to send, there are other key characteristics of sexting that reproduce gendered power relations. For example, there is likely to be a *gendered double standard* around how young women who send images of themselves are judged compared to young men who do the same thing. This double standard has been demonstrated in qualitative research (Ringrose et al. 2013; Albury et al. 2010, Albury 2013) but also in a number of high-profile incidences where young women

have committed suicide as a result of the humiliation of having a digital image of themselves circulated. Here moral expectations of what 'good girls' should and should not do can be seen to collide with the expectation to behave in a sexualised way – as discussed above.

Connected to this double standard is the capacity for young women who send images, or whose images are forward distributed, to be 'slut shamed' (Ringrose et al. 2013). While young men who send images can be shamed there is no equivalent category of 'slut' that carries the same derogatory implications. Young women's behaviour might be constructed as inappropriate by young men, but also by their female peers. There is also the capacity for slut shaming to operate at the individual, peer and socio-cultural levels in much the same way as pressure – but almost as the opposite side of the same coin. So, potentially, young women may be under more pressure to produce and send images of themselves, but may suffer more severe public censure should their trust in the receiver be breached.

While slightly different to slut shaming, images of young women can be used by boys to bolster their own status. Ringrose et al. (2012, 2013) demonstrated through qualitative research how such photos can subsequently be used as trophies or, in some cases, be sent on to friends as a mark of male status between peers. In this sense, images form part of a digital online economy. They also note how boys take effective 'ownership' of young women's bodies, with some even writing across their breasts that they are the property of a particular young man, then photographing and sending this image (Ringrose et al. 2013). Albury et al. (2013) further advise that female peers can also label the young women sending erotic images as 'slutty'.

Young women can find their behaviours construed as much more problematic than young men by legislators and other moral guardians. Educational campaigns aimed at young women tend to operate via very different narratives to those aimed at young men (Salter et al. 2013; see also Chapter 6). Karaian (2014, p. 288) has noted how young women are also slut shamed in education campaigns where it is 'girls' responsibility to abstain from sexting'. The same is true of some of the well-publicised legal cases involving sexting, where young women's behaviours became the target of legal sanction in the form of forced education and training programs (Crofts & Lee 2013).

Gender theory has utility for both how we understand public reactions and broader perceptions of sexting, and how we understand motivations in regard to individuals who engage in the practice.