The Emergence of ‘Sexting’: Digital Cameras, Digital Cultures, Bodies

In Australia and elsewhere around the world, there are laws in place designed to protect children from possible harms and abuse relating to the creation, viewing, and distribution of child pornography and exploitation materials. Child pornography is loosely defined in federal law as images of people under 18 years old, or who appear to be under 18 years old, “showing their private parts (genitals, anus, or breasts) for a sexual purpose; posing in a sexual way; doing a sexual act; or in the presence of someone who is doing a sexual act or pose” (Youth Law Australia, 2019). The Youth Law Australia website, designed to inform young people in Australia of their legal rights and laws effecting them, notes that child pornography is defined as such based on notions of what is ‘offensive to the average person’, so that photos of babies in bathtubs are generally not judged as such, while “a picture of a naked teenager in a bed could be in some circumstances” (Youth Law Australia, 2019). Images that are considered child pornography can be images of real bodies, photoshopped images, cartoons, or moving images. In the context of federal child pornography laws, it is illegal to create such images, to ask for such images, to send, distribute, or upload such images digitally, to receive and keep them, or to pass them around. The laws in Australia around this category of visual material labelled ‘child pornography’ were designed and put in place before the internet and the world wide web became widely accessible and used in everyday life in the way it is today. However, they have been recently strengthened directly in response to the increased ubiquity of the web and the possibilities for the intensified spread of child exploitation materials it enables.

The internet no longer functions as, or is seen as, just a ‘useful tool’. Rather, society now relies on “global digital networks for its very infrastructure” (Livingstone & Third, 2017, p. 658), and thus the internet is a key part of social and cultural infrastructure and life for many people. Further, the use of digitally connected smartphones with cameras in them has dramatically increased in recent years, among the general population and among young people in particular (Hand, 2012; ACMA, 2013). The prevalence of digitally connected cameraphones has changed the place of photography in everyday lives. New photographic cultural practices, new meanings and significations, and novel uses for photos and other digital images emerge in relation to...
cameraphones and the relatively easy sharing of images enabled via digitally networked devices, social media platform apps, and digital messaging platform apps. As Hand notes, “contemporary Western cultures involve unprecedented levels of visual mediation”, and as cameraphones have become prevalent in everyday lives and places, “digital imaging has shifted from a professional or specialised process to a routine and unavoidable aspect of everyday life” (Hand, 2012, p. 3). In short, taking photographs and viewing them or sharing them with others via digital networks is now an everyday practice or part of mundane life for many people: it is near-ubiquitous, albeit in very different ways in places around the world, rather than something reserved for special occasions such as family get-togethers or social celebrations (Hand, 2012). Digital images now commonly function as a form of social and cultural communication, and, as Couldry has identified, in the digital era people engage socially with each other via practices of “showing and being shown” (Couldry, 2012, p. 47) things on digitally connected devices. Taking images of bodies via cameraphones can be seen as part of broader cultural and technological shifts in the era of global digital networks and the common presence of smartphones in public and private places and spaces.

‘Sexting’ is a recent phenomenon that has sparked much debate and concern about the new affordances of digitally networked devices and media platforms, and the potential for new technologies to contribute to, increase, or intensify bullying, harassment, and sexual abuse and exploitation. However, as Hasinoff and Shepherd (2014) remind us, sexting can be seen as “the latest incarnation of a long history of personal sexual media production, including love letters, diary entries, and Polaroid photos” (2014, p. 2935). A portmanteau first used widely in news media in the late 2000s, sexting combines the words ‘sex’ and ‘texting’. But ‘sexting’ has come to be used mainly in relation to digitally self-produced bodily images, while also being a somewhat vague and indistinct term that, as several researchers have now pointed out, is not used commonly by young people themselves (Albury et al., 2013; Ringrose et al., 2013; Crofts et al., 2015; SWGFL Safer Internet Centre, 2017). The term could potentially refer to or encompass a wide range of media practices involving the production, exchange, and circulation of texts and images involving sexuality or bodies via digital networks and connected devices. Different kinds of images featuring bodies and faces have emerged with the social, cultural, and technological pervasiveness of cameraphones, such as selfies, nudes, dick pics, sneaky-hat images, and frexts. Selfies and sexy selfies, for instance, are generally considered to be images of one’s own face, or face and upper torso, taken by the self in question, at arms’ length, with a digital camera or phone (Albury, 2015; Senft & Baym, 2015). Nudes is a term many young people use to describe nude or semi-nude self-produced images of bodies (Albury et al., 2013; Crofts et al., 2015; SWGFL Safer Internet Centre, 2017). Sneaky-hat images describe a humorous genre of nudes where a cap or hat is deployed to cover the genitals (Albury, 2015). Dick pics refer to the increasingly common practice of sharing images of penises in various digital contexts and platforms such as via hook-up apps like Tinder or Grindr, via messaging platforms and apps, or ephemeral media platforms such as Snapchat (Paasonen, Light, & Jarrett, 2019; Waling & Pym, 2019). Frexting refers to the practice of sending nude or sexy self-produced images of one’s body to platonic friends, often for the purpose of obtaining bodily or aesthetic advice, support, or just bonding and connection (Waling & Pym, 2019). These are all various types of self-produced images of bodies that could potentially be classified as child pornography under Australian laws, even if created, shared, and received consensually, if depicting the bodies of young people or people who are, or appear, under the age of 18, and even if created by the subjects of the images themselves.

As Crofts et al. (2015) outline, laws surrounding child pornography have been strengthened in Australia in recent years, along with those in other developed nations, in response to growing concerns about the accessibility of child pornographic and exploitation materials in the digital era, as well as increased understanding of the harms associated with such material. The United Nations Convention of the Rights of the Child specifically addresses the need to protect children from sexual exploitation and abuse in relation to pornography (Crofts et al., 2015, pp. 47–9). As
such, ‘children’ are now defined in relation to federal laws as those under 18. The definition of what may reasonably be interpreted as pornographic material featuring ‘children’ has been broadened to include a range of representational material “that might be sexualised by an adult with a sexual interest in children”, as Crofts et al. outline (2015, p. 48). The possession of such material is now criminalised in Australia and many jurisdictions internationally, rather than only the creation and distribution of such (Crofts et al., 2015, p. 49). It is in relation to the heightened criminalisation of child pornography that, in several jurisdictions across Australia and elsewhere around the world, the age of sexual consent is out of line with the age at which a young person is considered a ‘child’ in relation to child pornography laws. In short, in several states across Australia, 16- and 17-year-olds can lawfully consent to sexual activities “but not to the recording of the same activity” (Crofts et al., 2015, p. 49), nor to a range of other ‘potentially sexualised’ digitally produced self-images (Albury et al., 2013).

‘Consent’ is a complex concept in youth and adult sexual cultures alike, and in relation to young people’s sexual media practices. Ringrose et al. (2012, p. 7) suggest it is unhelpful to describe sexting in “absolute terms – wanted vs. unwanted sexual activity, deliberate vs. accidental exposure” (2012, p. 7), because such terms fail to capture the complexities of young people’s participation in digital and mediated sexual interactions. Similarly, Drouin, Ross, & Tobin’s (2015) research with young adults suggests that simplistic distinctions between ‘consensual’ and ‘non-consensual’ sexting practices are complicated in a social context where sexual harassment and violence against women is prevalent. They found that 12% of the young men and 22% of young women they surveyed in a US university said they had participated in sexting when they did not want to. The authors suggest that, in social landscapes characterised by normative gendered and heterosexualised pressures, sexting, like sex, can be “unwanted but consensual” (2015, p. 200). The circulation of dick pics among young people has been noted as an increasingly prevalent phenomenon, where such images are produced by young men in a variety of contexts and can be received in ways that are consensual and wanted or non-consensual and harassing, as well as collected, archived, and shared in ways that may or may not be consensual or intended on the part of the creators (Ringrose & Lawrence, 2018; Paasonen, Light, & Jarrett, 2019; Waling & Pym, 2019). As Wolak and Finkelhor note,

Sexting episodes are very diverse and complex and cannot be categorised or generalised very easily. In some cases a youth takes pictures and sends them to an adult in what is an exploitative sexual relationship. In other cases, the taking and sending appears to be a feature of a developmentally appropriate adolescent romantic relationship. In still others, it may be hard to determine whether youth who exchange images are agreed about to what use the images may be put.

(Wolak & Finkelhor, 2011, p. 9)

However, available research on youth sexting, conducted mostly with older teenagers and young adults in the Anglophone West, tends to indicate that, much of the time, various sexual media practices involving self-produced sexual and bodily images do occur privately and consensually between peers and romantically or sexually involved partners (Wolak & Finkelhor, 2011; Mitchell et al., 2014).

Why Young People Remain Vulnerable under Child Pornography Laws

Child pornography laws have been particularly contentious in relation to youth sexting practices because the wide scope of these laws means they could potentially be applied to images taken of one’s own body, stored on one’s own phone, or to young people’s private sexual explorations and flirtations stored on digital devices, if brought to the attention of adult
authorities with an interest in punishing such. Hasinoff (2015) outlines cases in the USA where clearly consensual sexting between young people has been the subject of legal punishment. She suggests that, as with the criminalisation of youth more broadly, it is socially and economically marginalised youth, and particularly racially and sexually diverse young people, who are most vulnerable to such criminalisation of their social and sexual lives (2015). Via such laws, young people are continuously (re)constituted as inherent victims of sexual exploitation just by virtue of their youthful bodies, contributing to cultural semiotic feedback loops whereby youthful bodies are (re)read as either innocent or dangerously sexualised and provocative (Lumby & Albury, 2010; Egan, 2013; Renold, Ringrose, & Egan, 2015). It has been argued that the bodies of girls, particularly black and brown girls, and queer youth are over-determined as sexual (Egan, 2013; Hasinoff, 2015; Pitcan, Marwick, & boyd, 2018), meaning that complex social inequalities and long-standing gendered dynamics of ‘sexualisation’ play into such cultural feedback loops concerning what kinds and whose images are seen as sexual and dangerous in nature.

Criminologists and legal scholars have argued that the use of child pornography laws is generally inappropriate in relation to youth sexting practices, especially in cases of clearly consensual or private sexual exploration or flirtation; this is not what laws against child exploitation materials were meant to guard against, and there is growing recognition that youth sexting practices generally involve different scenarios and power dynamics to the creation and sharing of images of young people by adults for sexual gratification or exploitation (Crofts et al., 2015; Hasinoff, 2015). In brief, key suggestions are that the law needs to: find ways of distinguishing between sexting and child pornography and exploitation materials; to instigate more legal protections and defences for young people around this issue; and to more consistently apply other relevant existing offences in contexts where harms such as peer harassment and abuse have occurred in relation to young people’s digital self-produced images, such as those around indecency and offensive materials (see Crofts et al., 2015, pp. 181–92). Other relevant laws, such as those around indecency and the age of consent, vary in Australia from state to state. The state of Victoria, for example, has led the way with addressing the place of youth sexting practices under the law and has put in place some legal defences to child pornography charges for young people, as well as a requirement that special permission is needed to press federal charges around child pornography for youth under 18 (Youth Law Australia, 2019). However, local police can still press charges of this kind in relation to state-based laws, so the threat, even if rarely enacted, of prosecution for child pornography material in relation to youth sexting practices remains. From criminological research in this area, it appears that the police and courts can and often are using their discretion in applying child pornography laws to youth sexting incidents that come to the attention of authorities, and often opt for less serious charges around indecency, or the use of cautions instead (Crofts et al., 2015). Nevertheless, there is no nationally consistent approach to this issue, meaning that laws around child pornography offences can be applied quite differently and inconsistently in different states in cases relating to youth sexting practices. The existence of federal child pornography laws with such a wide scope of capture in the digital era means that both young people under 18 and those who are close to people under 18 – including friends, family members, parents, care givers, and teachers who may be privy to, involved, or enmeshed in the mediation of youth lives in various ways – are particularly vulnerable to the potential legal consequences of self-produced images of youthful bodies. There are several unintended possible negative impacts of this legal, cultural, and social framing of the digital mediation of youthful sexuality as inherently dangerous. These include:

- Encouraging young people to view their own mediated bodies as inherently exploited and exploitable rather than as pleasurable, joyful, creative, and capacious;
The possibility of frightening young people away from talking to adults about problematic, confusing, or abusive instances involving digital images of youthful bodies;
• Resultant confused and contradictory messages about the severity of youth sexting practices from adult authorities charged with protecting young people.

These interrelated negative impacts have shaped, produced, and reproduced the ways in which youth sexting is addressed materially and discursively in legal, cultural, and pedagogical discourses, representations, and practices. In co-constitutive feedback loops, the laws and material-discursive pedagogical responses to youth sexting can be seen as shaping and re-shaping youth sexuality and digital media practices and cultures. The remainder of this chapter will outline these impacts in some further detail.

Impacts of Child Pornography Material-Discursive Constitutions: Confused Messages to Young People about the Risks of ‘Sexting’

The legal framing of sexting as ‘child pornography’ that has emerged as dominant over the past decade has caused some serious dilemmas and contradictions in relation to how sexting is discussed with young people and addressed in educational contexts. A significant unintended consequence of these measures, understandably designed as they are to protect children and young people from sexual exploitation in the era of networked communication, is the way such measures contribute to a framing and a material-discursive constitution of youthful bodies as inherently sexualised, inherently exploitable, and thus risky and dangerous. This unintended consequence of laws designed to protect children comes much more obviously into focus (to use a photographic metaphor), is more pronounced, and more intensely relevant in relation to the increased cultural prevalence of self and social photography practices in the digital era. To educate youth about the meaning of child pornography laws in relation to their digital cultural practices is to ask young people to view images of their bodies through a frame of possibilities for sexual exploitation, rather than through more joyful, pleasurable, experimental, and creative frames of perception and understanding. Feminist scholars have explicated the value of pleasure and capacity-oriented framings of youthful bodies in terms of violence prevention, evidencing how foregrounding pleasure and bodily capacity provides a solid basis for sexual ethics and empowerment, and is thus key to gendered and sexual violence prevention strategies (Tolman, 2002; Carmody, 2009; Allen, Rasmussen, & Quinlivan, 2013; Ringrose, 2013).

The crux of the problem is that the law currently pathologises and potentially criminalises everything to do with children’s and teen’s sexuality as experienced and co-constituted through digital media communication technologies (Angelides, 2013; Simpson, 2013). The sexuality of those under 18 becomes surveilled and pathologised in ways that do not apply, for example, to the older adult siblings or parents of teens under 18, who may regularly use digital media and communication technologies to flirt, connect in romantic or sexual ways, and consensually share sexual or bodily images and texts. Because of these strengthened laws criminalising child pornography and its possession, as well as its creation and distribution, a mediated representation of a youthful body engaged in any kind of sexual act or pose, or that could be construed as sexualised by a viewer with an interest in doing so, becomes risky, and is materially and discursively constituted as more potentially dangerous, contentious, or stigmatised, than ‘unmediated’ sexual acts or behaviours engaged in by youth. For example, young people in the author’s research in rural Victoria, Australia, expressed much consternation over why other young people might take any kind of sexual self-images which they articulated as much worse, more shameful, and more risky than ‘the real thing’. However, one group of teens, when pressed on why images depicting sexuality or sexual interest were more shameful than
(unmediated) sex or bodies, and equated with ‘putting yourself down’, replied that they didn’t know and “couldn’t find the right words” (Dobson, 2015, p. 90). Similarly, UK researchers found that the young people with whom they spoke about sexting understood that self-image production was illegal for minors, but could state little about why: “they are told either by teachers or external speakers that it is illegal and if they do it they ‘could be in a lot of trouble.’ And there the message ends” (SWGFL, 2017, p. 7). The young people with whom they spoke speculated that they did not think peers considered the law much in relation to sexual media practices (SWGFL, 2017, p. 7). The frame of ‘child pornography’, ‘exploitation’, and ‘self-exploitation’ as sexting has been discursively framed in Canadian law (Karaian, 2015), may seem far from young people’s experiences, making this framing hard to affectively comprehend, keep in mind, or hold on to in relation to their own bodies and digital cultures. A ‘child pornography’ framing of youth bodily images allows little room for pleasure, fun, and creativity, and thus may feel over-threatening and irrelevant to young people (Albury & Crawford, 2012). In sum, a notion that the digital mediation of sexuality is bad and constitutes a kind of self-exploitation for young people appears to be culturally pervasive. However, a deeper understanding of the legal context of this message often appears to elude young people.

Stakeholders and governments internationally have had to respond quickly to the highly publicised possibilities of extreme legal, social, and psychological consequences for youth involved in sexting, and have been highly proactive in Australia, developing several educational films, campaigns, and fact sheets to address youth sexting. In many schools in Australia, the UK, Canada, and the US, it currently appears that youth sexting is addressed in one-off, single-issue assemblies, with the inclusion of external speakers and/or narrative film resources (Davidson, 2014; Crofts et al., 2015; Dobson & Ringrose, 2016; SWGFL, 2017). Several narrative resources have been produced to address sexting with high-school students including Tagged, Megan’s Story, and Keep it Tame in Australia, Exposed in the UK, and I Shared a Photo and Respect Yourself in Canada. (For further analysis and discussion of these, see Dobson & Ringrose, 2016; Dobson, 2019.) The predominant approach taken internationally in educational resources and government campaigns has been to promote youth abstinence from sexting by emphasising social sexual shaming, rather than the legal risks associated with sexting, particularly for girls. These narratives draw on and reinforce a typically heteronormative matrix of gender and sexual stereotypes of active male versus passive female desire, boys as sexual pursuers and predators, and girls as either sexual gatekeepers or sluts. Widely circulated sext education narratives such as Megan’s Story, Tagged, and Exposed commonly narrate stories in which girls have been asked by boys for images, and are thus framed as the ones responsible for preventing sexting by ‘saying no’ to boys in the first place (Albury & Crawford, 2012; Karaian, 2014; Dobson & Ringrose, 2016). This is despite the ongoing prevalence of dick pics (Ringrose & Lawrence, 2018; Paasonen, Light, & Jarrett, 2019) and other kinds of sexual and bodily images and image-sharing dynamics in digital sexual cultures, such as those briefly mentioned above. In these stories, the girls who have ‘given in’ to a boy’s requests then have their trust betrayed when a boy shares these images with other peers (either widely and maliciously, or in confidence with other male friends who then spread them further). The girls in question are then relentlessly harassed and slut-shamed by their peers at school, often to the point where they are depicted as needing to leave the school to start afresh, as in the ending of Tagged.

The laws concerning child pornography are not mentioned in any detail in such resources, although the involvement of police is often depicted or alluded to as a possible consequence for the young people involved. Nor are laws or ethics concerning sexual harassment, abuse, and the perpetration of such via digital technologies mentioned, which is essentially what these sext education narrative resources often depict (Salter, Crofts, & Lee, 2013; Dobson, 2019). As Albury and Crawford argue of Megan’s Story,
the individualising admonishment to ‘think again’ offers no sense of the broader legal and political environment in which sexting might occur, or any critique of a culture that requires young women to preserve their ‘reputations’ by avoiding overt demonstrations of sexual knowingness and desire

(2012, p. 465)

Many scholars are critical of taking an abstinence approach to sexting, which can serve to simply reinforce heterosexist notions of young women as sexual gatekeepers, and as the ones ultimately responsible for (often their own) abuse and harassment (Albury & Crawford, 2012; Angelides, 2013; Ringrose et al., 2013; Salter, Crofts, & Lee, 2013; Karaian, 2014; Dobson & Ringrose, 2016). They have called instead for more ‘harm minimisation’ approaches, while noting, in the current legal context, the situation where young people must still be adequately informed that any kind of sexual self-image production is legally risky. This leaves those charged with caring for and protecting young people in a difficult position. Understanding their own bodies through the legal framework of child pornography is a complex and somewhat violent ask of young people, and it is understandable that adult educators, care-givers, and even police are not keen to really emphasise the details of this framing.

To emphasise child porn laws as a key deterrent is also risky in terms of young people’s well-being. When large numbers of children, young people, and adults close to them can potentially be prosecuted for offences designed to address paedophilia and the digital sexual exploitation of children by adults, this can have the unintended consequence of scaring young people away from confiding in adults about problems or instances of harassment and abuse that have occurred in relation to youth digital practices (SWGFL, 2017). While, as mentioned above, young people often express some confusion around precisely why mediated sexuality is bad and illegal, despite knowing it is, they are often clear that the effect of this is that the adults in their lives may well panic over youth digital images, and take these images way too seriously or out of context (Albury et al., 2013; SWGFL, 2017). Researchers in the UK found that, as a result of the sext education involving a talk by police that they had received at school, the young people with whom they spoke said that “there was no way they would ever tell an adult if a friend was experiencing abuse, coercion or exploitation as a result of sharing a nude” (SWGFL, 2017, p. 7). As they note, “If the message given to young people is no more complex than ‘if you do this you are breaking the law’, the victim is already concerned to disclose” (p. 7). As such, many sext education narrative films convey an awkward message of dire social consequences and slut-shaming, the threat of potentially dire-yet-obscure legal consequences, and some kind of consolatory ending, whereby a resolution is suggested as possible after/despite the violent and disruptive involvement of teachers, parents, and police. The young people in our Australian research picked up on the awkward contradictions of the message of Tagged, noting that the consolatory ending of Tagged did not make much sense given the extreme social and legal consequences suggested in the film for the group of teens involved (Dobson & Ringrose, 2016, p. 18).

Conclusion

For children and teens under 18 in Australia, there is no such thing as ‘safe sexting’ from a legal standpoint, and yet for many young people the taking and sharing of sexual and bodily images is a part of everyday life and peer digital cultures. Whether actually utilised much in practice by police and prosecutors, the legal and cultural framing of youth sexting practices as potentially ‘child pornography’ or exploitation materials has some significant unintended negative impacts on young people and those who care for them. As outlined here, to emphasise the meaning and intent of child pornography laws and their relationship to youth digital cultures is to ask young
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people to view their own bodies as inherently exploited and exploitable. Pleasure, joy, fun, creativity, and capacity is eluded in the process, despite the clear import of such for young people’s sexual safety, rights, and empowerment. As suggested, it is understandable that those who care about young people might thus be hesitant to meaningfully emphasise how youthful bodies are actually constructed via child pornography laws. This has resulted in some confusing and evasive messages to young people about sexting. Extreme sexual shaming by peers is often threatened in sext education narratives aimed at young people in a bid to emphasise total abstinence, rather than providing details of laws regarding child pornography, or digital abuse and harassment (as less explicitly didactic websites such as Youth Law Australia do). As a result, young people often associate sexual self-mediation of any kind with shame and illegality, whilst being uncertain or confused as to precisely why this is so. Within the current legal landscape, a very difficult balance must be struck between informing young people about laws relevant to their lives and scaring them away from ever confiding in adults about issues or problems that arise in relation to their sexual or bodily images or communications.

Youth sexting is a complex and multi-faceted phenomenon that will likely challenge legal and social policy for some time. As suggested in this chapter, the strengthening of child pornography laws in the digital era is understandable in the historical and cultural context of concerns about the protection and rights of children in the digital era. At the same time, the bluntness of these laws, and their emergence over the last decade in legal and pedagogical discourses as explicitly related to youth sexting practices, is not ideal. The challenge to address, in overcoming the failures of current legal responses to sexting, is in acknowledging young people as sexual citizens for whom sexual rights and pleasure are important, and de-pathologising young people’s sexuality. At the same time, this challenge requires finding ways to address the harms for young people that can result from heteronormative gendered cultural contexts of which sexting practices may be a part.

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