

Sexting and the Law of Unintended Consequences



By **Stephen Balkam**

Sexting — teens sending sexually explicit photos of themselves via cell phones — has become the latest in a line of highly charged issues involving kids and the internet. A recent survey on sexting has claimed that one in five teens have sent nude or semi-nude photos of themselves, although at least one academic has questioned this finding.

What is certain is that the media has jumped on this potentially explosive phenomenon with banner headlines and urgent commentary. And now there is a call for a new law from the parents of a teen who took her life following a sexting incident earlier this year. Jessica Logan, 18, was a pretty, vivacious, outgoing high school student. Last year she sent a nude picture of herself to her then boyfriend who promptly forwarded it on to a group of girls after he and Jessica split up. What had been intended as private and intimate became public and the source of a barrage of humiliating e-mails, texts and slurs. The cyber-bullying, in this case, led, tragically, to Jessica taking her own life.

Understandably, Cynthia Logan, Jessica's mother, has launched a national campaign to call for a law to deal with sexting and to warn teens and young people about the dangers of taking and sending sexualized pictures of themselves. While it is clear that there is an urgent and compelling case to be made for a national education campaign to steer kids away from over exposing themselves online, it is less certain what new law could be drafted to deal with this issue.

The central problem with this and similar cases is that the victim knowingly created the very images later used to bully, harass and humiliate her, once they had been distributed by her trusted "friend." It has been argued that girls and young women are put under huge peer pressure by boys to send them nude shots of themselves. Others simply see this as an outgrowth of our

highly sexualized culture, with sexual themes being ever present in movies, TV and music. Disturbingly, some teens see this as “cool” or “just a bit of fun,” oblivious of the consequences, emotionally, socially and in the eyes of the law.

There are some states that are seeking to “make a point” by actively prosecuting cases of sexting using child pornography laws to arrest and charge the kids for producing, distributing and possession of these images. Having been so charged, these young people are then put on the Registered Sexual Offenders list with all the life-long ramifications that designation has. But these laws were put in place to punish adult predators from sexually abusing kids and to equate sexting with one of the most vile and reprehensible acts in our society is a huge overreaction. It would be better to follow the UK model of cautioning the kids involved and promoting counseling and community service as a way to sanction them — not to put them in jail and throw away the key.

It remains to be seen if sexting is as prevalent and widespread as some are now suggesting. Even if the figure is as high as one in five, the good news is that 80%, or the vast majority of kids are not acting out in this way. Rather than arresting, expelling or suspending our way out of this problem, it would be good to begin an urgent dialogue with our own kids about this and to point out the repercussions of sexting. And we should encourage our teens, in what is known as the “social norms” approach, to identify with the four in five and to act responsibly and delete the photos when they receive them. To honor the memory of Jessica, we should use her tragic case as a teaching moment and begin a dialogue with our kids about the unintended consequences of going too far online.

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