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## Probe

# SEX IN THE DIGITAL AGE MEDIA ECOLOGY AND MEGAN'S LAW

*Brett Lunceford*

In New Jersey, a 14-year-old girl was recently arrested and charged with child pornography. Yet this was not a typical case of child pornography; the photos were of herself and they were posted to her MySpace profile. The girl eventually received probation and court-ordered counseling, but the potential sentencing and jail time raised many questions (see Billups, 2009). Maureen Kanka, the mother of Megan, the namesake of Megan's Law, expressed outrage that the girl could be charged and made to register as a sex offender, stating that the girl "should have intervention and counseling, because the only person she exploited was herself" ("Sexting," 2009, p. B1). But in the face of strict child pornography laws such as Megan's Law and the Adam Walsh Child Protection and Safety Act of 2006, this is not a decision for her to make—the laws are clear; child pornography is child pornography regardless of who creates it.

*Sexting*—sending suggestive or explicit photographs or text messages, often through cell phones—is a growing concern among parents, law enforcement officials, and legislators. A study published by the National Campaign to Prevent Teen Pregnancy and CosmoGirl.com (2008) found that 22% of teenaged girls, 18% of teenaged boys, and 11% of young teen girls (ages 13–16) "have sent/posted nude or seminude pictures or video of themselves" (p. 1). These images can have severe consequences, as in the cases of the New Jersey girl mentioned above, or Jessica Logan, an 18-year-old woman from Ohio who killed herself after her ex-boyfriend sent nude pictures of her to other girls at her school (McCarty, 2009; Morelli, 2009; "Teen sexting," 2009), or the case of two freshman girls in Spring Grove, Pennsylvania, where nude photos of themselves were

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**Brett Lunceford** is assistant professor of communication at the University of South Alabama where he serves as the head of the Interpersonal/Rhetoric track.

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**Direct correspondence to: Brett Lunceford, Department of Communication, University of South Alabama, 1000 University Commons, Mobile, AL 36688.**

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forwarded around the school (Boeckel, 2009; Gross, 2009). Yet this seems to be only a symptom and not the disease itself. Other scholars have examined the technologizing of sexuality (e.g., Lunceford, 2009; Mumford, 1963; Rheingold, 1999); this article briefly considers the sexualization of technology.

Media reveals and conceals, and in the case of sexting it seems obvious that it reveals what we have always known but had hoped to deny: that adolescents (see Cornell & Halpern-Felsher, 2006; Manning, Longmore, & Giordano, 2005; Santelli, Carter, Orr, & Dittus, 2009; Santelli, Lindberg, Abma, McNeely, & Resnick, 2000; Whitaker, Miller, & Clark, 2000) and children (see Lamb, 2001; Martinson, 1994) are sexual beings. The simple fact that public health officials constantly are working to reduce the rate of teenaged pregnancies should tell us as much. But even the concept of sex is, in some ways, troublesome; there are multiple definitions among adolescents concerning what constitutes sex (Carpenter, 2001; Nicoletti, 2005; Woody, Russel, D'Souza, & Woody, 2000). Yet because the effects of sex itself are generally not seen directly—unless the girl becomes pregnant—it is easy to bury one's head in the sand and believe that sexual behavior does not take place among adolescents. However, with the case of sexting, it is impossible to deny their expressions of sexuality because they are rapidly disseminated among many people.

The problem with sexting is that it takes place in a medium that is intrinsically viral. In McLuhan's (1994) notion of hot and cold media, digital media would be ice cold because it demands interaction, especially when it comes in the form of text messages through cell phones. People have likely taken nude photographs of themselves and others since the advent of photography, but until the advent of digital photography such images were not so easily transmittable, especially in a format that retains the original quality of the image. Yet photographs also were once a much hotter medium, demanding little participation from the user. In the cooler medium of digital photography transmitted over cell phones one *must* make a choice concerning what to do with it, whether to store it, to send it on to others, to delete it. This digitization of our images has implications for our conception of self as well. McLuhan (1994) observed that "in this electric age, we see ourselves being translated more and more into the form of information, moving toward the technological extension of consciousness" (p. 57).

The case of sexting demonstrates how technology can, at times, reveal our true natures or, to put it in Goffmann's (1959) terms, reveal what takes place in the back stage. The proliferation of online gaming reveals our tendency to seek after the amusement of bread and circuses rather than participation in the public sphere. The explosion of pornography Web sites reveals our tendency to seek titillation. The ubiquity of cell phones reveals our desperate need for constant connection with those close to us, yet our connection attempts to conceal our fear of those strangers in our immediate vicinity as we block out their presence through our constant mediated conversations. The case of sexting reveals our sexual nature and our desire to share our sexuality with others. Sexual expression can only be suppressed, but not completely eradicated, despite laws concerning adolescent sexuality and programs such as abstinence-only education that seek that end in adolescents.

The practice of sexting reflects the norms of society; adolescents are surrounded by a media landscape that celebrates sexuality. In an environment that has spawned celebrities such as Paris Hilton who are best known for their sex tapes and explicit upskirt photographs, is it any wonder that adolescents have learned too well that a surefire way to gain attention is to expose themselves to others? Considering this phenomenon from a media ecological standpoint troubles commonly held beliefs concerning exploitation, innocence, and sexuality—indeed, Leary (2007) succinctly describes this paradox, observing that “although juveniles lack the capacity to consent, they do not necessarily lack the ability to intentionally have sexual contact” (p. 32). But one cannot remove the adolescent from the media landscape and expect to understand their motives and attitudes concerning sexual behavior. We must recognize that today’s adolescent—called Generation Y or the Net Generation by some scholars—has little conception of what it means to live in a world without instant communication; they were raised on cell phones and the Internet (see Costello, Lenholt, & Stryker, 2004; Leung, 2004; Tapscott, 1998). The digital realm has always been a part of their world, so it should come as little wonder that they would use it as a means of self-expression, sexual and otherwise.

Sexuality is an integral part of life, a consequence of embodiment. As Baudrillard (1994) suggests, “Sex is not a function, it is what makes a body a body” (p. 98). Zaner (1964) likewise argues that “to be embodied is to be embodied with a certain sex, and the sexuality of the body-proper manifests itself in a variety of manners” (p. 193). As our surrounding environment becomes increasingly mediated, it stands to reason that not only will this influence how we perceive our embodiment, but also how we perceive sexuality. Fortunati (2003) argues that as we have become more reliant on information and communication technologies, “the new poverty that affects everybody is a *poverty of first-hand reality*” (p. 75). In such a case, it begins to make sense that adolescents may not grasp the long-term consequences of such actions as sexting. More importantly, they may simply not care as much about what happens in the “real” world when the world that truly matters to them exists in cyberspace. They are merely physical bodies inhabiting the hyperreal—Baudrillard’s (1994) simulacra realized.

Laws such as Megan’s Law assume an old paradigm, where the tokens of adolescent sexual expression were difficult to come by. One had to make contact with someone in the physical world who had possession of physical artifacts such as photographs or videos, or access to the teenagers themselves who would have to be plied with drugs, alcohol, or coercion in order to expose themselves. Yet such thinking seems outdated. When adolescents are taught that sexual expression is not only normal, but desirable, and they have tools that facilitate such expression, including inexpensive digital cameras, cell phones, and social networking sites, it seems almost inevitable that they will participate in their own forms of sexual expression. When teens readily produce sexual images of themselves and then distribute them widely among friends (who, in turn, distribute them among their friends), we seem at risk for creating an entire generation of what we would currently consider to be sex offenders that traffic in child pornography. Yet when they exploit themselves, society does not have a compelling narrative to explain

the phenomenon; we are too invested in the notion of adolescent sexual purity to realize that adults are complicit in this construction of adolescent sexuality. Such involvement goes beyond the adult industry that toys with the taboo of adolescent sexuality with magazines like *Barely Legal*, and easily can be seen in the genre of teen sex comedies and advertisements that likewise imply, if not explicitly celebrate, adolescent sexuality, such as those from Calvin Klein and Abercrombie and Fitch, to name only a few examples. Popular culture functions to normalize adolescent sexuality, even as our legal system seeks to demonize and sanction it.

Adolescents are bombarded with sexual expression, and this landscape has implications for laws surrounding adolescent sexual expression. Smith (2008) argues that child pornography laws “are simply too blunt an instrument to deal with consensual teenage sex that the minors involved chose to film in a culture where, for good or ill, sex among teenagers is commonplace” (p. 529). As such, media ecology has much to teach us concerning how media should be governed because one must begin by examining the media *as it is* if we are to consider how media *should* be used in the future. Yet many policymakers hold to a 20th-century view of the media landscape; as Ellul (1992) asked, “How can people who are incompetent make important decisions with regard to technique? Here, of course, ordinary citizens are in exactly the same place as the politicians, who are also perfectly incompetent” (p. 43).

So where does this bring us? As the media landscape has become increasingly sexualized, technology has become sexualized as well. If, as McLuhan (1994) argues, electronic media serves as an extension of the central nervous system, we must remember that the nervous system exists in a sexed, sexual body. As such, we could profitably view new media as an extension of our sexuality as well. Yet, another way to consider this would be to say that new media *becomes a part of our sexuality*; Graham (2002) argues that “technologies are not so much an extension or appendage to the human body, but are incorporated, assimilated into its very structures. The contours of human bodies are redrawn: they no longer end at the skin” (p. 4).

It seems clear that adolescents view digital technologies as modes of expression, and a key facet of such expression is sexual in nature. McLuhan (1994) suggests that “if outer posture is affected by the photograph, so with our inner postures and the dialogue with ourselves” (p. 197). As we shape technology, technology shapes us. Dyens (2001) argues that “the virtual being is real, but of a different kind of real, one that is both organic and technological. This being is a cultural animal, a nonorganic being. The cultural being is in a new stage of evolution” (p. 33). The images of Paris Hilton having sex are those of a cultural being rather than those of an embodied person. As Baudrillard (1988) observes, “*Images have become our true sex object, the object of our desire*” (p. 35). It is not enough to consider mediated forms of sexuality; we must now prepare to deal with media and technologies that have themselves become sexualized, and when media and technology become sexualized, it becomes impossible to legislate from a standpoint of assumed technological neutrality. There is a dialectic often overlooked in legal discourse: we shape technology and technology shapes

us; Ellul (1964) argues that “technique elicits and conditions social, political, and economic change,” and calls technique “the prime mover of all the rest” (p. 133). Yet so long as these shifts are ignored by legislators and the legal profession, we will continue to have laws that, through their unintended consequences, reveal the disconnect between what we think that we are, what we wish that we were, and how we actually behave when we think that no one (or everyone) is looking.

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