

**SUBMISSION**  
**TO**  
**SENATE INQUIRY INTO THE SEXUALISATION OF CHILDREN IN THE**  
**CONTEMPORARY MEDIA ENVIRONMENT**

**BY**

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## 1. INTRODUCTION

This submission is primarily directed to point (c) of the Committee's terms of reference related to the regulation of the media and advertising. This submission is informed by two major concerns:

- (a) while there is a legitimate interest and need to protect children from harm in any form – including advertising demonstrated to be so – there is also a legitimate interest and obligation on adults to respect the autonomy of children;
- (b) there is great danger to the rights and freedoms of the community – including children if a system of regulation is based on vague, ambiguous or ideologically driven concepts.

We live in age where the 'protection' of children from harm - whether from predators, environmental risks or other dangers – seems to preoccupy policymakers. The notion of children's rights appears to have been co-opted to mean little beyond the right to be protected from harm in some people's minds. As adults often define harm in these contexts this can soon become more about adult's concerns than the legitimate interests of the child. In the area of sexuality it can often be the case that it is more about adult anxieties and fears about sexuality being transferred to notions about what is in a child's interests than it has to do about protecting children. Are we as adults always protecting children, or protecting our own desires as to what we wish childhood to be?

There are other discourses in debates about childhood generally, and in relation to childhood and sexuality in particular, that do not figure prominently in many policy debates about children no doubt because of some of the anxieties above. **Any policy that fails to be informed by those broader discourses runs the risk of, and misses the opportunity to avoid, creating potentially harmful regulatory schemes.**

One should stress as having particular relevance in this area Australia's obligation under article 13 of the United Nations Convention on the Rights of the Child to respect that:

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all

kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Article 17 of the Convention requires States to '[e]ncourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.' Article 18 recognises the role of parents in raising their children.

**It is surprising that many who advocate for increased control of advertising directed to children fail to mention the above Convention articles.** To the extent that the Convention suggests the need to strike some balance between the need to protect children, the autonomy rights of children and the role of parents it seems worthwhile to consider the need to attempt to articulate how that might be done in this context.

The second major concern of this submission is the problem with the concept of 'sexualisation'. It is used by some advocacy groups as if it was term of art, which it is not. While some of those groups' concerns appear to focus on the use of sex in advertising and its effects on children, whatever the legitimacy of that concern may be – and there are no doubt some causes for concern in that regard with respect to the exploitation of children (and adults) - I am not convinced that the use of the term 'sexualisation' is always done coherently or fairly. It often masks many different agendas which are not always consistent with particular views of children's best interests.

At one level its use here appears to be an attempt to describe a process of the increasing use of sex in advertising – 'sexualisation' – but this seems to be a slippage from thinking about sexualisation as a part of the healthy development of children. Hence, 'inappropriate' sexualisation is used at times – but does this mean inappropriate for that stage of childhood? Or is it inappropriate because the viewers are children of any age? There is little doubt that some adults see sexualisation as a part of the process – done properly – of childhood, while other adults wish to divorce childhood completely from sexual matters. Likewise, 'premature sexualisation' may

mean anything from exposing a child to sexual matter at too early a stage of *childhood*, to doing the same thing at any time before *adulthood*.

Recognition of such different understandings (fears and desires?) of the role of sexuality in childhood seems to be vital if we are to understand why regulatory schemes often invoke vague ‘community standards’ which then generate criticism by those who consider the issues – at least in their eyes – to be clear and capable of easy definition. But they also caution us against assuming that regulation based on oversight by ‘professionals’ who ‘understand’ the ‘problem’ may similarly be problematic. This will always come down to the perspectives of those appointed to such oversight bodies. We have many historical examples of professionals entrusted with the protection of children who based their actions on the best interests of children but with the passage of time were shown to have been far from the repository of all knowledge after all on that issue.

## **2. THE MEANING OF SEXUALISATION OF CHILDREN**

The creation of this inquiry appears to be responding to the view expressed by the Australia Institute about the ‘problem’ of the sexualisation, viz:

Broadly defined, sexualization is the act of giving someone or something a sexual character. Childhood development includes a distinct sexual dimension prior to puberty, so the acknowledgment that children have a sexual dimension is not in itself of concern. However, the sexualisation of children documented in this paper captures the slowly developing sexuality of children and moulds it into stereotypical forms of adult sexuality. When we use the term ‘sexualisation’, it is this capturing and moulding process to which we refer. It is essential to ask whose interests such sexualisation serves and at whose expense it occurs.<sup>1</sup>

While there is much in the Australia Institute paper with which I agree and take no issue with, it does concern me that - as they acknowledge - the lack of debate around these issues has meant a lack of critical discussion amongst those who seek to address the welfare of children. For the most part there is a tendency to see the debate as between child advocacy groups versus ‘the rest’ – in this case corporate interests. This submission in part seeks to bring into the debate other critical ideas about children

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<sup>1</sup> The Australia Institute *Corporate Paedophilia: Sexualisation of Children in Australia* (Discussion Paper Number 90, October 2006), para. 1.2.

and their interests in this context. There is not simply one position which represents the interests of children. The nature of childhood and how children's interests are best protected is contested amongst scholars of childhood.

To begin with the above definition of sexualisation as it relates to children is not as clear as it purports to be. In its own terms the Australia Institute paper acknowledges the problematic nature of terms such as 'sexualisation', particularly when applied to children. Although it explicitly accepts that 'human sexual development begins during childhood'<sup>2</sup> and that 'it is not easy for any society to agree on where the line should be drawn in matters such as the sexualisation of children, let alone to agree how such a line may might be enforced'<sup>3</sup> the paper proceeds to use terms such as 'sexualising content,'<sup>4</sup> 'developmentally appropriate content,'<sup>5</sup> 'sexually suggestive behaviour,'<sup>6</sup> and 'premature sexualisation'<sup>7</sup> as if such terms have clear meaning. One would also be hard pressed to reach a community consensus as to what might constitute the stereotypical forms of adult sexuality, yet this is the basis upon which their sexualisation argument rests.

The most questionable aspect of the Australia Institute paper is the attempt to conduct a 'content analysis' of various forms of media for evidence of the sexualisation of children. The paper prefaces this analysis with the comment that '[a]lthough overt sexualisation is of greatest concern, some of the less explicit and more ambiguous material can also be problematic.'<sup>8</sup> This is not presented as a weakness in the analysis – as it should be – but appears to be presented as a warning that such 'less explicit material may be more successful, since one message can send two quite different messages: one to the parent, and another to the child.'<sup>9</sup> This is followed by the point that 'viewer interpretation is of particular importance for the sexualisation of children.'<sup>10</sup> What this all seems to miss is that what is 'sexual' and what 'sexualises'

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<sup>2</sup> Ibid., para. 1.4.

<sup>3</sup> Ibid.

<sup>4</sup> p.16, in reference to magazine content.

<sup>5</sup> p.23.

<sup>6</sup> p.27.

<sup>7</sup> p.viii.

<sup>8</sup> p.5.

<sup>9</sup> Ibid., p.5.

<sup>10</sup> Ibid., p.6.

is in the eye of the beholder – otherwise such ambiguity would not exist in the first place.

Such content analyses of media in this area ultimately rest on subjective interpretations and the value positions of those who conduct them. In this context this is not even a simple matter of what might constitute ‘sexual’ content, because embedded in this discussion of the sexualisation of children is the question of what is deemed to be developmentally appropriate for children. For that reason content analysis of the media for such content should be recognised as based on value judgments and should not be recognised as scientific analysis. This thus also leads to a question that should concern the committee’s minds:

**What values motivate those who express concern with the sexualisation of children and what are the consequences for children of accepting as scientific arguments that are based on those values?**

This is not to suggest that value positions are not legitimate in this discussion. But these values should be clearly articulated and explained. Those who argue for regulation of the sexualisation of children should be under an onus to explain their idea of childhood and the relationship between childhood and sexuality. Clichés such as ‘let children be children’ are unhelpful and say nothing about what types of children they are to be. The nature of childhood is not self-evident.

In particular, there needs to be clear articulation of the extent to which children are to be given their own voice, agency over their own bodies, and to be heard in such matters. How these are to be balanced with society’s obligation to protect children from harm also needs to be explained.

### **3. SEXUALISATION OF CHILDREN AS A MORAL PANIC**

The Australia Institute paper attempts to pre-empt any criticism that suggests they are engaging in a ‘moral panic’ about the sexualisation of children. They refer to some literature that suggests that this *is* a moral panic and then give three reasons as to why this is *not* a moral panic. These three points are addressed in turn:

(1) That ‘the problem with the sexualisation of children is that precocious and unhealthy leaps towards the end of this developmental process are encouraged by advertising and marketing.’<sup>11</sup>

Here again is the use of value judgments to claim that something wrong is occurring. Who is to say what is ‘precocious and unhealthy’? While one may accept that to the extent that childhood is a developmental stage then of course logically not all sexual matter will be appropriate at all stages of childhood. The problem which is unacknowledged in this discussion is that not all parents, teachers and others concerned with the welfare of children will agree about what is ‘unhealthy’ in this context. As Emma Renold argues the primary school is a heavily gendered place where children are socialised into accepting heterosexual roles.<sup>12</sup> While one may argue that exposing young children to the reality of same sex relationships has positive consequences for the building of social inclusion in later years, it is easy to see that some will see that as unhealthy for young children. Witness the furore around an episode of Playschool in 2004 which included a reference in it to a child with two mothers and the subsequent community debate about the ‘appropriateness’ of this content. Is advertising which portrays a child with same sex parents ‘inappropriate sexualisation’?

(2) That there is evidence that Australian children have become increasingly sexualised during the last decade.

Advocates of this thesis such as Juliet Schor do assert that ‘[t]he typical American child is now immersed in the consumer marketplace to a degree that dwarfs all historical experience.’<sup>13</sup> Schor’s work has been well received by those who want to believe that children are being easily manipulated by advertising and the media. But her work has also been criticised as being more advocacy than analysis, and based on anecdote rather than scientific evidence. In particular her work has resonated with Christian groups in the United States concerned with the demise of ‘family values’

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<sup>11</sup> Ibid., p.3.

<sup>12</sup> E. Renold ‘They won’t let us play...unless you’re going out with one of them’: girls, boys and Butler’s ‘heterosexual matrix’ in the primary years’ (2006) 27 *British Journal of Sociology of Education* pp.489-509.

<sup>13</sup> J. B. Schor *Born to Buy* (Scribner, New York, 2004), p.19.

and the sexualisation of children. Her writing is strident in its proclamation of a crisis surrounding sex in the media. In her book *Born to Buy* in a section headed 'Sexy Girls and the Commercial Culture' she claims 'research' backs her claims that sex in the media leads to children having sex earlier.<sup>14</sup> She also refers to '[m]edia reports of widespread casual sex among teens have focused adult attention on these programming trends.'<sup>15</sup>

Schor then proceeds to claim that such sexualisation has permeated marketing in stores. She writes:

For example, there's the influx of sexually provocative clothing into the girl's 6x-12 department. As the clothes get skimpier, the mothers get angrier. But as more and more girls appear in revealing attire, it's harder for adults to hold the line. I've heard from two entrepreneurs who have started companies to provide wholesome, non-sexual clothing for girls in this age range. They're up against the biases of department store buyers, who now say that unless the styles are downscaled versions of the adult trends, they won't take them.....One conservative Christian group did highlight jeans maker Guess? for store displays with an unclothed Paris Hilton. Guess's CEO Paul Marciano responded curtly by suggesting that they 'just stay home.'<sup>16</sup>

Another target which no doubts resonate well with conservative Christian groups is her description of 'sexually explicit' popular culture. She claims:

Another trend is the spread of sexually explicit music and dancing to very young kids, even preschoolers, who bump and grind and mouth pop lyrics they cannot understand. When they do start to learn what those words and images mean, parents worry even more. Toys have also become far more sexually explicit. Barbie has taken her share of criticism for being a swinger with an unrealistic body type. But for years, her sexuality has been out of date, with the result that it is less accessible for children, because it's not culturally resonant with them. Barbie is being replaced by Bratz dolls, which ooze contemporary 'heat', with barely there clothes and explicit date themes.....Bratz dolls are just one of the products that have been targeted by child development experts and parent's groups for being age inappropriate. The activist group Dads and Daughters has been busy ferreting out other damaging products marketed to girls...<sup>17</sup>

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<sup>14</sup> Ibid., p.214

<sup>15</sup> Ibid., p.215.

<sup>16</sup> Ibid., p.215.

<sup>17</sup> Ibid., p.215.



It is questionable whether the sexualisation of children has ‘greatly increased’ in the last decade. As Schor herself acknowledges Barbie dolls were in their day regarded as sexual and the Barbie doll was launched in 1959. Evans notes that in 1953 Wertham in his book *Seduction of the Innocent* wrote of the sexual fetishism in comic books.<sup>18</sup> Indeed, even the broader concern with the commercialisation of childhood is far from a recent invention as Evans comments:

Prior to the consumerist era, Wertham deplored the commercialisation of childhood: ‘Advertisements in comic books have caused decent boys and girls many tears’ and ‘hypochondriasis’<sup>19</sup> through their stress on the buying of solvents for various physical, physiological, psychological and sexual ‘problems’ related to height, weight, muscular strength, complexion, hair etc.<sup>20</sup>

Evans’ analysis goes further and seems to suggest that the current acceptance by parents of cosmetic surgery for their children<sup>21</sup> together with other marketing such as clothes directed to children and which Schor may describe as ‘sexual’ or ‘too adult’ may represent expressions of parental love, but which at the same time tread a fine line between ‘appropriate’ representations of sexuality and ‘inappropriate’. As he writes:

Children, despite being drawn so comprehensively into the wider implications of the health and body discourses of ‘bio-power’,<sup>22</sup> are still not meant to be sexual in the narrower sense. They should be health-, appearance- and clothes-conscious and to vicariously buy lifestyle and leisure commodities as indirect expressions of sexuality through their parents, but sexual precocity is still frowned upon. So when media representations cross this very finely drawn rubicon, they are dealt with swiftly, especially when televised into the home. ‘Minipops’ was one such example. Appearing in 1983 on Channel 4, it showed children as young as 4, miming to adult pop stars and mimicking their dress, behaviour and actions (‘here were all the attributes paedophiles...often look for in children – crisp white shorts, bare knees, skimpy skirts, tight trousers’,<sup>23</sup>) In May 1993, Vogue was accused of publishing ‘child pornography’ with its fashion spread

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<sup>18</sup> D. T. Evans ‘Falling angels? – the material construction of children as sexual citizens’ (1994) 2 *The International Journal of Children’s Rights* 1-33, at 17.

<sup>19</sup> citing F. Wertham *Seduction of the Innocent*

<sup>20</sup> Evans, op.cit., pp 17-18.

<sup>21</sup> Ibid., p.18.

<sup>22</sup> citing M. Foucault *The History of Sexuality: Volume One: An Introduction* (Harmondsworth, Allen Lane, Penguin, 1981).

<sup>23</sup> citing R. Moody *Minor Problems* (1983) 1:4.

Evans continues this point about the manner in which children and sexuality interact being a fine line:

A major part of childhood innocence has now become the pursuit of happiness realised through parental provision of consumer artefacts commensurate with their status and lifestyle,<sup>24</sup> artefacts marketed as crucial affirmations of parental love and childhood happiness, and in the displaying of them the children themselves take on commodified and ‘proto-sexual’ forms, ‘innocent’ embodiments of parental love and expenditure.<sup>25</sup>

What the above discussion illustrates is that (a) the sexualisation of children is not a recent phenomenon, and (b) more importantly, that the real issue is not whether children are sexualised but rather, as even the Australia Institute accept, in what manner and at what pace children should be introduced to the sexual world.

The presentation of the issue as the ‘sexualisation of children’ per se is thus unhelpful as it tends to disguise the complexity of the issues that underpin these discussions. In particular it masks the gendered nature of the discussion because although the matter is presented as one about ‘children’, as Schor’s analysis and the Australia Institute both demonstrate the panic is principally with respect to how girls are sexualised.

This construction of the matter as one centred on the sexualisation of girls can be read as being about the production of ‘good girls, wives and mothers’ and which has a long history. One can see this connection being made in Schor’s work between sexual imagery in the media and teenage pregnancy. But as Evans demonstrates one may contrast the English approach to sexual knowledge as about protecting innocence through ignorance, with say, the Dutch approach, where a lower age of consent (12) is predicated on the view that hard knowledge empowers children to make more informed choices.<sup>26</sup> There are still those who consider the decision of the House of Lords in *Gillick*<sup>27</sup> (a case where the increasing maturity of children – girls – to make their own decisions with respect to contraceptive information was recognised) a bad approach which promotes sexual activity amongst children.

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<sup>24</sup> citing J. Ennew *The Sexual Exploitation of Children* (Cambridge, Polity, 1986).

<sup>25</sup> Evans, op.cit., p.19.

<sup>26</sup> Ibid., pp.8-9.

<sup>27</sup> [1985] 3 All ER 402 (HL).

The extent to which concern about the sexualisation of children is code for concern about girls having agency over their bodies should concern the Committee. This is often about conservative religious views about women's place in society. As Cassell and Cramer write in relation to recent concern about girls use of social networking sites and the alleged sexual dangers they may encounter there, similar concerns were expressed in the past about women's use of the telephone:

...when a new communication technology is introduced, upper middle-class Americans become afraid for their children – especially afraid about the noxious effects on girls. This is particularly the case when those technologies permit a kind of metaphoric mobility on the part of girls – movement outside the sphere of adult control. And in each case, whereas initially the anxiety is levelled at bad and transgressive predators, it quickly becomes displaced to the girls themselves who use the technology. The girls' own behaviour comes to appear counter to the image of a 'good' girl, a non-sexual and non-erotic girl.<sup>28</sup>

There is a range of other literature which makes similar points about panics over girls' sexuality. Aitken gives the example of young Latina women who flouted the school dress code by dressing in clothes that revealed their bodies. Such women were regarded by teachers as doomed to academic failure and teen pregnancy.<sup>29</sup>

Whether intentional or not, the focus on the sexualisation of children and advertising fans a moral panic about children and sex generally.

(3) The third reason advanced by the Australia Institute as to why the sexualisation of children is not a moral panic rests on the claim that sexualisation carries risks to children.

The difficulty with such a claim is that it assumes that there exists a clear understanding of 'sexualisation' that is doubtful in the extreme. It is also arguable that in any event the literature suggests that the debate is not about whether the sexualisation of children should occur, but rather *how* it should occur. To properly assess the claim there would also have to be a proper assessment of the role of risk in

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<sup>28</sup> J. Cassell & M Cramer 'High Tech or High Risk: Moral Panics about Girls Online' (to appear in T. McPherson (ed) *Innovative Uses and Unexpected Outcome* (The MacArthur Foundation Series on Digital Media and Learning) (undated), p. 17.

<sup>29</sup> S. Aitken *Geographies of young people: the morally contested spaces of identity* (London, Routledge, 2001), pp. 78-79.

relation to children and their development. It may be true that increased sexual awareness will encourage more sexual activity, but it may also, as in the Dutch example, lead to children being more aware of the reality of their experience and empower them to make their own choices.

To a certain extent the Australia Institute attempt to avoid issues of the extent to which children should have agency over their bodies and claim sexual rights following the principles in *Gillick* by suggesting that they are only referring to children below the age of 12, while young people aged 13 to 17 are teenagers.<sup>30</sup> The assertion in their work is that concern about sexualisation of children is strongest in relation to children under 12.<sup>31</sup> This is clearly not the case as recent controversies surrounding catwalk models under 16 and the taking of gay partners to high school socials indicate. It is hard to believe that those who express dismay about ‘sexual clothing’ for children under 12 will then concede to 14 and 15 year old girls the right to decide how to present their sexuality.

**There should be some concern about the extent to which concern with the sexualisation of children under 12 is transferred to a moral panic about older children and their capacity to make decisions about their own sexuality.**

The delineation of 12 as the cut off point is clearly designed to avoid arguments over the agency of children, as it is assumed that younger children are to be protected and not given autonomy rights. But is it this simple? Historically, did the silence surrounding the sexual abuse of young children by those with power depend on the ignorance of the child? Are advocates of the 12 year old threshold suggesting that children younger than 12 should be kept ignorant of sexual matters completely? Consistent with the *Gillick* principle would not competency be a better threshold?

The Australian Association of National Advertisers confronted the problem of aged based categories. In the preface to their new Advertising to Children Code they refer to 12 and below as the age at which most ‘research and evidence’ would define a child, but that the ‘community’ prefers the retention of 14 and below as the age which

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<sup>30</sup> Australia Institute, op. cit., p.1.

<sup>31</sup> Ibid.

a person is a child. Cases such as *Gillick* demonstrate the difficulty with aged based definitions of childhood as compared with competency based definitions. But competence as the test for when a child can make their own decisions about matters related to sexuality challenge conservative religious notions of childhood innocence which seems to underpin many of the arguments in this context.

The real risk to children may well be in perpetuating the idea of childhood innocence that many who argue over the sexualisation of children appear to want to cling to. As Kincaid writes:

Faced with the growing ease of access and frequency of sexual activity among young people and the manifest failure of traditional teaching, we may well have shifted innocence more decisively backward, onto younger and yet younger people. Along with innocence, we have loaded them with all its sexual allure....That was not the definition of the child at first; but as time went on, the idea of innocence and the idea of 'the child' become dominated by sexuality, of course, but sexuality all the same. Innocence was filed down to mean little more than virginity coupled with ignorance; the child was, therefore, that which was innocent: the species incapable of practicing or inciting sex. The irony is not hard to miss: defining something entirely as a negation brings irresistibly before us that which we're trying to banish...<sup>32</sup>

We need to ask whether by protecting childhood innocence we place children at greater risk of being sexualised inappropriately. These are confronting questions for many adults. As Kitzinger says:

The twin concepts of innocence and ignorance are vehicles for adult double standards. A child is ignorant if she doesn't know what adults want her to know, but innocent if she doesn't know what adults don't want her to know.<sup>33</sup>

#### **4. SUGGESTIONS**

As I was writing this the Australian Association of National Advertisers revised its advertising to children to code to include references to the sexualisation of children. Specifically, the code provides that advertising must not contain 'sexual imagery in contravention of prevailing community standards', or 'state or imply that children

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<sup>32</sup> J. R. Kincaid *Erotic Innocence: The Culture of Child Molesting* (Duke University Press, Durham and London, 1998), pp.54 – 55.

<sup>33</sup> J. Kitzinger 'Children, Power, and the Struggle against Sexual Abuse' cited in J. Levine *Harmful to Minors: The Perils of Protecting Children From Sex* (Thunder's Mouth Press, New York, 2002), p.3.

(under 14) are sexual beings and that ownership or enjoyment of a product will enhance their sexuality.’ There is an apparent contradiction in the last phrase – if children are not sexual beings, then how can a product enhance their sexuality? But this perhaps simply demonstrates the ambiguities outlined in the above discussion.

The revised code has been heavily criticised by some groups – but it is not clear how those groups would re-write it in a way that addresses the issues in this submission. My fear is that many would be avoided.

My suggestions as to what might be included in a code are as follows:

1. Reference to the range of relevant rights all children possess with respect to the media and sexuality contained in the United Nations Convention on the Rights of the Child, both with respect to protection from harm and their autonomy;
2. There should be some acknowledgment of the obligation of adults (including the State, parents, advertisers) to develop children’s sexuality in accordance with those Convention rights;
3. There should be some acknowledgment of the pluralist society in which we live and the diversity of views on sexual matters that exist within it;
4. There should be recognition of children’s right to be informed, educated and made aware of matters relating to sexuality including the right to access popular culture and critiques of that culture.