Murray Lee – 'Sexting: Risque or Risky'

Moderator: Welcome to the podcast series of *Raising the Bar Sydney.* Raising the Bar in 2016 saw 20 University of Sydney academics take their research out of the lecture theatre and into 20 bars across Sydney, all on one night. In this podcast, you will hear Murray Lee's talk, *Sexting: Risqué or Risky?* Enjoy the talk.

Murray Lee: Thank you, April, and thanks for coming out on this … I'm going to put my beer down here. It's actually very hard to drink a beer, I've realised, with this headset microphone on. So I, I may end up having a drinking problem by the end of the night.

Audience: Do you want a straw?

Murray Lee: A straw? That would work. One of those curly ones would be really good. So yeah, thanks … I can't really see you 'cause there's, there's lights in my eyes so I'll, I'll … you'll have to forgive me.

So yeah, I'm from across the road at the Law School, the big glass building that looks down onto the, the park there and it's, it's great to be out here and in the Knox Street bar for, for the evening and, and having a chat, hopefully, about, about something that's of interest. I've come here for coffee before but I've never actually … I didn't know it was a bar of, of an evening.

So I teach criminology; I'm a Professor of Criminology at the Law School and when people kind of hear that I teach criminology, a lot of, a lot of people go, "Do you … is it … it must be good to get inside criminal's heads," and I quickly say, "That's not what I do. That's not what …" well some criminologists do that, but it's not, it's not what I do. Criminologists do lots of different things and I guess we're interested in whole range of issues around crime. We're interested in why … certainly why people commit crime and what, you know, what the motivations are. We're also interested in criminalisation: why some things that we find nasty or taboo get criminalised while other don't. And in some ways, that's why teen sexting … where, where teen sexting comes into things as well, and I'll explain that in a moment.

We're also really interested in public reactions to crime, so how do, how do the public react to, you know, to things that are criminalised and, and, and how do we understand those sort of perceptions of crime and those moral outrages to things? And again, that kind of relates to sexting.

So I'm going to talk about sexting and young people, mostly, and I think the talk was called *Risqué or Risky* and … *or Risqué*. And risk is a big, big part of this, I think. Risk drives the way we're trying … we've tried to deal with young people getting engaged with, with sexting, 'cause we're all quite … we tend to be sensitive when it comes to questions of, not our sexuality, but childhood sexuality. Childhood sexuality seems to be an issue that, that really does raise a whole lot of questions for people. Just my phone's buzzing. I, I've … that's really hot, right? So did, did you send the …?

Audience: Are you going to share?

Murray Lee: That is actually what most people do when they share. We kind of think about sharing digital images as, you know, someone sending on the digital images. But most sharing is not … that's not what happens when people send onto third parties.

A lot of the time they just show the image to someone else and, and that's, you know, that's breaking someone's confidence if someone sent you a sexy selfie, but it's, you know, it's not the same as sending on the digital image, which we think … when we think of the most dangerous things can happen in relation to, to sexting.

But okay, okay to come back to the issue again and, you know, obviously using my prop to, to, to sort of start the conversation, but I bet that a lot of people in this room, if I got your phones and I started having a look through some little files or into your photos, I'm going to find either some sexy selfies of yourself or sexy selfies of someone else that, that someone's sent to you. Yeah? Anyone want to admit it? Admit it now, come on, admit it now.

The reason is because this is a really common practice today, and it's a common practice amongst, amongst adults and adults do it more than young people do it as well. So adults are, you know, out there kind of happily sexting one another and we're being … actually being told to do this. If, you know, if you were … and I don't do this, by the way, but if you were to read *Cosmopolitan* or something like that, right, *Cosmopolitan*'s actually telling you that, you know, sending these things is going to kind of stoke up your sex life, you know, it's a way to get your, your partner interested in you, and all these things. So we're, we're actually being, in lots of ways … you know, it's suggested to us to engage in these sort of practices.

Yet, if you're a young person and you dare engage in this practice, we have a whole range of ways in which we deal with that. Let me give you a scenario, and it's one of the reasons we got involved in this project around sexting and young people. Now, you know, I've just suggested you may well have a nude or semi-nude photo of either yourself or somebody else on the phone. Well, if you were under 18, or that image is of someone who's under 18, in New South Wales, you can be charged for child pornography offences; you can be charged for misuse of a carriage service under, under federal law.

And in fact … and this is where it gets really kind of crazy in terms of where the law sits, in a lot of states. There's been reform in places like Victoria. But in New South Wales you can, of course when you're over 16, consensually have six with someone else of that same age or older. But if you in that sexual act, or even before or after, take a semi-nude photo of that person or the two of you or whatever, and you just have that on your phone, you've committed a serious crime. If you send it to the other person, you've committed a serious crime. You could find yourself facing charges that could give you up to seven years or so in prison. You could be put on a sex offenders' register.

Now what got us thinking about this issue of criminalisation was: Is this really motivated by pornography, child abuse, whatever? What are the motivations that are going on here when young people engage in these practices with one another?

Now of course there are different sexting scenarios, and I've just given you one. Of course, another one might be that when somebody receives that image, they send it onto another party that it wasn't meant for. And these are the kind of stories we start to hear and I, and I bet if you're a school teacher or you, you know, you … even a parent, you've heard stories about images, you know, kind of going viral, being put up on the web and all those kinds of things.

And that, that happens and it's obviously, you know, kind of risky business when, when it does. But even that sending on, you know, what's the motivation of that? Is it about, you know, sharing child pornography images or is, is there something else going on?

So these, these are the sorts of things that got us wanting to understand more about motivations of young people and really what sexting was all about. And of course this is happening in the context as well of, if you like … and I kind of hate this term 'cause it's so …used so often, but you know, a moral panic about young people and sexting, this idea that, you know, we've gone … the world's gone to hell in a hand basket because young people are sharing, you know, nude or semi-nude images with each other.

One of the things we forget, of course, is that kids today, unlike myself who learnt how to use, you know, computers very late and phones and all those sorts of thing … you know, smart phones and everything else quite recently, kids today and, you know, many of the young people in this room, have grown up and, you know, you've grown up online. You're connected online all the time. The idea of sending an image or receiving a, a sexual image is just, you know, one little step further than putting up images that you might on Facebook or Instagram or anything else. You know, that, that is, is a pretty tiny step these days in terms of what people are used to.

But does that mean that then young people should expect that anything they do send could end up online? Well, probably not. You know, they're not really expecting that's going to happen. They're not really expecting that someone's necessarily going to break their confidence. And, as we'll see from our research, people don't break that confidence all that often. It's just that when, when they do, there can be … and we've seen, you know, cases – you know, I'll get to the serious bit – of nasty ramifications of that, of, you know, of young people – young girls in particular – committing suicide and all sorts of things as a result of having an image sent on, sent on, sent on and the embarrassment and stigma that, that can go along with that.

So you know, it … there are layers and layers, I think, to this issue of sexting. But yeah, our starting point was: Should this be criminalised in the way we're doing it? Is the law here really speaking to what the motivations and understandings of what young people are, are doing, or is it not? You know, is it bad law? Does it kind of need reform? How should we be talking to young people about this issue? How, how should we be offering them education? What should we be saying? How would … how should we be moralising or not about something like, like sexting?

Okay, so what did we do? We … there's, there's four of us on a project and we had some funding from the Australian Institute of Criminology to look at the question of, you know, young people sexting. And we looked at it from really four different angles. One was to try and understand the laws that sexting was likely to foul of or that young people sexting was likely to fall foul of. Two, we wanted to look at what the media was saying about sexting, so what, what was getting reported? What, you know, what stories, what discourses, if you like, were being reported in the media and what did they mean? What were they picking up on? Who were the experts out there talking about it? Three, to do a big survey and to understand what young people themselves were saying about sexting, and four, to do some qualitative work and try and drill down in what our survey was saying, to understand something, hopefully, a little more sophisticated than a, than a tick the box kind of answer.

The really good thing about all that is when we, when we set the project up, we got a heap of data. So we actually had around about 1,200 people fill out our online survey. So it's, it's a really big sample and I was really excited about it because of those, the vast majority were 13 to 18 year olds and we had a completion rate of the survey of 60%. Now that's … anyone that does any survey work would know that's actually a really good completion rate and it means that … and it was a long survey. It would have taken people about 25 minutes to do. So it means that people were interested and it means that most people that started it actually finished it. So we think that that gave us some, some pretty good data. And we also, you know, did these focus groups with about another 100 young people or so. So we, we had a lot of, a lot of information, a lot of data to put together.

We did the legal analysis, and that's kind of not my area, so I'm going to put that to one side for a moment but I will, I will talk about law as well. And we did this media analysis. And interestingly … and it's perhaps a good way to foreground the discussion about what young people do, is that there's like three or four people in Australia who become … who have become the spokespeople for sexting. And they're … you know, I'm not going to name them, but they seem to be in the media all the time, telling young people what they should or shouldn't do and telling parents how this was getting out of control, or at least it was being reported that way.

And you know, I have to say … and this will probably rub some people up the wrong way but, you know, a lot of these people actually go out and do education programs in schools and get paid a fortune from schools with terrified parents asking them to come along and educate their parents … educate their kids about the dangers of sexting. And personally, I actually think this is really problematic in a whole range of ways but, you know, it's those same people making a fortune out of terrifying people, I think.

So that's our … that was our kind of data, if you like. And I've got little sort of notes here I'm looking at, so I'm not actually talking to the back of the speaker ever now and again. I'm just, just having a look if I've, if I've … if I'm making the point that I wanted to make. Come here point.

So okay, our survey … and I'm going to talk a fair bit about the survey that we did. What we … okay, I'm going to ask, ask a question. How prevalent do you think it is? How prevalent do you think it is? How many … give me a percentage. How many young people do you think would say that they've sent an image to someone else?

Audience: Ten percent.

Murray Lee: Ten percent. Anyone else?

Audience: Fifty.

Murray Lee: Fifty?

Audience: Eighty.

Murray Lee: Did someone say … 50 is right. Okay, so in our survey, 50% of … around about 50% of young people, particularly in that older age group, the sort of 15s to17s, said that they'd sent an image. Whoa, moral panic, the world's going to fall down, right? There's kids sending these images to one another.

Younger … the younger group, 13 to 15, by … even by that age that … you've got, you know, around about 38% or so of people reporting that they've sent; received, even more, right? Add another 20% to those figures, in terms of whether they've received one. So this is not a marginal thing, right? This is not something of kids … that kids on the margins are involved in. It's, it's very prevalent.

Okay, so should we get worried about that? Well in some ways those prevalent rates … prevalence rates disguise a lot of things. One of them is we asked the follow-up question, which was about frequency and it was about … so in the last 12 months, how many partners did you exchange images with? Now of those 50% that said they'd done it, a bit proportion of those hadn't exchanged any images with anyone in the previous 12 months, right? So suddenly the prevalence rate's starting to look a little different. And then a really big proportion of those … so we've knocked out about another half of those that, that, you know, okay, they've done it but not very much. Then another about half of those have kind of done it but only with one partner; biggest proportion have only done it with one partner.

And then you get down to the kind of … this is where you get to the marginal end of a small number of young people who are quite, quite prolific in their sexting practicing, okay? So, as I say, if I, you know, if I go to the *Daily Telegraph* and see 50% of kids are sending images … you can see the … you know, you can see the headline the next day, can't you? You know what that's going to look like. But if I tell that more, hopefully slightly detailed story, that dynamic starts to, starts to change a little bit.

So we were a bit blown away by that, to be honest, that, that it was that prevalent. But since we've done our project, there's a number of other projects, particular in other countries, that have used similar methodologies that also found quite prevalence rates, about the same, in fact. I just came back from the European Society of Criminology in Germany and there was a paper there by an American team and their rates were almost identical to ours, which I thought, "Great, this is, you know, this is really … this is confirming something," right? You know, you know, it's not like, "Oh great, someone else is doing the research." It's actually, "Great, they're confirming our research," and, and, you know, that is always a good thing. So that's the prevalence.

Okay, so what about the gendered side of it, because one of the things that's often talked about is young girls being pressured by boys to send images. Boys, you know … and I can tell you, this happens a lot, boys on fishing expeditions. Young girls, and I'm sure, you know, older girls too, if you're on certain sites, you're going to get sent dick pics all the time these days. Who's been sent lots of dick picks? I mean it's crazy. It is really, it is really crazy. So guys seem to think, guys seem to think that, that women are going to respond positively to being sent, being sent, you know, a dis-bodied image of a penis. So I'm going … "Oh, I'm so excited by that, I'm going to send you something back that, that's really going to …" you know? For the guys in the room, I can tell you, having done this research, they don't get excited by that. So if you're thinking, if you're thinking that that's going to be your modus operandi, I suggest you probably think again.

But this is common and young girls will, will, will tell you this is a very common thing that they've got to put up with. And they deal with it in, in different ways, you know? Some, some girls keep a little kind of set of files and, you know, have a bit of fun with it, post it up … post them to one another, you know? Some, some girls kind of, you know, send it back and go, "This is mine," as well, you know? There's, there's various ways that they, they deal it. But of course, some get quite upset by it and feel quite harassed and, and violated that, that boys send it. So it's not, you know, it's not a laughing matter.

People react to these things in different ways, obviously, and I think that depends on your level of confidence, how, how comfortable you are in your particular situation, as to how you might respond to something like that. But it's a common thing.

So there's a gender … there is a gendered element to this. However, having said that, we asked, we asked two things. We asked: What … why you think young people send images of themselves. And we asked those cohort that actually do send images of themselves, why they did it. Interestingly enough, a lot of the research that had been one prior to us that had used surveys, had kind of used that question of why you think people send as a bit of a proxy for why people send. But what I can tell you is there are very different answers to those two questions. They seem like similar questions, you know: why do you think people send; why do you send?

The interesting thing is, people tend to judge other people very harshly. And that's, you know, no surprise really, but if you ask people why they … why you think … ask other young people why they think young people send, they'll say, "Because they were pressured, because they want to show off, because they're not confident," you know, basically a lot of negative kind of stigmatising reasons. But if you ask kids that actually do it why they did it, they'll say it's because it's fun and flirtatious; they'll say it's a sexy gift for a boyfriend or girlfriend; they'll say, "It makes me feel sexy and confident." And boys in particular will say, "Because I received one," right?

So those slightly different questions get completely different responses. And I think we see that in the way people react to it … to sexting as well, and particularly the way girls who are kind of caught out doing it get, you know, what we might call "slut shamed" by others, even by their peers. They, they get judged negatively for engaging in this, but they don't judge themselves negatively.

So does that mean that there's no pressure to do it? Of course not, there might be a range of other pressures at play as well, whether they're, you know, peer group, cultural, you know, they may, you know, justify their own behaviour to us in the survey in a whole range of ways that, that normalises what they do. However, having said that, I think, as a social scientist, I wouldn't want to be looking at their responses and saying, "Oh well, you actually had no agency in this. Even though you're telling me you weren't pressured, I'm going to say you were, you know, and going to write some nasty, you know, hard core, left wing critique that's going to say, you know, you were the … you actually have no agency here."

Well, you know, I don't believe that's the case. And another interesting finding that I found out when I was in Germany seeing this American paper being given … one of the things that they asked that we didn't ask – God damn them … one of the thing they asked that we didn't ask was: If people were pressured were to send it, if … say if girls were pressured to send, were the outcomes negative or positive afterwards? And really interestingly, around about half of those that said they felt pressure to send an image, said there were no negative ramifications afterwards. They didn't feel bad about what they'd done.

So the pressure and coercion issue is a complex one. It's definitely there and we had a very, very small proportion of young girls, of young women, saying they did feel pressure to send. But the, the disparity was, was massive. Most, most young people suggested they, they didn't.

So one of the stories coming out here is that most sexting between young people happens largely consensually. In most cases, there's not pressure involved, or they don't experience pressure. And then, okay, so all right, that, that's all right. We might think, "Good, good, so far, but what about this digital image you've just exchanged? What about this image of yourself that could get passed on down the line?"

Well that happens and we've all heard stories of that happening and we asked our cohort if they'd ever sent an image to someone else that it wasn't meant for. And around about 8% said that they had, at some point, sent an image on. So that's, you know, that's not insignificant, of course, but it means that in the vast majority of cases, it doesn't get sent on.

Has anyone seen a education campaign aimed at young people called *Think You Know*? It basically … the scenario is this … the scenario is young girl comes into a classroom. She's obviously just taken a picture of herself. She sits down at, at her desk in the class and she looks a little bit sheepish. She's obviously sent the boy a picture. All the other boys' phones, and girls' phones, start buzzing in the classroom as the image is then circulated to all the kids … other kids in the class, and they start sending her little letters and go, "Oh, should your colour to black next time," you know, referring to her bra or whatever. So there's this, you know, this … the angle of the education campaign is that if you send this … send an image, this is what's going to happen to you. And the scenario ends with the teacher's phone buzzing and he kind of looks at it and then looks at the girl who's by this time kind of, you know, cringing under her seat.

That's all well and good but I think, taking our data and what we know about sexting, and those exchanges … the problem is, I don't think that's speaking to young people's reality of their situation. If they know that for the most part that's not what happens, I think we need a different way of having that discussion about what the, what the actual risks involved are and what the potential scenarios are because, you know, they quickly kind of smell a rat when I think we're not kind of speaking to them on … about the reality of the situation.

Another thing that's often said - and I just looked at my notes again – another thing that's often said about sexting and, and young people is that this is just another example of the kind of promiscuous society that we're breeding. Not sure that's a great choice of words, but the promiscuous society that, yeah, we're breeding. Let's keep that, I don't know. Well maybe, but maybe not. You know, young people, when we look at a whole range of recent surveys in Australia, are actually having sex a little later than they, they once were. So the idea that we're becoming, you know, more kind of sexed up younger, certainly doesn't seem to necessarily hit the mark.

The other point … and one of the things I like us to think about in relation to kids sexting is we, we, you know, we think it might be related to, if you know, you know, more sexual contact, but maybe it's not, maybe it's the opposite. Maybe sexting is a way for young people to explore their sexuality without actually having sexual contact or skin-to-skin contact with somebody. Maybe it's a way … you know, it's, it's the, it's the new kiss behind the bike shed, where you don't actually have to have the kiss even. So, so I think there's a lot of things we, we kind of don't know about the way those sorts of things are playing out.

But you know, you might think about the way you use it yourself, if you do, because I know that, you know, from our statistics, you know, 50 or so percent of people in this room would have experienced it. But yeah, I just want us to think about it in that way. Maybe, maybe there are positive ramifications.

You know, the public health model always wants to sort of understand it in terms of risk. What are the risks involved? I mean the thing is if you, if you're talking to kids and you say, "This is a risky thing to be involved in," well, you know, they're teenagers. Kids love risk. Risk is positive and risk is negative, we … the … today we kind of think of, of risk as a negative thing. But risk is positive and negative. Why do people, you know, our age – sorry, lots of younger ones in the room – think that this is okay to do? Probably 'cause it's risky and fun as well, you know? This is, this is, this is the attraction. So I think we've got to kind of think about both sides of the risks involved, the positive risks and the negative risks and, and exactly what that means.

We had … in our qualitative research, we had a young woman say, you know, "It's really an intimate thing when a woman sends an image to a boyfriend or partner, when they do this." And she said, "It's, it's very much like a gift." And this kind of also fitted in with … you know, we kind of asked the, the question on our survey about whether, you know … and, and a lot of people said it was a sexy gift for a boyfriend or girlfriend. This idea of a gift kept kind of coming up, kept coming up in the research.

And just to get theoretical for a moment, one of the ways we started to look about … look at that, and I started to think about the kind of French anthropologist, Marcel Mauss' idea of the gift, and he talked about, he talked about gifting, gifting economies, pre-monetary economies, where people exchanged things, and that actually the gift was what drove the economy. And I think perhaps we can think about sexting in a similar way, that there's actually this economy of images going on, and this exchange economy. You know, why … lots of young boys said, "Why did I send one? Because I, because I received one." It's this reciprocal kind of relationship that's getting set up and this kind of economy of digital images, if you like.

And the thing is, I think Mauss' idea, even carries over to when people send images on that they're not meant to, and share images when they're not meant to. They're still kind of expecting something in return. They're still gifting. You know, I just sent an image to my mate in the audience that someone sent to me, he sends an image back that someone sent to him. There's this … and if we look at a lot of these instances where we've seen young boys on … you know, setting up these kind of nasty share sites and things that are going on, it's still the same kind of thing. You know, these might not be nice gifts, I'm not saying this is all positive, but it's still this exchange.

And I think it goes right from consensual sexting to our … when people send on and collect and all those sorts of things. There's this, this, this sharing economy that, that is started and I think Mauss' idea actually, you know, gives us a way of, of actually understanding that, rather than seeing some things as good and some things as bad, this is consensual, this is not consensual. If we understand it that slightly different way, we might have a slightly different language of thinking about the way sexting operates.

So I'm running out of time. I'm going to … I've only got a few minutes left so, what should we do about it? I think one of the problems about the sort of scenario that I told you in the *Think You Know* campaign is that we're actually adding to the stigmatisation.

We're telling, particularly young women, "If you do this," … and in saying, you know, "If you do this, this is what's going to happen to you. You're going to be stigmatised, you're going to feel bad about this, you might not get a job."

We shouldn't be doing to that. We're actually creating this stigmatising context that then we're saying they've fallen into. We should be saying, "Okay, you might feel bad about what happened. It's not the … it's certainly not the end of the world." So, so I, I think the education campaigns that we're running at the moment have the capacity to make things worse. That's, that's one thing.

We … what we need to be doing is giving young people the tools to know when sexting's consensual, when they, when they're being pressured, when there might be coercion, when they feel comfortable about it to actually talk to, you know, whoever they're sexting with, make sure that they're not going to undermine them. These are … we need to be talking about sexual ethics with young people and, and, and starting to develop a language around these online environments that actually speak to young people's realities, I think. So that's the first thing.

Back to the law, well obviously where I started was around was this child pornography and child abuse, well I'd say almost never. You know, this is bad law. This is, this is potentially, you know, criminalising young people for something that they're experiencing slightly different. I mean, you know, even given … if you, if you were to charge and prosecute a young person with this and the police … and I should say, the police aren't doing it, you know, for the most part. The police understand this is bad law and they're not applying it, thankfully. And if they did, they'd probably have to go to the Attorney General to get it signed off. Now there's a few Attorney Generals in Australia that I'd be a little bit worried about that, actually, at, at the moment.

So you know, it's bad law, it needs, it needs reforming. It's, it's labelling something as, you know, child pornography, child abuse, which it, it clearly isn't. We don't need a law and order approach. We, we, we need to, you know, understand this as something that is actually quite natural these days, that, that young people are going to do. You know, the horse has already bolted. We're not going to stop this phenomenon. Adults are doing it more than kids. Yes, there are risks involved, positive and, and negative. But there you are, that's, I think, as much as I can say in my half hour. I hope you enjoyed it and I think we've got some time for, for questions, that's April going to come up and discuss, so thanks.

Moderator: Thank you for listening to the podcast series of *Raising the Bar Sydney*. If you want to hear more Raising the Bar talks, head to raisingthebarsydney.com.au.

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