

Children in the Online World

Risk, Regulation, Rights



ELISABETH STAKSRUD

CHILDREN IN THE ONLINE WORLD

*For my children Herman, Sem and Ovidia,
for taking risks, asserting their rights and challenging the regulatory regime in our home
– and to Jørgen for saving my life.*

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Contents

<i>List of Figures and Tables</i>	<i>vii</i>	
<i>Acknowledgements</i>	<i>ix</i>	
<i>List of Abbreviations</i>	<i>xi</i>	
1	Introduction	1
2	Individualization	13
PART I RISK!		
3	Conceptualizing Online Risk	43
4	What is Online Risk?	51
5	Making Risky Decisions	67
PART II REGULATION!		
6	Regulation as Legitimate Protection	87
7	From Authority to Advisory	111
8	The NGO – Friend or Foe?	127
9	Who Coaches the Watchmen?	139
PART III RIGHTS?		
10	Which Rights?	145
11	Citizen or Consumer?	151
12	‘Child Pornography is Great!’	167
13	Good Luck!	175
<i>References</i>	<i>177</i>	
<i>Index</i>	<i>229</i>	



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List of Figures and Tables

Figures

4.1	Analytical model of factors shaping children's experiences of online risk	53
4.2	Online risks experienced by European children in 2010, by age and in per cent	64
6.1	Distribution of EC funding for online safety action lines 1999–2008	95
6.2	'The feet'	103
6.3	PEGI rating system labels	104

Tables

4.1	EU kids online typology of online risk	55
5.1	Summary of risk evaluation criteria	70
5.2	Prescriptive implications of neurobiology findings	80
6.1	Overview of EC safer internet programmes	94
7.1	Transformations of media protection authorities	118
7.2	Example of internet specific legislation for protection	119
8.1	EC funding for preparatory internet safety actions	131



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1 Beck, 1992, p.12.

2 This book partly draws on the work of the ‘EU Kids Online’ network funded by the EC (DG Information Society) Safer Internet Programme (project code SIP-KEP-321803); see www.eukidsonline.net.

CHILDREN IN THE ONLINE WORLD

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List of Abbreviations

ACLU	American Civil Liberties Union
BBFC	British Board of Film Classification
CDA	The Communication Decency Act (US)
CIPA	Children's Internet Protection Act (US)
COPA	Children's Online Protection Act (US)
COPPA	Children's Online Privacy Protection Act (US)
DG	Directorate-General
DIY	Do-it-yourself
DOPA	Deleting Online Predators Act (US)
EC	European Commission
EEA	European Economic Area
EESC	European Economic and Social Committee
ELSPA	Entertainment and Leisure Software Publishers' Association
EU	European Union
FOSI	Family Online Safety Institute
IAP	Internet Action Plan
ICRA	Internet Content Rating Association
IM	Instant Messaging
INHOPE	the International Association of Internet Hotlines
INSAFE	European network of Awareness Centres
ISFE	Interactive Software Federation of Europe
ISP	Internet Service Provider
IWF	Internet Watch Foundation (UK)
NBFC	Norwegian Board of Film Classification
NCTE	National Centre for Technology in Education (IE)
NGO	Non-Governmental Organization
NICAM	Netherlands Institute for the Classification of Audiovisual Media
NMA	Norwegian Media Authority
NRK	Norsk rikskringkasing [Norwegian Broadcasting Corporation]

CHILDREN IN THE ONLINE WORLD

OECD	Organisation for Economic Co-operation and Development
OFCOM	Office of Communications (UK)
PEGI	Pan European Game Information
RSACi	Recreational Software Advisory Council on the Internet
SAFT	Safety Awareness Facts & Tools
SARF	Social Amplification of Risk Framework
SIAP	Safer Internet Action Plan
SIAP+	Safer Internet Action Plan <i>Plus</i>
SIP	Safer Internet Programme
UKCGO	UK Children Go Online
UN	United Nations
VSC	Video Standards Council (UK)

Chapter 1

Introduction

This book is about children and online risk. It aims to conceptualize and explain the contemporary public discourse, concerns and systemic regulations related to children's¹ use of the Internet, and to analyse the implications these concerns and regulations have for children's rights on a fundamental level. This is done from a social scientific approach within the research framework of media and communication studies.

What follows is built on the understanding that how these risks are defined and perceived in a democratic society, how they are classified in terms of potential harm and likelihood of impact and how the public discourse is staged will all have an impact on the political and democratic processes in that society. Seeing risks as an immediate threat to one's children will inevitably generate cries for political action; action that traditionally manifests itself in some form of regulation aimed at reducing or removing the perceived threat. And, regulation within a democratic society will (or at least should) elicit the need for a transparency in the proceeding and surrounding political processes, an involvement of the public through public hearings and debates, media scrutiny and a clarification of the legitimacy of the regulation versus the perceived risk.²

Often, in the Western welfare states of Europe, the protection of their citizens from potential harm has come in the form of restriction and institutionalization. Children, for instance, have been subjected to standardized educational and healthcare schemes. And protection from harm is good by definition. However, both good intentions and protection might embed unintended consequences and hidden agendas. For instance, historically, societal surveillance of the family and potential breach of privacy have been justified to the greater moral cause of child protection, and thus have been viewed as

1 This work uses the term 'children' to mean those under the age of 18, in line with the definition of 'legal minors' in the UN legal framework. Whenever terms not referring to the core idea of 'persons under 18' are used, this will be noted. In general, the empirical work connected to this research, as well as the methodological considerations, will refer to children above the age of eight.

2 This understanding is also offered as the conclusion of Staksrud and Kirksæther (2013)

potential tools for panoptical³ practices (Prout 2008, pp. 25–26). As discussed by Oswell (1999, p. 47) ‘substantial research in governmentality studies has argued that the “child”, particularly with respect to the family and private life more generally, has become a central mechanism through which individuals and populations are now regulated’. And, as discussed by Meyer (2007, p. 100). ‘Legitimization and moralizing are inextricably linked dimensions of childhood rhetoric; hence childhood rhetoric is always moral rhetoric and anything can be justified via children as children make the case necessarily good and right’. This can be done as the public image and imagery of children (imagery that is about children, but not for them) creates public narratives, often polarized, about the state of childhood (see for instance Holland 2004; Holland 2008). In the democratic states of Western Europe, where issues of human rights such as free speech and the right to information and participation is embedded in the political and legislative frameworks, the protection of children is the one argument commonly accepted as valid for the restriction of media content, access and output. Discussions related to media risk and potential harm for children often relates to morally sensitive issues like pornography, hate speech and the depiction of violence. Children can easily become the useful excuse when attempting to restrict the central democratic values of free speech, access to information and privacy. These are the same issues that effectively test the current state of societal freedom. In the words of sociologist Ulrich Beck:

Anyone who would like to know how free a country and its people are should not look only at the constitution and should leave debates in parliament and governmental programs aside. Instead, attention should be paid to how people behave with respect to excesses of freedom (pornography, criminality by ‘foreigners’, violence among young people); if they react with composure, then freedom is in good hands. (Beck 2001d, p. 165)

Most discussions on children, their safety, perceived innocence and welfare have the ability to generate strong feelings and often a heated public discourse. This is especially true if one should happen to question one of the established cultural narratives of what a child is and should be: someone vulnerable, innocent and in need of protection. The conflicting notions of what children are also create normative challenges. With this comes the understanding that there might be tensions between research, policy and practice, not only in scope and priorities,

3 Panoptical, or Panopticism, is a reference to the concept as described by Foucault where individuals that are part of institutions (such as inmates in a prison, or children in a school) are under observation from the institutions as a disciplinary mechanism (Foucault and Sheridan, 1979).

INTRODUCTION

but also in understanding. As observed by Taylor-Gooby and Zinn on the general increase and prevalence of risk research in the social sciences:

Much of the impetus (and certainly of research funding) for work in relation to risk has stemmed from the involvement of government and business in attempts to introduce new technologies or new forms of management in areas where risks are involved. Research thus confronts the puzzles and frustrations that arise when people do not respond to risks and to expert judgments and advise in the ways predicted by theory – whether the theory rests on claims about rational action, on assumptions about the culture of different groups or on other factors. (Taylor-Gooby and Zinn 2006a, p. 10)

Simultaneously, there is no denying that children have the right to be protected, in the best way possible. This includes protection from potentially negative media effects and influences. The UN Convention on the Rights of the Child, article 17, stipulates how the important function performed by the mass media is recognized and that children should have access to information and material from a diverse range of national and international sources. At the same time, in the same article (section e) the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being is encouraged (United Nations 1989).

There is a long history of the struggles of the welfare state in respect to children and media risk (see for instance Critcher 2008; Drotner 1992, 1999a, 1999b, 2001). However, today, with technological developments such as the Internet, the traditional governmental institutions set up to protect children from potential media harm are challenged. The guiding theoretical idea forming this work is that both substantial *technological developments* and *institutional change* have occurred in the field of media protection in the Western welfare states of Europe. As media becomes personalized and interactive, decisions regarding access to media content and communication seem to have been transferred from the previous institutionalized censorship and restrictions to parental discretion. In effect, this places the ultimate and practical decision in the hands of parents, educators and the children themselves. This recent dismantling of the state role is what Beck, among others (Beck 1986, 1992, 2007; Beck and Beck-Gernsheim 2001a), theorizes as *institutionalized individualization*. This theoretical framework is seen as being particularly relevant to the media risk sector, where institutions and individuals now have to act – and react – quickly in order to keep up with the technological advances. In this work the theory of individualization (Beck 1992, 2007; Beck and Beck-Gernsheim 2001a) will be used as the conceptual framework.

Research Questions

With this starting point, the ambition of this book is to reflect, conceptualize and offer explanations to the following three main research questions (RQs):

1. What is online risk?
2. How is online risk regulated?
3. What are the potential implications for children's rights?

The first question primarily centres on the descriptive level; the second concerns mainly the existing prescriptive level; while the third research question will primarily discuss issues on a normative level.

The research questions and the overall discussion will be shaped by the parameters as laid out by Beck and Beck-Gernsheim in their theoretical framework of individualization (Beck 1992, 2007; Beck and Beck-Gernsheim 2001a). The tenet of this theory is that there has been a shift within the European welfare state towards a macro-sociological phenomenon where individualization is *imposed* on the individual by modern institutions, while at the same time the institutions previously providing the individual with security and orientation are outsourced.

The theory will be applied to the field of media regulation for the protection of children. In this way, the work will also endeavour to contribute on the theoretical level, by arguing for an extension and elaboration of the individualization theory, to individuals so far ignored by Beck and Beck-Gernsheim: children. For, what better institutions to elucidate those who relieve the individual and provide him/her with security and orientation than those that protect our most precious commodity – our children? This is, of course, not a unique oversight. While comprehensive research in the fields of media, modernity, risk society and institutional individualization exists, it rarely includes children as an integrated group of subjects. Rather, there has been a division and dichotomization between adulthood and childhood, associating them with different qualities (such as rationality, dependency and competence) (Prout 2008, p. 22). In the following chapters, the theoretical disregard of children will be challenged. I will seek to confront the assumption that children are (incompetent) citizens-to-be and the potential victims of risk, insofar as this is *all* they are perceived to be, and critically question the implications of such. By conceptualizing the ideas of online risk, combined with empirical evidence, I will also critically address the relevance and legitimacy of the current protective regulatory frameworks implemented in Europe.

Existing Research and Research Gaps

Why choose this approach? An answer can be offered by pointing to the common and almost cliché-like claim from historians that in order to understand our present and predict our future, we need to understand our past. In terms of research we also need to build on what we already know. In an area where every little change in technology is treated as something conceptually new and therefore in need of new kinds of regulatory and legislative ideas, there is instead an actual and imperative need for encompassing historically grounded concepts. For the past two decades this has especially been true in relation to the Internet. At the beginning, Internet research was typically concerned with the marvel of the new and its perceived uniqueness. The advent of information and communications technology (ICT) was, in its formative years, generally heralded as a force aiding the breakdown of authoritarian political control (Rodan 1998, p. 63). Scholars, politicians and others praised the Internet as the ‘first truly humane civilization in recorded history’ (Alvin Toffler, quoted in Sussman 1991, p. 279). As recollected by Wellman (2004, p. 124), ‘The Internet was seen as a bright light, shining above everyday concerns. It was a technological marvel, thought to be bringing a new Enlightenment to transform the world’. The inter-communicative aspect of the technology, especially, was seen to greatly enhance the mediation between decision-makers and citizens, ‘allowing democracy of a more participatory nature than at any time since the ancient Greeks’ (Rodan 1998, p. 64). Such optimistic views can be found with the introduction of all ‘new’ media (see for instance Jankowski 2006).

Similarly, a strand of fear can be observed, ranging from issues of unequal access and increasing opportunity divides, increased cultural imperialism, the weakening of democratically elected institutions and governments and weakened interpersonal ties (leading to all sorts of health-related issues). The optimism-worry dichotomy is also very present in the discourse of children’s use of ‘new’ media (Drotner and Livingstone 2008, pp. 2–3), from promises of access to information, participation and literacy, to fear of easier access to harmful and/or undesirable content for children.⁴

Today, children and online risk has become a substantial research field of its own, sparking the interest of not only media scholars, but also, among others, those scholars from the fields of education, pedagogy and social psychology. In Europe, much of this research is government funded, and favours a quantitative approach (Donoso, Ólafsson and Broddason 2009; Haddon and Stald 2009b; Hasebrink, Ólafsson and Štětja 2009b; Staksrud, Livingstone, Haddon and Ólafsson, 2009).

4 For an overview of various optimistic and pessimistic perspectives on Internet use, see Rice and Haythornthwaite (2006).

CHILDREN IN THE ONLINE WORLD

So how does this work thematically, compared to the works of other scholars and research traditions? Existing works in the field of children and new media (in the meaning ‘new information and communication technologies’ – ICT) comprises research from many traditions and specific topics. The most prevalent of these are (examples):

- *User* studies, such as the volume and types of media that children use and access, and how this is related to other types of media use and activities (Couldry, Livingstone and Markham 2007; Drotner 2001; Ito et al. 2010; Kaare, Brandtzaeg, Heim and Endestad 2007; Lemish 2008; Ling and Haddon 2008; Livingstone 2002b; Livingstone 2008; Livingstone and Bober 2004a, 2006; Livingstone, Bovill and London School of Economics and Political Science 1999; Livingstone and Helsper 2005; Livingstone and Helsper 2007a; Pasquier 2001; Staksrud, Livingstone and Haddon 2007; Suoninen 2001), especially in the context of home and family (Hoover and Schofield Clark 2008; Pasquier, Buzzi, d’Haenens and Sjöberg 1998) and parental mediation (Backett-Milburn and Harden 2004; Downes 1999; Karlsen and Syvertsen 2004; Kirwil, Garmendia, Garitaonandia and Fernandez 2009; Liau, Khoo and Ang 2008; Livingstone and Bober 2004b, 2006; Livingstone and Helsper 2008; Lobe, Segers and Tsaliki 2009a; Macgill 2007; Nikken and Jansz 2006; Nikken, Jansz and Schouwstra 2007; Sarre 2010; Schofield Clark 2008).
- Children’s *response* to media (Buckingham 1996; Buckingham and Allerton 1996), and how this influences the forming of identity (Buckingham 2008b).
- *Digital divide* issues (Livingstone and Helsper 2007a, 2010; Tondeur, Sinnaeve, van Houtte and van Braak 2011; Tsatsou, Pruulmann-Vengerfeldt and Murru 2009).
- The ‘new’ media’s effect on children (Millwood Hargrave and Livingstone 2009), especially in relation to aggressive behaviour (Anderson, Gentile and Buckley 2007; David-Ferdon and Hertz 2007; Grossman and DeGaetano 1999; Huesmann 2007; Ponte, Bauwens and Mascheroni 2009; Viemerö 1986; Williams and Skoric 2005), and potential blurring between reality and fantasy (Messenger Davies, 2008).
- New media/the Internet as *consumption*, toys and issues of marketing and advertising (Buckingham 2011; Ekström and Tufte 2007; Fleming 2008; Kenway and Bullen 2008; Kjørstad 2000; Kjørstad, Brusdal and Ånestad 2010; Reid-Walsh 2008; Wasko 2008);
- *Internet and digital literacy* (Carlsson 2008; Erstad 2005; Erstad and Silseth 2008; Hobbs 2008; Livingstone 2008; Livingstone and Helsper 2005; Macedo and Steinberg 2007; O’Neill and Hagen 2009; Seiter 2005), including informal learning

INTRODUCTION

processes (Drotner and Schröder 2010; Drotner, Siggaard Jensen and Schröder, 2008; Staksrud 2006) and educational value of (new) media (Buckingham 1982, 1990; Buckingham, McFarlane and Institute for Public Policy Research 2001; Buckingham and Scanlon 2003; Gee 2008; Seiter 2005; Worthen 2007).

Finally, there is a body of research specifically concentrating on the various issues that might cause risk for children when using the Internet or other information and communication technologies (ICT), an area to which I myself belong. This research field consists of scholars coming from a wide range of research traditions, not only media and communications, but also social psychology, children's studies, medicine, sociology and political science, to mention just a few. Much of the research available focuses on particular, narrowly defined risks such as online bullying (see for instance Agatston, Kowalski and Limber 2007; Beran and Li 2005; Brandtzæg, Staksrud, Hagen and Wold 2009; Calvete, Orue, Estévez, Villardón and Padilla 2010; Dehue, Bolman and Vollink 2008; Erdur-Baker 2010; Fekkes, Pijpers and Verloove-Vanhorick 2005; Finkelhor, Wolak and Mitchell 2010; Görzig 2011; Hinduja and Patchin 2008; Huesmann 2007; Kowalski and Limber 2007b; Lenhart 2007; Li 2007; McKenna and Bargh 2000; Naylor, Cowie, Cossin, de Bettencourt and Lemme 2006; Raskauskas and Stoltz 2007; Staksrud 2011, 27.06; Vandebosch and Van Cleemput 2009; Willard 2007; Williams and Guerra 2007; Wolak, Mitchell and Finkelhor 2007; Worthen 2007; Ybarra, Diener-West and Leaf 2007a; Ybarra, Espelage and Mitchell 2007b; Ybarra and Mitchell 2001; Ybarra and Mitchell 2004); or issues of grooming and child pornography (see for instance Akdeniz 1997; Best 2006; Dunaigre 2001; Finkelhor, Mitchell and Wolak, 2000; Finkelhor et al., 2010; Jackson, Allum and Gaskell 2005; Mouvement Anti-Pédophilie sur Internet (MAPI) 1997; O'Donnell and Milner 2007; Ost 2006; Sheldon and Howitt 2007; Staksrud 2000, accepted; Wolak, Finkelhor and Mitchell 2004). Although I am greatly informed by the above-mentioned studies and others within this field concerning other types of online risk, my aim is to move away from specific risk assessments to a general discussion of the issues of online risk as a broad concept, and how this relates to regulation as well as rights.

My overall discussion will also be informed by my own empirical findings related to different types of online risks experienced by children, and different phases in the risk-management process, as well as findings from the EU Kids Online projects where I have been a grateful participant.

While increasing bodies of research do exist, there are some notable limitations. When mapping out existing research on children's and young people's access to and use of the Internet in 21 European countries, the EU Kids Online project (www.eukidsonline.net) noted some critical gaps in the evidence base (at

the time 390 studies).⁵ In particular, this pertained to research on: 1) younger children, especially in relation to risk and coping, though continually updated research on teenagers is also important; 2) emerging contents (especially ‘web 2.0’ and services and particularly if accessed via mobile phone, gaming device or other platforms); 3) understanding children’s developing skills of navigation and search, content interpretation and critical evaluation of content; 4) new and challenging risks such as services that promote self-harm, suicide, pro-anorexia, drugs, hate/racism, gambling, addiction, illegal downloading and commercial risks (sponsorship, embedded or viral marketing, use of personal data, GPS tracking); 5) how children (and parents) do – and should – respond to online risk; 6) how to identify particularly vulnerable or ‘at risk’ children within the general population; and 7) the effectiveness of forms of mediation – technical solutions, parental mediation, media literacy, other awareness and safety measures – not just in terms of the ease of implementation, but more importantly in terms of their impact on risk reduction (Staksrud et al. 2009, p. 4).

While contributing to a larger theoretical field, this book will hopefully also address some of the empirical gaps relating to children and online risk. It should also be noted that parallel to this work, the EU Kids II representative survey of children and one of their parents in 25 European countries has been conducted, informing us of the current position regarding children and (some) online risks in Europe. The EU Kids II⁶ study has further reported on this area.

While making use of a theoretical framework arriving from the field of sociology, this work is conducted within the academic tradition of media and communication research and has as its main target audience the communications research community, informing fields of Internet research, moral panics research,

5 An updated version of this online data repository can be found at <http://www.lse.ac.uk/collections/EUKidsOnline/repository.htm>. The collection policy, in brief, was as follows: ‘1) The unit of analysis is an empirical research project (not a publication) conducted in Europe. 2) The findings of the study must be publicly available and there must be sufficient methodological details to evaluate its quality. 3) Relevant research includes, as a priority, (a) empirical projects concerning children and the internet, (b) research on risks experienced by children online, (c) research on mediation or regulatory practices (by parents, teachers, etc) for children’s online activities. It also includes, with more partial coverage, (d) research on parental internet experiences and (e) research on children’s use of other technologies. 4) Europe includes the EU27 (plus Norway and Iceland), with priority given to the 21 nations of EU Kids Online project (2006–2009). 5) Children are defined as being those who are under 18 years old. 6) Online includes the internet, online games, online mobile, e-learning, etc.’ (Staksrud et al., 2009, p. 6)

6 EU Kids Online II is funded by the EC Safer Internet Programme (contract SIP-KEP-321803) from November 2011 to enhance knowledge of children’s and parents’ experiences and practices regarding risky and safer use of the Internet and new online technologies.

INTRODUCTION

children and media harm and freedom of communication and regulatory issues. Both the approach and theoretical framework, while firmly embedded in current academic and public discourse, are not indigenous to the specific field of media studies. To make a simple, yet illustrating observation, the *Dictionary of Communication and Media Studies* (Watson and Hill 1993) sitting on my office shelf does not include the words *risk* or *individualization*. Nor does it contain ‘the Internet’.⁷

Structure of the Book

The book starts with a chapter on individualization, elaborating on the theoretical foundation for this work. The aim is not to test the theory, but instead to *apply* it to a new field of study not previously considered by Beck. The theory as well as the main critiques against it will be reviewed. While the theory is read generously, I will also make the argument that it has a theoretical blind spot. It is suggested that if the theoretical claims can indeed be supported by the observations, this implies that one must also consider children as individuals, including them in the theoretical framework. Finally, the research parameters for this study will be set, using the specific field of application as argued by Beck (2007).

After this introductory chapter, I will focus on the research questions, dedicating one part to each. Part I, *Risk!*, focuses on research question number 1: *What is online risk?* This will be explored from different angles, looking at the roots of how researchers approach the issues of children and media and how this can be summarized within an analytical framework. A general typology of online risk will be identified. Following this, the understanding of risk will be observed in a historical context, looking at how online risk can be perceived as culturally framed, as ‘just another’ new media risk, as a technological risk

7 However, to be fair it does contain the following entry on ‘information technology’ (IT): ‘Microelectronics plus computing plus telecommunications equals IT. Its formal definition is framed as follows in a UK Department of Industry publication (1981) for Information Technology Year (1982): the acquisition, processing, storage and dissemination of vocal, pictorial, textual and numerical information by a micro-electronics-based combination of computing and telecommunications’. The booklet states that as many as 65 per cent of our working population now earn their living in ‘what may be broadly classified as information occupations’, from banking to education, from defence to police, from manufacturing to transport and space exploration. The possibilities of IT are endless if there is the cash to pay for the hardware, the software and the service; laser beams carrying 30 channels of speech in digital form; cordless telephones; scanning devices which read the printed word out to the blind; telephones for the deaf; voice recognition; typewriters which read your typing back to you; and programmes which translate one language into another’.

or even as a positive feature. In addition, the current incidence of online risks concerning children in Europe in general will be offered.

Being forced to make decisions about potential risks is a distinctive sign of the individualization claimed by Beck and Beck-Gernsheim (2001a): the ability of individuals in general, and children in particular, to understand and make decisions about engaging in risky behaviour has direct implications for the legitimacy of any regulatory means. Consequently, the question of *how* and *why* risky decisions are made by individuals will also be examined from a cognitive and neurobiological standpoint. In these discussions, issues of *risk perception* will be addressed. This will aid the explanation of the current public discussions and anxieties related to children and online risk, something that is key to understanding the public reactions to potential risk, the protection of children and the subsequent regulatory issues emerging. Finally, theoretical as well as suggested prescriptive implications of the findings and discussions will be considered. Consequently, this chapter can be considered as being a *descriptive* mapping, explaining the current state of the art.

In Part II – *Regulation!* – the second research question, *How is online risk regulated?*, will mainly analyse the current ‘state of the art’, meaning the actual prescriptive measures in place to regulate online risk for children. Regulation will be understood as a rule or order issued by an executive authority or regulatory agency of a government having the force of law. First, a brief overview of the concept of institutions and their regulatory legitimacy in democratic welfare states will be presented. Using the individualization theory as a starting point, supranational regulatory approaches will be reviewed. Given the specific limitations set by the individualization theory, as well as the scope of this study, the risks we are concerned with are those related to children’s use of the Internet in the Western welfare states of Europe. On the regulatory level, these states share a commitment to the European Union (EU) and the European Economic Area (EEA) regulatory frameworks. In the area of children and online risk, this means an obligation towards the European policy which was, since its inception in 1999, defined, organized and operationalized by the European Commission’s Safer Internet Programme (SIP). Therefore, the main focus will be on how the European Union through the SIP seeks to regulate online risk. The underlying policy principles will be reviewed, and five distinct *policy pillars* of practical risk management will be presented to illuminate how one seeks to regulate and minimize online risk for children within the European Union. Then, attempting to inform back to theory, I will discuss the developments within the regulatory field to see if there is empirical evidence to support Beck’s claim that there has been a general outsourcing of the key institutions that were designed to relieve the individual or provide him/her with security and orientation. If such claims hold water, one should be able to observe legal and practical changes across Western European welfare states. Two issues will be reviewed: 1) changes in the

INTRODUCTION

societal semantics of law; and 2) the outsourcing of governmental functions on a national level. Following these elaborations I will argue that changes in the societal semantics of law have occurred, most notably in the transformation of the old governmental film censorship institutions into advisory boards. I will also argue that there has been an outsourcing of what were previously government functions and decisions, to industry actors, to NGOs and to the individual users themselves. Lastly, I will critically argue that this raises questions of regulatory legitimacy as well as concerns regarding the relationship between competence and information on the one hand and decision-making on the other.

Finally, in Part III – *Rights?* – I will address research question number 3: *What are the potential implications for children's rights?* By building on the previous discussions, I will, in this chapter, address the regulatory relevance and legitimacy of the current protective frameworks implemented in the Western welfare states of Europe, insofar as they have implications for children's rights. This chapter will start with addressing what rights we should consider conceptualized in the framework of the individualization theory. Then, an argument will be made that the regulatory policy and schemes currently in place put pressure on the rights of children, as they are transferred from citizens with subjective rights to consumers where their rights are dependent on the relationship they are able to establish with the product or online service in question. In addition, dilemmas related to who has the power to define will be addressed, as well as critical issues of censorship and substitute motives. Ultimately, I will return to Beck and answer his challenge, by informing back to the theory of individualization, whereupon I will leave the reader with a short tale of caution and despair, but perhaps also relief.

Throughout the discussion I will make use of and compare empirical findings on children and online risk and review them in relation to three interlinked concepts of *risk*, *regulation* and *rights* relevant to the overall theoretical framework of institutionalized individualization.



When working on, talking about and researching online risks, one often hears 'but do not forget the opportunities!' The opportunities, possibilities and affordances⁸ of children's use of the Internet have not been forgotten in the context of this work. Rather, they are hereby taken, boldly and presumptuously,

8 Affordances is a concept originating from perception psychologist James Gibson (1977, 1979) on how objects lend themselves to a set of uses, in a process of interaction between the user and object. The concept has been further developed to be used when addressing human–computer interaction. See for instance Hutchby (2001, 2003), Hjarvard (2008), Wellman (2003) and Norman (2002).

for granted.⁹ And it is precisely this understanding, seeing media use as inevitable, positive, entertaining and educational, that makes it more interesting to study the other side: to study risk, its nature and form and how it is managed. It is also the obvious opportunities afforded by the Internet that make the question of rights essential. While traditional media such as radio and television are obviously related to the human right to information, using the Internet also engages the fundamental human right to *expression, organization, privacy, protection* and *participation*. Managing risk is about setting boundaries and limits. Will these boundaries and limits also restrict the fundamental human right afforded by Internet use and participation, such as freedom of information, participation and expression? And if they do, is this an acceptable trade-off? Does perceived safety cost a little bit or a lot of rights and freedom? And who is the legitimate broker of these things? If society is individualized and institutions give options rather than orders, are children to be told or recommended what to do? Shall parents coach, curl¹⁰ or control?

9 Although with an admittedly large body of supporting research (see for instance Hasebrink, Livingstone, Haddon and Ólafsson 2009a; Kalmus, Runnel and Siibak 2009; Livingstone 2003b, 2008, 2009; Livingstone and Haddon 2009; Livingstone and Helsper 2005, 2010; Pauwels and Bauwens 2008; Peter, Valkenburg and Fluckiger 2009). See also Rice and Haythornthwaite (2006) on fairly updated optimist perspectives regarding general access, involvement and interaction by the use of new media.

10 ‘Curling-parenting’ is an often referred popular concept of modern parents, ‘sweeping’ all obstacles away so that their children can have a friction-free progress in life.

Chapter 2

Individualization

The theoretical starting point for this book was formed during a discussion I had with Professor Ulrich Beck about his *individualization theory* at the London School of Economics and Political Science (LSE) on 5 February 2008.¹ During our discussion, Beck claimed that there has been a shift within the European welfare state towards a ‘macro-sociological phenomenon’ where *individualization* is *imposed on* the individual by modern institutions. Beck, referring to his then recently published paper ‘Beyond class and nation: reframing social inequalities in a globalized world’ in the *British Journal of Sociology*, argued how, at the beginning of the twenty-first century, the extent of which *individualization*² has taken place can be established through a historical sector analysis which investigates:

1. how individualization finds its expression in the societal³ semantics of law; and
2. the general outsourcing of key institutions which relieve the individual or provide him/her with security and orientation (Beck 2007, p. 682).

The theoretical claims and the practical challenge by Beck in performing a historical sector analysis gave promise of a meaningful way of contextualizing my own research findings on issues of children and online risk. It also seemed

1 This was done as part of my attendance at the LSE Research Seminar SO509 on Modern Theory.

2 In this paper, Beck refers to the term as *institutionalized individualization*, presumably in an attempt to clarify how the theory differs from other theories and concepts using the term *individualization*. This change in terminology also occurs in other newer publications. In the earlier works forming the theoretical body of the *Risk Society thesis*, the term used is *individualization*, while the full term ‘institutionalized individualization’ appears as ‘borrowed’ from Parsons in Beck and Beck-Gernsheim (2001a, pp. xxii, 11). For more on Parsons take on the issue see for instance (Parsons 1951; Parsons and Mayhew 1982; Shils and Parsons 1951; Turk, Homans, Parsons and Simpson 1971) In order to avoid confusion in this text, the term will generally be referred to as *individualization*. Please also refer to further clarification of the term in the subsequent parts of this chapter.

3 Beck is also referring to this as the ‘social semantics’ of law, see for instance Beck (2010, p. 119). I will, however, for reasons of consistency, use the term ‘societal semantics’.

to echo some of my own experiences and observations from working in two modern governmental institutions intended to provide security and orientation for the public: the Norwegian Board of Film Classification (NBFC) and the Norwegian Media Authority (NMA). Historically, media regulation bodies in Western welfare states, such as film classification boards and broadcasting authorities, have had as their core mission the protection of minors from undue influence and – perceived or real – harm by regulating visual expressions, language and airtime.

In terms of theory, this work will endeavour, as explained in chapter 1, to use Beck's theory of individualization to frame the discussion around my three main research questions all relating to children: (RQ1) *What is online risk?*; (RQ2) *How is online risk regulated?*; and finally (RQ3) *What are the potential implications for children's rights?* This will be done by reviewing the contemporary public discourse, concerns and regulations in regards to children and online risk using the framework of individualization as theorized by Beck. In doing this I apply the concept of individualization (Beck 2007; Beck and Beck-Gernsheim 2001a) to a new sector not originally described by Beck, and to the research field of media and communication, a field traditionally not making use of Beck's theories (Cottle 1998; Tullock and Lupton 2001). Consequently, I also seek to contribute with empirical findings and theoretical elaborations from the field of media research. This may also inform further theoretical developments of Beck's individualization theory.

Beck's individualization theory is part of his larger theory of the Risk society. His work has, since the publication of *Risikogesellschaft* (Beck 1986) and its English version, *Risk Society* (Beck 1992), had a strong influence in the field of sociology – and beyond. His idea of the *reflexive modernity* theorizes how the old, industrial society is replaced by a Risk Society, where risk (in this context defined as 'a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself' (Beck 1992, p. 21) becomes global and more risks are rapidly produced by technological changes, today exemplified as modern advances in the fields of nanotechnology, genetic modification, atomic power plants, industrial pollution, toxins, radioactivity – all potentially leading to global disasters. Additionally, more personal issues like the concept of marriage and the choices of education are also seen by Beck as undergoing the same processes of change. His individualization thesis addresses how these changes lead to individuals being forced to make their own decisions and bear the consequences of them as traditional ties such as class and family change, and one loses the securities offered by traditional norms and structures. At the same time, these ties are being replaced by an institutionally dependent control structure taken over by secondary agents and institutions that influence and force the choices we make, while seemingly having 'more freedom' and

‘individual control’ (Beck 1992, 2007; Beck and Beck-Gernsheim 2001a). This is called (institutionalized) individualization.

In this chapter, the individualization theory will be explained by referring to some of the key works forming the theoretical body and it will be placed in the context of the overriding theoretical concept of the risk society. The main focus will be on the three works outlining the concept: individualization as part of the overall theory of the risk society and the reflexive modernity as elaborated by Beck (1992, in particular Part II, Chapters 3–6 labelled ‘The Individualization of Social Inequality: Life Forms and the Demise of Tradition’), individualization as further elaborated in the compiled works of Beck and Beck-Gernsheim (2001a) and finally, individualization specified and operationalized as a framework for empirical research as detailed in the above referred 2007 paper (Beck 2007). Then, some key critics and critiques will be identified and elaborated on. The theory will be discussed in relation to children as this is of overall interest for this work, and a new critical argument will be presented, arguing the existence of a potential theoretical weak spot. Finally, the parameters for the empirical application of the theory to this particular work will be set, specifically addressing the concepts of the individual, the welfare state, institutions and technological change.

Conceptual Framework: Risk Society and Reflexive Modernity

Beck’s overriding theory of the Risk Society (Beck 1992) is based on two main theses: the first is the ‘risk thesis’ which is the understanding of current society within the framework of a reflexive modernity, where the distribution of wealth is being replaced by the distribution of risk. As these risks are, to a great extent, related to environmental changes caused by technological advancements, of which pollution is one of the results, the distribution of risk becomes global and independent of, for instance, class and social status. Today the thesis is well known, debated and influential in both the German and the Anglo-Saxon sociological realm (and beyond), utilized for, and criticized in relation to a wide range of issues such as the labour market (Evans, Behrens, Kaluza and the Anglo-German Foundation for the Study of Industrial Society 2000; Mythen 2005; Orrange 2007); crime and justice (Ericson and Haggerty 1997; Hudson 2003; Hughes 1998; O’Malley 1998); home and family issues (Ford, Burrows and Nettleton 2001; Klett-Davies 2007; Munro 1999; Tulloch and Lupton 2003), including child welfare and protection (Ferguson 2004, 2007; Scourfield and Welsh, 2003); government and public administration (Franklin and Institute for Public Policy Research 1998; Henman 2007; Lips, Taylor and Bannister 2006; O’Malley 2004; Richter, Berking and Müller-Schmid 2006; Stark 1996; Webb 2006); terror (Rasmussen 2006); panic and anxiety (Blatterer 2007; Hier 2006; Ungar 2006); identity, agency,

coming of age and life course (Cieslik and Pollock 2002; Davis 1999; Gill 2007; Joffe 1999; Mills 2007; Roseneil 2007; Walklate and Mythen 2010); as well as sociological theory in general (Beck 1992; Beck, Loon and Adam 2000; Chernilo 2006; Howard 2007a; Rasmussen 2000) and globalization (Goldthorpe 2002) and risk research in particular (Boyne 2003; Denney 2005; Kasperson and Kasperson 2005a, 2005b; Lupton 1999a, 1999b; Mythen and Walklate 2006; Taylor-Gooby and Zinn 2006b; Wilkinson 2001) – although ironically with limited influence on the field of risk *analysis* (see Smith 2005a, pp. 543–4).⁴

Within the format of this particular academic work, there is an obvious need for limitations in scope and ambition. Thus, the larger theories of the Risk Society, the influence of Habermas and Luhmann⁵ ('Beck is clearly a Luhmannianer' (Lash 2001, p. viii)) on Beck's theoretical ideas and the discussions on the overall state of contemporary societies as in a *second modernity*/*reflexive modernity* (Beck 1992), *reflexive modernization* (Beck, Bonss and Lau 2003; Beck, Giddens and Lash 1994; Beck and Lau 2005) /*late modernity* (Giddens 1990, 1991) /*liquid modernity* (Bauman 2000, 2003, 2004, 2005, 2006, 2007) will be left out.⁶ Nevertheless, the concept of *risk* and how it is understood and studied within sociology and other social sciences is relevant to this work, and will be further addressed in the next chapter, as it relates to the concept of *online* risk.

Individualization as *Homo Optionis*

The second part of the theory on Risk Society is the equally important, but often forgotten 'individualization thesis' (Beck 1992, pp. 85–150), and it is this part that is of interest within the framework of the present work, consequently limiting the field of theoretical elaboration. The individualization thesis was for a long time practically ignored outside of German scholarship (Lash 2001, p. vii; see also Walsh 2003). In Germany, the debate on individualization started in the early 1980s (Rutherford 2000) but, well into the second millennium, is viewed even now by its critics as 'increasingly being recognized as a force to be reckoned with in English-speaking sociology' (Atkinson 2007a, p. 349). The key tenet of this lesser explored (Beck and Beck-Gernsheim 2001a), but yet fiercely criticized (Atkinson 2007a; Brannen and Nilsen 2005; Goldthorpe 2002) part

4 It should be noted that this is not – nor has it any intention of being – an exhaustive list of works that have made use of Beck's theory, and that many of the works listed could undoubtedly have been listed under other and several different cue-words of reference.

5 Many works are here considered relevant (see for instance Luhmann 1968, 1969, 1971, 1977, 1979, 1982, 1990a, 1990b, 1991, 1993, 1995, 2011).

6 For a comprehensive overview of literature related to Beck's newer theoretical elaborations on *Cosmopolitanism*, please refer to Beck and Sznaider (2006a).

INDIVIDUALIZATION

of Beck's theoretical outline is the forced nature of individual decision-making, imposed by institutions. So, what does individualization mean in this context? Beck's starting point is the described observation that in the history of Germany, patterns of social inequalities have remained relatively stable, while at the same time the living conditions of the population have changed dramatically (Beck 1992, p. 91). In *Risk Society*, Beck outlines the development to the following seven claims (Beck 1992, pp. 87–90):

1. In the welfare states of the West, reflexive modernization dissolves the traditional parameters of industrial society, such as class culture and consciousness, gender and family roles. This happens in a *social surge of individualization* (original emphasis).
2. Social inequality is no longer interpreted with the reference of class but takes individualized forms, making people themselves the centre of planning and conducting their own lives.
3. The 'classlessness' results in new immediacies, in the form of crisis and sickness, for individuals and the society to arise, thus social crisis seems to be of individual origin.
4. The 'freeing' relative to traditional status forms like social class is followed by similar changes in gender status, thus the spiral of *individualization* takes hold inside the family, resulting in conflicts and quarrels.
5. These quarrels (between the sexes) appear to be individual, but follow general patterns.
6. The individual him or herself becomes the reproduction unit of the social. Both within and outside the family, the individual becomes the agent for their own planning and execution of life – 'Biography itself is acquiring a reflexive project'. However, the differentiation is followed by tendencies towards the institutionalization and standardization for ways of life.
7. Correspondingly, Beck understands individualization as a historically contradictory process of societalization.

Thus, ... temporary coalitions between different groups and different camps are formed and dissolved, depending on the particular issue and at stake and on the particular situation. ... Such coalitions represent pragmatic alliances in the individual struggle for existence and occur on the various battlefields of society. (Beck 1992, pp. 100–101)

A more condensed explanation is offered in later works. For Beck and Beck-Gernsheim (2001b, p. 2) it entails two aspects: 1) the disintegration of previously existing social forms (such as the increased fragility of traditional categories of class, family, gender roles, social status); and 2) that modern (meaning new to this time) demands, controls and constraints are being imposed on individuals. Under institutionalized individualization, individuals have to live their (reflexive) lives within the new guidelines and rules which the state, the job market, bureaucracy and so on lay down. A typical example given to illustrate the individualization of society is the changing status of marriage in the Western welfare states of Europe from being a part of the Christian world order and the ‘germ-cell of the state’, to a present-day reconstruction where the essence of marriage is a subjective definition by the individuals (men, women or both) participating in it. Marriage then becomes ‘an individual situation dependent on institutions’ (Beck and Beck-Gernsheim 2001b, pp. 11–12), or, as rephrased by Zygmunt Bauman in his introduction to the compiled works of Beck and Beck-Gernsheim (2001, p. xvi): “... individualization is a fate, not a choice ...”.⁷

The main works forming the theoretical body of the individualization thesis and the concept of institutionalized individualization originate from Ulrich Beck, but also Elisabeth Beck-Gernsheim. Thus, it must be recognized how Beck’s theoretical outline has benefited substantially from the works of Elisabeth Beck-Gernsheim, her input being highly influential, in many ways making this a (seemingly) joint venture. Their combined works, spanning almost two decades, address the rather trivial yet defining matters of the individuals’ lives: the forced decisions of self-realization every individual is faced with (Beck-Gernsheim 2001d); consciously planning love and relationships (Beck-Gernsheim 2001f; Beck and Beck-Gernsheim, 1995); defining how one’s marriage (Beck and Beck-Gernsheim 2001b) and family (Beck-Gernsheim 2001f) should be organized (like the issue of having children or not) (Beck-Gernsheim 2001b)); which conflicts to engage in (Beck 2001b), including (and especially) how to organize and share labour in the home (Beck-Gernsheim 2001c); how to be healthy (Beck-Gernsheim 2001e); how to care for the old (Beck-Gernsheim 2001a); and the paradoxes of death (Beck 2001c).

The overall argument that can be extracted from these works is that traditional societies had guidelines that would typically include rigorous restrictions or prohibitions, and strong implicit and explicit conventions. In contrast, it is argued, modern Western societies tend to offer services or incentives to action. This means that for the modern social advantages to take place, the individuals must take action, do something, make an effort (Beck and Beck-Gernsheim 2001b, pp. 2–3), *be condemned to activity* (Beck 2001e, p. 24). One writes one’s own biography by the choices one makes, big and small, and one is forced to make

7 Or similarly Giddens (1991, p. 81) ‘we have no choice but to choose’.

choices that were previously left to a higher authority: doctors, government, the king or God, the choice of having children (and how to produce them), prenatal care, abortion, life-prolonging medical support and the types of cancer treatment one should get, not forgetting having to also consider and calculate the risk of the side-effects the treatment might have. All these are decisions to be made, put forward to everyday people, every day. As Beck and Beck-Gernsheim describe it, it is the post-religious ‘theologization’⁸ of everyday life (2001b, p. 7).⁹

Individualization, not Individualism

The concept of individualization has been influential, and is mirrored in the works of sociologists such as Bauman and Giddens.¹⁰ As put by Beck:

I, like Zygmunt Bauman and Anthony Giddens, emphasize that individualization is misunderstood if it is seen as a process which derives from a conscious choice or preference on the part of the individual. The crucial idea is this, individualization really is imposed on the individual by modern institutions. To that extent there is agreement. (2007, p. 681)

However, Beck uses the term differently to many other scholars. Individualization is often used to refer to internalized processes for the individual, rather than external ones, or a combination of the two (see for instance Bourdieu 1977; Giddens 1984). Using this bottom-up approach, the concept borders on *agency*, referring to the ability for people (individuals) to act in an independent manner and make their own choices.¹¹ Historically, the concept can be traced

8 For more on the specific discussions on religion, see Beck (2010).

9 These are similar to the state Giddens (1991) calls ‘life politics’, politics not of life chances, but of life style, concerning how individuals and the collective humanity should live in a world where what was once fixed by nature or tradition is now subject to human decisions. This is not an easy task: ‘The capability of adopting freely chosen lifestyles, a fundamental benefit generated by a post-traditional order, stands in tension, not only with barriers to emancipation, but with a variety of moral dilemmas. No-one should underestimate how difficult it will be to deal with these’ (Giddens 1991, p. 231). This quote is also referred to in Beck-Gernsheim (2001e, p. 148).

10 For an exploration of the differences between these three (Bauman, Giddens and Beck), seen as three different models of self-identity and individualized biographies, see Howard (2007b).

11 For comprehensive historical accounts of such processes, see for instance Elias (1978, 2000). For a more specific discussion on Elias’ influence on the processes of individualization as used by Beck, see for instance Pasquier (2008).

to criminology (see for instance Anttila 1971; Cohen, Hsueh, Russell and Ray 2006; Mansell and Collins 2005; Saleilles 1911). Within *youth research*, the concept has been used to explain historical processes related to youth as a separate phase in one's path of life (Brannen and Nilsen 2005; Mitterauer 1992), some seeing it more as a subjective process within the young individual alone, while others substantiate the weakening of collective social identities, seeing Beck as successful in identifying processes for social reproduction in the modern world (Furlong and Cartmel, 1997).

A newer concept, *networked individualism*, pertains to the new digital media technologies, seeing each person as switching between social ties and networks. People remain connected, but as individuals rather than being rooted in the home bases of work unit and household (Wellman 2001, 2002 Wellman and Hogan 2006; Wellman et al. 2003). Similarly, the term *networked individualism* is used in the framework of *network society* (Castells 1996, 2001) as the dominant culture of our societies brought on by social structures, the historical evolution and new communication technologies where one 'perfectly fits into the mode of building sociability along self-selected communication networks, on or off depending on the needs and moods of each individual. So, the network society is a society of networked individuals' (Castells, 2005, p. 12).

As the different interpretations and uses of the individualization concept have resulted in many misunderstandings,¹² it is useful to also emphasise what the term does *not* include. In the words of Beck:

It does not mean individualism. It does not mean individuation – a term used by depth psychologists to describe the process of becoming an autonomous individual. And it has nothing to do with the market egoism of Thatcherism. That is always a potential misunderstanding in Britain. Nor, lastly, does it mean emancipation as Jurgen Habermas [sic] describes it. Individualization is a concept which describes a structural, sociological transformation of social institutions and the relationship of the individual to society. (Beck, interviewed by Rutherford, 2000, p. 202)

And similarly:

... the idea that individualism is the necessary consequence of individual and hence egoistic feelings and interests. Nothing can be further from the truth. It is that I have termed the *individualistic misunderstanding of individualization*, and that I intend to refute and reduce *ad absurdum*. (Beck, 2010, p. 93, original emphasis)

¹² For an example of such a misreading, also referring to other scholars doing the same, see Lupton (1999a, pp. 114–5).

INDIVIDUALIZATION

Consequently, individualization is not an expression of egoism and narcissism, and it is not linked to the neo-liberal idea of the free-market individual. Thinking in this way would, according to Beck (2001b), be to misunderstand the essence of what is new: the focus on self-enlightenment and self-liberation as an active process that you must accomplish in your own life, also in order to form social ties in family, your workplace and in politics.¹³ This is again a structure susceptible to the issues of societal structures and conflicts, as it is a *social sphere* where individuals are constantly faced with demands of planning, decision-making and action from institutions and social structures, for such structures do still exist: 'Increased freedom of choice is not the same thing as a breakdown of order' (Beck and Beck-Gernsheim 2001b, p. 11, referring to Zapf (1992)).

DIY Biographies

In the reflexive modern society, where the (institutionalized) individualization takes place, there is no limit to the options one faces. Instead, Beck claims (Beck et al. 2003, p. 20) that existing boundaries between individuals have been created along with the decisions that are made. These boundaries have an artificial nature that is freely recognized as such, but yet they are *legitimate* boundaries that have been institutionalized into systematic procedures that affect everyday life. Thus, 'you are obliged to standardize your own existence' (Beck and Beck-Gernsheim 1995, p. 7). The individuals become disembedded, and then re-embedded in new social forms of reintegration and control, as they are not only expected to make decisions but also to have the *duty* to cope with them. However, relationships and ties are, in these new forms, individualized and do not follow established patterns nor can they be copied from one's parents (Beck, interviewed by Rutherford, 2000).

In the reflexive modernity, traditional conflicts such as those related to class do not disappear, but become multifaceted, where people are forced into political and social alliances in order to cope, focusing on single issues as defined and pushed by the mass media (Beck 2001b, p. 40). Neither do inequalities disappear. They are instead redefined in terms of '*individualization of social risk*' [original emphasis], resulting in problems that are perceived as psychological in nature. Therefore, social crises materialize as individual crises with labels such as guilt, neuroses, anxieties, conflicts and inadequacies (Beck 2001b, p. 39). The tyranny of possibilities may result in the fear of freedom and consequently an escape into advice literature, psychics, professional organizers, career coaches, life coaches, sexologist columns in glossy magazines and DIY

13 For a more detailed discussion on the relationship between the theory of individualization and other theories of 'rampant' individualism, see Beck (2010, pp. 123–5). For a discussion on selfish individualism, see for instance Lewis and Sarre (2006).

(do-it-yourself) help services on all levels – and may I add the obvious ‘media scholar’ observation: TV shows, such as *Nanny 911/SOS Babysitter*, *Property Ladder*, *Location, Location, Location*; *Living in the Sun*; *Moving to the Country*; *The World’s Strictest Parents*; *The Biggest Loser*; *You Are What You Eat*; *What to Wear*; *What Not to Wear*; and *Luxury Trap*, to mention a few.¹⁴

In Beck’s overriding theory of the Risk Society, the mass media plays a prominent role in the creation of risk narratives. The mass media is, along with the scientific and legal professions, in charge of *defining* risks, hence they have key social and political positions (Beck 1992, p. 23; Cottle 1998), labelling the Risk Society as also being ‘the science, media and information society, thus new antagonisms open up between those who *produce* risk definitions and those who *consume* them’ (Beck 1992, p. 46):

This increased consciousness of risk can be seen from international comparative surveys of the population in the Western industrial states, as well as from the greater relative importance of corresponding news and reportage in the mass media. (Beck 1992, p. 56)

The mass media is such that it selects specific examples from a wealth of hypothetical findings, which thereby achieve the addition of familiarity and credibility that they can no longer attain as pure scientific results, illuminating hazards as a spotlight (Beck 1992, pp. 101, 197).¹⁵ Thus, the mass media becomes a domain where processes of social definition take place (Cottle 1998, p. 10). As argued by Cottle (1998, p. 6), Beck’s views on the media are not translucent, but rather appear to often play a metaphorical role, although still being ‘fundamental to processes of reflexive modernization’. Media also has a direct place within Beck’s concept of individualization, leading to *individual and institutional schizophrenia*. This is exemplified by how television isolates, by removing people from traditional contexts of conversation, experience and life, while at the same time it standardizes as we all consume institutionally produced TV programs, resulting in uniformity and a standardization of living (Beck 1992, pp. 132–3).

However, the theory as such has seen limited use and impact within communication research (Cottle 1998; Tullock and Lupton 2001), although those who have attempted to use it have had a preponderance to criticize Beck for not separately and systematically analysing media himself in its ‘various risk representing values of practice’ (Tullock and Lupton, 2001, p. 6). One

¹⁴ See also Beck (2010, p. 84) on DIY religiosity.

¹⁵ On the theoretical strand of cosmopolitanism, Beck also links media to issues of globalization: ‘In the mediated worlds of mass communications, by contrast, social neighbourhoods have become separated from territorial ones’ (Beck, 2010, p. 38).

could, on the other hand, argue that this is an endeavour that should rather and precisely be undertaken by *media scholars*, bridging the theoretical, empirical and conceptual gaps between sociology and media research. This work can be seen as such an attempt.

Critique

Beck's theory of individualization is, despite being less explored than the risk thesis, widely criticized (see for instance Atkinson 2007a; Brannen and Nilsen 2005; de Beer 2007; Gillies 2005; Goldthorpe 2002; Marshall 1997; Mythen 2005; Nollmann and Strasser 2007; Roberts 2010; Skeggs 2004), although there are examples of more generous readings and attempts at vindication (Woodman 2009).¹⁶ Two key critiques can be found: 1) that related to Beck's 'killing of class' as a unit of analysis; and 2) that the theory is 'data-free': it does not have any empirical base to support it. Within the same critical framework it has equally been criticized for being difficult to 'prove' due to the imprecise use of the term individualization as part of the Risk Society thesis (see Mythen 2005), and therefore it lacks operationalization. In the following, I will briefly present these two critiques. It should, however, be noted that in regard to the first, the discussion of class is, albeit, a central trait of the explanatory framework for the individualization thesis, not the core premise for this work.¹⁷

16 See also the Woodman (2009) – Roberts (2010) – Woodman (2010) – Threadgold (2011) argument in the *Journal of Youth Studies*.

17 Beck, and other scholars engaging in this discussion, have primarily been concerned with the issues of *class* and *social inequalities* (e.g. if institutionalized individualization requires people to discover meaning or identity individually, can there still be a collective class identity? (Beck 2007, p. 686) or is the welfare state beyond a class society, only preserving the imagery of class in lack of better alternatives? (Beck, 2001b)). However, the theoretical framework laid out, as well as the clarifications for the *perceived premises*, or testing the theory, has relevance also for other fields of study, such as the sectors of media regulation and child protection. While not considered a 'class' in the Marxist sense (a group of people who stand in common relationship to the means of production), or Weberian (we can speak of a class when (1) a number of people have in common a specific causal component of their life chances, in so far as (2) this component is represented exclusively by economic interest in the possession of goods and opportunities for income and (3) is represented under the conditions of the commodity of labour markets (Weber 1946, p. 181)), it can be argued that at least within the European welfare state in general, and the Nordic welfare state population in particular, *children* do constitute 'a large-scale grouping of people who share common economic resources which strongly influence the type of lifestyle they are able to lead', fitting the sociological definition of Giddens (2006, p. 300). While by no means ignoring the complexity of defining and operationalizing the concept of class

Will Atkinson (2007a, 2007b) carries perhaps the most comprehensive polemic against Beck's notion of individualization. He focuses primarily on the problem of Beck's 'killing of class' as a unit of analysis, and the introduction of a new society (the Risk Society) as its core – where old boundaries between individuals are dissolved and all are victims of the same 'democratic' risks. Aiming to vindicate the enterprise of class analysis, he argues that Beck's theory is ambivalent, contradictory and self-defeating. In particular, Atkinson points to studies showing the persistence of socio-economic inequalities, inconsistencies in the terminology in the theoretical works forming the theory and, finally, the lack of consistent conception of what Beck believed 'class' to be, before it died (Atkinson 2007a, p. 358, see also Atkinson 2007b, p. 709).

Atkinson also finds weaknesses in Beck's account of the *causes* of individualization. Especially, Beck is criticized for failing to recognize that the key institutions he finds to be the 'slayers of class' may be hindered by the fact that they are 'riddled with class processes themselves' (Atkinson 2007a, p. 360 original emphasis). The field of education is seen as particularly problematic, as the acquisition of universal knowledge and self-reflection is said to be somewhat dependent on the level and length of education the individual acquires. However, educational institutions are, according to Atkinson, not seen as 'class free', with a particular reference to the situation in the UK.

Responding directly to Atkinson's critique, Beck argues that he has misunderstood the concept as he does not understand the '*key distinction between class and inequality*' (Beck 2007, p. 680, original emphasis). Individualization does not signify the disappearance of social inequality 'in terms of movement', thus this claim and interpretation from Atkinson 'is complete nonsense'. Beck clarifies:

There are two ways of discussing the 'end of classes'. One is the well-trodden highway of welfare state integration of the proletariat – with the aim of levelling class differences and social inequality (which Atkinson and the class sociologists imply is what I say); the other approach, which is the one I have taken from the start, is the investigation of the paradigm shift in social inequality. Individualization theory is then precisely not a theory of pacification (as is implied) but a theory of crisis, which furthermore shows, how the transnationalization of social inequalities bursts the framework of institutional responses – nation state (parties), trade unions, welfare state systems and the national sociologies of social classes. Individualization implies no (final) state, but a process, more precisely: a process

as demonstrated in a vast body of research, it seems even more fitting, as demonstrated in 'Fairytale parenting' (Staksrud, 2008b), to conclude that children do share common *digital* resources which strongly influence the type of lifestyle they are able to lead. In this respect, children represent – or have represented if you follow Beck's claim of the death of class – a *digital class*.

INDIVIDUALIZATION

of the transformation of the grammar of social inequalities. This throws up two questions: on the one hand, that of the de-structuring of social classes, and on the other, that of re-structuring. In other words, the question as to the de-structuring of social classes (through welfare state individualization, ‘out-sourcing’ and ‘in-sourcing’ of risks, through ‘internal globalization’ and ethnic pluralization of social classes etc. ... The class struggles of class society achieve the welfare state and with it the principle of individual assignment of claims and contributions with the consequence that individualization becomes permanent, and the internal structuring principle of modern societies (classes) become less important. It is the collective success with class struggle which institutionalizes individualization and dissolves the culture of classes, even under conditions of radicalizing inequalities. (Beck 2007, pp. 680, 682)

A separate critique, directly relevant to this work, has been presented by Brannen and Nilsen (2005), stating that the argument building up to the individualization thesis is de-contextualized in nature, thus making it a difficult concept to use for analytical purposes and empirical research. They claim to demonstrate how empirical research, in particular research designed to generate ‘grounded’ concepts, can provide alternative ways of theorizing the individualization thesis. Again, the key criticism is the lack of empirical data and difficulties in operationalization are the focus. Brannen and Nilsen’s survey – focus groups with young people in Norway and Britain on their views of the future, work and family life – is offered as an example of a more fruitful approach. Their results conclude that the tenet of the individualization theory – that gender and social class are no longer important for shaping life courses and trajectories – can be disregarded (Brannen and Nilsen 2005, p. 414). Similarly, Stefansen and Farstad (2010) demonstrate how parental practices in the seemingly egalitarian social democratic welfare state of Norway follow cultural models related to traditional class.

Responding to the claim that the theory lacks empirical data, Beck, in his early works, points to the verification of the individualization theory from ‘numerous qualitative interviews and studies’ that reveal one central concern for individuals: the demand for control over money, time, living space and body (Beck 1992, p. 92, 2001b). He argues that such claims differ from the bourgeois individualism in the eighteenth and nineteenth centuries, as these processes derived from the ownership and accumulation of capital and feudal structures of domination and authority. In the reflexive modernity, individualization is a product of the labour market. This can be seen in relation to formal learning, where self-discovery and reflection are part of the process, and the education system creates a form of selection to ensure and provide individual qualifications for the labour market. Beck also sees this in the mobility of the labour market, where individuals become relatively independent of inherited or newly formed ties, and can change jobs and place of residence quite easily. In addition, competition in the market leads to

individualization among equals, seen through trying to advertise the ‘individuality and uniqueness of their work and of their own accomplishments’ (Beck 2001b, pp. 32–3). A common misconception, according to Beck, regarding his theory is that it is confused with another type of individualization: a type referring to subjective transitions of attitudes and identities within individuals. In response to his critics, Beck (2007, pp. 681–2) argues:

The instance of falsification and the empirical proof of the individualization hypotheses is not to be found primarily in the contingency of attitudes and modes of behaviour of individuals ... but in the relationship between state and individualization: basic civil rights, basic political rights, basic social rights ... In all these fields there is evident, empirically verifiable or refutable, an historic trend towards an institutionalized individualization.

However, directly responding to the critique from Atkinson, Beck (2007) gives at least a partial admittance that more empirical testing is needed, and challenges researchers to undertake this task. And, if this is to be done within his definition and understanding of the concept, his argument is that at the beginning of the twenty-first century the aspects of individualization can be established through a historical sector analysis which investigates how:

1. The individualization finds expression in the societal semantics of law and
2. The general outsourcing of key institutions which relieve the individual or provide him with security and orientation. (Beck 2007, p. 682)

According to Beck, it is by investigating these two fields that the existence of (institutionalized) individualization can be established, where the former is operationalized into

... the texts of legislation or commentaries on legislation and in the practice of the administration of justice (against the background of public discourses and political debate) or also in current and future reforms of the welfare state and of the labour market. (Beck 2007, p. 682)

Here we are back to my starting point. So, Beck’s theory and recipe for application will be used here to inform and structure the discussion around the three main research questions (see Chapter 1) related to issues of online risk and children, the regulatory frameworks that exist to manage these risks and what implications these regulatory frameworks have for children’s rights. But first, there is a need to pose the question: who are these individuals that have their ‘key relieving institutions’ outsourced?

A Theoretical Blind Spot?

The crux of the individualization theory, as argued by Beck and also interpreted by others (Bauman, 2001; Beck, 2007, p. 681; Giddens, 1990), and which will be elaborated in this book, is how individualization is *imposed* on people by modern institutions, and how *it does not derive from conscious choice*. As emphasized by Beck (2007, p. 682), it is important to distinguish between the (institutionally) individualized *opportunities* given to the individual to make decisions and the *obligations* to make decisions. However, *who* these individuals are should also be a topic for our discussion.

According to Beck, with the liberation of women, all individuals are facing the same fate of individualization. But is this really the case? One group of individuals that is easily identified is *children*. As of 1 January 2010, 0–19 year olds comprised 25.6 per cent of the total population in Norway (Statistics Norway 2010), and within the European Union (27 countries), children between the ages of 0 and 14 accounted for 15.6 per cent of the total population in 2009,¹⁸ yet children are rarely mentioned in the theoretical elaborations of the individualization theory, except when they are part of the decision-making process of ‘individuals’ (typically women) on how to be handled, organized, managed and/or prevented. This is so, because having children is seen as posing a risk to one’s self-realization/career/partner and so on (see for instance the various discussions in Beck and Beck-Gernsheim 2001a, pp. 38, 57, 62, 63, 66, 67, 70, 74, 75, 78, 86–9, 93, 94, 109–13, 115, 120, 122–30, 132, 147). They also appear as objects of management when described in terms of when to have them, how many of them to have, how one is responsible for looking after them and, who should be responsible for looking after them – again more as commodities organized through the discussions on the general division of housework in the household, rather than as individuals in their own right (see for instance Beck and Beck-Gernsheim, 1995, pp. 14, 15, 16, 19, 20, 22, 23, 25, 29, 30, 36, 37, 48, 52, 59, 60, 62, 63, 65, 73, 75, 97, 102, 104, 108 – 113, 116–119, 121, 128, 129, 130, 132, 134, 135, 137, 143, 155, 157, 171, 188, to mention a few).¹⁹

There is one small exception. Beck-Gernsheim does in one paragraph note that children have their own wishes and can be – and are increasingly being – asked to choose between parents in the case of divorce, suggesting that this may be part of a socialization process for individualism (2001f, p. 95). This observation can be said to reflect a small part of the changing status of the child, from a property belonging to the parents to individuals with legal rights to

18 Population table generated from Eurostat 23.02.2011, see <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00010&plugin=1>.

19 See also similar in Beck and Beck-Gernsheim (1995, pp. 55, 72–7, 102–39 are specific examples).

participate in deciding, or even solely and independently deciding, which parent to live with, what career/education to pursue and how money shall be spent. But, generally, discussion regarding children within Beck's individualization thesis is all about how to have them in a risk-cost-benefit analysis for the individual; 'individual' meaning an adult in general and a reflexive woman in particular. It is not about children themselves, and certainly not about children as individuals. Children are commonly referred to as an article of trade and negotiation for adults in the individualization theory of Beck: 'The child becomes *the final alternative to loneliness* that can be built up against the vanishing possibilities of love' (Beck 1992, p. 118).

Children are People!

The present work is framed by the belief that children are people. While the claim might seem self-evident ('of course children are people, what else would they be?') it carries, as argued by, among others, Daniel and Ivatts (1998, pp. 17–18), important implications such as valuing children for what they are *now* rather than what they will become (adults), and entitling them to the same human rights as one affords other (older in years) people.²⁰ Not considering or including children is, in effect, ignoring one in four individuals. This understanding also has methodological implications: seeing children as valuable informants in themselves and not relying on assessing their lives by parental proxy.

It is acknowledged that throughout history, the term and idea of children and the concept of childhood has both fluctuated and been dependent on time and culture (for various elaborations and discussions on this issue see for instance Ariès 1962, 1978; Buckingham 2000a; Christensen and Prout 2005; Cunningham 2006; Darwin 1877, 1872; James, Jenks and Prout 1998; James and Prout 1990, 1997; Jenks 2005; Meyer 2007; Mitterauer 1992; Postman 1982; Prout 2008). Given *the present* age, time and place, I argue that there is a shortcoming of theoretical elaborations of the individualization theory. If one does claim that living in the Western welfare state is living in an individualized state of being, where one is forced to make decisions and write biographies without the comfort of belonging to previously existing social forms – class, gender-roles, ethnicity and so forth – how can one not claim (or rather miss the point) that *age-assigned roles* are also an existing social form that has disintegrated. Is it not a fallacy to treat children as a homogenous group just on the basis of their chronological age?²¹ What does

20 The issue of children's rights and the dilemmas associated with such in relation to *children and online risk* will be discussed further in Chapter 10, *Which Rights?*

21 Also Brannen and Nilsen (2005, p. 416) hint at this shortcoming, noting that a central issue in the theory of individualization is that the phases and stages of life are

INDIVIDUALIZATION

it take to become a (forced) decision-making individual? Rationality? Maturity? Puberty? Your own money? Having lived for a specific number of days?

Beck himself explains how the opaque and contradictory character of modern society places the self-focused individual in a position where it is unlikely that they will make the unavoidable decisions in a rational and responsible manner, meaning that they will not refer to the possible consequences of those decisions before making them (Beck 2001a, p. 48). Hence, rationality, experience and responsibility cannot *per se* be used as indicators for defining or assuming that the decision-making individual is an adult. One of the classic reference points for the discussion on the individualization theory in the German tradition is Beck-Gernsheim's *Vom Dasein für andere* (1983)²² on individualization and women. In this work, it is argued that the many small steps in education, work and the family have brought about palpable changes in society. For instance, examples are given of how individualization came when women were faced with risks that before had only been faced by men, and when they acquired the 'little freedoms' in everyday life that brought on bigger words of autonomy, self-realization and 'emancipation'. I argue that these examples, and others, are now fully adaptable to the situation for children, especially those children often labelled as the 'youth' or 'adolescents' of society. Take, for instance, the two key factors that have been argued to symbolize and cause women's individualization: *personal money* and *personal time* (Beck-Gernsheim 2001d). It is well documented that one of the key market segments for commercial companies to target are the 'tweens' (the in-between age group of 8 to 12 year olds) (Brusdal and Berg 2010; Holland 2008, pp. 48–9; Seiter 1989, 1993, 2005; Wasko 2008). In addition to having money of their own, they also possess the perfect privatized paying device – their mobile phones – that can be used as a credit or debit card, pending on the type of subscription one holds.²³ Similarly, children's 'personal time' and privacy have become a given, as well as part of their constitutional rights, perhaps especially in relation to their online activities. So, the same little steps that brought on individualization for women, namely personal money and personal time, *are there for children as well.* (This

no longer seen to apply, thus adulthood should not be seen as a stage separate from youth. The Woodman (2009) – Roberts (2010) – Woodman (2010) – Threadgold (2011) argument in the *Journal of Youth Studies* pertains indirectly (and sometimes directly) to how Beck has been used in *youth* studies. However, the issue of children as individuals in terms of theory is not addressed.

22 See Beck-Gernsheim (2001d) for an English translation.

23 Another possibility of independence, or fiscal dexterity, has led to an increasing number of banks reporting cases where parents had their credit card accounts overdrawn, claimed theft or fraud by an outsider when it in fact has been their own child using their credit card following the recipe for such payments on their favourite websites without their parents' knowledge or consent (Kjørstad et al. 2010; Staksrud 2009, pp. 153–4).

is at least, and perhaps especially, in the Nordic welfare states.) So why should children not be included or considered as individuals facing the same decision-making torrent as those who are older? If gender is no longer a ‘fact of nature’ (Bauman in Beck 2001, p. xvi), must age be?

Ignoring children seems to be somewhat of an accepted standard, and applies not only to Beck and Beck-Gernsheim and their take on individualization. For instance, within discussions on children’s rights, there are examples of a crude implicitness of *individualization* (and/or individualism), seeing this as a question of a *parental* right to non-interference from state agencies in relation to their childrearing preferences and strategies.²⁴

Thus, as a starting point for the forthcoming discussions, the question was asked: who are these individuals that, according to theory, have their ‘key relieving institutions’ outsourced? The answer must be: everyone, including and counting children.

Defining Children

Defining children might seem somewhat of a paradox within the theoretical context, because, if children are individuals and should be ‘included’ as such in the elaborations and application of the individualization theory, how can one then refer to these individuals by the group term ‘children’? The most honest response is that research is often pragmatic labour: we use what is in our toolbox. I use *children* the same way that *gender* is used by Beck and Beck-Gernsheim in their works on individualization as a structuring and explanatory aid.

This work uses the term ‘children’ to mean those under the age of 18, in line with the definition of ‘legal minors’ in the UN and EC legal framework. However, it is inevitable that one has to refer to other terms, especially when benefiting from other studies with different methodologies and approaches. The most common terms used in research with children and media are: ‘children and young people’ (presumably most often referring to children (up to 12 years) and teenagers); younger children (0–12 years); tweens/‘in-betweens’ (8–12 years); infants (0–1 years, or someone in the ‘early stages of life’); toddlers (1–3 years); teenagers/teens (13–19 years or 13–8 years); adolescents (time of puberty before reaching legal maturity age, hence fluctuating generally, and significantly through history, see for instance Mitterauer 1992); and kids (unclear). Whenever a term not referring to the core idea of ‘persons under 18’ is used, this will be noted.

In general, the empirical work connected to this research, as well as the methodological considerations, will refer to children above the age of eight.

24 See for instance Archard (2004, pp. 167–77) for such stands and Gillies (2005) and LaFollette (2010) for a similar discussion.

Applying the Theory: Definitions of Parameters

As already discussed, the lack of empirical evidence is one of the key criticisms of Beck's individualization theory. In the previous argument I have pointed to another weakness in the theoretical claims and elaborations, especially in the commonly regarded key works of Beck and Beck-Gernsheim (2001a), namely the illogical treatment of children as a group rather than as individuals. Both these claims will, in the following pages, be substantiated by applying the theoretical framework of individualization not only on a new sector, the media, but also on a specific type of individual not previously included in the theoretical framework, that is children. Beck argues that the historical-empirical basis for testing the individualization theory is:

- 1) the establishment of basic and civil and political rights in the nineteenth century, their restriction (to men) and their de-restriction (inclusion of women) in the twentieth century and,
- 2) the establishment, explanation and then dismantling of the welfare state in Western Europe, after the Second World War, and in particular the developments from the 1960s and 1970s and onwards. (2007, p. 682)

Why the Western welfare state? Because comprehensive and fundamental institutional changes, which have shifted the opportunities and risks for making decisions onto individuals, have happened in almost all European societies in a very short time, a development hitherto historically unparalleled (Beck 2007, p. 685). In addition, Beck claims that these societies have internalized the autonomy of the individual as a principle (Beck 2010, p. 86). Hence, testing the theory in general and its applicability also to *children* must be a testing of the establishment of civil and political rights for adults and their de-restriction in the inclusion of children in the twentieth and twenty-first centuries as well as the institutional changes pertaining to such in the welfare states of Western Europe.

The three main research questions of the nature of online risk, the regulation of such risks and the potential implications for the rights of children will be considered. By using the individualization theory as a framework for the analysis, specific considerations will have to be included and others will be left out. So, who and what exactly should be researched and how? Four concepts comprise the critical elements of the individualization thesis: developments in *particular societies*; in a *particular time*; related to *particular institutions*; following *technological change*. In the following pages, the parameters for these criteria will be set.

The Societies: The Welfare State

Beck is specific in terms of the applicability of the individualization thesis – it is ‘the welfare state in Western Europe, after the Second World War, and in particular the developments from the 1960s and 1970s and onwards’ (2007, p. 682). This is to be the object and time frame of study.²⁵ As he explains in an earlier work:

Now one may ask, haven’t there always been individualization processes? What about the ancient Greeks (Michel Foucault), the Renaissance (Jacob Burckhardt), the courtly culture of the Middle Ages (Norbert Elias), etc.? It is true, individualization in the general sense of the world is nothing new, nothing that is showing up for the first time in Germany. Although it seems to be the same, however, it has a different and perhaps not yet fully disclosed significance. One of the most important aspects is its mass character, the scope and systemic character of the current surge of individualization. It occurs in the wealthy Western industrialized countries as side-effect of modernization processes designed to be long term. (Beck and Beck-Gernsheim 1995, p. 8)

The ‘Welfare’ state is an idea that has developed gradually throughout the twentieth century, but the theory of institutionalized individualization cannot benefit from a common definition of what are the boundaries, scope and tasks of a welfare state. As put by Richard Titmuss, whose work was central in defining Britain’s modern welfare state: ‘the term [welfare state] has apparently come to mean all sorts of things’ (Titmuss, quoted in Greve, 2007, p. 44).²⁶ Thus, we need to define it within narrower parameters for the purpose of this study.

Historically, the welfare state evolved as a response to the shortcomings of the liberalistic idea of a Night Watchman State where the government’s role is limited to the absolute minimum of what is required to ensure order, as well as the protection and the safety of its citizens. With increased social inequalities, escalating with the Industrial Revolution, expanding the scope of government in terms of social politics was seen as constructive, especially in ensuring continued fiscal growth through political stability (Østerud and Aas 1991, pp. 53–4). The welfare state is the response to two key developments: the formation of the nation-states, and their transformations into mass

25 While a strict limitation of applicability has been set by Beck, it should be noted that several scholars have argued for the extended applicability to other geographical areas, such as Southeast Asia (see for instance Han and Shim 2010; Kyung-Sup 2010; Kyung-Sup and Min-Young 2010; Yan 2010).

26 Titmuss, in another work, defines welfare as publicly provided and subsidized services, statutory, occupational and fiscal (Titmuss 2006, p. 41).

democracies (Flora and Heidenheimer 1981, p. 22). While the essence of the term can be traced back to the German social security legislation of 1881, the term '*Wohlfahrtstaat*' did not appear in Germany until June 1934, and in Britain until 1941 (Flora and Heidenheimer, 1981). Using the German terminology as a starting point, as this presumably also is a reference point for Beck, given his nationality and background, one can find three levels of state responsibility: the *Rechtsstaat* where the main emphasis is on political rights and constitutional guarantees against the misuse of power; the *Sozialstaat* where citizens' rights also include social and economic rights, but the state's support in terms of welfare is restricted to those who are unable to support themselves; and, finally, the *Wohlfahrtsstaat* where a more collective, comprehensive and centralized welfare system is established (Østerud and Aas, 1991, p. 54).

The institutional individualization presupposes that the legal norms of the welfare state make individuals rather than groups the recipient of benefits and that most of the support system in the welfare state is designed for individuals rather than for families: 'The welfare state is in this sense an experimental apparatus for conditioning ego-related lifestyles', as services often are linked to employment (Beck and Beck-Gernsheim 2001b, pp. 2–4). Thereby, it is enforcing the rule that people should organize more and more of their own lives, while still being completely dependent on institutions. The qualitative difference between traditional and modern life is not that there are less restrictions, but that modern guidelines compel self-organization and self-thematization of people's biographies (Beck 2001e, pp. 23–4).

The Nordic welfare state is said to comprise Denmark, Finland, Iceland, Norway and Sweden (the Nordic countries). Historically, these countries have prospered in spite of a system often associated with weak economic incentives, such as high tax wedges, generous social security systems and an egalitarian distribution of income (Andersen et al. 2007). One of the key features of the current Nordic welfare state model is the high degree of equality and universalism (Greve 2007). Within this model, universal services are perceived as better than selective, means-testing services as they are less stigmatizing and are more likely to ensure consensus and support from the middle class. The Nordic model is also described as a 'service welfare state' with special reference to the delivery of social care to children and the elderly (Greve 2007, pp. 44–5). A citizen's (registered) age has always been a typical organizing tool for the state's attempts to manage and plan services. Particularly in regard to citizens that are (very) young or (very) old, special rules will often apply, for example to extensions or restrictions of rights (what to watch on TV, the right to retire and receive benefits, the right to free healthcare, daycare or nursing homes). The so called 'universal' services offered by Western welfare states are often collective, but can be benefitted from only when you are defined as part of a certain group, structured by age. For instance, the Norwegian child benefit

system²⁷ covers all children regardless of parental income, but does not cover individuals above the age of 18. Hence, the Nordic welfare state model lacks the strong differentiation and nuances seen in the German model, and embraces both centralized, collective welfare programs *and* protection against peril. To many experts this has become the equivalent of the bumblebee paradox, where, according to ‘established knowledge’, it should not be able to fly. Yet it does.²⁸

Another important feature of the Nordic welfare state model, or more precisely the Nordic welfare states, is the ‘Nordic’ individualism, defined as an overarching ambition to:

... liberate the individual citizen from all forms of subordination and dependency within the family and in civil society: the poor from charity, the workers from their employers, wives from the husbands, children from parents – and vice versa – when the parents become elderly. In practice, the primacy of the individual autonomy has been institutionalized through a plethora of laws and policies affecting Nordics ... children are given a more independent status through the abolition of corporal punishment and a strong emphasis on children’s rights ... The ideal family is made up of adults who work and are not financially dependent on the other, and children who are encouraged to be as independent as early as possible. (Berggren & Trägårdh 2011, pp. 14–15)

Based on the specific characteristics of the Nordic welfare state model as described above, one can therefore expect both: 1) a delivery of social services to children; and 2) that these services are universal, meaning that all children have the right to benefit from them, if and when needed. Limiting the field of testing to the Nordic welfare states should therefore prove valid when looking at institutions aimed at protecting children from potential harm caused by media content or use. Such services are expected to be in place, and universal, that is, they are not limited to children with special needs and challenges. In addition, the empirical findings on specific risk issues in this book are sourced from Norwegian datasets and surveys (as described in Chapter 3). Therefore, the study will mainly concentrate on the institutional developments in Norway, Sweden and Denmark, in addition to the Netherlands and the UK. The reasons for including these countries (and excluding Iceland and Finland, despite both

27 Child benefit is a kind of benefit that is paid for all children under the age of 18 years who live in Norway. The purpose of child benefit is to help cover the costs of raising children, and is regulated by a special children benefits legislation (‘Barnetrygdloven’). For further information see <http://www.nav.no/English/Stay+in+Norway/212728.cms> (accessed 17.02.2011).

28 See for instance Kildal and Kuhnle (2005), Kuhnle (1983, 2000), Kuhnle, Yinzhang and Petersen (2010).

belonging to the Nordic welfare state Model) are both practical and analytical. Within the limited format of this work it is obvious that including all countries would be too large an undertaking, especially as the relevant material from Iceland and Finland has proved to be less accessible, both in terms of language and availability. In addition, a pre-analysis suggested that for the purpose of this analysis, the countries included would give an interesting and complementary picture of the institutional changes that have occurred. This pertains in particular to the Netherlands, where some of the national structural changes in the protection of children from potential media harm have been adopted by the European Union as a whole (Staksrud and Kirksæther, 2013).²⁹

The selected countries are perceived to be culturally similar, all scoring high on scales of relevance to our topic, namely secular-rational values (on the theoretical and practical relevance of *rationality* see the Chapter 4 on Risk) and self-expression values (relevant for the notion of individual rights versus regulation). This is demonstrated in the (famous) Inglehart-Welzel cultural map of the world (Inglehart and Welzel 2005, p. 64).

In addition, the UK will be included for comparative and supplementary purposes. The reason for this is twofold: first, the newer theoretical discourse directly inspiring this work has primarily taken place within British academia, where the *British Journal of Sociology* has been the preferred arena of combat. Secondly, much of my own work has been highly influenced by British scholarly traditions, taking place at the London School of Economics (2007) and at the Oxford Internet Institute (2008). This is also reflected in the comparative study, *Children and Online Risk* (Staksrud and Livingstone 2009). The UK does not belong to the Nordic welfare model, but is, along with the USA, Canada and Australia, considered to have a more liberal model, where services are offered according to need, and less universal services are in place (Normann, Nørgaard and Rønning 2009; Normann, Rønning and Nørgaard 2010). In relation to regulation, developments in the Netherlands will be briefly addressed, as this has relevance to the overall implementation of regulatory regimes. This narrowing of the research field and scope is well within the specifications of applicability as defined by Beck.

While recognizing that there is ongoing pressure on the different types of welfare models to converge to the European model,³⁰ this discussion is left out as it is the *current state* that is of interest. It is the answers to the questions of how

29 Please refer to Chapter 6 on *Regulation* for more details on this issue.

30 A substantial body of research exists related to this issue (see for instance Barth, Moene and Wallerstein 2009; Brochmann, Hagelund, Borevi, Jønsson and Petersen 2010; Dingeldey and Rothgang 2009; Ferrera 2008; Frønes and Kjølsvød 2010; Grødem 2008; Halvorsen and Stjernø 2008; Heclø 1981; Häusermann 2010; Juul Hansen 2010; Kersbergen and Manow 2009; Leibfried and Mau 2008; Lundqvist and Petersen 2010;

individualization finds expression in the societal semantics of law and the general outsourcing of key institutions (Beck, 2007) that are of interest in this book.

The Institutions: Media Regulatory Bodies

In reflexive modernity the *basic* institutions are defined by Beck (with Christoph Lau 2005) as

... the institutional responses to the fundamental imperatives of these basic principles [exemplified as principles such as the principle according to which decisions can and must be backed up by rational reasons] in particular historical contexts, each response being associated with a particular phase of modernity. Thus, for example, a distinction needs to be made between the basic principle of statehood and the basic institutions of the nation-state, which is subject to change. (Beck and Lau 2005, pp. 540–541)

Admitting that the original assumptions on the disintegration of old institutions might need to be elaborated, Beck (Beck and Lau 2005) refers to how their own empirical findings suggest that old structures (or ‘basic institutions’)

... do not simply crumble away without being replaced, as some of our original formulations suggested ... That which has exited up until now is not simply replaced or dissolved and does not simply appear as a mere residual leftover; instead, it combines with new elements in different forms, so that structures that had seemed to be long out-dated become relevant all over again ... (Beck and Lau 2005, pp. 540–541)

What are these institutions? For the purpose of this discussion on online risk and children they will be limited to media regulatory bodies, government or government-endorsed institutions that have been established to ensure protection of children from potential media-generated risk and harm. The field will be further limited to media regulation connected to content and access (rather than regulation related to infrastructure, ownership and horizontal/vertical integration and/or financial incentives). The specifics of these institutions, their legitimacy and their potential transformation will be elaborated in more detail in the section on *Regulation*.

Normann et al. 2009; Normann et al. 2010; Powell 2008; Rothstein 2010; Shapiro 2007; Stamsø 2009; Steen 1986; Topel, Swedenborg and Freeman 2010; Yeatman 2009).

The Technological Change: The Internet

The final narrowing of the scope of this book is that of technology. Technological development is a key explanatory factor in the overall Risk Society thesis, as well as for explaining the shift into individualization. As reviewed at the beginning of this chapter, risk is seen to be rapidly produced by technological changes, all potentially leading to global disasters, but also more personal issues like medical advances, making it possible for couples (or single women or single men) to choose when or whether to have children. For the purpose of this work, the technological advance we shall concentrate on is the Internet.

Defining the boundaries of technology poses difficulties, especially as official documents, particularly those pertaining to law, will use different terms. Typical terms include ‘Internet and online technologies’ or ‘Internet and other online services’. For the purpose of this work, the Internet will refer to all potential Internet services, and include all forms of access technologies, not making a preset differentiation between the ‘fixed’ Internet and the ‘mobile’ Internet (of which the latter often again is divided into mobile phone access, laptop/portable PC access, game console access and TV access), unless otherwise stated and specified.³¹

In 1995, years before the mass distribution of the Internet as we have today and the widespread existence of ‘Web 2.0 social media’, Beck (2001e, p. 25) described the globalization of biography – how people become globally networked and carry out ‘place polygamy’, being part of several places at once. This movement also transcends the nation-state. Later, Beck (as part of Beck et al. 2003, pp. 25–6) argued that the Internet is the obvious example of a de-spatialized means of societal inclusion that has been made possible by technological advance. It is also a prime example of the double character of sovereignty and dependency that characterizes the reflexive individual. On the one hand, the Internet is produced by individuals. On the other hand, subjectivity is a product of self-selected networks which are developed through self-organization into forms that enable self-expression, reinforced through public recognition. When using the Internet it is through self-selection, but you are also at the mercy of the choices and decisions of others. How one perceives and copes with the ambivalence of this situation is at the core of the research questions forming the basis of this work.

Looking at Internet services in general, and social media in particular, is perceived as especially fitting in order to clarify individualization theory, as the post-traditional societies ‘must revolve around the self-interpretation, self-observation, self-opening, self-discovery, and self-intervention of the

31 For further readings on Internet and ICT as a technology and phenomenon, see for instance Hannemyr (2005), Ryan (2010) and/or Flichy (2006).

individual' (Beck and Beck-Gernsheim 2001b, pp. 18–19). Is this not what often happens when creating and claiming our digital land, biography and legacy? A great body of research has informed us about the complexities of digital self-representation, pointing to how the Internet mediates stories about oneself (Brake 2008; Lundby 2008a; Nelson and Hull 2008; Nyboe and Drotner 2008; Thumin 2008), facilitating the shift from institutional storytelling done by professionals in traditional media to individual productions (Hartley 2008), while still attaining to institutions, expectations, rules and others on some level (Drotner 2008; Erstad and Silseth 2008; Erstad and Wertsch 2008; Friedlander 2008; Hertzberg Kaare and Lundby 2008; McWilliam 2008). The life lived by individuals is said to be a reflexive life, where one experiences a constant social reflection, processing contradictory information, dialogue, negotiation and compromises.



As argued, discussed with and confirmed by Beck in my conversation with him (LSE, 5 February 2008), for empirically applying the theory of individualization, issues of media regulation and child protection should be both timely and fitting. With the overall theme of protecting children from harm caused by using the Internet in mind, the theory of individualization will be further discussed by juxtaposing three dimensions related to the three research questions as described in Chapter 1. In terms of *theory and theoretical development*, the following issues will be addressed.

Part I – *Risk* – goes to the crux of the matter: what is online risk? (RQ1). In this lies also a discussion on how risk is perceived and how decisions about risk are made, pointing forward to potential prescriptive measures. Then, related to Beck's potential theoretical blind spot: are children also making decisions? Can children be considered a homogenous group with regard to risk perception and decision-making? If so, what are the implications for theory as well as for risk prevention practices?

Part II – *Regulation* – addresses the second research question (RQ2): how is online risk regulated? A brief overview of the concept of institutions and their regulatory legitimacy in democratic states will be presented, pointing to supranational efforts. Then, attempting to inform back to theory, I will discuss the developments within the regulatory field to see if there is empirical evidence to support Beck's claim that there has been a general outsourcing of the key institutions that were designed to relieve the individual or provide him/her with security and orientation. Furthermore, I will look at signs of changes in the societal semantics of law at national levels.

Part III – *Rights* – relates to Beck's premise for applying the individualization hypothesis: that this is to be found precisely in the relationship between state

INDIVIDUALIZATION

and individual, listing basic civil, political and social rights as the fields where empirically verifiable or refutable evidence can be found for the historical trend towards an institutionalized individualization (Beck and Grande 2007, pp. 681–2). The aim is to discuss the third research question (RQ3): what are the potential implications for children's rights?

In addition, I will point to new empirical contributions in the field of children and online risk, in particular from the EU Kids Online projects, providing a backdrop for theoretical discussion, similar to what the issues of marriage, education, love and death have done for Beck and Beck-Gernsheim.



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PART I

RISK!

Part I will ask and answer the first research question: *what is online risk?* The question will be studied from different angles, looking at the roots of how researchers approach the issues of children and the media and how this can be summarized in an analytical framework. A general typology of online risk will be identified. Following this, the understanding of risk will be observed in a historical context, seeing how online risk can be perceived as culturally framed, focusing on specific topics (such as pornography), as ‘just another’ new media risk, as a technological risk or even as a positive feature. In addition, the current incidence of online risk(s) among children in Europe will be analysed. Being forced to make decisions about potential risks is a distinctive sign of the individualization claimed by Beck and Beck-Gernsheim (2001a), and because individuals in general and children in particular have the ability to understand and make decisions about engaging in risky behaviour, this has direct implications for the legitimacy of any regulatory means, and so the question of how and why risky decisions are made by individuals will be examined from a cognitive and neurobiological standpoint. In these discussions, issues of risk *perception*¹ will be addressed. In this work, it is children in general that are of interest, and the overall discussion pertains to children above the age of eight. However, when discussing risk perceptions and decision-making abilities, the underlying reference material is largely based on research with just adolescents rather than all children. As noted in Chapter 1, ‘adolescent’ is a term most often referring to the time of puberty before reaching legal maturity age. This means that there might be a problem of general applicability of the findings that will be offered. This is hereby recognized, although not considered to invalidate the overall argument that will be put forward.

This latter discussion will also aid explanation of the current public discussions and anxieties related to children and online risk, something that is key to fostering an understanding of the public reaction to potential risk and the protection of children as well as the subsequent regulatory issues emerging (as will be discussed in Chapter 3). Finally, theoretical as well as suggested

1 “Perception” is here used as it is in cognitive psychology and refers to the mental processes through which a person takes in, deals with, and assesses information from the environment, both physical and communicative, via the senses (Renn, 2004).

prescriptive implications of the findings and discussions offered for risk-management strategies will be considered. Consequently, this part of the book can be considered a *descriptive* mapping, trying to explain the current state of the art, aided by presentations of empirical findings on specific risks.

Why is it important to study and understand risk? Intuitively, understanding risk is part of the strategy of *managing* and *reducing* risk. For Ulrich Beck (1992, p. 21), even the definition of risk includes the management of it: ‘a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself’.² Or put in another way: ‘Risk does *not* mean catastrophe. Risk means the *anticipation* of catastrophe. Risks exist in a permanent state of virtuality, and become “topical” only to the extent that they are anticipated. Risks are not “real”, they are “*becoming real*” (Beck 2006b, p. 332). As the type of risks referred to in this work can be influenced by human action and interaction (as opposed to, for example, volcanic eruptions or falling meteors), they also include a normative dimension. In other words, the risks we are concerned with in this discussion are what Yates (1992, p. 5) refers to as inherently *subjective* constructs. Some scholars will argue that risks are linked directly to individuals’ social identity (Zinn and Taylor-Gooby 2006b, p. 22), and as such they are particularly prone to also being constructed, defined and redefined by social actor groups such as the mass media, scientific and legal professions and regulatory authorities (Jackson et al. 2005, p. 247). Consequently, one cannot assume consensus on what such risks actually are.

Within our theoretical framework, Beck argues that who makes the risks real is an issue of conflict in itself as there are significant gaps between *scientific* and *social* rationality between experts and laymen (Beck 1992, p. 30). In the following, relating to online risk, these claims will be linked back to ‘Beck’s theoretical blind spot’ as discussed in Chapter 2 (*Individualization*), conceptualizing online risk in relation to Beck’s decision-making demand on the individual and asking if children make risky decisions differently from adults, and thereby perhaps also define risk in a different way to adults. This interdisciplinary approach, connecting the field of media research to the fields of neurobiology and cognitive psychology, can be seen as symptomatic of the hybrid approaches currently emerging in the field of risk in the social sciences.

2 Risk can also be described as “possible effects of action, which are assessed as unwelcome by the vast majority of human beings” (Renn & Klinke, 2001, p. 12).

Chapter 3

Conceptualizing Online Risk

Three interlinked concepts are addressed in this study: *risk*, *children* and *the Internet*. These are studied with media and communication research as the core research field and framework. However, the concepts as used in this tradition have been partly influenced by two other traditions: risk as conceptualized in the social sciences in general and within sociology in particular, and children as understood and influenced by the developments in cultural studies in general and children's studies in particular. In the following section a brief overview of these contexts will be presented to aid further understanding of how to answer the question: what is online risk?

Risk in the Social Sciences

For the past three decades the issue of risk has grown to be a substantial field within the various social sciences, such as economy (see for instance McMyllor 2006), criminology (see for instance O'Malley 1998, 2006) and social policy (see for instance Kemshall 2006b), as well as in other research areas such as medicine (see for instance Alaszewski 2006; Flynn 2006). Taylor-Gooby and Zinn point to two major reasons for this: 1) the increasing complexity of technology as well as the institutions that govern our lives and how faults in these become widely publicized, leading to an increased public uncertainty; and 2) risk issues become politicized and being aided by technical means alone is inadequate (see also Lupton 1999a; Taylor-Gooby and Zinn 2006a).

Within the research area of sociology, Beck's approach to risk has been very influential, but there are also other, alternative theories. Zinn and Taylor-Gooby (2006b, pp. 34–5) show how the sociological influences on risk research originated in the debate on the division of knowledge between experts and laymen, where rational-choice was seen as the ideal standard for decision-making (see also Lupton 1999a, 1999b; Lupton 2006). The sociological approaches are characterized by them moving from societal institutional structures to the level of the individual, differing from the traditional approaches of psychologists and economists. However, with the decline of positivistic accounts and the increased acceptance of the validity of citizens' understanding of risk, new approaches emerged, aiding the explanation of, for example, public responses to – and especially protests *against* – new technologies. Key influences from sociology

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on risk research include: the US *cultural approach* (see for instance Douglas 1985, 1992; Douglas and Wildavsky 1982; Wildavsky 1988, 1995) where risk is interpreted as a socially constructed phenomenon with ‘some roots’ in nature, leading to the understanding that risk perceptions and responses only can be understood in relation to the individual’s socio-cultural background; Luhmann’s *systems theory* (see for instance Luhmann 1990a, 1991, 1993, 1995; Luhmann, Stehr and Bechmann 2005);¹ Foucault’s *governmentality* (see for instance Foucault and Sheridan 1979; Gordon, Burchell, Miller and Foucault 1991; Lupton 1999a, pp. 84–103; Martin, Gutman and Hutton 1988; Sharpe 2010), which is explained as seeing risk as a central element of power and domination, representing a specific way reality can be conceptualized, calculated and made controllable (Lupton 1999a, pp. 84–5; Zinn and Taylor-Gooby 2006b, pp. 43–5); and Beck’s Risk Society (Beck 1986, 1992, 1999) /Giddens’ *late modernity* (1990, 1991), perhaps especially influential in German and British sociology, understanding risks both as real and as socially constructed:

... what becomes clear in risk discussions are the fissures and gaps between *scientific* and *social* rationality in dealing with the hazardous potential of civilization. (Beck 1992, p. 30 original emphasis) ... It is not clear whether it is the risks that have intensified, or our *view* of them. Both sides converge, condition each other, strengthen each other, and because risks are risks in *knowledge*, perceptions of risks and risks are not different things but one and the same. (Beck 1992, p. 55, original emphasis)

Specifically, Beck (1992, pp. 22–3) describes risks by laying out five theses that can be summarized as follows: 1) risks are open to social definition and construction; 2) risks undermine the order of national jurisdiction; 3) there is a commercialization of risk, thus industrial society produces the hazards and the political potential; 4) knowledge of risk is politically significant; and 5) averting and managing risks can include a reorganization of power and authority.

Seeing the social sciences as a whole, what is notable is how all of its disciplines started out by resting profoundly on presuppositions: the economists embraced the rational actor approach; within psychology one saw the individual as the basic element for analysis; and sociologists assumed that institutions could be studied as developing in an autonomous way. This trajectory, however, facilitated the development of hybrid and interdisciplinary approaches (Taylor-Gooby and Zinn 2006a, pp. 10–11). One of these influential responses was the ‘psychometric paradigm’. This paradigm relies on the expressed preferences of individuals as revealed through the use of standardized questionnaires. It

1 See also for example Rasmussen (2003) linking Luhmann to the field of media studies in particular.

assumes that many of the factors influencing risk perceptions – social, cultural, psychological and institutional and their interrelationships – can be quantified and modelled, thus providing a tool for policy development (Wilkinson 2006; Zinn and Taylor-Gooby 2006b, p. 29). This understanding developed into more coherent risk frameworks. The most influential of these, attempting to bridge psychological, social and cultural approaches (Pidgeon, Simmons and Henwood 2006), ranging from media research to issues of organizational response (Kasperson, Kasperson, Pidgeon and Slovic 2003), is the ‘social amplification of risk’ framework (SARF) (see for instance Kasperson and Kasperson 2005a, 2005b; Kasperson et al. 2003; Leiss 2003; Murdock, Petts and Horlick-Jones 2003; Pidgeon, Kasperson and Slovic 2003; Susarla 2003). This framework is especially interesting from a media and communications perspective, as it is built on the hypothesis that risk perception is mainly determined by how risk is communicated via the media and other communication routes, and that laypeople’s perceptions of risk are inadequate (Taylor-Gooby and Zinn 2006a; Zinn and Taylor-Gooby 2006b, p. 27). It also describes the various dynamic social processes underpinning risk perception and response (Kasperson et al. 2003). As signals about specific risks pass through social ‘amplification stations’, such as experts, politicians, media, interest groups or governmental institutions, various aspects of the risk in question are intensified or diminished, which can result in unexpected public alarms (Pidgeon et al. 2006, pp. 100–101) such as moral and media panics. This approach has been used to explain seemingly puzzling differences across countries in terms of risk perceptions, such as why, in Scandinavian countries with a high mobile penetration and numerous phone masts, there is little concern over potential health risks and little regulation, while in Australia and Italy one can find few phone masts, high levels of concern and close regulation (Alaszewski 2006, p. 172; Burgess 2002). While the framework has been criticized for placing too much emphasis on the role of the media, providing a simplistic understanding of the media’s role in amplification and attenuation of risk (Murdock et al., 2003; see also Susarla, 2003), it does aid the understanding of how perceived risks are rarely isolated individual activities, but rather defined through a range of social relationships with others, thus becoming socially shared (Pidgeon et al. 2006, p. 98). It also explains how some events will cause ‘ripples’ of secondary or tertiary consequences that may extend far beyond the original event and influence formerly unrelated institutions or technologies (Kasperson et al. 2003, p. 16).

While perhaps SARF should be especially interesting for media scholars, it has also been criticized for the way it considers media sources. It is especially criticized for treating different media news sources as competing on the same terms, and concentrating on the amount of coverage rather than the terms on which publicity is secured. The SARF model assumes a linear flow of messages and a media effect (Anderson 2006). However, (most) media scholars would

argue that individual users do not passively absorb media messages. In relation to the present work, endeavouring to conceptualize the understanding of what online risk is, it is SARF's inclusion of the 'individual stations' that is of special relevance and interest for this chapter. However, before moving on further to look at internal processes, we also need to contextualize *children* and *the Internet* in relation to existing research.

Children and the Media

In this work, online risk is seen in the context of research with (and on) children as media users. The reciprocal relationship between children and media is a substantial, multidisciplinary research field of its own. At the same time, within the field of (media) research, children's media culture has suffered from a lack of status (Drotner and Livingstone 2008, p. 3), being relegated to a '... small corner of the curriculum, as a "soft" or optional part of the discipline, not one with wider implications for the analysis of media' (Livingstone 2007, p. 5). It has also, to a substantial degree (at least in the public discourse), been dominated by health-related research, studying the potentially harmful effects of sitting in front of the screen for too long, or changes in behaviour, values and attitudes. In other words, the issue in terms of risk that media use might have for children has been the focal point of research.²

Studies on children and media primarily originate from two research traditions: childhood studies and media studies, of which I belong to the latter. In the following pages, a brief review of the influence of childhood studies on the 'children and the media' field of research will be presented. Then, the tradition of researching children within the field of media studies will be reviewed, showing how these studies often have revolved around the issue of risk. This is done to show the research traditions my own work evolves from, thereby providing a conceptualization in itself.

In order to understand the public discussions and concerns relating to children and the media, we first need to establish an understanding of what a child is taken to be within these historical discussions, something that can be found by reviewing the history of childhood (Cunningham 2006) and of childhood studies. The understanding of what a child is has changed throughout history and as new research fields have taken an interest in children as research objects and subjects

2 See also Livingstone (2007) arguing how often some researchers anchor their investigations in various social problems in childhood, and then ask to what extent media is to blame. See also Caronia and Caron (2008) for an overview of the changing paradigms in children and media studies in general and the socio-cultural and phenomenological perspectives in particular.

CONCEPTUALIZING ONLINE RISK

this understanding has evolved. The starting point of this discourse is often traced back to the classic *L'Enfant et la vie familiale sous l'ancien régime* [Centuries of childhood] (1962) where Ariès concludes (in the translated version):

In medieval society the idea of childhood did not exist: this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society this awareness was lacking. ... The infant who was too fragile as yet to take part in the life of adults simply 'did not count'. (Ariès 1965, p. 128)

As the idea of children and childhood has changed, so have research approaches. Prout (2008) helpfully structures the historical developments of studies with/on children into three stages: 1) the Darwin-inspired (Darwin 1877, 1872) Child Study Movement; 2) the creation of paediatric medicine, and the subsequent evolution of child psychology (and with that, different schools such as the Freudian, Vygotskian, Piagetian and Skinnerian) and issues relating to the social conditions of children's lives; and 3) the social constructionist accounts of childhood from the end of the twentieth century. Thus, as with the methodology of researching on/with children, the childhood studies movement started with biology, but had, by the beginning of the twentieth century, created a climate where the nature of childhood, no longer perceived as 'natural', could be discussed. In this process the conceptions of children had changed into something distinctly separate from adulthood:

By the end of the nineteenth century, conceptions of children as innocent, ignorant, dependent, vulnerable, incompetent and in need of protection and discipline were widespread. ... reinforced by the effort to construct the school and the family as the 'proper place' for children. ... The overall effect of these practices was the establishment of the idea that children do not properly belong in the public space but should be located in the private domestic space of home or in the specialized and age-segregated institution of the school and related institutions. (Prout 2008, p. 23)

However, such approaches were not undisputed. For instance, the field of psychology was fiercely criticized in the 1970s precisely for their handling of childhood and, as a result, new approaches emerged that were more sensitive to the *social context* of individual behaviour. This evolved into what can be called 'social constructionism' where reality is considered to be made in specific social circumstances. The constructionist approach was critical of earlier established concepts such as socialization (seen as rendering children to be passive rather

than active participants in their own lives) and the concept of developmentalism (seen as positioning adulthood as the standard of rationality, thus judging children as deficient and, by that, also assuming a universality of childhood) (Prout 2008, pp. 27–30).³ Instead, social constructionism has sought to see individual children as social actors and in relation to cultural and structural determinants that construct childhood (James and James 2004; James and Prout 1990, 1997).

What then of the relationship between media studies and childhood studies? Looking at the current state, it is not an unproblematic one. Several media scholars and studies have been critical of contemporary childhood studies, arguing that too little attention has been paid to the issue of the media in children's lives (Prout 2008, p. 22, referring to media scholars such as Livingstone and Buckingham). As pointed out by Livingstone (2007, p. 5), one is at a stage where 'politically, the polarization of approaches that bifurcates our research community undermines our collective ability to speak powerfully to our source fields – of media studies, of childhood studies'.⁴ Linking children and the Internet, Livingstone (2003b) reflected on the then emerging research agenda, by listing communication, identity, participation, education, learning and literacy as central topics for understanding the opportunities afforded, as well as exclusion, divide and 'certain kinds or use in relation to inappropriate or undesirable contact, content and commercialism' (Livingstone 2003b, p. 147) – but at that time not considering children as potential delinquents.

So, where does the present study place itself? As the field of media and communication is a hybrid one, so are the studies of children in this field. The current key approach comes from cultural studies, where children's media practices are sought, but understood on their own terms rather than comparing them with adults.⁵ Another established concept related to the relationship between children and the media that I make use of is that of *media panics* (Drotner, 1999a, 1999b), where the fear of new media technology is combined with the fear of harm to children, representing a double risk jeopardy (Staksrud and Kirksæther, 2013).



3 See also for instance Jackson and Scott (1999) and Drotner and Livingstone (2008, pp. 7–9) for similar observations and arguments.

4 See also similar argument and critique from Buckingham (2000a).

5 For a review of the cultural studies approach to children and the media, see Buckingham (2008a); for a review of the link between cultural studies and communication technology see Slack and Wise (2006).

CONCEPTUALIZING ONLINE RISK

In this section, a brief review of some of the influences of and relationships between sociology, childhood studies and media studies has been covered. The overall research framework is placed within media studies, acknowledging that when talking about children and the media, the issue of risk is high on the public as well as the research agenda. In addition, this discussion is supported by two other key pillars: from sociology, I build on the understanding that risk can be analysed and interpreted beyond rational-choice assumptions, and from childhood studies, I bring the understanding that 'children' and 'childhood' are concepts and understandings that are influenced by time and place. With these insights, the issue of online risk to children can be further defined.



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Chapter 4

What is Online Risk?

While the definition of risk is debated among scholars of risk constructs (Yates 1992), within the framework of this work, the most fitting one is that of *possibility of loss or injury*, and something that creates or suggests a hazard – a source of danger. The ‘something’ creating or suggesting a hazard is, in this case, children’s use of Internet services. But who is the subject that stands the risk of possible loss or injury? Is it the children? Is it the parents? Is it society as a whole?

Prout argues that we are now in a position to allow thinking about childhood in a more complex way, ‘as a biological-discursive-social-technological-ensemble’ (Prout 2008, p. 22). This chapter endeavours to do precisely this, as this is considered to be of vital importance: not only to foster the understanding of children and media risk, but also in order to test the hypothesis that institutionalized regulatory activity is based on the protection of a weak group. One could therefore ask: are children a ‘weak’ category in terms of media consumptions, and what does ‘weak’ mean? Is it the same weakness that can be observed over time, or does it change from generation to generation? Or from culture to culture? In other words, in what way – if any – can children be considered a homogenous group when it comes to exposure to Internet-related risks?

In this chapter, online risk will be clarified as a concept and an area of research, linking it back to the historical fear of ‘new media’. Also, the general level of risk as experienced by children in Europe will be briefly discussed.

Like traditional discourses on children and risk – and media and risk – the public discussions on what constitutes online risk is complex and culturally framed and has been so since the formative years of the public Internet. Cultural differences in general and opinion regarding media and the Internet and the question of risk (and harm) in particular have been well documented in existing studies. For instance, in an early comparative survey of attitudes towards online content and risk in Germany, Australia and the US (Köcher 2000), clear differences were found regarding what constituted unwanted content.¹ For instance, would 43 per cent of the US population ‘block by all means’ pictures of nudity, while only 13 per cent of the German population would do this. Also, 58 per cent of the German population would block radical left- or right-wing

1 National as well as regional and local patterns of risk perceptions have been demonstrated by other types of research, see Zinn and Taylor-Gooby (2006b, pp. 30-31) for a short overview.

opinions, while 26 per cent of the US and (reportedly) *none* of the Australian population would do the same.² Even between seemingly homogenous cultures such as the Nordic countries, differences can be observed. The first SAFT survey (SAFT project 2004; Staksrud 2003; Staksrud 2005; The SAFT Project 2004–06) researched, among other things, the parental perception of online risk in four Nordic countries found differences between parents in Denmark, Iceland, Norway and Sweden. These countries are, in terms of international comparisons, often perceived as a homogenous cultural group (and are all categorized under ‘the Nordic Welfare State Model’ umbrella). However, most striking was that while the level of concern was greatest regarding children’s potential access to pornography online, substantial variations were observed, where Danish parents stood out as the least concerned (15 per cent versus 24 per cent in Norway, 29 per cent in Sweden and 32 per cent in Iceland). The number one concern for the Danish parents was that the Internet was time consuming (23 per cent compared to 3 per cent in Iceland).³ It should be noted that when asked if the benefits of the Internet for children were greater than the negative aspects, 56 per cent in total and (72 per cent of the Danish parents) strongly agreed, 30 per cent of the parents somewhat agreed and only 8 per cent in total answered that they somewhat disagreed or strongly disagreed.⁴ It is also notable that the number of parents who stated they did not know what their greatest concern was varied significantly, from 16 per cent of Swedish parents to 34 per cent, or one in three, of Icelandic parents. While almost a decade has passed since this data was collected, newer research shows that there are indeed differences (albeit not always extensive ones) to be observed between the Nordic countries, both in terms of parental mediation as well as children’s risk behaviour (Livingstone, Haddon, Görzig and Ólafsson 2011a; Lobe, Livingstone, Ólafsson and Vodeb 2011; Staksrud, Ólafsson and Kirksæther 2013).

Such cultural differences are further complicated by the generation challenge. Not only is defining and investigating online risk a complex process

2 For a discussion of these specific findings and the implications regarding the specific issue of filtering and blocking tools, see Staksrud (2002).

3 The results also showed significant variations in parental concern depending on the gender of the child they were thinking of when answering the questionnaire. The total selection showed that parents of boys were significantly more concerned over pornographic sites (27 per cent versus 20 per cent of parents of girls) and time consumption (13 per cent versus 9 per cent of parents with girls), while parents of girls were significantly more concerned over the risk of meeting strangers/dangerous people (15 per cent versus 6 per cent of parents of boys).

4 Similarly, in the UK in 2003, 59 per cent of the respondents in the national Oxford Internet Survey said that they supported the continued diffusion of the Internet despite the general awareness of potential risks (Dutton and Shepherd 2005).

WHAT IS ONLINE RISK?

where definitions vary according to culture, ideologies, norms, nationalities and language, but it also varies by age, resulting in a direct challenge between children and adults, such as parents and teachers.

This could be because the experiences with ‘new media’ are not the same for children as for adults. In addition, risk communication with children often poses an embarrassing challenge, as argued by Scott, Jackson and Backett-Milburn (1998, p. 702) on the issue of sexual risk:

The idea that sexuality *per se* is inimical to children’s well-being and the concomitant withholding of sexual knowledge from them may not promote their safety ... we need to know more about how children decode those parental admonitions about safety and danger which are informed by adult understandings of sexual risk ... How do children make sense of these when they are bounded by what cannot be said, when the sexual aspects of danger are not made explicit, when children themselves do not have access to sexual scripts which might enable them both to understand the warnings they are given and apply them to situations in which risk may be a factor?

Summarizing factors that on different levels might influence what is considered risk, and whether or not an experienced risk might actually lead to *harm*, the EU Kids Online network has developed a theoretical model of individual and country level factors that shape children’s experiences, from which online risk can be conceptualized further (see Figure 4.1 below).

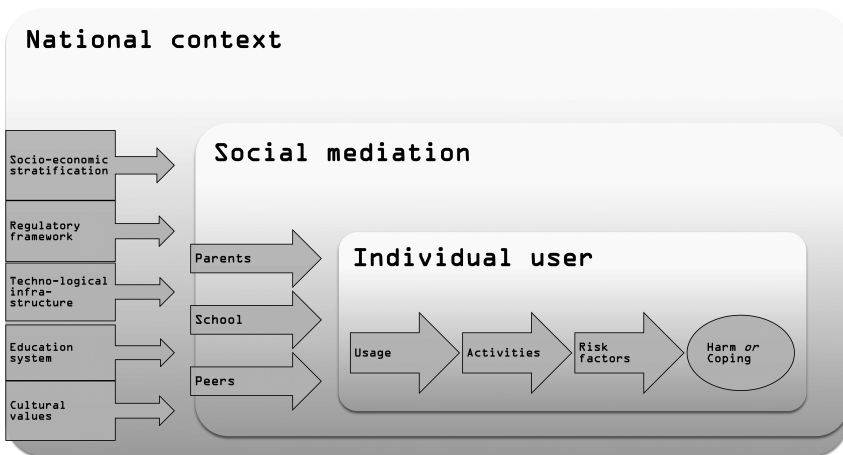


Figure 4.1 Analytical model of factors shaping children’s experiences of online risk (Adapted from Hasebrink, Livingstone and Haddon, 2008)

This analytical model is useful as an organizing device to illuminate the many factors that might influence a child's online experience and whether or not that experience will be considered a risk or 'risky', and even more important, if risk leads to harm. What the model does not do is to tell us what online risk *is*.

Risk research in general has suffered from a lack of broad contextualization, concentrating more on specific, risky decisions or specific attitudes (Zinn and Taylor-Gooby 2006a, p. 67). To make it even more complicated, academic disciplines have various ways of contextualizing data and have used a range theories when approaching their field, so will therefore ask different questions when collecting the data that is used to define and frame the studies and issues (Staksrud et al. 2009, p. 21). This will also vary on a national level: different disciplines (for example, media studies, psychology, sociology, pedagogy) have incorporated children's online use and risk in their research repertoire, depending on scholarly traditions, the interests of single researchers and national public discourse (and with that often follows the availability of funding). Consequently, definitions regarding online risk in relation to children are varied. Thus, to conceptualize online risk issues in relation to media studies, there is the need to move away from specific incidents and examples of risk to a more generalized categorization and typology.

Between 2006 and 2009 the EU Kids Online project (www.eukidsonline.net) identified close to 400 empirical studies in 21 European countries conducted on children and the Internet that met a sufficient quality threshold (Staksrud et al. 2009; Staksrud, Livingstone and Haddon 2007). This resulted in a classification of online risk categories, based on the type of contribution from the child: *content* risk is where the child is a recipient; *contact* risk is where the child is a participant in the situation; and *conduct* risk is where the child is an actor (Livingstone and Haddon 2009, p. 8). Little research was found on conduct risk, with the slight exception of a body of studies with children who bully or harass others online (see for instance Calvete et al. 2010; Hinduja and Patchin 2008; Kowalski and Limber 2007a; Wolak et al. 2007; Ybarra et al. 2007b). This is in contrast to areas concerning children as recipients (victims) or participants (being victimized) where aggressive and sexual risks are researched to a greater extent. The categories of risk were also divided by their nature, separating risks involving commercial aspects (for example advertising, the harvesting of personal information, illegal downloading) from aggressive types of risk (violent content, bullying and harassment), risks related to sexual topics (exposure and creation of pornographic images, grooming) and risks involving values (misleading information, racism, self-harm) (Hasebrink et al. 2009a pp. 24–5).

Table 4.1 EU kids online typology of online risk (examples)

	Commercial	Aggressive	Sexual	Values
Content Child as recipient.	Advertising, spam, sponsorship.	Violent/ gruesome/ hateful content.	Pornographic/ unwelcome sexual content.	Racist, biased or misleading info/advice (drugs etc.)
Contact Child as participant.	Tracking/ harvesting personal info.	Being bullied, harassed or stalked.	Meeting strangers, being groomed.	Self-harm, unwelcome persuasion
Conduct Child as actor.	Gambling, hacking, illegal downloads.	Bullying or harassing another.	Creating and uploading porn material.	Providing advice e.g. suicide/pro-anorexic

For the purpose of *this* work, this typology is considered exhaustive and will give a comprehensive model of how specific online risk incidents can be understood within the framework of the analysis. However, it is recognized and should be noted that some types of risks associated with children's use of the Internet are not captured in Table 4.1 above. This most notably pertains to the overriding issues of physiological health risks (muscular, eyesight and so on) and excessive use and addiction⁵ issues.

As established, the types of risks children can encounter online is varied and encompasses everything from peer-related issues like being teased or bullied online, via commercial exploitation and privacy violations, to sexual abuse and suicide issues. The complexity in the field, along with the recognition that (almost) all European children are online (Livingstone et al. 2011a) and digital skill is seen as a vital tool for children, makes it interesting to also look at the public perception of online risk. Furthermore, the difference between experts and laypersons in their approach to and perception of risk is at the theoretical and conceptual core of how risk is approached and problematized within the social sciences.

Online Risk as Media Risk

So, is the Internet a special place of risk, harm and perhaps also of deviance? To elucidate public perceptions and reactions to online risk, it is useful to remind ourselves how the perception of media-related risks have changed,

⁵ For more on Internet addiction issues in a Norwegian context, see for instance Johansson and Götenstam (2004) and Staksrud, Ólafsson and Kirksæther (2013).

or not, throughout history. Especially relevant is how all media-technological innovations have been feared and debated. And at the core of all these debates we find the potential effects on the public in general and for (the young and impressionable minds of) children in particular. Studies of moral and media panics are helpful historical reminders. As noted, all media have at one point in time been new media; consequently, the history of media panics is also very old. One of the first examples of a ‘new media panic’ can be found in Plato’s *Phaedrus* (c.370 BC) where Socrates refers to a debate on whether to teach Egyptians numbers, calculus, geometry, astronomy, draughts and dice and (above all) writing. While not objecting to any of the former, the King (Thamus) objected to the writing part, stating:

If men learn this [writing], it will implant forgetfulness in their souls; they will cease to exercise memory because they rely on that which is written, calling things to remembrance no longer from within themselves, but by means of external marks. What you have discovered is a recipe not for memory, but for reminder. And it is no true wisdom that you offer your disciples, but only its semblance, for by telling them of many things without teaching them you will make them seem to know much, while for the most part they know nothing, and as men filled, not with wisdom, but with the conceit of wisdom, they will be a burden to their fellows.⁶ (Plato c.370 BC, p. 520)

Following historical lines we can trace similar concerns to the vaudeville theatres regarding women’s respectability when attending (note: concern not regarding the media content, but the behaviour of other audience members), and to the introduction of movies in the US and how moral reformers put the safety and socialization of children on the agenda, leaving behind the Calvinist conception of children as evil barbarians in need of discipline and replacing this with understandings of them as innocent and impressionable (Butsch 2000, pp. 151–2). Similar discussions of child protection can be found regarding all media outputs, such as comics⁷ (Critchler 2008, pp. 94–6; Nyberg 1998; Sabin

6 I am grateful to Prof. Þorbjörn Broddason, University of Iceland, for bringing this quote to my attention. The quote is also offered in Staksrud and Kirksæther (2013).

7 Also Bastiansen and Dahl (2008, pp. 343–6) trace the controversy and fear related to (violent) comics and the potential impact on children to the US and the writings of Dr Frederic Wertham, especially *Seduction of the Innocent* (1954), creating international concerns after claiming to have conducted psychological tests and clinical research on children, and claiming correlation between children reading comics and increased crime rates, while ‘Comics are supposed to be like fairy tales’ (Quoted in Sabin 1993, p. 157).

1993; Wertham 1954), cartoons⁸ (Cohen 2004) and music (Chastagner 1999; Cloonan 1996; Korpe 2004; Nuzum 2001; Randall 2005).⁹

It seems that most technological developments related to the media have the potential to stir anxieties and heated political debates, but, once established, seem absurd to the later generations. For instance, in Norway, the introduction of colour television ignited a heated political debate. In 1971, almost one-third of the Norwegian parliament voted against replacing black/white television broadcasting (Storsul 2005), culminating in the infamous ironic summary of the argument: 'Sin has come to earth, but we do not want it in colour'.¹⁰ Incidentally, Norway was the last country in Europe to succumb to colour TV, with the public broadcaster NRK actually removing colours from broadcasts before 1972 (Wüig 2008).

Also, in the 1980s the introduction of home video recorders (VCRs) created well-documented media panics (see for instance Barker 1984a, 1984b; Drotner 1992; Great Britain Parliament House of Commons Library Research Division and Fiddick 1983; Pearson 1984), where concerned politicians typically referred to the media effects assuming a behaviouristic hypodermic-syringe model:

Video is a form of narcotics. It is the same as with hash [cannabis]. We did not think it was so dangerous and we ended up with heroin.¹¹

The fact that audiovisual content could be seen at any time of day and the accessibility of the content for children was unregulated sparked the discussion on parental responsibilities. As with the introduction of the Internet, the fear of the new media – and the effect on children, especially those with lenient parents – gave cause for concern, also among researchers. In the words of Alison Hill on

8 It should be noted that that for comics, caricatures and animated films, many of the risk assessments leading to panic and/or censorship were not only for protective, but also for political reasons, and can be observed exemplified by the banning of political caricature in nineteenth-century France (Goldstein 1989) or the blacklisting of both cartoons and animators in America (Cohen 2004).

9 See also Critcher (2008) for a review of historical aspects of public debates about children and mass media. See also Foerstel (1998).

10 Member of Parliament and future director general of NRK, Einar Førde in the 1971 parliamentary debate about colour TV in Norway. Author's translation.

11 Right-wing politician Rolf Nordby to newspaper *Vårt Land* 28.11.1980 (quoted in Smith-Isaksen & Higrav, 2004, p. 9), author's translation. It should be noted that using the imagery of substance abuse to explain issues of new media is a frequent exercise, also in the academic realm, for example: 'It is the same with Internet as it is with alcohol and many other things, easy access leads to abuse. When a resource is available to all, it includes everyone, also those with destructive goals. We can call this the digital liberal dilemma' (Rasmussen 2008, p. 160, authors translation).

the background for a representative survey carried out in December 1983/January 1984¹² by the National Society for the Prevention of Cruelty to Children (NSPCC):

The attitudes of parents is paramount in deciding whether or not children are at risk of exposure and the children of 'lenient' parents witnessed 'video nasties' more often than those judged 'protective'. Many parents seem in total ignorance of the new influence which was entering the lives of their children. (Barlow and Hill 1985, p. 3)

Looking at the history of new media and the public concerns related to any new introductions, continuity can be observed not only regarding the media as a phenomenon, but also *what* one is especially worried about. One of the most obvious examples is that of decency and the issue of pornography, creating endless debates on morality, protection and censorship, transcending borders of time, culture and nation-states. Sutter (2000) shows how the discussions on Internet pornography follow the classic pattern of a moral panic throughout the ages; referring to Plato's concerns regarding the 'dramatic poets' effects on the young, to the 1980s video-nasties scare and to screen violence and Internet pornography¹³ in the 1990s and beyond (see for instance Borenstein 2005; Burstyn 1985a, 1985b; Callwood 1985; Carol 1994; Duggan, Hunter and Vance 1985; Kaplan 1969; King 1985; Lacombe 1988; Leonard 2005; Linz and Malamuth 1993; Malamuth and Donnerstein 1984; Milter and Slade 2005; Phillips 1999, 2005; Sigel 2005a, 2005b; Smith 2005b; Staksrud 2008a; Steele 1985; Stora-Lamarre 2005; Thornton 1986).

The question of risk and the impact of media on children, especially relating to harm and offense, is a chronic debate of research where the evidence is inconclusive (Millwood Hargrave and Livingstone 2006, 2009). Also, as argued in Staksrud and Livingstone (2009), the discussion of online risk should not only revolve around where and how often children are exposed to risk, but also how well they *cope* with such experiences and what practical and emotional mechanisms they make use of when doing so. Risk does not automatically represent harm, and the level of coping skills and tools a child possesses constitutes a substantial safety barrier in itself.

12 With remarkable similarities to the reports from the SAFT and EU Kids Online surveys.

13 Studies regarding pornography online sometime blur the lines between pornography and child pornography, complicating the distinction between the two (see for instance Akdeniz 1997; Flanning 2002; Save the Children Norway 2003). There are also many examples of confusion and assumption-based conclusions in the public debate involving the use of the Internet in general, and the concepts of danger and abuse of children in particular, also from the academic world: for example 'The issue of pornography on the Internet automatically leads us to the issue of child pornography on the net' (Carlsson 2001).

Online Risk as Technological Risk

The discussion so far has not addressed the issue of the technology itself. Does it at all matter that it is digital and online? Does human behaviour differ online from offline? And if so, is this due to the use of or the nature of the technology itself,¹⁴ or due to the often complex social but private settings such technologies are used in? Within media and communication studies, the differences in human-to-human, human-to-system and system-to-system types of communication, the issue of interactivity¹⁵ and the factors influencing such communication, also related to risk assessments, is a substantial and multifaceted research field that will not be addressed within the framework of the current discussion.¹⁶ However, in terms of risk assessments and perceptions, it should be noted that some research suggests that when going digital, many aspects of human behaviour remain constant, and is the same as offline behaviour (Collins and Mansell 2005, p. 34). Thus, existing risk-management rationales and strategies should be able to transcend technological developments. However, other studies show differences: consider for instance how a majority (52 per cent) of Norwegian children, especially from families with low socio-economic status (SES), find it 'easier to be themselves online' than offline, including talking about private things (Staksrud et al. 2013). This might point to a need for different or altered risk-management strategies in a digital and/or online environment.

Regardless, it must be recognized that how one thinks about the technological component will also influence the perceptions of risk. Returning to Beck, he sees the gain of power from technological and economical 'progresses' as being overshadowed by the *production* of risks. While at the beginning of such processes these effects are legitimized as 'latent side effects', when they evolve and become globalized they also become subjected to public criticism, scientific investigations and they increase in importance in the social and political debates (Beck 1992, p. 13). This might indeed serve as an image for the issue of online risk and children: increasing in political importance, more funding available for scientific research and heightened public interest. For Beck it is precisely *technological* development that is one of the trademarks of the new risk society in general and the development of the institutionalized individualization in

14 For research and discussions on the intrinsic relationship between technological design, institutions, user patterns and possibilities, see for instance Silverstone and Haddon (1996), Shah and Kesan (2009), Bratteteig (2008) and Fagerjord (2008). For issues regarding infrastructure, see for instance Star and Bowker (2006), and for issues regarding the social shaping of technology see for instance Lievrouw (2006).

15 For an overview of different traditions of interactivity research, also in a historic context, see McMillan (2006) and/or Pearce (1997).

16 Instead see for instance Jankowski (2006), Hollingshead and Contractor (2006).

particular. And the narrative of risk is ‘a narrative of irony’ as institutions of the modern society attempt to anticipate ‘what cannot be anticipated’ (Beck 2006b, p. 329). Or put another way: ‘the extent and the symptoms of people’s endangerment are fundamentally *dependent on external knowledge*’ (Beck 1992, p. 53, original emphasis). Technology is risk-infused, in the sense that it is associated with risky experiences that might not have occurred if the technology was not there – although few risks are truly ‘new’ to the Internet.

So, online risk is in many ways perceived as technological risk, demonizing the technology itself. The risk perceptions connected with new technology and new innovations might frighten people, and lead to a (heavy) refusal of their acceptance. Since its formative years, the Internet has been linked with paedophilia, pornography, bomb-making, abuse and general indecency and harm, creating public fears directed towards the technology itself. Such fears are often fuelled by the ‘traditional’ (no-longer-new) media. Both within and outside media studies, the media is seen as a decisive framing mechanism, capable of both destroying and reinforcing the acceptability of risk (Allan 2002; Anderson 2006; Zinn and Taylor-Gooby 2006a, p. 58). In Europe, as analysed by the EU Kids Online project, the media have in particular been seen to fail in contributing to a balanced discussion about matters of public interest regarding children’s use of the Internet, especially by under-representing children’s own voices in their news coverage (Haddon and Stald 2009a; Ponte et al. 2009). In addition, there is a greater coverage of online risks than of opportunities for children, contributing to the high position of crime-like stories on the news agenda. Interestingly, the analysis also showed that there are national variations in terms of risk focus: different risks receive different amounts of attention, potentially contributing to differences in the types of risks parents are sensitized towards (Haddon and Stald 2009a).

Also, our notion and perception of risk, and with that the potential of harm, is interlinked with our ability to trust.¹⁷ Do we trust technology? Do we trust the Internet? Do we trust the services available to us and our children? Other users? The experts who tell us what to do and what not to do? Online trust is an imperative commodity for most types of information transfers to be successful, such as the trust in the digital versions of scientific papers, trust in online banking possibilities, trust in leaving your credit card information on e-commerce sites or trust in your privacy being kept when publishing pictures for ‘friends only’ on Facebook. While some of this trust relates to trusting

17 The concept of trust in social science is in itself a field of study (Berggren and Trägårdh 2011; Giddens 1990, 1991; Luhmann 1979; Lundqvist and Petersen 2010; Mansell and Collins 2005; Taylor-Gooby 2000).

the technology and systems themselves,¹⁸ much is related to the issue of trust in public institutions, commercial companies and other individuals following a complex set of rules, formal and informal, so that the risk of you being the victim of identity theft, commercial fraud, bullying or emotional harm is limited (refer also to Staksrud, in review). The same will apply to how risk-management strategies are welcomed, and key here is the relationship between the risk as (independently) assessed by experts, risk as perceived in the public and how risks are addressed and managed by institutions and agencies. And, as argued by Tulloch and Lupton (1997, pp. 5–6) (in relation to AIDS), part of the discourse of the ‘Risk Society’ is precisely the uncertainty of expert knowledge systems combined with the continued need to trust expert solutions (see also Lupton 1999a, pp. 77–80). Or, as put by Beck:

... the extent and the symptoms of people’s endangerment are fundamentally *dependent on external knowledge*. In this way, risk positions create dependencies which are unknown in class situations; the affected parties are becoming *incompetent* in matters of their own affliction. They lose an essential part of their cognitive sovereignty. (Beck 1992, p.53)

This understanding represents a commonality in people’s experiences.

Online Risk as Positive Potential

In Chapter 1 the point was made that one often hears ‘do not forget about the opportunities of new technology’. While these opportunities are taken for granted, the positive side of risk is perhaps less self-evident¹⁹ (although early Arabic definitions of the word *risq* had a positive flair: ‘Something from which you draw profit’ (Taylor-Gooby and Zinn 2006a, p. 3)). However, any risk can represent a hazard or an opportunity (Pidgeon et al. 2006). Positive sides of risk can be seen in entrepreneurship, active citizenship and ‘the excitement of edgework’ (Taylor-Gooby and Zinn 2006a, p. 8) and a test of personal strength where thrill²⁰ is the

18 For more on problems associated with system- and technology-based trust, see for instance Collins and Mansell (2005), Mansell and Collins (2005) and Engen (2004).

19 It should be noted, in this historical context, that also (of course) historical studies looking at the positive impact media exposure and use has for children exists. For instance, a Swedish study conducted in 1974/75 did find positive connections between young people’s exposure to media and their political knowledge and democratic values (Johansson 1985).

20 It can be argued that risk in this respect carries so much positive connotation and experience that many societies have developed symbolic risk situations such as

dominant motivator (Renn 2004). Similarly, risk takers in leisure and in work might be portrayed as courageous and creative (Lupton 1999a, pp. 148–72), developing ‘self-reflection’ and ‘self-knowledge’, and implying that they might be ‘good managers’ and ‘healthy risk takers’. The positive side of risk is also recognized within the educational field: in the United States, the Education Development Centre listed ‘risk taking, being curious/curiosity’ as one of the positive youth developments that came out of youth media programs (reported in Hobbs 2008, p. 439).

Also, for children themselves, risk can be seen as positive. As demonstrated in Staksrud and Livingstone (2009), potential sexual risk, such as being exposed to pornography, was seen as a positive and/or ‘fun’ experience by some children.²¹ The relationship between increased use, the uptake of activities and opportunities and the exposure to risk are now well documented (Livingstone et al. 2011a; Livingstone and Helsper 2010; Staksrud et al. 2013), suggesting that in order to both take advantage of and also climb the digital ‘ladder of opportunities’ (Livingstone and Helsper 2007a), some risk is necessary and must be accepted. This is the same way as in offline childhood, where climbing trees is fun and has positive physical and cognitive effects while it still might be risky, as one might fall down and injure oneself.



The typology of online risk has been established, clarifying its complexity and depth as often being a risk judged within the framework of fear of the new. Online risks have so far been conceptualized within the frameworks of media and of technological innovation. As the Internet includes services previously not provided by other media, such as new levels of interactivity and participation, there are new features to online risk, perhaps most notably the issue of *conduct risks*, where the child no longer is just the potential victim, but also the potential perpetrator, creating risk and harm to others. So whether online risk differs from other types of media risks depends on the risk at hand, and on the child. The child’s level of knowledge and competence, as well as his/her age and gender must be considered. We can also conclude that the fear of online risk follows a long line of public fears, so that in this sense, online risk could be just like any other new media risk. But it depends on the country, the parent, the media’s coverage and other factors, as online risk is a subjective construct in terms of definition.

sports, games, speculation and stock exchange – see Renn (2004) and/or Caillois (2001).

21 See also Livingstone, Haddon and Görzig (2012) for more on positive sides of online risk experiences.

The Current Incidence of Online Risk

For the past decade, many empirical findings are offered regarding the prevalence of various risks and their consequences, as collected in studies since 2003. So, what about the occurrence of risk? Are children a homogenous group or are some children more likely to experience more risks than others? And if so, what implications does this entail for prescriptive measures, relevant to the issue of regulatory legitimacy? As the risks are varied in type, are they also varied in occurrence? Looking at some of the most debated risks in Europe, the EU Kids II project found that, overall, for the 25 countries included in the survey, 41 per cent of children between the ages of 9 and 16 had experienced one of the listed risks²² in the role of a potential victim, while 4 per cent had done something²³ that might create risk or harm to others (Livingstone et al. 2011a). Risk experiences generally increase by age, as do the positive opportunities and experiences (see McQuillan and d'Haenens 2009). Similarly, we find how the occurrence of risk increases with age, as surveyed by the EU Kids Online project in 2010 and demonstrated in Figure 4.2. This is consistent with other studies (see for example Livingstone and Helsper 2007b and Livingstone et al. 2011a). By the time they reach 15–16 years, most children (63 per cent on average in Europe and 92 per cent of Norwegian children) will have experienced one or more of the risks defined. Most common is having had contact on the Internet with someone they had not met before face-to-face (30 per cent), and having come across one or more types of potentially harmful user-generated content (21 per cent on average): 14 per cent had seen sexual images on a website in the past 12 months.

Least common is having been sent nasty or hurtful messages on the Internet (6 per cent) or having experienced one or more types of misuse of personal data in past 12 months (15 per cent).

22 More sexually related risks were included than risks related to aggression/violence, values and commercial risks. The following risks were included: seen sexual images (past 12 months); have been sent nasty or hurtful messages on the Internet (past 12 months); seen or received sexual messages on the Internet (past 12 months); ever had contact on the Internet with someone not met face-to-face before; ever gone to meet anyone face-to-face that first met on the Internet; have come across one or more types of potentially harmful user-generated content (past 12 months); have experienced one or more types of misuse of personal data (past 12 months).

23 Two types of conduct risks were included in this question: acted in a nasty or hurtful way towards others on the Internet (past 12 months); sent or posted a sexual message of any kind on the Internet (past 12 months).

CHILDREN IN THE ONLINE WORLD

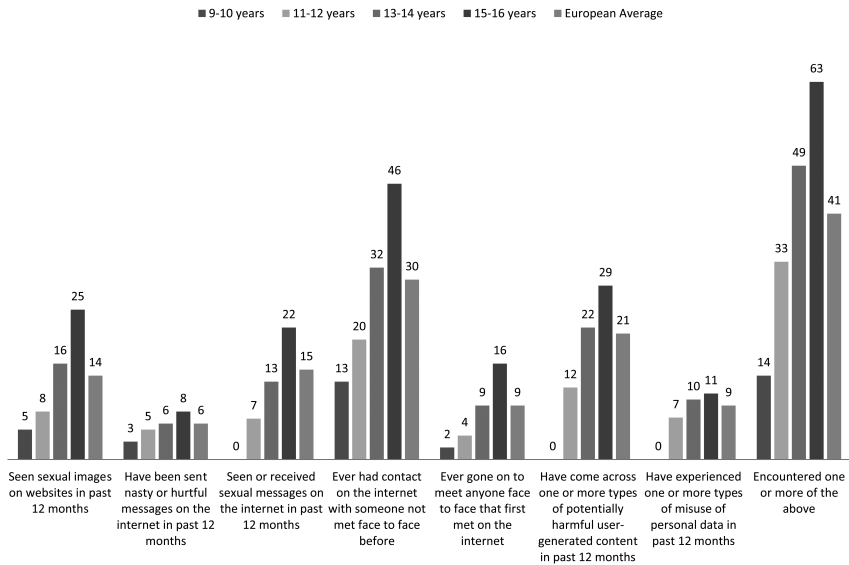


Figure 4.2 Online risks experienced by European children in 2010, by age and in per cent²⁴

The examples and discussion offered above show how the idea of risk has become prevalent in the discussions relating to new media in general and children’s use of the Internet in particular. This raises questions about the motivations behind it, and if and how the perception of risk leads to institutional changes within society. As discussed in the previous chapter, the enhancement of knowledge often comes from research seeking to inform policy and risk-management strategies. However, as previously noted, the expert-layperson relationship becomes a dichotomy in itself as objective/‘objective’ risk assessments, expert interpretations and layperson perceptions differ, creating regulatory tension. As observed by Taylor-Gooby and Zinn:

Much of the impetus (and certainly of the research funding) for work in relation to risk has stemmed from the involvement of government and business in attempts to introduce new technologies or new forms of management in areas where risks are involved. Research thus confronts the puzzles and frustrations

²⁴ Figure created from findings as reported in Livingstone et al. (2011). Seen or received sexual messages on the Internet, have come across potentially harmful user-generated content and experiences of misuse of personal data were not assessed for the youngest age group.

WHAT IS ONLINE RISK?

that arise when people do not respond to risks and to expert judgments and advice in the ways predicted by theory ... (Taylor-Gooby and Zinn 2006a, p. 10)

There is a need for further research and elaboration linking the discussion on how people's behaviour, attitudes and values might be influenced by the mere use of technology, with the newer understanding of how children differ from adult users, in terms of skills, risky behaviour, cognitive proficiency and risk perception and rationality.

To sum up: the definition of online risk will differ as online risk is partly, and perhaps at large, subjective constructs. What then about the decisions regarding risk-taking? Are they also subjective?



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Chapter 5

Making Risky Decisions

According to the individualization theory, the writing of one's biography is in principle a risky venture; what one writes is a *risk biography* (Beck 2001a, p. 48). As elaborated in the *Individualization* chapter, Beck (2001a, p. 48) also argues that the opaque and contradictory character of modern society places the self-focused individual in a position where he or she sees it as unlikely that they will make the unavoidable decisions in a rational and responsible manner.

From this I make the argument that if we accept the idea that we live in the time of reflexive modernity, where individuals are forced to live in a constant torrent of decision-making, the individual's ability to make *healthy* risk-minimizing decisions will define how well their risk biographies are written.

Assessing effective risk-management strategies, central to the discourse of online risk, is dependent on understanding how individuals decide to – or not to – engage in risky behaviour. In order to evaluate the *legitimacy* of societal regulatory strategies, such as restrictions and legislation, there must be a link between the descriptive level (what is actually going on), the prescriptive level (how one goes about changing or enforcing certain behaviours – if at all possible) and the normative level (why should we seek these changes?).

As previously discussed, the increased interest in risk-related issues can be seen in many social science fields, such as economics, psychology, sociology and political science. One of the key common trajectories is the questioning of the traditional risk approaches based on risk calculations, assuming rational actors (Taylor-Gooby and Zinn 2006a, p. 2). Media and communications research follows this understanding. When researching the concept of media risk we are referring to types of risks where the future and its outcome is seen as influenced, at least in part, by human beings. Hence it should be possible, with the right approach, to prevent potential hazards or to mitigate their consequences (Ewald 1993 referred in Renn and Klinke 2001, p. 12). Thus, this implies that in addition to the descriptive level, we can add the prescriptive and normative levels. With this theoretical as well as practical backdrop it becomes important to understand *how* decisions concerning perceived risk are made.

As already discussed, social and cultural factors will impact decision-making. In the following pages, how decisions concerning risks are made will be elaborated on at the individual and group levels, by reviewing findings from cognitive psychology and neurobiology. Then, the issue of children versus

adults will be addressed: do children make risky decisions the same way as adults do, and if not, what are the theoretical and prescriptive implications?

Thus, within our current framework, where children and online risk is at the core, it is therefore important to also question children's ability to make (rational) decisions when faced with potential, known risks and risky situations. So, are children capable of rational decision-making? Simplified, one can say that the traditional research in the field of children and decision-making/risk has evolved from 'thin' theories of rationality (see Elster 1983). From the traditions of thin theory and cognitive psychology, and the popular beliefs of children's decision-making classifying them as a homogenous risk-taking group, come the often referred-to claims (Reyna and Farley 2006; Stanovich 2006) that:

1. Children (adolescents) have strong feelings of *invulnerability* and
2. Children (adolescents) *underestimate* the probabilities of negative outcomes.

But this area of research, often coming from the fields of psychology and biology (brain-research), is scattered with counterintuitive findings. For instance, a study of young smokers showed how they, knowing the general harm caused by smoking, perceived themselves to be at little or no risk as they planned to stop smoking before any health damage could occur (Slovic 2000a).

Also, critics of thin theories, such as those within the *correspondence view* (truth exists in relation to reality: see for instance Aquinas (1256–59) and David (2009)), will argue that outcomes are relevant for the quality of the decision and good outcomes signal good decision-making. Regardless of how one deems the outcome of any decision, in terms of it being a 'healthy' (thin theories) or 'good outcome' (correspondence view) decision, the ability for logic reasoning is a central premise.

The Perception of Risk

The central categories for risk assessment are the *extent of damage* (negative evaluated consequences of human activities) and the *probability of occurrence* (Renn and Klinke 2001). While *uncertainty* is a fundamental characteristic of risk, one can use indicators to determine the probability of occurrence and the extent of damage. The degree of reliability of such assessments for each component is called the *certainty of assessment* and can vary between very high and very low (Renn and Klinke 2001, p. 12). While one cannot always assess the certainty of single incidents, the probability of such incidents can often be determined. This provides the actor with a choice. Given that the probability

of occurrence and/or the extent of damage are not equal, one choice can be perceived as more rational than the other.

Based on this, one should be able to predict the outcome of decisions. The key concept in this type of risk assessment is the idea of the *rational* choice. When risk is classified and the risk evaluation criteria are mapped out, one should be able to make rational decisions based on the expected outcomes and potential consequences of one's actions. Since risk embeds some level of uncertainty about the outcomes of prospective actions, one could therefore expect that in order to maximize the probability of a positive outcome, rational people would use the principles of probability theory when judging the likelihood of future uncertain events occurring.

As noted, the traditional research in the field of rational decision-making/risk has evolved from thin theories of rationality (Elster 1983). Thin theories emphasize the *coherence* between one's choices and actions. There should be a logic chain between the individual's beliefs and desires and the actions chosen to arrive at the desired outcome. Hence, they are subjective and relative. The implication (and also the major criticism) is that the nature of the decision-maker's desires or beliefs is not evaluated (for instance in moral terms), just noted. So, if a child wants to be the captain of the football team, according to thin theory, it can be considered a rational choice and a healthy decision in terms of risk-taking to threaten, bully or beat up other potential candidates to daunt competition (or, as traditionally used as an example: if Hitler desired to eliminate all Jews/conquer countries, all his terrible actions should be considered rational, hence a healthy risk-taking decision).

While the chances of a specific risk becoming reality often can be assessed through scientific methods using various indicators as described above, the *perception of risk* is more personal, based on one's own experiences, level of information and intuitive heuristics that have been developed through biology and cultural evolution (Renn and Klinke 2001, p. 13). The technical- and natural science-based risk concepts ignore these dimensions, but within psychological and social scientific risk – like the ones we are dealing with here – understanding risk *perception* is a key to understanding risk and the related decision-making:

The hazardous nature of the risks is mainly based on the subjective perception that can lead to stress, anxiety and psychosomatic malfunctions. The required strategies focus on building confidence and trustworthiness in regulatory bodies. Together with confidence-building, science-based improvements of knowledge as a means to reduce the remaining uncertainties are necessary. Clarification of facts, however, is not enough, and will not convince people that the risks belong in the 'green' area. What is needed is the involvement of affected people so that they are able to integrate the remaining uncertainties and ambiguities into their decision-making. (Renn and Klinke 2001, p. 24)

As described by Renn and Klinke (2001), risk perception research has provided evidence that human beings not only use the categories of *extent of damage* and *probability of occurrence* when assessing risk, but also include other contextual risk characteristics. The perception of risk can therefore be seen as a potential outcome of information gathering by a complex set of methods, including subjective connotations and emotions (see Table 5.1).

Table 5.1 Summary of risk evaluation criteria (adapted and developed from Renn and Klinke 2001, p. 15)

Criteria	Range
Probability of occurrence.	0 – 1.
Extent of damage (d).	0 – ∞.
Certainty of assessment Confidence interval of p.	High until low uncertainty boundary around the probability of occurrence.
Confidence interval of d.	High until low uncertainty boundary around the extent of damage.
<i>Ubiquity</i> (The geographic dispersion of potential damages).	Local until global dispersion.
<i>Persistency</i> (The temporal extension of potential damages).	Low until high rate of potential restoration.
Reversibility.	Restoration rate of damage.
Delay effect.	A score from low to high latency between the initial event and the occurrence of the damage.
Potential of mobilization.	Zero political relevance to high political relevance.

This understanding highlights the importance of social science research:

Social scientific research is essential to find out about the motives of people and to provide platforms for conflict resolution. In addition, the knowledge base about the risk potential needs to be improved. Risks with high mobilisation potential are often characterised by high exposure (ubiquity). Precaution is hence necessary, but if science-based data confirm the innocuousness of the respective risk sources, risk reduction measures are not necessary. Research activities produce more certainty and unambiguity is still needed, however, in order to be on the safe side. (Renn and Klinke 2001, p. 24)

Further enlightenment can be offered from the field of cognitive psychology, where studies have shown that people use heuristics or rules of thumb rather

than probability assessment (Jackson et al. 2005; Kahneman and Tversky 1979). Also, experiments have shown how individuals *anchor*, meaning that they will overly rely on specific pieces of information or specific values, something that will usually create a bias towards that value when engaging in normal decision-making processes (Kahneman and Tversky 1979; Lovallo and Kahneman 2003; Tversky and Kahneman 1974). This form of *focusing effect*, where the decision-maker presents a cognitive bias placing too much importance on one aspect of a situation, causes errors in terms of accurately predicting future outcomes. These types of assessments also lead to inconsistent preferences when the same choice is presented in different forms (Kahneman and Tversky 1979).

In summary, findings from cognitive psychology (Jackson et al. 2005, pp. 250–252) suggest that:

- in relation to *representativeness*, people tend to evaluate the chances of X as originating from Y to the extent that X resembles Y (representativeness heuristic);
- in relation to *availability*, the size of a class tends to be judged by the ease with which instances of it can be retrieved by memory (for example if an online risk has been prominently placed in the news, such as the issue of pornography) and its probability of occurrence will be judged as higher than risks that cannot be as easily conceptualized or remembered (such as children being deviant online);
- in addition, workings on the prospect theory (Kahneman & Tversky, 1979) show how individuals *over-weight low-probability events*, and *underestimate high-probability events* (for example parents consider the threat of a paedophile grooming their child greater than the probability of their child bullying others online).

Risk Perception in Collective Groups

The results summarized above refer to decision-making on the individual level. There are, however, reasons why we should see if we can apply these findings to collective groups as well. This is especially relevant as the issue of media and online risk has often been subjected to ‘media panics’ (Drotner 1992, 1999a, 1999b), where the introduction of a new medium creates heated, emotional reactions in the public, often driven by the media itself, and usually connected to children and potential harm. By drawing on other research reports and findings, Slovic (2000b) argues that there are limits to the public understanding of risk assessment, both for practitioners and the lay public, because:

CHILDREN IN THE ONLINE WORLD

1. People's perceptions of risk are often inaccurate (for instance, heavy media coverage can distort perceptions of risk)
2. Risk information may frighten and frustrate the public (public awareness campaigns attempt to manage uncertainty, either by reducing it so that there is no point considering it anymore or deem it so large that it should be avoided all together)
3. Strong beliefs are hard to modify (people's beliefs change slowly and are particularly resistant in the face of contrary evidence)
4. Naïve views are easily manipulated by the format of the presentation
5. How facts, such as statistics, are framed will have an effect on people's opinion. (for instance as risk estimates always embed a quite large uncertainty, this can not only deprive the recipient of useful decision making information, but also create distrust and rejection of the analysis altogether). (Slovic 2000b)

What does this mean in practice? One example that supports and illustrates Slovic's findings and has a particular relevance to the public perception of media risk and potential harm to children is the case of the 'Williams report'. In the UK, the Report of the Committee on Obscenity and Film Censorship, popularly referred to as 'the Williams committee' (1979), was received by politicians, media and the public in the late 1970s. The committee, chaired by Professor Bernard Williams, was to review the issue of pornography with the intention of reforming the existing legislation in the area. Surprising to many, the report was (perceived to be) very liberal in its conclusions: it defined pornography as harmful if, and only if, it spilled from the private to the public realm, and was only indisputably harmful under certain conditions (Thornton 1986, p. 33). While discussing the potential of harm and protection of children from pornographic and violent content, the report emphasized that evidence 'did not at all point in the same direction' (mirroring the up-to-date review from Millwood Hargrave and Livingstone 2009) and argued. 'We should not be parochial about the prevention of harm to children: if English law is to protect children against offences in this country, it is hypocritical to permit the trade in photographs and films of the same activities taken overseas' (Report of the Committee on Obscenity and Film Censorship 1979, p. 90). The report concluded on the participation in the production of pornography:

At the very least we would suggest that a particular kind of moralism is involved in pressing the charge of exploitation with respect to participation, particularly in pornography, when that participation is by ordinary criteria voluntary ... We

were not able to conclude that participation in these activities was a cause of harm. (1979, p. 91)

And even more controversially on the protection of children:

Not a very definite answer can be given about the age at which the special protection of children is no longer necessary ... rather similar consideration applied to the exposure of the young to violent material. Children have to learn what violence is and it is clearly better if they do so, and are introduced to certain potentially disturbing material within a secure and loving framework. (1979, p. 91)

When published in 1979, the Williams Committee's report was met with a mixed reception: critics regarded it as a 'pornographer's charter', while others applauded it as a triumph for common sense on a highly emotional topic. Too permissive for the Conservative Party, the report was discreetly shelved (Simpson and Great Britain Committee on Obscenity and Film Censorship 1983). Thus, the 'Williams Report' is an example of how *the perception of risk* often seems to override the research and facts available, hence turning the management of risk to something with embedded irrationality, also on a group level.

Children as Decision-makers

While public perceptions of risk are subjected to systematic errors and biases when compared to probability calculations, this does not mean that these perceptions are not valid. This also means that the social meaning of any given risk cannot be controlled by any single individual (see for instance Lessig 1995). For children/adolescents/teens/young adults, the social meaning of specific risks and risk-taking often differs from that of the adult world. To point out another typical Nordic example: there are times in a child's life when wearing proper winter clothing (not to mention winter hats) is at odds with what is considered cool, and it is perceived as rather pathetic within the peer group, making it a common occurrence during the morning to see shivering children taking off their coats/hats/muffs/mittens when out of parental sight, and stashing them until it is time to return home. The risk of being uncool trumps physiological fact and comfort.¹

1 Or, as suggested by Sunstein (2008, p. 152): 'If Nancy Reagan (or Laura Bush) tells teenagers that they should "Just Say No to drugs", they might be all the more inclined to say yes'.

The path chosen for the following discussion leans heavily on the extensive scientific review of risk and rationality in adolescent decision-making by Reyna and Farley (2006). Providing a ‘metatheoretical reorientation’ (Stanovich 2006), they point to studies which conclude that adolescents are capable of rational decision-making to achieve their goals, but much will depend on the particular situation where the decision-making is taking place. The extensive research review (note: primarily based on risk studies relating to health-issues, many done in laboratory (controlled) settings) shows how (perhaps counter-intuitively):

- Children (adolescents) do *not* perceive themselves as being invulnerable;
- Children (adolescents) typically *overestimate* important risks (for example HIV, lung cancer);
- Children (adolescents) tend to *underestimate* harmful consequences and long-term effects (such as addiction);
- Children (adolescents) exhibit an *optimist bias*, viewing their own risk occurrences as lesser than those of comparable peers;² and
- Children (adolescents) belonging to an objectively higher-risk group will sometimes rate their risk as higher and sometimes as lower than lower-risk groups rate themselves.

Thus, compared to findings on adults, children consider themselves more vulnerable than adults consider themselves to be (point 1) and feel more exposed to important risks than adults (point 2), having no higher prevalence of an optimist bias than adults do (point 4), but they may not consider the consequences to be relevant (point 3). They may sometimes rate themselves as having lower or higher risk, depending on the particular risk assessment situation (point 5). Factors influencing decision-making include the presence of peers, ‘spur of the moment’/‘in the heat of passion’, unfamiliar situations, whether one is dealing with potential short-term versus long-term consequences and when behavioural inhibition is required for good outcomes (Reyna and Farley 2006, p. 1). In these situations, adolescents are prone to reason more poorly than adults.³

2 This can also be found among adults, see for instance Quadrel, Fischhoff & Davis (1993) for a study where both adults and children are included and compared.

3 In general the review on cognitive and neurobiological findings refers to *adolescents*, not all children. It should, however, be emphasized that framing effects in decision-making (= shift in choices for the same options when they are described in terms of

Physiological Findings

In addition to the above, the brain maturity in adolescents is incomplete. While it is well established that the overall volume of the human brain does not change dramatically after approximately the first three years, the refinement of the *myelination* (the process by which the ‘wires’ of the brain become insulated, increasing the speed with which signals can travel in the brain) and *synaptic pruning* (the process by which the connections within the grey matter are refined, developing a more efficient and extensively connected cortex) go on well in to adolescence (Baird and Fugelsang 2004). Some of these changes related to particular structures of the brain have been linked to developmental differences in behaviour (Reyna and Farley, 2006, p. 29). It is suggested that it might be physically impossible for adolescents to engage in counterfactual reasoning (the ability to imagine alternative outcomes and understand the consequences of those outcomes, typically meaning the ability ‘to imagine a set of circumstances leading up to an event that may have had a different outcome if only a critical preceding event did not take place’ (Baird and Fugelsang 2004, p. 1797)). Hence, they will often be *unable* to foresee the consequences of their actions: this is the opposite to adults, where it seems that the *parietal cortex*⁴ allows individuals to ‘try on’ a particular experience by envisioning themselves in that situation and ‘see what it might look like’ before making a decision (Baird and Fugelsang 2004, pp. 1801–2).⁵ Similar findings come from studies of the relationship between executive functions and self-control, where relations between these executive functions, emotions, attention and stress physiology are bidirectional (cybernetic), meaning that they ‘interact in an adaptive feedback loop in response

gains rather than losses) increase during childhood and adolescence. Pre-schoolers have been shown to make choices based on the quantitative bottom line, involving both the probability and outcome decisions; children in elementary school have been shown to make choices based on what gives more benefits, ignoring dimensions of probability and their potential magnitude; adolescents are more likely to be qualitative reasoners, preferring the sure-but-smaller-options seeking to have some gain rather than all lost; while adults have been shown to prefer making such decisions qualitatively rather than quantitatively (see Reyna & Farley 2006, p.31).

4 This is part of ‘the front most portion of the frontal lobe, in front of the primary and secondary motor cortex, uniquely large in the human brain, involved in anxiety and also in brain functions such as working memory, abstract thinking, social behaviour, and executive functions such as decision making and strategic planning, any or all of which are affected by lesions in this area. The right prefrontal cortex is involved in monitoring behaviour, resisting distractions, and providing an awareness of self and of time’. (prefrontal cortex *n.*, 2009)

5 For a general review of how the prefrontal brain systems support self-regulation on social and affective domains, see Wagner and Heatherton (2011).

to environmental cues, executive function and self-regulation development are highly influenced by experience ... experience directs or canalizes development in ways that maximise the individual's potential' (Blair and Ursache 2011, pp. 300–301). Also, findings from neurobiology, looking at the development of adolescents' cognitive control system versus their *dopaminergic systems*,⁶ show that the latter develops more rapidly than the former (Steinberg 2008). Biologists provide the hypothesis that the differential development of *limbic reward systems*⁷ relative to top-down control systems during adolescence (compared to younger children and adults) may be exacerbated in adolescents with a predisposition towards risk-taking (Casey, Getz and Galvan 2008). Findings consistently confirm that when directly comparable, benefits loom larger than risks, providing a potential explanation of why adolescents who have a high perception of risk will still choose to take that risk (Reyna and Farley 2006, p. 6). Some neurobiologists therefore argue that increased risk-taking by adolescents (again, as compared to children and adults) is 'likely to be normative, biologically driven, and to some extent, inevitable' (Steinberg 2008, p. 100).

Gist and Fuzzy-trace

Reyna and Farley argue that *behaviour willingness* is a better predictor of susceptibility to risk-taking than the thin theories for rationality, 'because adolescents are willing to do riskier things than they either intend or expect to do' (2006, p. 1; see also Gerrard et. al. 2008). Children seem to make decisions in several *different* ways: deliberately, reactively and intuitively. Reyna and Farley therefore recommend to use dual process models (for instance fuzzy-trace theory and prototype models: for the latter see Gerrard, Gibbons, Houlihan, Stock and Pomery 2008), as they give two explanatory but divergent tracks to risk-taking: one reasoned and one reactive route.

In fuzzy-trace theory, risk-taking is determined by mental representations of risk-takers (who in our case could be children using the Internet), or risky situations (such as children agreeing to meet an online friend offline), along with other factors such as the willingness and situation-dependent retrieval of risk-avoidance values. It is a theory that aims to describe real life behaviour, while incorporating assumptions about what constitutes ideal behaviour, and can be used to develop prescriptive measures (Reyna and Farley 2006, p. 5). In this

6 Part of the nervous system which uses dopamine as a neurotransmitter ('dopaminergic system', 2009).

7 The limbic system is a group of subcortical structures (the hypothalamus, the hippocampus and the amygdala) of the brain that are concerned especially with emotion and motivation *limbic*. (2010), in *Merriam-Webster Online Dictionary*, retrieved 28 May, 2010, from <http://www.merriam-webster.com/dictionary/limbic>.

theoretical approach, the perception of risk is significant: 'People's cognitive representation of risk dictates the sorts of information they will find necessary for participating in risk management decisions' (Slovic 2000b, p. 196).

A *gist* is a fuzzy mental representation of the general meaning of information or experience. When these fuzzy representations are used for decision-making or reasoning, it is called a *gist-based intuition* (Reyna and Farley 2006, p. 6). The 'gist' of social situations and the meaning of information matters, rather than detailed verbatim information, statistical analysis or the quantity of information (Sunstein 2008). The claim is that gist-based reasoning leads to *better* decisions, and makes people less likely to engage in unhealthy risk-taking. This notion is supported by case studies showing how adults and experts use gist-based reasoning when making decisions, while adolescents are less able to do so, or do it more poorly (Reyna and Farley 2006; Reyna and Rivers 2008). Instead, adolescents operate at multiple levels. They waver through a complex weighting of pros and cons on one side and gist-based intuition on the other, making decisions reactively, deliberately and intuitively (Rivers, Reyna and Mills 2008; Sunstein 2008).

In other words, young children seem to take more risks than adults because they engage in *too much* rational calculation when making decisions. Or, children and adolescents are more prone to use the classical logic models of decision-making, such as Elster's thin theory, or classic game theory dilemmas. For children, decisions are 'grey', while for adults engaging in gist-based reasoning, decisions will be instantly utilized in black-or-white-paths formed by experience and age. This theory is supported by findings showing that adult-like deliberated casual reasoning is more likely to be used in the areas where the adolescent has the most experience and knowledge (Carey 1988). Similar findings have been made in experiments, showing that children have longer reaction times and more diffuse brain activation than adults when asked to answer questions like 'is it a good idea to ... set your hair on fire/swim with sharks' (Baird and Fugelsang 2004; Reyna and Farley 2006, pp. 32–3).

Other studies have shown differences in children's and adults' perceptions when analysing the meaning of information experience. For instance, the classic McGurk-Macdonald study showed how the perception of speech was largely influenced by vision (commonly referred to as the *McGurk effect*).⁸ Interestingly, and less known and reported on, is that the average error rate was 92 per cent

8 The experiment entails playing an audiotape with sounds such as 'ga-ga', 'ba-ba', 'pa-pa', 'ka-ka' and then adding a visual component in the form of a film with a young woman's 'talking head' performing lip movements for other syllables than the ones on the audiotape. For instance, when the respondent's auditory component was 'ba-ba', the visual component was 'ga-ga'. For a demonstration of the McGurk effect, see for instance <http://www.youtube.com/user/arnte> (Maasø 2007).

for adults, but ‘only’ 52 per cent for school children and 59 per cent for pre-school children (McGurk and Macdonald 1976).⁹

Gist-based reasoning, on the other hand, leads to a better and more efficient decision-making process, making decisions that minimize risk. So, for example, while children might think hard and waver the pros and cons of putting up a nude picture of themselves on a public website and potentially get positive feedback and attention from others, against future employers finding the picture and not hiring them/parents finding out and so on, (most) rational adults would intuitively say ‘no’ to even considering such an option. This also shows that while rational deliberation goes on, this does not mean that the qualitative evidence is weighed against the probability of harm. Rather, as pointed out by Steinberg (2008) and Sunstein (2008), when children engage in risky behaviour (such as having unprotected sex, driving fast, drinking or doing drugs) it is because their heuristics misfire: they are excessively optimistic, impulsive and lack self-control as their deliberative system is comparatively weak compared to adults.

Theoretical Implications

What are the theoretical implications of these findings? Children are capable of making decisions. Decisions are made by the use of rational reasoning and weighing pros and cons, although, admittedly, the decisions made tend to be more risk-infused than those made by experienced and mature adults. However, making safe decisions is not a defining characteristic of the individual in the reflexive modernity. Quite the contrary, Beck *expects* the individual to make decisions that are not ‘rational and responsible’, as this is the nature of the institutionalized society. Being able to make your own decisions is not something you sign up for, or become worthy of. It is a forced state of being for all individuals. The neurobiological and cognitive review has demonstrated how children make decisions that expose them to risk, often knowingly and calculated because they consider the risk ‘worth it’ from a compensatory quantitative perspective (Reyna and Farley 2006, p. 36). Hence, there is no reason why individuals that can cognitively make decisions should be excluded from the theory – or the empirical testing or application of it.

9 It should be noted that the adult sample was predominantly male, while the two groups of children consisted of approximately equal numbers of boys and girls (McGurk and Macdonald 1976, p. 746). Other studies have found the same effect in children as the original study, contributing this to developmental differences in visual information sensitivity rather than differences in integration processes (see for instance Massaro, Thompson, Barron and Laren 1986), while newer studies with infants have suggested the same error rate as for adults (Rosenblum, Schmuckler and Johnson, 1997).

Prescriptive Implications

Understanding how children and, as discussed above, adolescents approach unhealthy risky situations and how they make decisions about their own behaviour relating to perceived risk is key to developing efficient risk-management strategies, reducing the probability of occurrence and the extent of damage. Such an understanding should therefore be directly relevant when considering societal regulatory schemes such as controlling access and content technically, physically, legally and/or self-regulatory, and the institutionalization of preventive measures such as national awareness campaigns and educational programs as this goes to the core of their legitimacy.

For instance, and as will be elaborated further in Part II on *regulation*, the dismantling of public institutions that provide state-driven risk management towards a more individualized institutionalization where the individual is to make the decisions – in effect decisions on risk management – is based on the premise that there will be *a choice* or *several choices*, and that the decision made should be *rational*. In order to make rational decisions on a complex area, the decision has to be *informed*. This has led to a preponderance of educational programmes aimed at children, parents, teachers and others, not only in the field of Internet safety but also in other risk-management fields pertaining to children and adolescents, such as safe sex, safe driving, no smoking, against binge drinking and so on. However, according to (some) neurobiologists, educational programmes are destined to having little effect in reducing adolescent risk-taking (Steinberg 2008, p. 80) because:

The problem is not what adolescents know, but what they do. Indeed, adolescents often know plenty. They have relevant information about relevant risks. They act recklessly not because they are ill-informed, but because their dopaminergic system is developing more rapidly than their cognitive control system. (Sunstein 2008, p. 147)

Hence, the understanding of the neurobiological and fuzzy-trace course described above (as opposed to the thin theories of rationality) gives the following implications for such considerations (Table 5.2):

Looking back at our starting point, children and online risk, the above generates reflection upon the findings in empirical works on the current incident of online risk. Specifically, the issue of risky *conduct* is of interest. Dual process models such as fuzzy-trace theory can provide insights into the decision-making processes occurring within children that certain actions are illegal, and also that children will perform these actions in the future (cf. adolescents' willingness to do riskier things that they intend or expect to do).

One concrete implication for policy from the gist-based approach is that in considering only this path, younger children and adolescents should be

Table 5.2 Prescriptive implications of neurobiology findings

<p>Descriptive (Findings)</p>	<p>Prescriptive (Implications for risk management strategies to minimize children’s risk behaviour online) Potentially not effective</p>	<p>Potentially effective</p>
<p>Risk-taking increase between childhood and adolescents and decrease between adolescents and adulthood (see Steinberg 2008).</p>	<p>General rules and regulations.</p>	<p>It may be possible to accelerate the maturation of self-regulatory competence, but no research has examined as to whether this can be done.</p>
<p>Adolescents feel vulnerable and overestimate risk.</p>	<p>Stressing accurate risk perceptions (see Reyna and Farley 2006).</p>	<p>Cue negative gist (see Rivers et al. 2008).</p>
<p>Adolescents learn little from negative outcomes.</p>	<p>Experience</p>	<p>Supervision and monitoring</p>
<p>Adolescents use conscious liberation.</p>	<p>Focusing on the pros vs. the cons of a risky situation.</p>	<p>Discourage the contemplation of trade-offs. Use categorical thinking about risk.</p>
<p>Benefits loom over risks.</p>	<p>Focus on potential long-term consequences.</p>	<p>Stress benefits, especially short-term benefits, related to safe choices.</p>
<p>Self-control over temptations are dependent on the ability to identify conflicts (see Fishbach and Converse 2011).</p>	<p>Focus on single incidents.</p>	<p>Promote interrelated decision frames, that discourage the presentation of potential temptations as special opportunities.</p>
<p>Risk-taking is more likely to take place in groups.</p>	<p>Top-down recommendations and demands.</p>	<p>Use peer ‘meaning entrepreneurs’ to create new social meanings in groups.</p>
<p>Image-based systems work outside explicit awareness: media presentations, behaviour of friends and parental behaviour can affect the valence associated with various prototypes (see Sunstein 2008, p. 149).</p>	<p>Text-based information campaigns.</p>	<p>Heuristic approach working directly on mental images (see Gerrard et al. 2008) alter the social meaning of reckless behaviour, e.g. cool/positive images associated with healthy choices, and bad/negative images associated with unhealthy choices. Making cues personal and emotional.</p>
<p>Adolescents lack neural hardware to generate behavioural alternatives in situations demanding a response (see Baird and Fugelsang 2004, p. 1801).</p>	<p>General recommendations like ‘just say no’.</p>	<p>Practice skills and concrete responses for potential future situations. Train to avoid potentially dangerous situations.</p>

sheltered from risky experiences and supervised to thwart negative exploration as they will not be able to benefit from negative experiences. Quite the contrary, risk-taking that does not result in negative experiences might *increase* feelings of invulnerability (Reyna and Farley 2006). However, considering other aspects, such as how we view children and how we consider the Internet as a vital tool for education, entertainment and development, this creates an obvious tension: between what the consequences of risky decisions may be and how to protect children from such consequences; the regulatory regimes underpinning the welfare states; and the rights of children to information and participation as people and as citizens in democratic states.

These findings also pose yet another methodological problem for researching children and risk and for making descriptive assessments and predictive recommendations based on the self-assessment of children in questionnaires about their future risk practices. The optimist bias of how well one's future self will behave (note: existing, but not higher than for adults) may result in a highly inaccurate starting point for researchers, child protectors and policymakers.

The results and analyses provided in this chapter show that both the individual and public perceptions of risk and the likelihood of risk occurrence are influenced by emotions, experiences and connotations, in addition to mere probability calculations. Furthermore, findings from biology, in particular neurobiology, suggest that children make risky decisions in a different way to adults. However, this is not because they do not engage in rational calculations, but rather because they put too much emphasis on rational calculations. Moreover, we have seen that the public fear of the Internet is similar to the public fears that have occurred for every new medium introduced. At the same time, the image of children as media consumers and participants has changed in both the academic field of childhood studies and in the field of media studies.

So, what is online risk (RQ1)? Online risk is something that potentially creates a danger for children when they engage in online-related activities, as perceived by actors such as the children themselves, parents, regulators, educators, the media, the public and politicians, depending on the context of the discussion. This partly mirrors the first of Beck's five theses of risk (Beck 1992, pp. 22–3): online risk is open to social definition and construction. Given the differences between children and adults regarding how one approaches the issues of risk, differences in their *behaviour willingness*, it is also likely that the perception of what online risk is, and especially how severe the potential consequences of a particular risk might be, will differ between children and adults. It is also likely that the ranking of risks – assessing the probability of occurrence versus the potential extent of damage – will differ, as external and internal factors influence individuals' perception of online risk. In other words, fears might be dispersed, covering a large set of online activities and experiences. In order to systematize these, we can use the typology of risks offered by the EU Kids Online network, differentiating between the type

of risk (sexual, violent, value-oriented or commercial) and the role of the child (as recipient, participant or actor).

Children are not statisticians. Neither are most adults. So, of course, the findings elaborated above do not imply that adults are always right, or that they do not also use rational deliberation. While expert intuition is often accurate, statistical analysis is significantly better, as both ordinary people and experts make systematic errors in assessing probabilities and risks (Meadow and Sunstein 2001). One does therefore not generally use heuristic-based judgements to regulate risk on a societal level. At the same time, the definition of risk can in itself be seen, as Beck also does, as a power game (Beck 2006b, p. 333). Thus, one hypothesis would be that as new risks occur and the level of fear in society increases, especially fear related to the safety of children, there would be an increased demand for government action leading to further or new regulation and institutionalization of systems for the prevention of harm. However, according to Beck (2007) such fears and risks will now have to be handled by the individual itself through a forced individualization – something that in this case would imply a parent, a teacher (on an individual/classroom level, not systemic) or the child.



In conclusion, and in line with the view argued by Renn and Klinke (2001), when considering the issues of risks associated with media use in general and Internet use in particular, we need to include both the methods of technical and natural scientific assessments and the risk perception, seeing the latter as an integral part of (rational) risk evaluations. Or, to put it another way, risk perception is not based on rational thinking and damage-probability confidence interval calculations, and studies have revealed how people will orient their behaviour according to their perceptions. Thus, perceived risks can generate symptoms the same way as the real potential of risk can (Renn and Klinke 2001, p. 13). It might not only be the real, assessed risks that are in need of prescriptive measures, but also the perceived ones. At this stage in the discussion it is therefore considered pertinent to address the issue of regulation and regulatory legitimacy.

PART II

REGULATION!

Within the conceptual framework of this book, regulation is defined as a rule or order issued by an executive authority or regulatory agency of a government having the force of law. Why is such a rule or order issued? Very simply, it is to minimize and manage risk.

The legitimacy of any governing authority, whether it is a feudal lord or a government ruling by the grace of parliament, is dependent on the government or institution's ability to minimize the public's risk of warfare/famine/poverty/moral deprivation and so forth, depending on the time in history and the developmental level of the given society. Or, as the originator of the concept of a hierarchy of needs, Abraham Maslow put it: 'Practically everything looks less important than safety and protection' (Maslow 1954, p. 18). Thus, the evaluation of risk, as elaborated in the previous chapter, is intrinsically linked to regulation and control.¹ And, as noted by risk scholars Renn and Klinke (2001, p. 15), 'if collective goods are at risk or major external effects are to be expected, collective mechanisms of regulation must be implemented'. The key to risk management, especially in relation to the access and use of media in a democratic society, is a balancing act of maximizing freedom and affordances while minimizing risk. How individuals and the public *perceive* risk, as discussed in the previous chapter, has ramifications for how any given society is governed. How risks are classified in terms of potential harm and likelihood of occurrence, as well as how the public discourse on risk plays out will have impact on the political and democratic processes in that society. In relation to children and risk as argued by Critcher (2008, p. 91), there is a symbiosis between childhood and the mass media, both being institutionalized in the twentieth century and both allegedly fostering dangers that must be fought with regulatory bodies. Understanding risk as an immediate threat to one's children will inevitably generate calls for political action, action that traditionally takes the form of some type of regulation. And, regulation within a democratic society will (or should) elicit the need for transparent political processes, the involvement of the public through public hearings and debates, media scrutiny and a clarification of the legitimacy of regulation versus the

1 For a review of the academic field of regulation of risk in general, see for instance Hutter (2006).

perceived risk at hand. With this understanding as a starting point, Chapter 6 will address the second research question: *how is online risk regulated?*

As discussed in Chapter 2 (individualization), Beck (2007, p. 685) claims that for the past two decades, the institutional developments in the Western welfare states have been dramatic, rapid and have led to a shift where both the opportunities and the risks of decision-making are placed upon the individual. One of the key arguments in Beck's Risk Society is that the nation-state is no longer able to cope as risk is global (and his solution is cosmopolitan states (see Beck 2000a, 2004, 2006a; Beck and Grande 2007; Beck and Sznaider 2006a, 2006b; Giddens and Griffiths 2006, p. 120)). The Internet is global. The attempts to regulate it on a national level, in terms of content, user behaviour and expressions, have not been perceived as effective in Western democracies,² despite success in some instances (Staksrud 1999). It is therefore pertinent to primarily review relevant regulatory approaches on a supranational level.

The risks we are concerned with are those related to children's use of the Internet in the Western welfare states of Europe. On the regulatory level these states share a commitment to the European Union (EU) and the European Economic Area (EEA) regulatory frameworks.³ In the area of children and online risk this means an obligation towards the European policy as defined, organized and operationalized since 1999 under the European Commission's Safer Internet Programme (SIP). Whilst recognizing how other regulatory regimes within the EC, as well as other international agreements, will inevitably influence the management of online risk, such concerns are not addressed here. It is taken for granted that the internal political, legislative and regulatory processes in the European Parliament, the European Council, the European Commission and the harmonization between the EU and the EEA countries ensure that the regulatory principles of the Safer Internet Programme correspond to and are in accordance with the overall European policy.⁴ Therefore, the main focus will

2 For various perspectives on the global issues of media and communication policy see Mansell and Raboy (2011b).

3 For an argument on why the European Union should be treated as a single actor when discussing issues pertaining to globalization, regulation and bargaining, see Drezner (2007, pp. 37–9). See also Beck (2000b).

4 Relevant EU policy initiatives that were considered in the creation of the original Internet Action Plan leading to the SIP include: the Recommendation on protection of minors and human dignity; the Joint action on child pornography on the Internet; the Multi-disciplinary Committee (addressing issues of ensuring that the law is applied on-line as it is off-line); the Transparency directive (Directive 98/48/EC, providing for notification by Member States of new measures relating to information society services); the Electronic commerce directive; and the (at the time preparatory) Convention on Computer Crime (for further details on these connecting policy initiatives see for instance European Commission, 1999–2002 Annex 2).

be on how the European Union, through the European Commission's Safer Internet Programme, seeks to regulate online risk (hence also trying not being a victim of what Beck (2007, p. 687) describes as 'the dead end of methodological nationalism', primarily analysing the transformation of institutions within society in the framework of 'the anachronistic gaze of a territorially defined nation state').

In the following, a brief overview of the concept of institutions and their regulatory legitimacy in democratic states will be presented. Then the underlying policy principles will be reviewed, and five distinct *policy pillars* (filtering and content classification, self-regulation, hotlines, awareness and legislation) of practical risk management will be presented to illuminate how one seeks to regulate and minimize online risk for children within the European Union.

Attempting to inform back to theory, I will discuss the developments within the regulatory field to see if there is empirical evidence to support Beck's claim that there has been a general outsourcing of the key institutions that were designed to relieve the individual or provide him/her with security and orientation. I will review institutions claiming to have a direct role in the management of the types of risks we are dealing with. For instance, children have been protected from potential media content harm through government institutions dealing with film censorship, age restrictions and watershed policies, so have these institutions changed during the past decades? And if they have, how will this affect the potential for risk management by individuals seeking to protect themselves by engaging in active decision-making? If Beck's claims hold water, one should be able to observe legal and practical changes across European Western welfare states. Two issues will be reviewed: 1) changes in the societal semantics of law; and 2) the outsourcing of governmental functions. I will argue that changes in the societal semantics of law have occurred, most notably in the transformations of the old governmental film censorship institutions. I will also argue that there has been an outsourcing of what were previously government functions and decisions, to the industry, to NGOs and to individual users themselves. Finally, I will critically argue that this raises questions of regulatory legitimacy as well as concern regarding the relationship between competence and information on the one hand and decision-making on the other.



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Chapter 6

Regulation as Legitimate Protection

Defining Institutions and their Regulatory Legitimacy

The institutions of our concern, such as the European Commission and the national regulators, are within the (Nordic) Welfare state model as well as the European Union *bureaucratic* constructs,¹ usually set to regulate, govern or control the implementation of a specific part of the law. To define and understand the workings of such bureaucratic constructs and how they will differ from other types of organizations, it is still useful to employ Max Weber (1946). He explains the development of bureaucratic institutions as the experience and views of what was special interest groups becoming institutionalized into a service of rational administration with expertly trained officials: a bureaucracy (Weber, 1946, pp. 235–9).²

1 For a more detailed account of the classical approaches to the study of bureaucracy (Marxist, Weberian and Michels), see for instance Mouzelis (1968).

2 Weber also describes in detail the processes preceding such a development: first, the specialized knowledge of experts becomes the foundation for the position of the office holder (such as the traditional domination of a monarch, feudal lord or patriarch), used to preserve the ruler's dominant position. Then the use of the individual experts develops into more collegiate bodies, bodies that inevitably increase in importance and position, turning the ruler into a dilettante. This creates a conflict between the collegiate body and the ruler, where the latter is trying to maintain his (or hers, think for instance of Elizabeth I of England) dominance, while still making use of the expert knowledge. Then, with 'great regularity' the bureaucratic collegiate principle is transferred from the central authority to varied lower authorities. These bodies are typically organized 'self-governments' on the local level. As a result, the collegiate administration gradually disappears as the ruler sees unified administrative leadership as more imperative than 'thoroughness in the preparation of administrative decisions'. This development typically occurs when parliamentary institutions develop, and criticism and publicity from the outside increase. Then, and this is of special relevance to this current analysis, the experiences and views of what was before special interest groups are now institutionalized, into a service of rational administration with expertly trained officials: a bureaucracy (Weber, 1946, pp. 235–9). See also Wesolowski (1989) for a discussion of Weber's three forms of legitimacy.

Legitimacy is, by common dictionary definition, something that is in accordance with law or with established legal forms and requirements, or something that conforms to recognized principles or accepted rules and standards.³ This is seemingly rather straightforward, but in practice has been a source of controversy for over two millennia, including a substantial research area of its own.⁴ Legitimacy for public institutions is here defined as occurring when the institution's values and actions are corresponding to the expectations of the society it operates within.⁵ However, it should be noted that for the states under the Nordic welfare model, it is argued that governmental institutions also attain their legitimacy through a *social contract*. What is key here is the idea that the legitimacy of any state authority must come from those who are being governed. The starting premise is that while man originally is in a 'state of nature' not bound by external restrictions, it is in the rational individuals' best interests to seek political order and come together in a form of state. What form this should take is debated, and the contractual philosophers have come to different conclusions, such as the need for an authoritarian monarchy (Hobbes 1651), the natural rights of individuals (Locke and Macpherson 1690), the need for individuals to be ruled by law (Rousseau 1791) or the question of how to obtain justice for all individuals (Rawls, 1971). The social contract in the current Nordic welfare state model includes the public contribution to children⁶ and the elderly, and the citizens' net contribution to the work force (and by that, the welfare state) when they are able to do so, in terms of age and health.⁷ Thus, the issue of legitimacy in Western Welfare states rests upon a complex set of institutions. As explained by Olsen in his classic work on the organization of the Norwegian welfare democracy:

3 legitimate. (2010). In Merriam-Webster Online Dictionary. Retrieved June 2, 2010, from <http://www.merriam-webster.com/dictionary/legitimate>.

4 For a chronology of the theories of legitimacy from Thucydides' *History of the Peloponnesian War* (432 BC), Plato's *The Republic* (c.390 BC) and Aristotle's *Politics* (c.335–323 BC) to the present, see Zelditch (2001, pp. 35–6). For a discussion of identity based approaches to legitimacy, see for instance Hegtvedt and Johnson (2009).

5 It should be noted that, in general, all the Nordic countries rate among the highest (four of the top six places) in the world on trustworthiness of public institutions, see World Economic Forum Global Competitive Index, Pillar No.1 (World Economic Forum 2010).

6 The construction of children as a concern of the nation-state can be traced back to the nineteenth century, see Prout (2008). See Makrinioti (1994) for a critical review of this principle. See also James, Jenks and Prout (1998) and James and Prout (1990, 1997).

7 See for instance Scip (1984, 1994) for the historical developments of these principles. See also Sgritta (1994) on generational division of welfare.

REGULATION AS LEGITIMATE PROTECTION

Legitimacy is achieved through majority decisions in representative assemblies. But it is also achieved by making collective decisions through plebiscites; by entrusting decisions with the courts or with experts; by geographical decentralization or by allowing self governance for functional groups. Likewise, the legitimacy of a system may be strengthened if moderately concerned majorities (sometimes) accept the view of intense minorities whose feelings and preferences are expressed through a high activity level. Too often, theories of representative democracies ignore this institutional complexity. They assume that legitimacy can (and should) be based solely on political parties and the electoral system – a very unlikely alternative in modern welfare states. (Olsen 1983, p. 37)

Legitimacy for European institutions (such as the European Parliament, see Sarikakis (2002)), is also an issue being debated, as noted by Schlesinger:

The European Union is at the center of current processes of Europeanization, being a contemporary attempt to move from an integrated market to a political formation, potentially, a supranational form of state. Although this development process is uncertain and full of reversals, its ultimate logic (if successful) would be to create a new instance of political legitimacy. (Schlesinger 2001, p. 98)

Nonetheless, while recognizing the ongoing tensions and discussions, for the purpose of this study the regulatory legitimacy of governmental institutions is considered to be established.

The Precautionary Policy Principle

As discussed in the previous chapter, the regulation of (media) technology is not something new.⁸ The general policy of the European Union regarding new technological innovations is the adherence to the *precautionary principle*. The principle can be summed up as ‘better safe than sorry’. In cases where there is no scientific consensus on the potential risk and harm, one should choose *not* to move forward, until proof exists that the implementation of the innovation in question is safe.⁹ While the principle has not been formally defined by the EU, a working definition has been proposed:

8 For an overview of the historical background for regulatory regimes of technology in welfare states, see Thomassen (1993).

9 For more details on the precautionary principle, the problems of a set definition and applicability and dilemmas, please refer to the substantial existing body of research (see for instance De Sadeleer 2007; Den Nasjonale forskningsetiske komité for naturvitenskap og teknologi, Kraft and Storvik 2004; European Commission 2000a;

Where, following an assessment of available scientific information, there are reasonable grounds for concern for the possibility of adverse effects but scientific uncertainty persists, provisional risk management measures based on a broad cost/benefit analysis whereby priority will be given to human health and the environment, necessary to ensure the chosen high level of protection in the Community and proportionate to this level of protection, may be adopted, pending further scientific information for a more comprehensive risk assessment, without having to wait until the reality and seriousness of those adverse effects become fully apparent. (Schomberg 2006, p. 37)

The precautionary principle is typically referred to when discussing environmental issues and food safety; however, the European Commission's communication on the principle is clear about its broader scope:

The precautionary principle should be considered within a structured approach to the analysis of risk which comprises three elements: risk assessment, risk management, risk communication. The precautionary principle is particularly relevant to the management of risk. (European Commission 2000b, p. 2 point 4)

While the precautionary principle is the base standard today within the European context, as argued in Staksrud and Livingstone (2011), two additional rationales within the EU motivate how one seeks to protect children while they're on the Internet: 1) the industry knows their own technology best,¹⁰ and 2) parents know their own children best. Thus, following the principles laid out in the 1994 Bangemann Report on the emerging information society, urging the EU to put its faith in market mechanisms (Bangemann 1994), the European Commission has strongly supported self-regulatory initiatives, especially initiatives aimed at parents, and especially initiatives with a pan-European approach.^{11 12}

Fisher and Harding 1999; Fisher, Jones and Schomberg 2006; Freestone and Hey 1996; Harremoës 2002; O'Riordan and Cameron 1994; Randall 2011; Whiteside 2006).

10 Consider also studies such as Shah and Kesan (2009) who found that a central factor in the shaping of communication technology is the institution in which it is developed, thus presenting a strong argument for considering institutional origin when analysing communication technology, as this will affect specific social and technical attributes.

11 This latter support could also have been reviewed in relation to the tension between intergovernmentalism and supranationalism as well as the tension between technological forces and politics and institutions, see for instance Bartle (2002) for more.

12 The pan-European focus can also be seen in the sometimes articulated wish for a cross-platform, cross-European media regulation and classification scheme. However, this is a culturally sensitive issue. In 2011, 16 EU member states, as well as Norway, had diverging age ratings and classifications for different types of media. Ten states (plus Norway) considered this to be a problem, 15 states considered a cross-media and/

Practical Policy: The EC Safer Internet Programme

In terms of practical policy implementation, the issue of online risk and safety for children could be considered relevant for several different EU programmes and bodies.¹³ However, as noted above, within the European Union, including the countries in the European Economic Area (EEA),¹⁴ the question of children and potential online risk has found a common approach under the European Commission's Safer Internet Programme. The programme, originating from the Internet Action Plan (1999–2004) (European Commission 1999–2002, 2003–04), was extended into the Safer Internet Plus Programme (2005–08) (European Commission 2005; European Parliament and European Council 2005), and found its current form under the Safer Internet Programme (2009–13) (European Commission Information Society 2009; The European Parliament and the Council of the European Union 2008) (see also Table 6.1 below).¹⁵ The approach to the developments of these programmes was based on four basic principles of policy (European Commission 1999–2002, p. 3):

or pan-European classification system helpful and feasible, while nine member states contradicted this (European Commission 2011b, p. 6).

13 Most relevant here would be the Daphne Programme, originating the development of hotlines (for more information, please refer to the hotline section of this chapter), the Fifth Framework Programme (where, under the IST, key action provisions were made to support the development of filtering technology), the Learning in the Information Society programme (where encouragement of the use of new technology and the interconnection between schools was central), and Promise (a five-year community programme aiming to stimulate the establishment of information society in Europe by increasing public awareness and understanding of the potential impact of information society across Europe) (European Commission 1999–2002 Annex 1).

14 Albeit not members of the European Union, Norway and Iceland are members of the Safer Internet Programme through the European Economic Area cooperation. As such they have contributed financially to the programme since 24 September 1999, after the EEA decided to change protocol 31 in the EEA agreement to include cooperation on particular areas outside the ones defined under 'the four freedoms'. See Staksrud (2002, pp. 70–71) for more details. It should also be noted that the author was the Norwegian representative in the IAP programme committee (reviewing the EC's work on the Action Plan), 2000–2001.

15 It should (again) be noted (in the interest of reflexivity) that the author in her professional capacity has received project funding from all these programmes, specifically the SAFI project (2002–04) under the Safer Internet Action Plan, the NONO (2004–06) and AWAREU (2004–06) projects under the Safer Internet Plus Programme, the EU Kids Online project (2006–09), EU Kids II (2009–11) and the EU Kids III project (2011–24) under the Safer Internet Programme. In addition, the author has conducted various reviews for the European Commission's Safer Internet Action Plan, most notably a review of all EC-funded hotlines (2001), the 2006 Safer Internet

CHILDREN IN THE ONLINE WORLD

1. The Internet is a positive instrument, empowering citizens and educators, lowering the barriers to the creation and distribution of content and offering universal access to ever richer sources of digital information. Whilst aiming at a high level of protection, any action taken to deal with atypical use for illegal and harmful content should not have a disproportionate impact on Internet users and industry as a whole.
2. Information on the Internet should be allowed the same free flow as paper-based information. Any restrictions should respect fundamental rights such as freedom of expression and the right to privacy.
3. Responsibility for prosecuting and punishing those responsible for illegal content remains with the national law-enforcement authorities, assisted by structures such as EUROPOL and INTERPOL.
4. Industry has a responsibility to remove illegal content from their systems, and can be assisted by self-regulatory bodies. Users should also be able to report illegal content to hotlines filtering software and rating systems can help users to avoid harmful contents.

In the first work programme (1999–2002), four ‘distinct, but mutually self-supporting’ action lines were proposed: 1) *creating a safer environment*: defined as creating a European network of hotlines and encourage self-regulation and codes of conduct; 2) *developing filtering and rating systems*: defined as demonstrating their benefits, and facilitating international agreement on rating systems; 3) *encouraging awareness actions*: by supporting a preparation for awareness actions and encouraging the implementation of full-scale awareness actions; and 4) *support actions*: such as assessing legal implications, coordination with similar international initiatives and evaluating the impact of community measures. The action plan intended to make ‘a link between users, market and technology developments, and EU policy’ (European Commission 2001, p. 1; see also Sommer 2001). The first work programme (1999–2002) was supported by a total of € 25,000,000 for funding (European Parliament and European Council 1999, pp. L 33/33 Article 31–33), of which action line 2 – developing filtering and rating systems – was given the highest allocation funds of up to 38 per cent of the total amount (European Commission 1999–2002, pp. 3–4). In the subsequent follow-up to the programme, the European Parliament and the European Council changed the expenditure to an indicative breakdown of 25–

part of the Eurobarometer (Eurobarometer 2006) and the independent assessment of the Safer Social Networking Principles (See Lobe and Staksrud 2010; Staksrud and Lobe 2010 for the assessment reports).

35 per cent for fighting illegal content, 10–17 per cent for tackling unwanted and harmful content (including filtering and content rating efforts), 8–12 per cent for promoting a safer environment and 47–51 per cent for awareness-raising efforts (European Parliament and European Council 2005, p. L 149/111 Annex II).

These action lines were later developed and expanded to include ‘new online technologies’ – as they emerged – as well as a widening of the scope and the understanding of the nature of the problem of online risk for children. Table 6.1 below provides a general overview of various European Commission Safer Internet initiatives, their timeframe and budget, objectives and key changes in scope.

Since 1999 the initial action plan has developed into a full-scale programme, and at the same time the field of concern has grown in terms of number of users, number of services and number of defined online risks. These challenges have primarily been met with project-funding efforts. To the degree that the allocation of available funding can be used as an indication of policy priorities, it is clear that hotlines for illegal content and awareness-raising efforts are the two most important areas, together comprising over two-thirds of the total budget (see figure 6.1 below). This is underlined when one also considers that the category ‘combined nodes’ represents funding for organizations undertaking both national hotlines and national awareness centres, reflecting the recent turn in EC policy to preferring to centralize and combine online safety efforts, also on a national level. Filtering efforts – especially prominent in the first stages of the programme – received substantial funding. The combined project support for the first nine years was €42,663,000, excluding funding for preparatory actions. Knowledge base, often referred to as ‘knowledge enhancement’, is a new feature of the Safer Internet Programme, which may explain why less funding has been allocated in total. While firmly embedded in research-related activities, this effort is not defined as funded research, but instead as informing policy development.

Table 6.1 Overview of EC safer internet programmes

Period	Name of programme	Budget	Main objective	Scope extended to include
1999–2004	Safer Internet Action Plan	€ 38.3 million	<ul style="list-style-type: none"> • Create a European network of hotline (2004). • Develop filtering and rating systems by benchmarking filtering software and services and encouraging user-friendly content rating. • Encourage self-regulation and codes of conduct (including “quality-site labels”). • Set up a broadly-based European Network for awareness raising. 	
2005–2008	Safer Internet plus programme	€ 45 million	<ul style="list-style-type: none"> • Fighting against illegal content. • Tackling unwanted and harmful content. • Promoting a safer environment. • Raising awareness. 	<p>New online technologies are covered including:</p> <ul style="list-style-type: none"> • Mobile and broadband content. • Online games. • Peer-to-peer file transfer. • All forms of real-time communications (chat rooms, instant messages). • A broader range of illegal and harmful content and conduct of concern are covered, including racism and violence.
2009–2013	Safer Internet Programme	€ 55 million	<ul style="list-style-type: none"> • Increase public awareness. • Provide the public with a network of contact points for reporting illegal and harmful content and conduct, in particular on child sexual abuse material, grooming and cyber bullying. • Foster self-regulatory initiatives in this field and involve children in creating a safer online environment. • Establish a knowledge base on new trends in the use of online technologies and their consequences for children’s lives. 	<p>Emerging online technologies:</p> <ul style="list-style-type: none"> • Cover harmful conduct, like grooming and cyber-bullying • Aim at establishing a knowledge base within this field, in order to ensure maximum impact of the activities and to be able to take up new uses and risks.

REGULATION AS LEGITIMATE PROTECTION

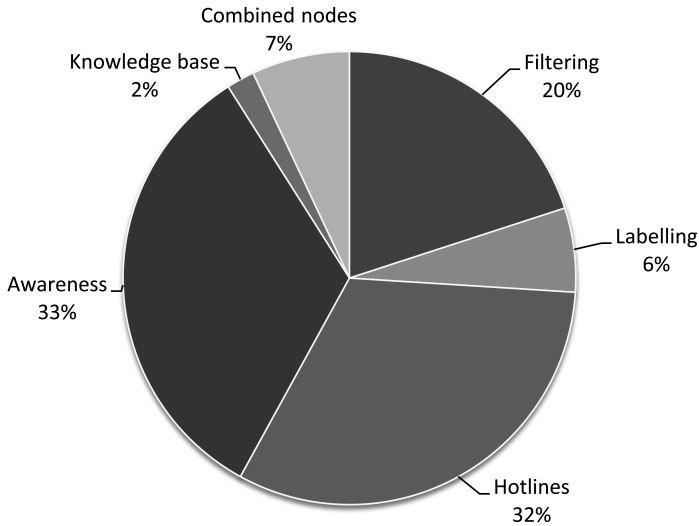


Figure 6.1 Distribution of EC funding for online safety action lines 1999–2008¹⁶

In addition to the EC's direct financial support of projects and initiatives and the organizing of meetings, provisions are given for 'supporting activities' such as public consultations. An important part of the latter is the annual 'Safer Internet Forum' organized by the European Commission and taking place at their premises in Luxembourg, where various stakeholders, especially those connected to the EC via project funding, meet to present results and discuss pressing issues as suggested by the EC.

Policy Pillars

Summarizing the efforts and allocation of funding as described above, one can identify five key policy pillars of the management and regulation of online risk: legislation, hotlines, self-regulation, filtering and content classification and

¹⁶ For figures generated from various research and evaluation reports on and from completed EC-funded projects, see http://ec.europa.eu/information_society/activities/sip/projects/completed/index_en.htm for overviews. Reliable data could not be obtained for projects not completed by the time of writing. In addition to this comes support for other initiatives, such as self-regulation schemes where the EC does not provide project funding, but rather host industry and stakeholder meetings and conducts independent evaluations and other similar supporting activities.

awareness raising. In the following pages these pillars will be used to structure the presentation of how online risk is regulated, whether they are defined as illegal or not. As discussed in the previous chapter, the risks we are concerned with are subjective constructs, and do not always cross the barrier into illegality. While some content, like pornography and racist material, is illegal in some countries, it is only what is commonly referred to as ‘child pornography’ (child sexual abuse material) that is illegal in all European countries.¹⁷

Filtering and Content Classification

From the outset, European policy on online safety had a strong emphasis on the development of technical tools which could aid parents and teachers in protecting children from potentially harmful and unwanted online content. In the first work programme for the Safer Internet Action Plan (1999–2002), two technical solutions were strongly supported: projects that would *demonstrate the benefits of filtering and rating* and projects that could *facilitate international agreement on rating systems of online content* (DG Information Society European Commission 2001b; European Commission 1999–2002). For the former, the objective was to encourage the establishing of European systems. For the latter, the objective was directly linked to a concern of Europe being left behind:

Work is already underway in a number of bodies dealing with protocols and with the design of a rating system to deal with the various requirements. It is essential that Europe’s voice be heard in international discussions and concertation meetings will be organized to ensure this. (European Commission 1999–2002, p. 11)

The wish for European filtering and classification tools was also part of a homogenization effort, trying to implement standard systems across the member states. For instance, in 2002 the European Commission consigned a large study aiming to both: 1) identify the economic impact of ratings heterogeneity, and 2) to uncover any confusion that it may cause, particularly in parents, teachers or others responsible for minors (see Olsberg|SPI and KEA European Affairs 2003). The report, however, concluded that there was no industry or consumer pressure for homogeneity, but that there was ‘structural pressure’ towards uniformity pointing to technological changes and the ‘twin forces’ of globalization and convergence (Olsberg|SPI and KEA European Affairs 2003, p. 16).

17 For more on the legislative specifics on this, see for instance Mouvement Anti-Pédophilie sur Internet (1997), O’Donnell and Milner (2007), Staksrud (2013) and The Council of The European Union (2003).

Commenting on the subsequent transformation of the Internet Action Plan into a multi-annual programme, the European Economic and Social Committee (EESC)¹⁸ linked the development of positive content for children to the development of filtering tools, articulating a vision for

... an enlarged walled garden [that] could be created and moderated for children under a .kids.eu domain as envisaged in the *US [sic]. However it would have to be protected from paedophile activity and the need for more filtering and “notice and take down” on the rest of the Internet would remain, since children could not be expected to be limited to such an area (they would want to visit museums etc. at least) and since adult views on taste and decency also require a response. (European Economic and Social Committee 2002, p. 5)

In the wish to develop a comprehensive European system for the labelling and classification of online content, the European Commission strongly endorsed¹⁹ the adoption of the RSACi-system (Recreational Software Advisory Council on the Internet) from ICRA (Internet Content and Rating Association). The system originated after US Senators Lieberman and Kohl introduced legislation in 1994 to create a government-run ratings board for computer and video games, but at the same time gave the industry one year to create a self-regulatory scheme. By the summer of 1994 the US Software Publishers Association and five other US trade associations came together and created the RSACi content rating system (ICRA 2000). The system, gradually also being adopted for online content, was based on the idea that internet services and content providers, as well as independent third parties and industry organizations, would classify and label internet content (websites) by assessing their content in the four categories of nudity, sex, violence and bad language. Generally, labelling of online content was seen as the least intrusive system for parental control ‘while protecting freedom of expression’ (Balkam 2001). The ICRA organization, defining themselves as an independent, non-commercial organization, was owned by key industry actors such as Microsoft, IBM, American Online, Bertelsmann Foundation, Cable & Wireless, Deutsche Telecom Online Service and the

18 The European Economic and Social Committee (EESC) is a consultative body that gives representatives of Europe’s socio-occupational interest groups, and others, a formal platform to express their points of views on EU issues. Its opinions are forwarded to the larger institutions – the Council, the Commission and the European Parliament. It thus has a key role to play in the Union’s decision-making process (EESC 2010). See <http://www.eesc.europa.eu> for more information.

19 See for instance http://ec.europa.eu/information_society/activities/sip/projects/completed/filtering_content_labelling/filtering/icrasafe/index_en.htm for more details on the support for the ICRA organization.

Japanese Electronic Network Consortium (see Staksrud 2002, pp. 77–89 for a detailed account of the system and the stakeholders behind it). In addition, the system received support from leading companies within the online adult entertainment industry, most notably the Adult Chamber of Commerce, Adult Entertainment Broadcast Network, Larry Flynt Productions and Playboy Enterprises Inc. (AVN Online, 2002).

The promise of the ICRA system was such that the European Economic and Social Committee advocated that Internet content providers that did not rate their content with the RSACi system using the ICRA standard should be ‘frozen out of the market’. Thus, the EESC wanted all computers sold to have child-safety software pre-installed, and set to the highest security level by default (European Economic and Social Committee 2001, p. 8). The ICRA also wanted to make the system applicable to all media platforms, and, early on, formulated proposals for how the ICRA system could replace national movie ratings systems (ICRA 2001). However, the ICRA system did not deliver as expected, and by 2011 it was discontinued (Family Online Safety Institute 2010).

In addition to the ICRA system, the EC has also endorsed other efforts such as the ‘World Wide Web Safe Surfing Project’ (2001) aimed at using third-party filtering to ‘white-wash’ and filter online content as it is created, based on a central rating team and computer aided techniques (Webwasher 2001).

The focus on filtering and rating efforts by the EC was controversial and generated criticism from children’s rights advocates, regulatory authorities and industry stakeholders (Electronic Privacy Information Centre 1999; Staksrud 2002), as well as concern from academics (Oswell 1999; Price 2002). However, it also garnered strong appraisal and academic support (see for instance Waltermann and Machill 2000). While recognizing the two main criticisms, that filtering does not work and that it chills free speech,²⁰ the EU view was, as phrased by the European Commission, that: 1) filtering is a form of user empowerment; 2) filtering is a parental choice; and 3) filtering tools should meet the individual requirements of European users (DG Information Society European Commission 2001b). In respect to the latter, EC Commissionaire Erkki Liikanen emphasized that parents and teachers should have the means to ‘filter according to their value judgments’ and that cultural and linguistic differences should be taken into account (Liikanen 2000).

20 It should be noted that there is a historical and wide-ranging heated debate concerning the relationship between producers of pornography and free speech advocates. An example of how these are seen as the same is found in Lacombe (1988) advocating against pornography: ‘the civil libertarian views are shared and expressed by civil liberties advocates, gay men, the art community in general, the media, and the pornography industry’. It should also be noted that Lacombe uses this to demonstrate the role of the (Canadian) state in manipulation of ‘social problems’ through moral panics.

While the issue of content filtering has lost ground for the past years in terms of allocated funding, there are signs of the debate being revitalized by newer incidents where national courts have ordered ISPs to block and/or filter certain websites and networks due to copyright infringements. However, recent legal opinions suggest that such orders violate 'European fundamental rights' (Anderson 2011). The implications for child-protection filtering versus rights are yet to be clarified.

Self-regulation

The self-regulatory action line can be seen in relation to the self-regulatory framework advocated by the Council Recommendation on Protections of Minors and Human Dignity in 1998 (European Council 1998b). In this recommendation, indicative guidelines are presented for the national implementation of a self-regulatory framework for the protection of minors and human dignity in online audiovisual and information services. The purpose was

... to foster a climate of confidence in the on-line audiovisual and information services industry by ensuring broad consistency, at Community level, in the development, by the businesses and other parties concerned, of national self-regulation frameworks for the protection of minors and human dignity. (European Council 1998b, p. 52)

A clear definition of what self-regulation *is* is generally not available in policy documents emphasizing the need for such. However, in 2003 an inter-institutional agreement on better law-making provided the first definition of self-and co-regulation, in agreement with the European Council, the European Parliament and the European Commission:

Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organizations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).

... Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations). (European Parliament, Council, & Commission 2003 points 18 & 22)

As previously noted, one of the key arguments for self-regulation, especially in relation to ICT issues, is that the industry can keep up with technological

developments better than governmental institutions can. However, risk management and evasion will also require them to keep pace with children and safety challenges. Thus, early on, the EC provided indicative guidelines to their member states on how to also implement self-regulatory frameworks on a national level for the protection of minors and human dignity in online audiovisual and information services (European Council, 1998a). The approach is also prominent in the US, where self-regulation has long traditions, including the field of child internet safety. Support of self-regulation is embedded in US protection legislation itself, such as the Children's Online Privacy Protection Act, where it is stated:

SELF-REGULATORY INCENTIVES. – In prescribing regulations under section 1303, the Commission shall provide incentives for self-regulation by operators to implement the protections afforded children under the regulatory requirements described in subsection (b) of that section. (United States Federal Trade Commission 1998)

It should, however, be emphasized that the issue of the industry's responsibility to contribute to media literacy programs has been an issue of conflict in the US between educators advocating media companies' social responsibility (such as The Alliance for a Media Literate America), and the Action Coalition for Media Education believing media literacy education should be independent from corporate funding (see Hobbs 2008, pp. 442–3).

In the first Work Programme for the Safer Internet Action Plan (1999–2002), the importance of self-regulation and codes of conduct was emphasized by the EC:

For the industry to contribute effectively to restricting the flow of illegal and harmful content,²¹ it is also important to encourage enterprises to develop a self-regulatory framework through cooperation between them and the other parties concerned. The self-regulatory mechanism should provide a high level of protection and address questions of traceability. In view of the transnational nature of communications networks, the effectiveness of self-regulation measures will be strengthened, at European Union level, by coordination of national initiatives between the bodies responsible for their implementation. (European Commission 1999–2002, p. 6)

The commitment to self-regulation was also re-enforced by the ministerial Prague declaration in 2009, which, among other things, urged the European

21 For a critical discussion of the ECs use of the term 'illegal and harmful content', see Price (2002).

Commission through the SIP to ‘continue stimulating a dialogue on the European level with the private sector, especially internet service providers, aiming at encouraging them to adopt self regulation measures, in a similar approach to the existing examples ...; (Czech Presidency of the Council of the EU 2009, p. 8).

However, this approach was not undisputed within the institutions of the European Union: for instance. the European Economic and Social Committee, while seeing Internet safety as a consumer issue, expressed concern over the efficiency of self-regulation and recommended that the self-regulation be supported by a ‘background of legislation’, thus advocating co-regulation rather than self-regulation (European Economic and Social Committee 2002, p. 6).²² At the same time, as discussed by Cammaerts (2011), the support for self-regulation can also be seen as part of ‘multi-stakeholderism’, aimed at increasing legitimacy for European institutions bridging the gap between those who govern and those being governed.

In Europe, the ‘poster-child’ for self-regulation can be found in the regulation of computer games. Originally building on the Dutch *Kijkwijzer* system,²³ the European Commission, along with national regulatory bodies, especially those involved in the classification of movies, agreed on establishing a pan-European system for self-rating and labelling of computer games (NICAM 2001; Working Group for the Development of a European Rating System for Interactive Leisure Software 2001, 9–10 July).²⁴ The system, called the Pan-European Game Information (PEGI), was motivated by an increased fear from the industry that various national legislations for content classification and regulation would be implemented,²⁵ giving a substantial financial incentive for providing a pan-European system as ‘chaos threatens’ (Roger Bennett from Elspa,²⁶ quoted from the initiative meeting (ELSPA 2001)). The system and the endorsement from the EC are described by PEGI itself as follows:

22 For an instant detangling of the theoretical background and definitions for various concepts of regulation, see Schulz and Held (2010).

23 See <http://www.kijkwijzer.nl/> for more information.

24 The foremost initiative was a meeting organized by the Dutch NICAM, hosted by the European Commission DG Information Society and led by Roger Bennet from Elspa (NICAM, 2001). See also ELSPA (2001).

25 Especially the then newly introduced national legislation in Finland sparked the process; see legal rule Nr.775–780, 2000 (Finlands Författningssamling 2000). Similarly, the Norwegian Board of Film Classification mapped out the regulatory possibilities of computer games in Norway, suggesting concrete amendments to the legislation concerning film and video in order to include computer games in the regulatory portfolio of the board (Statens Filmtilsyn 1998)

26 The Entertainment and Leisure Software Publishers Association, since 2010 known as the UK Interactive Entertainment Association.

CHILDREN IN THE ONLINE WORLD

Age ratings are systems used to ensure that entertainment content, such as films, videos, DVDs, and computer games, are clearly labelled [sic] by age according to the content they contain. Age ratings provide guidance to consumers (particularly parents) to help them decide whether or not to buy a particular product. ... The rating on a game confirms that it is suitable for players over a certain age. Accordingly, a PEGI 7 game is only suitable for those aged seven and above and a PEGI 18 game is only suitable for adults aged eighteen and above. The PEGI rating considers the age suitability of a game, not the level of difficulty. ... PEGI is used and recognized throughout Europe and has the enthusiastic support of the European Commission. It is considered to be a model of European harmonization in the field of the protection of children. (ELSPA 2001)

PEGI was supported by the major console manufacturers, and, by 2008, applied to the vast majority of the EU member states²⁷ (European Commission, 2008, p. 4), in addition to Norway.

Albeit eventually successful, the process of establishment was not without tension. As, specially, cultural differences created challenges. As recollected by a Norwegian representative at the meeting, Mr Dag Asbjørnsen (at the time from the Norwegian Board of Film Classification, representing Norwegian interests in the discussions), the UK representatives, focusing largely on sexually explicit content, generated discussions:

During the discussions between European regulators on which symbols to use indicating sexual content, violence etc, the Dutch suggested to use the pictogram called 'the feet' [see illustration] to symbolize sexual content. This symbol was a simple drawing of two feet on top of two other feet. The British delegation could not accept this as the symbol itself was sexually explicit. (Asbjørnsen 2011)

And similarly:

In a discussion on what type of content which would be sexually explicit in computer games the British delegation came up with breast feeding. If breast feeding occurred in a game, this would have to lead to a higher age limit, they claimed. The Danish delegation was furious. Breast feeding is a natural thing, they said, and only a pervert would associate this with sex. (Asbjørnsen 2011)

It is not known if the hypothetical issue of breast-feeding in computer games has ever become a reality. It is, however, clear that in the end the original Dutch

27 Austria (partly), Belgium, Bulgaria, Czech republic, Denmark, Estonia, Spain, Finland, France, Greece, Hungary, Italy, Ireland, Latvia (legislation based on PEGI), The Netherlands, Poland, Portugal (legislation based on PEGI), Slovakia, Sweden, UK.

symbol for sexual content was changed into the two symbols of gender (see Figure 6.2) in order to make sure that the pictogram itself did not require games to be rated for mature audiences in the UK.



Figure 6.2 ‘The feet’

In 2007, Commissionaire Viviane Reding participated in the extension of PEGI into PEGIONline, providing a repeated and strong endorsement of the system and describing it as a ‘good industry initiative developed in co-operation with other stakeholders which allows a rapid and flexible solution to the problems of new technology and greater safety for our children’, and at the same time asking the industry to ‘report regularly to the Commission and to the public’, then being self-regulation ‘with teeth’ (Reding 2007).²⁸

As of 2011, PEGI was owned by the Interactive Software Federation of Europe (ISFE), and administrated by the Netherlands Institute for the Classification of Audiovisual Media (NICAM) (checking the games rated 3 and 7 against the PEGI criteria) and the Video Standards Council (VSC) in the

²⁸ It should also be noted that a ‘PEGI Council’ is in place, consisting mainly of representatives from national governmental and regulatory bodies, under the objective of ensuring a two-way flow of information between PEGI and the PEGI countries (PEGI 2010, p. 13).

UK (checking the games with 12,16 and 18 ratings) (PEGI 2011a).²⁹ By 2010, PEGI-rated products were marketed in 30 countries (PEGI 2010). The labels are intended as information for parents, indicating a recommended age for the player, as well as giving information about potentially unwanted content the game may contain, such as bad language, sex and violence (see Figure 6.3). In addition, a ‘PEGI OK’ label has been introduced covering online casual games that can safely be played by all age groups.



Figure 6.3 PEGI rating system labels

Although the system is widely accepted as successful, ‘supporting informed adult choice but does not censor content’ (Reding 2007), it is, however, important to note that controversies exist, especially relating to single games. *Rule of Rose* (2013) is one example, and others include *Bully* (*Canis Canem*) (Rockstar New England 2008) and *We Dare* (Ubisoft 2011).³⁰ In addition, countries have separately banned certain video games, either formally or by equivalent measures (confiscation, refusal to issue rating or trade restrictions).

²⁹ The actual self-rating process takes place as follows: ‘Prior to release of each version of a game, publishers complete an on-line content assessment and declaration form. The first part of the form deals with legal provisions in certain European countries. The publisher then completes the second part of the form relating to the content assessment of the game and taking into account the possible presence of violence, sex and other sensitive visual or audio content. According to the declared content, PEGI allocates a provisional age rating along with content descriptors to indicate why the game has been allocated that age category. The PEGI administrator (NICAM or VSC depending on the provisional age rating given) are sent an examination pack which contains all of the information and material required to double-check the provisional rating against the PEGI criteria. The publisher is then issued with a licence authorising the use of the age rating label together with the related content descriptor(s) for the game’. (PEGI 2011b).

³⁰ See also Brown (2011) for an overview of the discussion of the latter.

In 2007, Ireland, the UK,³¹ Italy and Germany deemed ‘Manhunt 2’ (Rockstar North 2007) to be unfit for viewing because of its violent content.

Following the success of the PEGI system, two additional initiatives from the industry have received substantial endorsement and support from the EC in order to establish self-regulatory regimes. The first is the European Framework for Safer Mobile use by Young Teenagers and Children (European Commission 06.02.07; European mobile providers 2007). This agreement, resulting from discussions set up by the then Commissionaire Reding in 2006, describes the principles and measures the signatories should implement on a national level throughout Europe in order to increase mobile safety by ‘younger teenagers’ and children. The framework focuses on issues related to access control for adult content, awareness-raising campaigns for parents and children, the classification of commercial content and measures against illegal content distributed via mobile phones.³²

The second initiative is the Safer Social Networking Principles for the EU, signed by major social networks in Europe in February 2009. The agreement (Arto et al. 2009) consists of seven principles aiming to provide children with a safe experience when using SNS, and was developed in consultation with the European Commission. As part of its endorsement, the Commission committed to monitoring the implementation (European Commission 2009) of the principles through an independent review process of the services themselves (Lobe and Staksrud 2010; Staksrud and Lobe 2010), suggesting scope for improvement. These conclusions have later been supported by findings from direct research with children and their actual use of the social networking services of Europe (Livingstone, Ólafsson and Staksrud 2011b, accepted; Staksrud 2008c; Staksrud and Livingstone 2011).

In addition, there are continuous and ongoing processes to expand the self-regulatory schemes, most notably the industry-proposed self-regulatory *Principles for the safer use of connected devices and online services by children* (Shermer 2011).

With this backdrop, and while so many self-regulatory regimes exist in the Western welfare states of Europe, it is important to note that few of these can

31 In June 2007, the BBFC rejected ‘Manhunt 2’. This decision was overturned by the Video Appeals Committee in December 2007. The BBFC challenged this decision by judicial review before the High Court who referred the case back to the Video Appeals Committee that in March 2008 upheld its decision. The BBFC accordingly issued an ‘18’ certificate. The version passed is not the original version, but a modified one. Supplying an unclassified video game is punishable by up to two years’ imprisonment and/or an unlimited fine (European Commission 2008, p. 6).

32 For detailed information about this self-regulatory regime as well as implementation and evaluation reports see http://ec.europa.eu/information_society/activities/sip/self_reg/phones/index_en.htm.

be considered to be true self-regulation. Most initiatives are strongly endorsed, and even monitored by the EC. In addition, many national initiatives, such as hotlines and NICAM, benefit from a legislative framework, having their existence and operations legitimized. Thus, as claimed by Oswell (2008 p. 484), ‘Self-regulation is not separate from legal regulation, but rather it operates in the context of statutory powers and law enforcement agencies’.³³

Hotlines

In the early days of publicly accessible Internet, following a number of public debates and growing concerns over the use of this new medium being used for paedophiles for the publication and exchange of abusive material, concerned stakeholders questioned the ability of the police to prevent such illegal activities. Thus, in 1996, the first Internet Child Pornography hotline was established in the Netherlands ‘by concerned individuals of the industry’, followed by initiatives in Norway (by Save the Children), Belgium and the UK (Inhope 2011a). In 1998, the high profile ‘cybertipline’ was established in the US, and several other countries launched similar initiatives. Trying to create cooperation and exchange between such hotlines, a project – Internet Hotline Providers of Europe (Inhope) – was supported under the EC Daphne program ‘to establish a forum for European hotlines to meet and discuss common issues of concern’ (Inhope 2011a).³⁴ Since then, the Inhope network has grown in size, and the EC’s Safer Internet Action plan/programme has provided financial support both for national hotlines and for the organization as a whole. Due to differences in national legislation and the specific interests of national initiatives as well as cultural differences, the hotlines under Inhope differ somewhat in terms of what types of content are considered relevant. While most deal only with the depiction of the sexual abuse of children (‘child pornography’), some also include racist/hate speech and other types of illegal material.³⁵ Typically, these hotlines are run by non-governmental organizations such as the UK-based Internet Watch Foundation or Save the Children in Denmark, allowing users to report abusive images and videos they come across. Promising anonymity for the tipper, the hotline will collect information about the cases and forward these to the local police, Interpol or another hotline in another country.

33 The issue of co-regulation in relation to the Internet is a research field of its own (see for instance Edwards 2005; Haufler 2001; Jacobs 2007; Stipp 2007).

34 See www.inhope.org for more and up-to-date information on members and working hotlines.

35 For a discussion on the (then) various issues and considerations in the period of establishment of European hotlines, see Burkert (2000). As of 2012, the Inhope organization defines three types of online content under its scope: child sexual abuse material (child pornography), illegal activity including grooming, and online hate/xenophobia.

Two often cited assumptions provide the regulatory rationale for hotlines: 1) Internet users (people) coming across child pornography and other illegal content on the Internet will not be willing to report this directly to the police; and 2) established national structures (such as the police) cannot cooperate internationally and manage the technology in such a way that borderless illegal content can be combated effectively. However, these claims are rarely problematized or questioned. Also, as national hotlines were largely developed by industry initiatives, or with industry endorsement of NGOs, some rationale can be found in the wish to use hotlines as a self-regulatory answer, trying to avoid ISP responsibility for user content and distribution. At the same time, many receive governmental financial support.

The EC supports both the INHOPE organization of hotlines and national hotlines directly through project funding, with a strong emphasis on synergy effects.³⁶

Awareness

Awareness raising is perhaps the most central (cf. the discussion on allocation of funding) of the policy pillars/action lines of the European Community. The Awareness action line started out with the purpose of making *adults* aware of the potentials and drawbacks of the Internet, and of the means to identify useful content and how to block harmful content (European Commission 1999–2002, p. 11). The logic of the European Commission's awareness approach has been to move from national efforts to multiple transnational projects to(wards) a cohesive European network (DG Information Society European Commission 2001a). The original objective of this action line was to 'pump-prime large-scale awareness actions and to provide overall coordination and exchange of experiences' (European Commission 1999–2002, p. 13). Beginning with preparing the ground for awareness actions by identifying players, dissemination channels and content, the target audience was identified as parents and teachers (note, not children themselves), and the action was expected to involve industry and 'multipliers' – identified as consumer associations and the education sector (European Commission 1999–2002, p. 14). For the full-scale awareness actions, two areas were identified: in the first phase the focus was on teachers and not on 'the general public', where parents and children might be considered to be part of the latter. In the second phase projects (2002–04), the importance of finding the state of the art was recognized, thus providing funding for awareness projects that also had an element of research and collection of data.

36 Increased synergy with other services is also one of the key future recommendations from the European Commission to the European Parliament, Council and other EC bodies (European Commission, 2011b).

Specifically, the SAFT project (2002–04) was supported, providing coordinated and large-scale awareness actions towards teachers, children and parents, as well as other stakeholders, based on the SAFT 2003 survey of children (9–16) and parents in Denmark, Iceland, Ireland, Norway and Sweden. The other project with a research element was MEDIAPPRO (2005–06), focusing on the collection and analysis of existing studies of children’s use of the Internet and new technologies, providing a ‘complementary observation’ (study) and developing a set of educational recommendations.³⁷ The relevance of acquiring facts about children’s actual use of the Internet and parental attitudes and fears connected with this was demonstrated in these two projects. This, combined with Eurobarometer results on the issue made the EC decide that ‘knowledge enhancement’ should be a continued part of awareness policy. Firstly, three distinct awareness-raising efforts were included in the calls for funding: 1) to set up a ‘broadly based European network’; 2) to ensure applied research on media education for all ‘interested’ parties, such as bodies of education, NGOs, parents, teachers, industry and law enforcement (but note: not the children themselves); and 3) make use of the Eurobarometer survey to provide data about all member states on the issue of public awareness of internet safety (European Commission 2004). Then, in 2005, a new action line of *knowledge enhancement* was introduced, funding two knowledge-based projects (2006–09), namely the EU Kids Online project (€500,000)³⁸ and the Youth Protection Roundtable (€380,000).³⁹

In addition, using the same model as with hotlines, funding has been given to national stakeholders to create awareness centres, coordinated through a pan-European network called INSAFE. According to the EC, the centres’ main tasks are described as:

... raising awareness related to potential risks young people may encounter online. They develop information material; organize events such as Safer Internet Day, their biggest yearly international event; organize information

37 See http://ec.europa.eu/information_society/activities/sip/projects/completed/awareness/mediapro/index_en.htm for more detailed information on the EC’s support of this project, and <http://www.mediapro.org/> and Mediapro (2006) for more on the project itself.

38 See http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=SIP-2005-MD-038229 for more detailed information on the EC’s support of this project and [http://www2.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20I%20\(2006-9\)/Home.aspx](http://www2.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20I%20(2006-9)/Home.aspx) for more on the project itself.

39 See http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=SIP-2005-UE-518747 for more detailed information on the EC’s support of this project and <http://www.yprt.eu/ypert/content/sections/> for more on the project itself.

sessions for parents, children and teachers. In addition, they set up youth panels to be consulted for the development of awareness raising activities, material and campaigns. (European Commission 2011c)

From 2009, the Safer Internet Programme included provisions to ‘establish a knowledge base on new trends in the use of online technologies and their consequences for children’s lives’ in order to ‘ensure maximum impact of the activities and to be able to take up new use and risks’ (as shown in Table 6.1 above). The EU Kids Online project as well as its follow-up, EU Kids II (see www.eukidsonline.net), are examples of such initiatives supported by the EC; a further example is the European Online Grooming Project (POG) (2009–2011), which studies sexual offenders targeting young people online,⁴⁰ and also ROBERT (*Risktaking Online Behavior – Empowerment through Research and Training*) (2010–12), aimed at creating safer online interaction for children by learning from experiences of online abuse processes.⁴¹

Awareness and knowledge enhancement efforts also inform back to and influence EC policy: for instance, a report on children and their use of social networking sites (Livingstone et al. 2011b) provoked an instant response from the EC in relating the findings to their support and expectations towards the self-regulation of such sites (European Commission 2011a).

Legislation

From the 1997 consultation of the Green Paper for the protection of minors and human dignity in audiovisual media, there was broad agreement that, strictly speaking, there is no legal vacuum regarding the protection of minors and human dignity, not even in online and Internet services. According to the principle of territorial jurisdiction, the law and the principles of the protection of fundamental rights apply to the national territory of the state and hence also apply to online services (European Commission 1997). The original EC Internet Action Plan had four defined legislative documents underpinning the action: communication on the European Commission initiative for the Special European Council of Lisbon 23 and 24 March 2000 (European Commission,

40 See http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=SIP-2008-KEP-311804 for more detailed information on the EC’s support of this project, and <http://www.europeanonlinegroomingproject.com/> for more on the project itself.

41 See http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=SI-2009-KEP-410905 for more detailed information on the EC’s support of the project, and <http://www.childcentre.info/robert/> for more on the project itself. It should be noted that the author acted as a consultant for this project in 2010.

2000c), focusing on the creation of a digitally connected and literate Europe to ensure entrepreneurial culture and new ideas with a focus on issues like e-commerce possibilities; the initiative from the Republic of Austria with a view to adopting a Council Decision to combat child pornography on the Internet (The Council of the European Union 1999); the previously mentioned European Council recommendation on the development of competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity (European Council, 1998b); and the decision of the European Parliament and of the Council of 25 January 1999 to adopt the multi-annual action plan itself (European Parliament and European Council 1999).⁴² The Safer Internet Programme also connects to the Communication on the protection of consumers, in particular minors, in respect to the use of video games; the Media Literacy Initiative; The European Forum on the Rights of the Child; the Daphne III initiative aiming to contribute to the protection against all forms of violence; and the European Financial Coalition – these are all set up to fight child abuse content on the Internet.⁴³



In summary, the European institutional approach to the issue of how to regulate online risk is characterized by a strong focus on industry-driven solutions such as filtering, classification, hotlines and self-regulation. In addition, EC policymakers have sought to establish an intermediate level consisting of NGOs and industry between national and international investigating authorities (like the police and Interpol) and Internet users, under the assumption that users (people) will not report illegal activities they may observe to the police if such activities are observed online. In terms of funding, a project with a cross- and pan-European approach is preferred. Under the Safer Internet Programme, governmental institutions compete for funding on the same terms as NGOs and industry stakeholders. Finally, in terms of awareness raising, the initial focus was related to information activities directed towards adults and concentrating on issues of online *content* and *conduct* only; this understanding has evolved to also include initiatives towards and including children themselves, and widening the scope to further include conduct issues, especially issues of online bullying.

42 These documents were specifically provided as background documentation from the European Commission when informing about the Internet Action Plan on the ‘Awareness Information Day’ in Brussels on 27 January 2000.

43 See http://ec.europa.eu/information_society/activities/sip/policy/activities/index_en.htm for more details on these initiatives and how they relate to the Safer Internet Programme.

Chapter 7

From Authority to Advisory

In the previous chapter it was established that online risk for children in Western welfare states is regulated by a supra-national venture mainly in the hands of the EU, based on five policy pillars: filtering and classification, self-regulation, hotlines, awareness and legislation. These policy pillars are meant to prop up the stakeholders who are doing the actual practical Internet safety work and initiatives.

Back to Beck

In the theory of individualization, Beck (2007, pp. 682–3) argues that while the twenty-first century has seen an outsourcing of key safety-providing institutions, there has also been a form of ‘in-sourcing’, where features, functions and activities that were assigned to the welfare state now are transferred ‘inward and outward’, to global or international organizations or to the individual. Beck’s recipe for testing the individualization theory is to use historical sector analysis, by looking at:

... how the individualization finds expression in the societal semantics of law and; the general outsourcing of key institutions which relieve the individual or provide him with security and orientation. (Beck 2007, p. 682)

In the reflexive modern society, where the (institutionalized) individualization takes place, there is no limit to the available options one faces. Instead, Beck claims (Beck et al. 2003, p. 20), existing boundaries have been created along with the decisions that are made. These boundaries have an artificial nature that is freely recognized as such, but yet are *legitimate* boundaries that have been institutionalized into systematic procedures that affect everyday life. Thus, ‘you are obliged to standardize your own existence’ (Beck and Beck-Gernsheim 1995, p. 7).

Also, the theory of individualization claims that the deregulation of institutions providing the individual with security and protection is an overriding symptom of society. So, it should be relevant to all sectors. Technological developments are not stated as a prerequisite *per se*. However, it is interesting in terms of media research to see how the theoretical description of the period of application, the past 30 years, has coincided with the explosive development of new information and communication technologies in general and the Internet in particular. As shown in the previous chapter, media risk is also technological

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risk. The increased production and distributions of risk from complex techno-scientific systems is one of the characteristics of high modernity (Jackson et al. 2005, p. 246). Or, as argued by Lash when explaining Beck:

The second modernity's totally normal chaos is regulated by non-linear systems. It is also regulated by an extraordinary powerful interlacing of social and technical systems: by, precisely, socio-technical systems. It is at the interface of the social and the technical that we find the second-modernity's individual. It is at this interface that we take on the precarious freedom of a "life of our own"; that we "invent the political", that we take on ecological responsibility. The individual in the second modernity is profoundly a socio-technical subject. (Lash 2001, pp. xii-xiii)

Following the individualization theory, we should expect to find empirical evidence that those tasks previously performed by the traditional governmental institutions of the welfare state are now left to international organizations or to the individual. What are these institutions that can regulate individuals with differentiated wishes, choices and requests? What institutions oblige us to standardize our own existence, while still enabling the individuals to be reflexive, finding their own rules? Lash (2001, p. xii) takes on Beck by suggesting (or foreseeing) that these new, modern institutions would be governed by constitutional rather than regulative law. I would suggest that a more tangible way of identifying such changes is in the practical reorientation from national regulatory authorities to institutionalized advisory boards and to NGOs with semi-formal public tasks: a transformation where the institutions are internally 'attuning' the organization to a new understanding and organizational identity, and externally providing suggestions, advice and encouragement, where institutions operate in a marketplace of advice, not being the sole provider of premises, but having to compete for attention with others seeking to give similar or alternative advice. The final decision is placed in the hands of the individual, but with the embedded expectations of complying and standardizing. This is in contrast to top-down regulations and prohibitions where compliance is required, but not expected. This transformation could be such a regulation without rules, the mere characteristic of a society of the reflexive modernity.

Consequently, I would argue that Lash's take on Beck is too limited. There are additional policy players that need to be considered and seen as a potential usurper of former public tasks, namely industry and NGOs (non-governmental organizations). Within the field of Internet safety for children, the new function of counselling and advising is not only in the hands of the reformed and restructured government bodies, but also the commercial service providers and NGOs.¹ This is

1 A similar development is demonstrated by Hobbs (2008, p. 432), where multiple stakeholders become invested in the shaping of children's being and doing in the field of education versus development of new literacies.

to the extent that it is *the* preferred policy, as the earlier elaboration on the official EC policy pillars demonstrates. The changed responsibility of protecting children from potential media harm, from the institutional level to the individual level, puts an increased opportunity as well as pressure on voluntary organizations for information and support. Thus, in the following pages I will use Beck's theory to discuss two issues of change: 1) the changes in the societal semantics of law by looking at formal institutional changes and the internal 'attuning' of these organizations; and 2) the outsourcing of the functions of public institutions.

The Societal Semantics of Law

According to Beck, the aspects of individualization can only be established by historical sector analysis which investigates how aspects of individualization find expression in the societal semantics of law. What are the societal semantics of law? Beck describes this as something that can be found:

... in the texts of legislation or commentaries on legislation and in the practice of the administration of justice (against the background of public discourses and political debate) or also in current and future reforms of the welfare state and of the labour market.² (Beck 2007, p. 682)

In the context of this work, the societal semantics of law will be investigated primarily by looking at legislative changes pertaining to the overall functions and structures of institutions. The regulatory institutions we are concerned with are directly involved in enforcing legislation related to children's access to and use of media, with a child protection rationale. Traditionally, these institutions have dealt with issues of age restrictions in relation to film in cinemas (and from the 1980s also home video), and are mostly known as 'Film Censorship Boards' or 'Film Classification Boards'. In this chapter I will briefly present the larger formal organizational changes that have occurred in these institutions over the past 30 years in some of the welfare states of Europe: Denmark, Sweden, the Netherlands and Norway. Then I will discuss the increased cooperation with other stakeholders as a sign of a new understanding of organizational commitments and identity. This approach is considered relevant to uncover potential signs of individualization in the societal semantics of law, as defined by Beck.

2 Beck's definition bears resemblance to the Critical Discourse Analysis (CDA), see Lentz (2011).

Denmark: Protection through User Empowerment

In Denmark there has been a substantial transformation of the old censorship institution. In May 1997, the *National Board of Film Censorship* (established in 1913) was abolished, and replaced by the *Media Council for Children and Young People*,³ with the responsibility also for newer media like the Internet and computer games. In the council's own words:

The reason why this change was implemented was due to a change of attitude towards film and censorship. Thus moving from being an old 'prohibition institution' to a new modern institution with a broader composition, and with more expansive commitments to protect children through user empowerment ... The new attitude towards the protection of children is updated to meet the challenges and conditions of network society. It is based on the observation that children appear to cope with the new conditions and challenges of network society far better than adults do. Moreover, recent media research reveals that the media are an important resource for children's acquisition of knowledge of the world about them. Finally, a number of studies show that children who develop the largest number of media skills in the broadest sense manage the new conditions best in terms of their own social, cultural and psychological development. (Medierådet for børn og unge 2010 online)

This explicit reference to user empowerment, as opposed to censorship and prohibition, as the essence of a new and modern institution, and also the reference to media technologies as an important source for children's knowledge of the world are particularly interesting. The transformation of the institution is not merely semantics, but in fact ideologically and politically framed. When defining their own most important messages relating to children and the media, the council emphasizes: *protection*, though limited to protection against vast amounts of violence; *reflection*, on media content; and the *development of children's competence*, through an active participation by parents, teachers and others. The core policy is based on the understandings that:

Media competence is developed not through prohibition but through knowledge and education; Users should have the opportunity to choose films and games based on a labeling system of guidelines rather than prohibitions; It is the Media Council's understanding that watching films is an experience that children can use as a source of knowledge to develop and form their imagination, narrative skills and insight. (Medierådet for børn og unge 2010)

3 Please note that the Media Council for Children and Young people was one of the partners in the first SAFT project.

Sweden: Children as the 'Ultimate Target Group'

In Sweden, the Swedish Media Council⁴ was established in 1990 as a governmental committee, but without any specified goal and no limitations on its lifespan. Its core purpose was to minimize the risks of harmful media influences on children and young people in all 'moving media' such as movies, TV, computer games and the Internet. The council existed side by side with the official film classification board (Statens biografbyrå), in operation since 1911. In 2003, an amendment was made to the council's directive, establishing it as a governmental expert advisory body on media development and consequences for children and young people (Kulturdepartementet 2003). Influenced and inspired by the Danish Media Council, provisions were also made to concentrate on information and awareness work, and required children and young people to be directly involved in the work of the committee. Where the Danes chose to focus on violence, the Swedes also included pornography. In addition, special requirements were made to prioritize efforts that generated *industry self-regulation* and *international cooperation*. In January 2011, a new authority – Statens medieråd (Swedish Media Council) – was established, merging the former national board of film classification and the Swedish Media Council.⁵ The new board emphasizes children and young people as 'the ultimate target group' and uses youth panels in its work to ensure 'advice from the real experts' (Statens Medieråd 2011).

Norway: From Censorship to 'User Safety'

In Norway, following an intense and heated debate, Statens filmkontroll (the State Film Control) was established in October 1913.⁶ In 1993 the name was changed to Statens filmtilsyn (Norwegian Board of Film Classification), symptomatic of a lessened focus on pre-screening censorship and more on classification and appropriate age limits. The age classification scheme for films has undergone several changes, such as the introduction of the 'companion rule' allowing younger children to see movies classified for an older age bracket when accompanied by an adult (Kulturdepartementet 1987 [2006] §5), and the

4 Please note that the Swedish Media Council was one of the partners in the first SAFT project.

5 Please note that the newly established organization has continued using the English name 'The Swedish Media Council', but have changed the Swedish name from Medierådet to Statens Medieråd. See <http://medieradet.se/Om-Medieradet/In-English/About-us/> for more information.

6 For historical reviews of the Norwegian film censorship, see Malm (1994) Meland and Igdun (2001), Nymo (2003), Evensmo (1969) and/or Skretting (1990, 1993, 2003).

abolishment of adult censorship⁷ (Dahl and Bastiansen 1999; Eggen 1999; Kulturdepartementet 1987 [2006]). Generally, these changes signified a shift in responsibility from the former Norwegian Board of Film Classification setting absolute age limits on movies for children, to a more flexible system allowing for some parental discretion.⁸ In 1995, a governmental action plan against violence in visual media was presented,⁹ where special attention was given to the fast emerging ‘new media’ like the Internet and computer games. As a result, the Film Classification Board was reorganized and a separate department of ‘new media’ was established in 1997 as a political and practical resource for issues of protection of children (Kulturdepartementet 1995; Pape, Isachsen and Jessen 1998; Smith-Isaksen and Higrapp 2004). Legislative changes also occurred, where criteria such as ‘morally corrupting’ was taken out of film classification scheme.¹⁰ Subsequently, the board publicly emphasized that its main focus was not adult censorship, but the protection of children (see Smith-Isaksen and Higrapp 2004 for a chronological documentation of the legislative as well as the public debate and its implications). From 2005, the film classification board was merged with the Norwegian Media Ownership Authority (Eierskapstilsynet) and the National Media Administration (Statens medieforvaltning). In this process, all information and classification activities towards children were combined into a new subdivision of ‘User Safety’ (Brukertrygghet).

The Netherlands: ‘Not for All Ages’

These processes are not unique to the Scandinavian countries. While Denmark, Norway and Sweden have chosen a change of institutions within the framework of the nation-state, the Netherlands chose not only to change the name and policy of an existing governmental institution, but to change its regulatory framework from state-regulation to self-regulation. The Dutch debate, starting as early as the beginning of the 1980s, pressed for self-regulatory measures rather than government classification to protect children (‘young viewers’) against possible harmful effects by audio-visual media. In 1997, the policy document ‘Niet voor alle

7 For a critical insight on the effects of the Norwegian censorship, see Bjørnsen, Erlandsen and Thon (1969).

8 Specifically, children, when accompanied by their guardians or other adults acting as guardians, are allowed to enter the cinema even if up to three years younger than the classification age under the following rules (four-year-olds can enter movies rated for seven years and older, eight-year-olds can enter movies rated for 11 years and older and 12-year-olds can enter movies rated for 15 years and older) (Kulturdepartementet 1987 [2006]§ 5).

9 For a critical review of this particular initiative, as well as a general discussion on state initiatives to control violence in visual media, see Erstad (1998).

10 For a legislative review of the Norwegian film and video legislation, see Jacobsen (1994).

leeftijden' ('Not for all ages') argued for self-regulation supported by an independent body. In 1999 the Netherlands Institute for the Classification of Audio-visual Media (NICAM) was established. NICAM then coordinated the development of Kijkwijzer, a classification system that warns parents and educators about up to what age a television programme or film can be harmful to children. In 2001 the new legislation then passed into law and replaced the old Film Censorship Act, ending film censorship (Nederlands Instituut voor de Classificatie van Audiovisual Media 2008). The role of governmental institutions is not entirely gone: according to NICAM, the Dutch government, through the Media Authority, closely monitors, investigates and evaluates the actual compliance with self-regulatory measures and the functioning of the self-regulatory system. In theory, if NICAM should fail to meet the legal conditions as stated in the Dutch Media Act, its accreditation can be withdrawn (Schulz and Held 2010, p. 54).¹¹

Transforming the Censors

In Denmark the council has gone, in their own words, from 'prohibition to media competence', while in Sweden the direct involvement of children has been important. In Norway, control has been replaced with user safety and empowerment and in the Netherlands, prohibition and government control as been substituted with self-regulation. Table 7.1 summarizes these changes, emphasizing the semantic changes in institutional names brought on by new legislation. Considering these institutional changes, it might seem that instead of the 'general outsourcing of key institutions that relieve the individual or provide him with security and orientation' predicted by Beck, these organizations have expanded and fortified their position, being able to adapt their organizations to newer technological developments. At the same time there is a clear practical shift from prohibition and enforcing strict age classification to advisory/guidance, making recommendations based on suitability, providing descriptive information, but leaving the final choice to the individual(s), whether that is the parent/caretaker or the children themselves. In addition, in the case of Sweden and the Netherlands, supporting and facilitating self-regulatory efforts is part of the task portfolio.

11 It is also recognized that in other European countries such as Germany and Austria, non-state bodies have traditionally played an important role, being responsible for age-classification. For more on details on these systems, see for instance Schulz and Held (2010, pp. 57–61) and Geretschlaeger (2000).

Table 7.1 Transformations of media protection authorities¹²

Country	Year of change	Original name (in English)	New name (in English)
Denmark	1997	National Board of Film Censorship.	Media Council for Children and Young People.
Netherland	2001 (law), (established 1999)	Dutch Film Classification Board.	The Netherlands Institute for the Classification of Audio-visual Media (NICAM).
Norway	2005	National board of film Classification (before 1993 'film control').	Department of User Safety (under the Media Authority).
Sweden	2011	Film Classification Board.	Media Council.

As demonstrated above, all the institutions related to the regulation of potentially harmful content in the Western welfare states have undergone changes, where restrictions are lifted and information and user empowerment is emphasized. But where is the motivation behind these changes located? If one were to take a rational view of the world of states, one would expect that governments carefully identify their purpose(s) and then organize the means of attaining them (Holsti 1992, p. 83). Referring to the need for reflexivity, and bringing forward my experience as a former government employee, the rational view of governments cannot be asserted.¹³ This also reflects back to the observations made in the previous chapter on how the perception of risk in the area of children and media content often seems to override the research and facts available, hence turning the management of risk into something with an embedded irrationality. The political arguments given for the change of the media regulatory institutions in Denmark, Sweden, the Netherlands and Norway all referred to the new landscape brought on by the new media technology. This change was rarely, if ever, questioned but instead taken for granted. There was an insistence that the Internet constitutes 'something new' and requires amended or even new legislation.

12 These types of changes are similar to the type of demonstration offered by Beck; on the issue of transformation of family law in Germany, see Beck (2007, p. 684).

13 See also for instance Egeberg (1984, pp. 20–63) on organizational design and the differences between organizations' formal normative structure and actual (behavioural) structure.

Today, technology specific legislation continues to be introduced, insisting that the Internet is still something ‘new’, despite evidence that current legislation is sufficient to cover the problems at hand. However, a legislative problem can be observed from the dilemma of applying general laws and enforcing them, as technical difficulties are attributed to the identification of offending operators and users.¹⁴ Consequently, there is a technical side to the politics. The Internet was intentionally designed to maximize efficiency, with the least possible amount of central control.¹⁵ This starting point is what has created problems for national legislation and regulatory schemes. Rasmussen (2008, p. 147) argues that when public authorities and commercial interests implement control functions on the Internet, there is a shift of balance between norms and technique, or between politics and technical regulation, where the technical part is strengthened. These challenges have not, in regard to the issue of children and protection, hindered country-specific legislation being introduced (Staksrud, 2013). Table 7.2 provides examples of some of these legislations around the world.

Table 7.2 Example of internet specific legislation for protection

Year	Country	Law
1996	USA	The Communications Decency Act (CDA)1.
1998	USA	Children’s Online Privacy Protection Act (COPPA).
1999	Australia	Criminal Code (Stalking) Amendment Act.
2000	USA	Children’s Internet Protection Act (CIPA).
2003	UK	Sexual Offences Act [grooming legislation] (2003).
2006	USA	Deleting Online Predators Act (DOPA) (Introduced 2006 & 2007, not signed).
2007	France	LOI n° 2007-297 du 5 mars 2007 relative à la prévention de la délinquance * [online delinquency act] (2007).
2007	Norway	Om lov om endringer i straffeloven 1902 mv. (straffebud om å møte et barn med forsett om å begå seksuelt overgrep mv.) [grooming legislation] (2006–2007).

Note. * This law was partially overturned by the Supreme Court in 1997 (Reno vs. ACLU).

14 While here addressing specific parts of the media regulation sector, the lack of traditional regulatory frameworks is also present in other sectors experiencing technological innovations, such as for nanotechnologies (Throne-Holst and Strandbakken 2009).

15 For an historical account of the development of the Internet and the ideology behind it, see for instance Hannemyr (2005, pp.13–39) and Ryan (2010).

Especially in the US, the balancing act between sexually explicit content, free speech and the protection of minors and/or decency has been particularly notable.¹⁶ Most laws introduced by Congress with the aim of protecting minors online have been subjected to legal challenges. Famous is the US Supreme court majority decision in *Reno vs. ACLU* to overturn the Communication Decency Act, arguing that ‘Any content-based regulation of the Internet, no matter how benign the purpose, could burn the global village to roast the pig’ (US Supreme Court majority decision, *Reno vs. ACLU* June 26, 1997, quoted in *American Civil Liberties Union*, 1999, p. 2). Consequently, early on, the EESC expressed great concerns that European legislation, such as the E-commerce Directive, was undermined by the US courts¹⁷ (EESC 2002, p. 6).¹⁸

Uncovering all the aspects of regulatory motivation is a full study in itself. However, one observation is to be made. Strikingly, it seems that while embedded and bred within the frameworks of the overlying structures of society, whatever one might believe those to be, as theorized and explained in terms of for example modernity (Giddens 1990), post-modernity or late-modernity and Risk Society (Beck and Ritter 1992), there seem to be a general composition of change where particular media productions (of which the reactions towards them often have been described as, or can be seen fitting the definitions of, a moral panic) elicit demands for institutional changes on the basis of specific political ideologies and perceptions. Consider the following claim from Beck:

The boundary between rationality and hysteria becomes blurred. Given the right invested in them to avert dangers, politicians, in particular may easily be forced to proclaim a security they cannot honor – because the *political* costs of omission are much higher than the cost of overreaction (Beck 2006b, pp. 335–6).

This tendency can be observed on the European level. The strong support by the European Commission of regulatory convergence and the success of the PEGI system did not prevent high-level demand for action based on perceptions of the risks posed by a specific computer game – *Rule of Rose* (Punchline and Shirogumi 2006, also see Staksrud and Kirksæther 2013). As

16 For a critical review and examples of the early US take on this, see for instance Wallace and Mangan (1997).

17 A well-known example of this are the two cases brought under Section R 645-1 of the French Criminal Court in 2001 where it was ruled that ISPs were required to block racist sites, only to have a US court rule that the ISP did not have to comply with the French court ruling (Okoniewski, 2002–03; Reindenberg, 2004–05; Staksrud 2002).

18 For a further analysis of the differences of US and EU policy approaches in the digital field, see for instance Stewart, Gil-Egui, Tian and Pileggi (2006) and/or Sarikakis (2006).

Commissionaire Frattini's spokesman stated: the PEGI rating was 'not sufficient because anybody can buy them. In practical terms, it is not like when you go to a movie and they don't sell you a ticket'. This outcry, as so many others, never addressed the *Why? Why* is this game – even if it did contain all the creepy and violent scenarios described by the outraged politicians and popular media *and* was intended to be played by children below 16 years – problematic for children? Is such content harmful to them? If so, is it physical harm? Mental harm? Or is it morally depriving? Does it facilitate deviance? While it is a reflex for most that this game is obviously not beneficial to a child, reflexes do imply lack of intervention by consciousness. We rarely vocalize these concerns into specifics. This lack of concrete concerns leaves fertile ground for moral panics; and at the centre is the (perceived) innocence of our children.

It is also interesting to compare these developments with pre-Internet discussions such as the previously mentioned UK 'Williams Report' from 1979. Controversial at the time of publishing, it contains many of the same observations that can now be found as arguments for the changes made to the media authorities and classification boards. The report's insistence that no definite answer could be given about the age where special protection would no longer be necessary and that 'children have to learn what violence is and it is clearly better if they do so, and are introduced to certain potentially disturbing material within a secure and loving framework' (1979, p. 91) is echoed in the arguments and rhetoric of the Danish, Dutch, Swedish and Norwegian media councils: only this time, the arguments have led to action instead of being silenced for political reasons.

Finally, the expectations of the European Union must be taken into consideration. In 1997, expectations were presented to EU member states to encourage the participation of relevant third parties in the implementation of national measures to protect children, promoting national frameworks for self-regulation, encouraging broadcasters to 'experiment on a voluntary basis with new means of protecting minors and informing viewers' and emphasizing regulatory convergence, while at the same time directly calling on the industry to participate in protective efforts (European Commission 1997).

So, the nature of these institutions has changed. New legislation has been introduced, prompting an extended focus on new media, less censorship and control and name changes and reorganization. In addition, there are signs of increased formalized cooperation with other stakeholders. Both the awareness and the hotline action lines are based on the principle of 'a national approach coordinated at European level' (European Commission 2011d). Thus, while the overall EU policy has a strong focus on self-regulatory initiatives and the involvement of NGOs, the relevant media regulatory institutions from Denmark, Sweden and Norway are all also considered central participants in the work of the Safer Internet Action Plan, both in terms of its general

implementation and in terms of the direct participation as partners in projects funded by the Safer Internet Programme. This was, for instance, the case in the first SAFT project, a project led by the Norwegian Board of Film Classification with its sister organizations, The Danish Media Council for Young People and Children and The Swedish Council on Media Violence, as well as the Irish governmental organization the National Centre for Technology in Education (NCTE) as partners.¹⁹ Many of these institutions, now participating in cross-sector project partnerships and competing for EU funding against industry and non-governmental organizations, are those traditionally responsible for content control and media censorship on national levels. Thus, these governmental institutions have also been stakeholders under the EC Safer Internet Programme, receiving project funding and voicing views in Safer Internet Forums and hearings, as well as competing for EC funds on the same terms as industry and NGOs. What has elicited this engagement? First and foremost this can be explained by the official redefinition of these institutions' scope of protection on the national level, though legislative amendments and changes have been expanded to include new media technologies such as the Internet, computer games and mobile phones.

In other words, they are more publicly open about their work, and in their work. This is not only a phenomenon in the field of Internet safety for children: in an interesting study conducted by Wæraas (2010), the expressed values for public institutions were looked at. Studying the tax authorities, environmental authorities, auditor generals and food safety authorities in 13 OECD²⁰ countries, the study shows how authoritarian public institutions choose to (digitally)²¹ represent themselves as 'friends' in terms of values. All 25 institutions studied had included friend-based values where 'openness' and 'respect' were the two most common. In total, 38 per cent of all mentioned values were categorized as 'friend-based', as opposed to 19 per cent of the values belonging to the 'authoritative group'. And of the latter, most were associated on the democratic side, such as 'equality', 'participation' and 'objectivity'. Very few were found to be related to authority and control (Wæraas 2010, pp. 63–4). At the same time, they are in fact state agents with the power to intervene on people, in businesses and institutions' autonomy, for the common good. In order to function properly,

19 As described earlier, the other partners were the Icelandic national parent association Heimili and Skóli, the research agency MMI and the industry umbrella organization ICT-Norway (see Staksrud 2005, pp. 6–7).

20 Organisation for Economic Co-operation and Development. For more information see. www.oecd.org.

21 The study was conducted on values as described on the institutions websites. For more comprehensive studies on the concept and challenges of digital representation, see Lundby (2008b) and/or Coleman (2005).

they therefore need a common, public understanding of their position to establish legitimacy for their work. Working within democratic nation-states, the need for transparency and strict rule-based conformity is necessary to avoid the misuse of power. Wæraas offers two possible explanations for these findings: more user-orientation (following the tide of ‘New Public Management’ reforms where demonstrating distance to the traditional bureaucracy is key) and the new use of ‘branding’, where making the institution appear ‘human’ so that one can more easily feel attached to them (a typical strategy for establishing consumer loyalty to commercial products) has become a strategy also for the public sector. Both these explanations would fit the overall theory of the individualization of institutions.

Outsourcing

The second issue to review within the framework of individualization is whether there has been an outsourcing of the functions of public institutions. From the previous discussion of the EC policy pillars, we have seen that in the field of Internet safety and regulation, there has been an outsourcing of policy and coordination to the European Union institutions in general and the European Commission through its Safer Internet Programme in particular. One of the main groups of stakeholders and receivers of EC Safer Internet Programme funds is non-governmental organizations (NGOs). In the following pages the new role of industry and NGOs will be discussed, and then the shift in responsibility from government institutions to parents and children themselves will be considered.

As already reviewed, self-regulation is one of the prominent and defined policy pillars of the EU. From the politicians’ point of view, self-regulation is often described as a ‘having their cake and eating it too’ solution: free-trade, but with someone else having to take care of the side effects (Haufler 2001, p. xi). Specifically relating to cross-border challenges, like the Internet, self-regulation has been argued to be the potential new source of *global governance*.²² However, whether this is a legitimate and effective way to achieve public policy goals is an issue of debate (Haufler 2001, p. 1): one can find profound cultural differences especially between the European and the US approach to the role of government.²³ Generally, in terms of regulation, the European perspectives

22 For a discussion on global governance and international regulatory regimes, see Drezner (2007) and Padovani and Pavan (2011).

23 This is of course not a limited US-Europe dichotomy. The international tension can for instance be seen in the Unesco MacBride Report (MacBride et al., 1980) and the subsequent discussions after its release. See for instance Carpentier (2011).

have favoured top-down comprehensive national and regional regimes, while the US perspective has favoured a decentralized approach, selective national regulation of specific sub-issues, leaving most of the field to private sector self-regulation or no regulation. The American public is seen to be suspicious of the industry, but is even more critical and cautious of government intervention (Hauffer 2001, pp. 89–103; see also MacLean 2011 and Melody 2011). Interestingly, we again see the same old regulatory exception of children: in 1999, US Vice President Gore and Special White House Advisor Ira Magaziner ‘explicitly stated their preference for industry self-regulation instead of government intervention, with legislation and regulation only in cases which [sic] there is evidence of harm, such as children’s privacy’ (Hauffer 2001, p. 97). Consequently, as noted above, there are mixed messages being sent – on one side, one endorses and prefers self-regulation and private market initiatives and, conversely, the other continues to introduce Internet-specific legislation, most often directed specifically towards protecting children.

Within the EC, the endorsement of self-regulation is an overriding principle of the information society.²⁴ Thus, there is a strong political incentive for the executor bodies like the European Commission to not only support industry-initiated efforts, but also to spark such initiatives in the first place. In many ways it bears a resemblance to co-regulation, having the EC facilitate the agreements by hosting meetings, committing to independent monitoring, auditing the implementation of the schemes and their effectiveness and providing high-level publicity of the industry efforts: through their policy documents, through the Safer Internet Forum, Safer Internet Day, and other stakeholder meetings, through information material and through press releases.

The result is that the responsibility for child safety online is today to a large degree allocated to the service and content providers, such as mobile phone operators, game developers and distributors and social networking services. But why do industries engage in self-regulatory schemes? The often cited rationale to ‘avoid government regulation’ is only part of the picture. Especially in the case of the Internet, where the challenge of implementing national regulatory schemes on a cross-border service has been eminent, additional motivations can be observed. Perhaps the most important is how self-regulation plays a prominent part of what is called *corporate social responsibility*, the intersect between law, finances and ethics (Schwartz and Carroll 2003 see also Ihlen 2011). In Hauffer’s study of various international self-regulatory schemes, it was found that the most potent incentives for self-regulation were a high risk of government intervention, relatively low economic competition, high probability of transnational activities pressure, high levels of information exchange,

24 See for instance Pauwels and Donders (2011) for a general presentation of the approach, as well as how this has pertained to children and advertising regulations.

FROM AUTHORITY TO ADVISORY

learning and consensus within the industry and reputation as a key asset for the companies or industry involved (Haufler 2007, 2001, p. 3). Self-regulatory strategies are chosen to reduce risk, enhance reputation and respond to new ideas within the area of industry (Haufler 2001, p. 20), and should for the same reasons also be self-enforcing. Regardless of motivation, there is ample empirical evidence that within the framework of the European Union, Internet safety tasks have been outsourced, or rather assigned to, in the case of new emerging risks, industry stakeholders.



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Chapter 8

The NGO – Friend or Foe?

Non-governmental organizations (NGOs), often cross-national, are being assigned a particularly active operative role in awareness raising, the running of hotlines and ensuring third-party input on industry self-regulatory and content labelling efforts. This is not unique to the field of online risk and children. In terms of regulation, in social democracies such as the Nordic countries the state performs substantial administrative regulation within the framework of authorized law. But, at the same time, it is interconnected with an often complex set of official ties to organizations (Østerud and Aas 1991, p. 55). NGOs can be seen as creations of like-minded private individuals who share a founding idea: thus, they are more likely to embrace single missions, and have a coherent set of preferences over means and ends (Drezner 2007, p. 68). Such organizations are part of what is often called ‘civil society’, organizations that are not governmental or coming from the commercial market.¹

Within the welfare state one has seen an increasing tendency for governments treating voluntary organizations as instruments for implementing policies (Smith, Rochester and Hedley 1995, p. 7). Thus, the EC’s strong support of NGO initiatives, such as the network of hotlines and ICRA, is not unique. Dean argues how:

The concept of welfare pluralism rests on the idea that instead of the public sector (the state) being the principal provider of welfare goods and services, a significant level of provisions should also come from the ‘informal’ sector (independent, self-help or non-profit-making organizations) and the ‘commercial’ sector (private enterprises). The suggestion is not that the state should no longer guarantee the welfare rights of the citizen, but that that guarantee should not necessarily be honored through the direct provision of services by public sector organizations. The state might instead find the provision of service by other agencies, or it might do no more than regulate the standards of provision made by such agencies. (Dean 1996, p. 14)

The NGOs partly consist of what can be called the voluntary sector – organizations with volunteers set up to assist, aid, create or run for example hospitals and healthcare institutions, child care facilities and homeless shelters

1 For general discussion of civil society issues of regulation, in particular with reference to the EU, see Armstrong (2011).

in order to correct any inadequacies within the welfare state. While difficult to quantify, the number of such NGOs is substantial. In some countries, like the UK, the promotion of voluntary action has been part of the social policy goal for governments since the 1980s (Rochester 2000, p. 67). For instance, the traditional funding of schools and healthcare has been administered state-to-institution, while the past few decades has seen more of a follow-the-student/patient approach being implemented, where the individual is left to choose where to go for education or help instead of being assigned to the nearest school or hospital. In Britain, this was a typical result of Thatcherism (Rustin 1991). In 1995 it was estimated that England and Wales alone had between 230,000 and 300,000 voluntary organizations, involving more than half the adult population of the UK (Smith et al. 1995, p. 2). In Norway and Sweden there seems to be a general erosion and/or ceiling effect, where 49 per cent of the population (2009) are involved in voluntary work (Wollebæk and Sivesind 2010, p. 23). Data from some years back show that 40 per cent of the Icelandic population (2005), 30 per cent of the UK population (2005), 35 per cent of the Danish population (2004) and 30 per cent of the Dutch population (2002) volunteer (Wollebæk and Sivesind 2010, p. 23). Governments often promote the voluntary sector as a way of engaging in 'active citizenship'. Interestingly, the voluntary movement seems to, at least in Norway, move towards a model of *organized individualism*, where those who volunteer identify less with the organization in question than before. Instead, the participation is to a larger degree part of a strategic self-realization, motivated by the need to feel appreciated, significant and wanting to make contacts and garnish one's CV (Wollebæk and Sivesind 2010, pp. 100–101).

Established non-governmental organizations have often originated from ad hoc or grassroots movements. Grassroots participation is when individuals participate in collective political activities, which are open to all and not limited to members of particular groups or organizations.² The activity is conducted *outside* of the established institutions of bureaucracy and government. The goal of grassroots movements are partly to formulate demands, typically towards government but also to influence the values and attitudes of the participants and the public as a whole (Togebly 1989, p. 10). These types of social movements can be found in all areas of public debate and concern, from the very local, for example against public regulation like closing of local schools or changed bus routes, to the national and

2 Why such movements appear is another debate, but two main strands can be identified: according to supplement theory, when a modern welfare society experiences long-term structural development, one should expect that traditional organizations will be supplemented with grassroots movements. This is in contrast to mobilization theory where such movements are seen as facilitated in periods where society goes to rapid and substantial changes (Togebly 1989, pp. 15–17). See also Listhaug (1990) for a discussion on origins of such social movements and their influence.

even global. Typical activities include participating in demonstrations and public meetings, petitions and letters to newspapers and, more recently, phenomenon such as establishing ad hoc protest groups using social networking sites like Facebook. As discussed by Carpentier (2011, p. 123), the Internet is used as a tool for political activism aimed at explicitly resisting regulatory attempts, often assisting in the development of alternative regulatory frameworks.³

NGOs as Response to Media Panic

Many examples of grassroots movements that have protested against specific media technology innovations and/or content can be found. Sometimes such ad hoc movements end up as institutionalized NGOs. For instance, in 2000, the bachelor and former car salesman Roar Røise sat down in front of the TV at 18:15 and watched an airing of ‘Xena: Warrior Princess’ (Schulian and Tapert 1995–2001) on TV3. After counting ten brutal murders within half an hour, he considered this a potential problem for the children that might be watching and contacted the network, asking that the show be moved to a later screen slot.⁴ Not successful, he moved on to contacting the companies that had their commercials aired during the show, asking if they wanted to be associated with violence directed towards children. Within a short time, 30 out of 40 companies contacted had withdrawn their commercials, including brands such as Coca-Cola, Kodak, Nestlé and PepsiCo. Within two weeks, TV3 decided to move Xena (Barnevakten 2005a, 2005b; Grinaker 2000; Røise 2000). Røise was quoted as saying:

I do not have children myself, but I do notice that their playing has become more violent. Children are like little copy-machines. What goes into their heads comes out again, in one form or another. We have to take that seriously.⁵ (Røise, quoted in *Dagbladet*, 21 September 2000)

Røise’s grassroots initiative received a lot of media attention, and within a short time an NGO ‘Barnevakten’ [the babysitter] was established. The organization became funded, and eventually owned, by ‘Familie og Medier’ (Family and Media), an organization promoting media competence guided by Christian values (Familie and Medier 2010), similar to the Christian ethos basis of other central organizations in the field, such as the UK-based Childnet International

3 For a discussion of the specific phenomenon of Internet activism in a policy framework, see Hintz and Milan (2011).

4 While TV3 is aimed at a Norwegian audience, it broadcasts from the UK, and is bound by UK rather than Norwegian regulation.

5 Author’s translation.

(Childnet International 2010a). By 2010 the organization had expanded their focus to providing advice for parents regarding children's use of all media, through media campaigns, newsletters, presentations and courses throughout Norway (www.barnevakten.no). Their activities also included giving *alternative* advice to parents on the age rating of movies and games (as opposed to those provided by PEGI and the Norwegian Media Authority).

NGOs, EC and Industry

When assessing the NGOs' influence on EC policy on the protection of children online, consider the following: it is noticeable how *all but one* of the preparatory actions and recommendations for the European Commission's Internet Action Plan (and subsequent Safer Internet Action Plan and current Safer Internet Programme) were commissioned to UK-based NGOs (see Table 8.1 below). The preparatory work for setting up hotlines and providing recommendations for the EC was contracted to Childnet International.⁶ The same organization also did the preparatory steps and recommendations for the setting up of awareness actions in the field of Internet safety, together with the commercial consulting firm Fleishman Hillard. Similarly, the preparatory work to perform a feasibility study for a European system of content self-rating was commissioned to the INCORE consortium, lead by another UK NGO, the Internet Watch Foundation⁷ In addition, the Centre for Socio-Legal Studies, based at Wolfson College, Oxford, UK, was commissioned to give assistance to self-regulatory bodies in developing and implementing codes of conduct. In other words, there was a clear UK as well as NGO dominance when the premises underlying the Safer Internet Programme were developed. If the differences in regulatory approaches and strategies on a national level have had an influence also at the European level, then this will require a full in-depth analysis to establish to what extent, thus an opening for further research. But having primarily UK-based NGOs as official providers of general, strategic principles, defining how the issue of online safety is to be understood, raises concerns regarding the European element of the approach.

6 Childnet International is an organization established in 1996 with the aim to address the child safety online issue from an international perspective promoting cross-sector cooperation. The organization was established by the late Nigel Williams, a former owner of a computer training company, with a Christian Ethos. Williams became the first commissioner for children and young people in N. Ireland in 2003 (Childnet International 2010a).

7 The IWF was established in 1996 by the UK internet industry to provide the UK Internet Hotline for the public and IT professionals to report criminal online content in a secure and confidential way. See www.iwf.org.uk for more information.

Table 8.1 EC funding for preparatory internet safety actions

Year	Call	Contractor(s)	Coordinator origin	Partner status ¹
1998	PREP-ACT 1: preparatory work for setting up hotlines.	Childnet International. ²	UK	NGO
1998	PREP-ACT 2: feasibility study for a European system of content self-rating.	INCORE consortium. ³	UK	NGO
1998	PREP-ACT 3: review of European third-party filtering and rating software and services.	IDATE, AIMP, DATABANK Consulting. ⁴	FR	COM
1998	PREP-ACT 4: preparation of awareness actions.	Childnet International and Fleishman Hillard. ⁵	UK	NGO

Notes:

1 Explanation of abbreviations: NGO = Non-governmental organization, COM = Commercial company, professional consulting firm/polling agency or similar, EDU = Educational institution, UNI = University, GOV = Governmental institution.

2 See Childnet International (1999).

3 See INCORE (2000).

4 See IDATE (1999).

5 See Childnet International & Fleishman Hillard (1999).

One of the chronic battles of NGOs is the one of funding. When being in a business where there is a need to ‘constantly re-package their activities as new and innovative in order to secure another dose of short-term funding’ (Leat 1995, p. 160), the warning of risk and harm is an accommodating approach. Other studies have shown that people acting within social organizations ‘downplay certain risks and emphasize others as a means of maintaining the viability of the organization’ (Slovic 2000b, p. 190). Already in the first intermediate evaluation of the Safer Internet Action Plan, issues of the sustainability of funding were raised. Project stakeholders also raised the significant (negative) impact contractual processes have on their financial and staffing terms (BDRC 2001). Thus, one of the key recommendations from the evaluation of the programme was that the EC should support project sustainability. The combination of the articulated EC policy of

endorsing self-regulatory initiatives and providing project-based funding (as opposed to, for example, the establishment of permanent initiatives or regulatory institutions) has led to a substantial body of NGOs more or less permanently working in the Internet safety field on national and European levels. The role of the NGOs in the welfare state is interesting in general, and as part of the theory of institutionalized individualization in particular, as, transferring responsibilities and imposing choices on the individual inevitably, at least in a period of transition, leaves an open field filled with insecurity and the need for external competence and advice. This need is, within the framework of the European Union, met with measures that are meant to be, and are, implemented by NGOs and the industry as a whole, to the extent that extraordinary legal privileges are given, as in the case of hotlines, where the EC funds the (in principle) illegal activity of a third party handling images of child abuse (child pornographic images). Are the legal and fiscal privileges justified? Is an NGO in the business of child protection a competent and valuable stakeholder?

Many voluntary organisations operate in environments where technologies are not well understood, where efficiency and effectiveness are difficult to define and measure or are considered less important than other values, but in which there are institutionalised views of what non-profit organisations should look like and how they should behave. In order to maintain credibility and legitimacy, and to secure resources, organisations need to fulfill these institutionalised expectations. (Leat, 1995, p. 161)

For the NGOs this approach will, on the local, national and international level, embed financial uncertainties: costs of planning and writing applications, managing projects and administrative challenges. In addition, their success relating to their particular target group(s) (children/parents/teachers/and so on) will depend on their perceived trustworthiness. Similarly, their success relating to their potential funders (EC/national governments and ministries/local authorities) will depend on their perceived professionalism and proven track record. One way to utilize this is to engage in research. However, this is not unproblematic. Livingstone and Haddon reflect on the findings of the EU Kids Online research repository (see Staksrud et al. 2007):

... there are grounds for concern at the proportion of market research-conducted studies, typically commissioned by commercial or child welfare agencies or conducted by the market research companies themselves, in which there was no generally discernable research or disciplinary framework guiding the study; rather, these studies repeat tried-and-tested questions, or questions that arise from public or policy debates, resulting in a snapshot of current

trends but with less value in terms of generating a long-term understanding of children's relation to the Internet. (Livingstone and Haddon 2008, p. 317)

Seemingly, all added resources which assist parents and increase their competence before they enter the decision-making processes related to children and media ought to be considered a positive development. In addition, NGOs are often seen as having humanitarian, altruistic and ethical motives.⁸ However, the previous Norwegian example serves to show some of the underlying conflicts and concerns the differences in agenda and status might generate. First, while governmental institutions are subjected to regulation, evaluation and specific requests for competence and transparency when making judgments on behalf of, or as advice for, parents, NGOs *are not subjected to the same institutionalized scrutiny*. Rather, they have the privilege of being explicit and subjective in terms of the values they seek to foster. What are the parents and children to do when the NGOs advice differs from that of the official, legally appointed public body? Will such situations generate a more informed decision, with a wider net of considerations, or cause confusion and distrust?

Dressing Up in Authority

Secondly, NGOs have the need to, and thus will often, *dress up in (and sometimes for) authority*. In the case of Barnevakten, they promoted themselves as a 'Member of PEGI Norway' when presenting their views on video games that differed from the official PEGI rating. This provoked a reaction from both PEGI as well as from the Norwegian Media Authority, stating how:

Barnevakten's lack of loyalty to PEGI can, worst case, weaken parents' trust in the system ... Barnevakten has also claimed to be a 'Member of PEGI Norway'. However, no such organization exists.⁹ (Medietilsynet 2009)

In the same press release, PEGI's director, Simon Little, was quoted stating:

This is not the first time single members have extended their mandate and taken advantage of their position to promote their own agendas.¹⁰

As a result, PEGI informed Barnevakten that they were no longer wanted as contributors to the self-regulatory scheme.

8 For a discussion on the implicit normative assumptions of the democratic potential of multi-stakeholders, see Padovani and Pavan (2011).

9 Author's translation.

10 Author's translation.

Politician's Best Friend

Thirdly, it is not uncommon that the political masters of government institutions liaise with the NGOs rather than with the institution they, at least in theory, have the power to instruct and use and sometimes even represent as members of government. As described by Weber (1946, pp. 232–3), it is not uncommon that a ‘political master’ will find him/herself ‘in the position as a “dilettante” who stands opposite the “expert”, facing the trained official who stands within the management of administration’. This expert, equipped with the weapons of technical knowledge and subject matter terminology, can be highly influential. And, according to Weber, every bureaucracy will seek to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. In the field of media safety and child protection, the traditional secrecy of the work of the film classification boards could be interpreted as such a technique. In this situation, politicians and ministers liaising with third parties, such as NGOs, especially those whose members are likely to be part of the potential electoral base for the political master in question, can be a rational strategy.

Industry and NGO – a Tit for Tat Relationship

What then about the relationship between industry and NGOs? Many of the self-regulatory schemes relating to the Internet, as well as other areas, draw their legitimacy from having NGOs as third-party experts, evaluators and guarantees of the appropriateness and effectiveness of the self-regulatory commitment. NGOs, as well as independent experts, are members of advisory boards, evaluation teams or publicly endorse the industry efforts. This is often a tit-for-tat exchange of logos and endorsement: the NGO endorses the self-regulation and the industry players or their umbrella organizations support, usually financially, the work of the NGO. For instance, Inhope, the network of hotlines, lists Microsoft as its ‘principal industry partner’ and is also sponsored by Telefonica, Vodaphone and GSMA.¹¹ These four industry stakeholders also make up the Inhope advisory board, in addition to Interpol and CHIS (Children’s Charities’ Coalition on Internet Safety). Similarly, the Safer Social Principles of the EU was developed in partnership with ‘a number of NGOs’, such as Save the Children, Childnet (UK) and the UK’s Children’s Charities’ Coalition on Internet Safety (Arto et al. 2009). As previously noted, the development was endorsed by the SIAP, but no national level governmental institutions were consulted, and Childnet is financially sponsored by companies such as Microsoft, BT, MSN and Vodaphone (Childnet International 2010b). However,

11 See <http://www.inhope.org/gns/our-partners/our-sponsors.aspx> (Inhope 2011b).

this symbiosis does raise questions of the legitimacy and independence of the advice given from ‘expert’ NGOs to industry, and to educators, parents and children. One issue is if they will have the sufficient expertise and resources to provide large-scale monitoring and evaluation of often complex self-regulatory systems and rules. And how does one measure success? By looking at the end result for the user? Or by looking at the intentions and implementation of a set of features where there were none before?

An even more profound issue is that of third-party independence. As argued by Haufler (2001, p. 5): ‘To the degree that voluntary initiatives actually raise standards, the business sector will expect less criticism from these groups. NGOs will need to publicize good behaviour, instead of concentrating all their attention on the bad’. Whether the relationship is sustainable and results in increased safety for the good of the end user is scope for future research. Scholars are not optimistic:

Because the standards embodied in the corporate initiatives will never meet the criteria of all the diverse groups watching the private sector, and because implementation systems are weak, the perceived failures of these exercises will tempt many NGOs to turn their backs on industry and concentrate on highlighting the violations of business and lobbying for strict regulation. (Haufler 2001, p. 5)

Furthermore, self-regulation on the issue of Internet safety is supposed to be for the benefit of the public. So, how is the voice of ‘the public’ – the digital citizens – heard in such industry-led initiatives? Do NGOs represent the public? Or do they represent special interest groups? Are there representative institutions outside those of government?

Consequence: Parents as Forced Decision-makers

As discussed, advice for parents, children and educators is one of the key features of the new media councils as well as the cross-national self-regulatory schemes. By providing an often simplified system of information for parents, the idea is that this will make them capable of making sound judgements on the media welfare of their own children, as they know their children best. In practice, this also shifts the ultimate regulatory responsibility of making decisions onto the individual. At the same time, advice is provided to ease and assist in the decision-making. But is this sufficient?

There is research evidence to suggest that content descriptors, such as those provided by NICAM, are valued and used by parents. Nikken, Jansz and Schouwstra (2007) found in an Internet survey of 765 parents that the majority thought it very necessary to have ratings for content, in particular as a

warning against realistic ‘gore and gross’ content. They also found that ratings and content descriptions were used as a tool by parents for both restrictive and active parental mediation. However, illiterate parents have been a general concern, pointing to one important weakness of the system: information might be available for individuals (parents), but is it accessible and understandable? Also, advice as self-regulation doesn’t enforce an adherence to the given advice. Then what? Discussions on this have, for example, led to an increased demand for retailers to treat the PEGI game ratings as an age-control mechanism; in effect, that they should not sell games to anyone below the recommended age. For instance in the Netherlands, from 2009, the audiovisual industry was ordered by the Ministry of Justice to be more rigorous in checking for ages when selling/distributing DVDs and games (NICAM 2009).

In their qualitative study of how issues of risk, safety and danger are constructed and negotiated in families in Edinburgh and East Lothian, Backett-Milburn and Harden (2004) argue how it is important to contextualize ‘risk’ within socio-economical, cultural and institutional frameworks, and that for most children it is the family that constitutes one of these structures, while also mediating wider social structures (see also Downes 1999). In this context it is vital to remember that parenting styles differ. For instance, Eastin, Greenberg and Hofschire (2006) found how authoritarian, permissive and neglectful parenting styles influence the evaluative and restrictive mediation techniques used by parents, showing significant effects of parenting styles on almost all mediation techniques studied.

There are also notable cultural differences. Lobe, Segers and Tsaliki (2009a) found that parental mediation can partly explain differences in cross-national experiences of online risk for children, concluding that there cannot be one simple fits-all solution to parental mediation (see also Kirwil et al. 2009).

As both the debate and the research move apace, it is clear the parental mediation is limited in its effectiveness; especially weakening as the child gets older (Livingstone et al. 2011b, accepted; Staksrud and Livingstone 2011), partly due to the generation gap and children feeling that their parents ‘do not understand’ the Internet in general and how relevant Internet services are in their social and educational lives in particular (McMillan and Morrison 2006; Sarre 2010; Staksrud 2008b). The current focus of parental mediation can be seen as the most current step in a historical path. Moores (1988) discusses how parents in general and mothers in particular were seen as the state’s delegate, responsible for the moral and physical welfare of family members (see also Buckingham 1993, pp. 111–27; Morley 1992, pp. 258–9; Seip 1984, 1994).

Allowing – and forcing – parents to take an active role in the assessment of media products, such as movies (in cinemas) or computer games, using the combination of advice and professional recommendations regarding the media product on one side and their knowledge of their own child’s cognitive level,

personality and coping skills coupled with their own beliefs, values and norms on the other is a risk-management strategy. Much of this falls under the ‘media literacy’ approach aimed at teaching children to use ICA tools so that they can define, access, manage, integrate, evaluate, create and communicate information online.¹² In this sense, and as noted by other scholars, the promotion of media literacy can be seen as an alternative to media regulation. As put by Livingstone:

Such a strategy [media literacy] may be promoted as individual empowerment but clearly it enables the state to roll back its own responsibilities, even though many ordinary people, and especially parents, would prefer top-down media regulation in the public interest, rather than being ‘empowered’ with difficulty-to-implement [sic] technology to do it for themselves. And given the variability in success in implementing any education and awareness programme, one must ask about the regulatory safeguards for those who, for whatever reason, fail to achieve a certain standard of media literacy. (Livingstone 2003a, p. 23)

This might not be a welcomed task. As reflected by Pye and Pye (1985, p. 21), in most of Asia the concept of power has been seen as the exact opposite of the Western view: to have power was to be spared the chore of decision-making. Thus, ‘the aspiration that impelled people up the ladder of power was that they might eventually rise above the need to trouble themselves with decisions. Decisions are what vex the minds of the weak and make life troublesome’. This point is echoed in risk perception and trust-based research, where the ability to trust someone else to make decisions on the basis of relevant information will reduce one’s own cognitive load (Jackson et al. 2005; see also Luhmann 1979 for this discussion on a societal level). While not vocalized, the de-regulation of traditional governmental institutions regulating media content and access can be interpreted as fulfilling the risk-management strategy of involving affected people (such as parents and children), so that they will gain confidence and competence and integrate the ‘remaining uncertainties’ into their own decision-making (Renn and Klinke 2001, p. 24). They must do so by not only making a choice regarding the media-risk problem at hand, but also by first making a decision about whose advice to take. Who to trust? As demonstrated by Lupton (1999a, pp. 109–11), individuals will have to, and do, make judgments about the persuasiveness and trustworthiness of experts.¹³ They will have to evaluate them as well as their institutions. And, returning to our discussion of risk and the findings from cognitive psychology, people will often resist expert advice and understandings, especially if it does not

12 The list is same as the cognitive and technical skills measured in the ICT literacy assessment by the Educational Testing Service in 2004, see Hobbs (2008, p. 434).

13 See also Livingstone and Lunt (1994, pp. 92–132) for a similar argument related to a discussion on the media’s construction of expertise and common sense.

fit with their already established view of the world in general and the nature of the problem in particular. As put by Beck:

The non-acceptance of the scientific definition of risks is not something to be reproached as ‘irrationality’ in the population; but quite to the contrary, it indicates that the cultural premises of acceptability constrained in scientific and technical statements on risks *are wrong*. The technical risk experts *are mistaken* in the empirical accuracy of their implicit value premises, specifically in their assumptions of what appears acceptable to the population. (Beck 1992:58)

Consequently, the emergence of alliances focusing on single issues, such as ad hoc organizations and Unions, ‘represent *pragmatic alliances in the individual struggle for existence and occur on the various battlefields of society*’ (Beck and Ritter 1992, p. 101, original emphasis), as also argued by Taylor-Goby and Zinn (2006a, p. 3).

Finally, children are becoming an important target group themselves. While the earlier years of the Safer Internet Action plan/Safer Internet Plus Programme concentrated on formal stakeholders relating to children, within the Safer Internet Programs there has been a steady expansion of its scope to also include initiatives aimed directly at children themselves, for example by supporting projects that make use of youth panels and other forms of consultation. This is done under the specific goal of ‘involving civil society’, mainly supporting NGO alliances working on child safety online, such as the ENASCO and ENASCO II projects.¹⁴ In the case of mobile (smart) phones and social networking sites, the personalization of the medium also requires safety information, awareness and tools that can be assessed and managed by the children themselves.¹⁵ This can be seen in relation to media literacy programmes, where the EU early on underlined the importance of creating media literacy in order to empower children (European Commission 1997).

14 ENASCO II (2010–2012) is a project aimed to develop a European network of children’s NGOs in order to become ‘the focal point representing civil society in relation to online child protection’. See http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=SI-2009-TN-310901 for more detailed information on the EC’s support for this project and <http://www.enasco.eu/> for more on the project itself.

15 The extended role of children will be further discussed in Part III (*Rights*).

Chapter 9

Who Coaches the Watchmen?

It is argued that modern Western societies tend to offer services rather than incentives to action. This means that for the modern social advantages to take place, the individuals must take action, do something, make an effort (Beck and Beck-Gernsheim 2001b, pp. 2–3), be condemned to activity (Beck 2001e, p. 24). For Beck (2006b) there are only three possible reactions to the experience of an omnipresent risk: denial, apathy or transformation. In the field of Internet safety, transformation, at least on an institutional level, has become the answer. The question then becomes: *is this the right answer?*

The management of online risk for children is, in Europe, I would argue, by and large supranational. In the primacy of politics and institutions, the European Commission is the policy leader, setting the agenda, initiating and defining the policy pillars as well as EU law.¹ In addition, there are strong alliances between the Commission and third parties – such as transnational industry stakeholders and transnational NGOs. This can be argued as undermining member state control over EU policy, and undermining the authority of national regulatory and/or advisory bodies. Also, supranational policies like EU-defined tasks and programmes, such as pan-European labelling and classification systems, can feed frustrations arriving from cultural- or value-related differences, providing fertile ground for new NGOs and grassroots movements. As argued by Oswell:

The motor of regulatory convergence is not statutory legislation, but the sub-legal movements and assemblages of regulatory officials, non-governmental organizations, industry-hybrid associations, expert groups and local, national, regional and transnational governmental bodies. Across the movements of social gathering of these actors, the regulatory programmes, and legislative formalizations get problematized and articulated. These gatherings, statements, and actions, constitute significant points of post-national governance. (Oswell 2008, p. 489)

As acknowledged, all risk management embeds some type of regulation. Regulation embeds some sort of restriction and restriction embeds some type of influence over rights. While adjusted to modern work and financial crisis situations, bureaucracy has traditionally assured independence through *tenure*

1 For a general discussion of the characteristics of supranationalism versus intergovernmentalism in EC technological policy, refer to Bartle (2002).

or even *tenure for life* (Weber 1946, p. 203): the same applies to the traditional media control institutions such as the film classification boards. On the one hand, such mechanisms can be seen as insulating against arbitrary whims manifesting themselves in media panics facilitated by politicians, the public or the media themselves,² providing an extra barrier in the protection of freedom of expression and information (or, alternatively, the protection from potential harm), as well as for weaker groups such as children. On the other hand, this might also result in institutional calcification where traditions and culture take over for case-by-case assessment and inspection. And as the technological developments happen fast, the industry's hands-on expertise might be invaluable when assessing what can and what cannot be done, in addition to providing a natural point of information for its users. The Internet is global in nature; hence supranational regulation might be more effective than national legislation. The above-described developments show that the local (national) institutions that before provided security and relieved the individual (parents, children themselves) from making decisions about what content the children could not see, now have moved away from restrictions and instead give advice, often in cooperation with industry under a self-regulatory/co-regulatory scheme. Advice is given, placing the ultimate responsibility of implementation and consequences on parents, while expecting them to follow the advice provided. Beck describes this process as a natural development:

Individualization is a default outcome of a *failure* of expert systems to manage risks. ... The individual is forced to mistrust the promises of rationality of these key institutions. As a consequence, people are thrown back onto themselves, they are alienated from expert systems but have nothing else instead. *Disembedding without embedding* – this is the ironic-tragic formula for this dimension of individualization in world risk society. (Beck 2006b)

In a sense, the shift towards parental mediation, with various forms of assistance of various qualities, is more a shift forming a historical circle than linear progress in the history of child protection and media harm. The advent of mass media distribution facilitated the need for more centralized control mechanisms, relieving the parents from some of their responsibility, and at the same time revoking some of their privileges as sole caretakers (or even owners) of their children. Now it might seem that these privileges are restored. This shift also illustrates that underlying current public policy is still a belief in rational-choice theory: that citizens/individuals/users/parents will perceive

2 Or as put by Weber (1946, p. 221) ‘... under the conditions of mass democracy, public opinion is communal conduct born of irrational “sentiments”. Normally it is staged or directed by party leaders and the press’.

risks and take responsibility for reducing them according to rational calculations with will protect their interests (Abbott, Jones and Quilgars 2006, p. 228).

Risk management is mainly addressed by political regulators (Renn and Klinke 2001, p. 30). In the case of safe use of the Internet for children, the risks associated with this use are regulated through the European Commission Safer Internet Programme. The examples, empirical findings and historical analysis provided in this chapter support Beck's theory of institutionalized individualization to a large extent. However, emerging from this comes another aspect, namely how this process also can be understood in relation to the management for these types of risks. Deregulation of traditional prohibiting institutions into counselling and advisory boards is 'getting it right' when relating to the recommended management of the type of risks of our concern. At the same time, the implementation of policy is dependent on policy actors outside the traditional government institutions, such as industry through self-regulation, and NGOs through practical work as well as case-specific expertise.

With the deregulation of governmental organization, one will have to rely more heavily on other stakeholders, like the NGOs and the voluntary sector. But do these non-governmental organizations have the competence to do so, or the structures and functionality to use risk experts and researchers? Are the individuals making the decisions getting sufficient advice, competence and literacy to do so? Plato put the question to Socrates in *The Republic: who watches the watchmen?*³ In this day and age it might be also relevant to ask: *who coaches the watchmen?* In the Western welfare states of Europe, regulatory legitimacy is also based on its effectiveness. The actual content and protection mechanisms embedded in the outputs of advice, self-regulation, technical tools and legislation is not analysed as part of this discussion. However, assessing the effectiveness of online protection whether created by industry, governments, the EC, NGOs, parents or even peers should be done also considering the newer findings from neurobiology about youths' decision-making, as reviewed in the previous chapter.



Online risk in the Western welfare states of Europe is regulated by an outsourcing of traditional regulatory tasks of national institutions to European institutions, industry and NGOs. In addition there has been a change in the type of regulation still provided by the national governmental institutions from prohibition, control

3 Or more precisely: 'How then may we devise one of those needful falsehoods of which we lately spoke – just one royal lie which may deceive the rulers, if that be possible, and at any rate the rest of the city?' (Plato c.380 BC book III). Please also note that while commonly credited to Plato, the phrase can also be credited to Juvenal (see Juvenal, Persius and Dryden 1693 for reprint of the original English translation).

CHILDREN IN THE ONLINE WORLD

and censorship to advice, counsel and focus on user empowerment. This can be observed in the societal semantics of law, as well as changes in institutional branding and internal understanding. Individuals are given advice, but are ultimately responsible for their own decisions. Thus, there has also been an outsourcing of the traditional institutional tasks to individuals: parents, teachers, children and 'users'. But where does this leave the children? What are the implications for children's rights? According to Beck (2001a, p. 46), 'the more a self-culture is promoted and planned by the state, the weaker and punier it is likely to be, as freedom can only be grasped and practiced, not manufactured'.

PART III

RIGHTS?

This final Part III of the book will address the third research question: *what are the potential implications for children's rights?* This will be done by pointing to and discussing some of the dilemmas arising from how online risk is perceived and regulated in the welfare states of Western Europe today. Providing answers to these dilemmas is beyond the scope of this work, but by illuminating these crucial societal junctions, the paving of the road ahead has commenced. When doing this I will return to my action-research based, as well as my normative¹ roots. The previous chapters have discussed what online risk is and how it is currently regulated. In order to evaluate the *legitimacy* of regulatory strategies, such as restrictions and legislation, there must be a link between the descriptive level (what is actually going on), to the prescriptive level (how one goes about to change or enforce certain behaviours – if at all possible) and the normative level (are the changes appropriate, considering the risk and regulation at hand?). Looking at children's human and political rights can facilitate such explanations, not only to highlight the entry points between the different levels of regulation, but also to analyse the possible consequences the regulation and its embedded preconceptions and assumptions have for these rights. Chapter 10 will start by establishing which rights are relevant to the discussion and to the framework of the individualization theory.

As previously argued, effective risk management strategies, central in the discourse of online risk, are dependent on understanding how individuals decide to – or not to – engage in perceived risky behaviour. As noted in the introduction (Chapter 1), I also wanted to confront the assumption of children as (incompetent) citizens-to-be and the potential victims of risk, in so far as this is *all* they are perceived to be, and critically question the implications of such. Thus, by building on the previous discussions, I will in Part III to address the regulatory relevance and legitimacy of the current protective frameworks implemented in the Western welfare states of Europe, in so far as they have implications for children's rights.

1 Normative approaches discussing how various media related issues as well as media itself *should* be is not an uncommon trait, but rather a classic tradition for 'media' scholars (see for instance Bell, Ezell and Van Roekel 2007; Christians 2009; Keane 1991; McQuail 2010; Neroni and Berry 1995; Siebert, Schramm and Peterson 1956; Skogerbo 1996).

CHILDREN IN THE ONLINE WORLD

Part III will start with addressing what rights we should consider conceptualized in the framework of the individualization theory. Then an argument will be made that the regulatory policy and schemes currently in place put pressure on the rights of children, as they are transferred from citizens with subjective rights to consumers where their rights are dependent on the relationship they are able to establish with the product or online service in question. In addition, dilemmas related to who has the power of definitions will be addressed, as well as issues of censorship and substitute motives. Finally, I will fulfil my obligation to Beck and answer his challenge, by informing back to the theory of individualization, whereupon I will leave the reader with a short tale of caution and despair, but perhaps also relief.

Chapter 10

Which Rights?

Which rights children are afforded in any given society is dependent on the status they are given. This must be recognized in light of how the definitions of children and childhood have changed throughout time, historically, culturally and biologically.¹ Simplified, the transcendence from a child/youth into an adult has throughout history been linked to some sort of practical milestone – ending childhood at a specific age or event such as menarche (biological), confirmation (religious), the performing of a specific act such as the killing of a particular animal (practical) or being able to earn money and be self-sufficient (financial).² Before the potential implications of current regulatory regimes to minimize and control online risk on children’s rights are considered, we need to establish what kind of rights we are referring to in our age, place and time of interest. The concept of rights has been an important part of normative thinking since the seventeenth century’s contract philosophers such as Hobbes (1651), Locke (1693, 1721; Locke and Macpherson 1690) and Rousseau (1773, 1791), and including more recent works such as those of Rawls (1971, 1980), Nozick (1974, 1981) and others of the twentieth century.³ Using the rights-based argument within political thinking as a starting point, a person can be said to have a right if, and only if, he or she can demand that another person or an institution must treat him or her in a certain way (Malnes and Midgaard 1993, p. 331). For this to occur, four elements must be in place: 1) a right gives the

1 While a complex issue, this point will here, for this argument, be considered established: please refer to the many philosophical arguments as well as studies on the subject for further elaborations (see for instance Archard 2004; Ariès 1965, 1978; Buckingham 2000a, 2000b; Cleverley and Phillips 1986; Cohen 1997; Cunningham 2006; Gillis 1974; James et al. 1998; James and Prout 1990, 1997; Jenks 2005; Locke 1693; Meyer 2007; Mitterauer 1992; Muncie 2004; O’Neill 1988; Postman 1982; Prout 2008; Rousseau 1762, 1773; Vickerstaff 2006). See also Critcher (2008) and Livingstone (2002a) for how these current developments of “the new sociology of childhood” often pays notably little attention to the media.

2 See for instance Mitterauer (1992) who illustrates the historically swift biological change by looking at the change in the average age of menarche with equivalents for the present or recent past. In Norway the average age for menarche in 1839 it was 17.0 years; in 1973 it was 13.2 years. Corresponding findings were found regarding men’s height. Norwegian data starting from 1741 show that while men 100 years ago continued to grow in to their mid-20s, they are now fully grown around the age of 18.

3 These philosophers also provide the founding concept of the welfare state, as discussed in Part II (*Regulation*).

foundation for your claim; 2) you must be able to forward the claim on your own behalf (as the idea pertains to individual rights); 3) the claim has a specific recipient; and 4) the claim is unambiguous in so far that it becomes clear what its completion and violation entail (Malnes and Midgaard 1993, p. 331). This understanding also resonates with the individualization theory. Beck (2000a, p. 83) has argued that one of the characteristics of the second, reflexive modernity, is that ‘*human rights precede international law*’ [original emphasis].⁴ In essence, human rights are *subjective* rights, not dependent on any collective subjects such as ‘nation’ or ‘state’. He continues:’

With the introduction of subjective liberties, modern law, in contrast to traditional legal systems, endorses Hobbes’ principle by which everything is permitted which is not explicitly forbidden. Hence law and morality diverge. With the moral code posits duties, the law establishes rights without reciprocal obligations. All this serves to create a space in which institutionalized individualism [sic] can thrive. (Beck 2000a, p. 84)

In Chapter 2 (*Individualization*) an argument was made that Beck’s theory contains a blind spot by not considering children as relevant subjects, and that this work would seek to rectify this oversight. Therefore, what is considered the relevant rights are the human rights that are afforded on an individual basis and where the child is recognized as a legitimate rights-holder. Within the UN framework of human rights, children have been afforded special, universal rights in their own convention, a convention recognized by all UN countries except Somalia and the United States (Unicef 2011). Therefore, it is considered pertinent to use the UN convention on the Rights of the Child (United Nations 1989) as an organizing device for pinpointing what rights we can consider legitimate.⁵

Three types of rights are covered by the convention: *provision rights*, describing the access to necessary goods, services and resources; *protection rights*, for example from neglect, abuse, exploitation, and discrimination; and *participation rights*, affording children the right to be respected as active members of their family, community and society (Alderson 2008, p. 17).

4 It should be emphasized that Beck, discussing this in relation to cosmopolitanism and world affairs, sees this development not only as a system of values, but also a system of power (for further details on the discussions on cosmopolitanism in this respect see for instance Beck 2003, 2006a; Beck and Grande 2007, 2010; Beck and Sznaider 2006b; Gilroy 2010; Levy 2010; Maharaj 2010; Sznaider 2010).

5 The considerations and discussions in this chapter are based on the declarations and conventions as published at the time of writing (2011). For an up-to-date status of the UN Human Rights treaties and potential amendments and other changes please refer to the United Nations Treaty Collection (United Nations Treaty Collection, 2011). The convention also has an optional protocol on the sale of children, child prostitution and child pornography. For a discussion on the background of this, refer to Akdeniz (2008).

WHICH RIGHTS?

Relating to online risk, a number of rights included in these categories are considered to be of special relevance: the right to freedom of expression and information, thought and views as described in article 12,⁶ 13,⁷ and 14;⁸ the freedom of organization and participation (article 15);⁹ and the right to privacy (article 16).¹⁰

What then about the right to be protected from harm? Article 17 of the UN Convention on the Rights of the Child directly addresses the dual dilemma of participation versus protection in relation to mass media:

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the

6 (Article 12) 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

7 (Article 13) 1. 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. 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

8 (Article 14) 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion. 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

9 (Article 15) 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly. 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

10 (Article 16) 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation. 2. The child has the right to the protection of the law against such interference or attacks.

CHILDREN IN THE ONLINE WORLD

promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage 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. (United Nations 1989)

Regarding Internet-related risks, the issue of sexual abuse is also of particular relevance and is addressed in article 34:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials. (United Nations 1989)

Finally, article 18 of the convention concerns itself with the states' responsibility to affording parents and legal guardians the appropriate assistance aiding them in their child-rearing responsibilities and ensuring the development of institutions, facilities and services for the care of children (article 18, points 1 & 2).¹¹

Summarized, these provisions mean, using the UNICEF child-friendly language (Unicef, n.d.-b): Everyone under 18 has the right to give their opinion and be taken seriously, find out things, and share their thoughts with others,

11 (Article 18) 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

WHICH RIGHTS?

privacy, choose their own beliefs and friends, and get informed. The right of access to information includes from media sources such as radio, newspapers, books, computers, and other sources. However, adults should make sure that the information the child is getting is not harmful, and children should be aided to find and understand the information they need. Consequently, children have both strong participation rights as well as protection rights. In addition, the convention states that if national laws provide better protection of a child's right than afforded in the convention, those national rights should apply (Unicef, n.d.-a, n.d.-b; United Nations, 1989, article 41).¹²

Today, in the Western welfare states of Europe, and as exemplified by this UN convention and supplementary national provisions, the rights of the child are unprecedentedly strong. In our particular area of interest, the shift from censorship, restriction and prohibition towards 'user empowerment' and advice, as described in the previous chapter, is a development of a *negative* right. A negative right is a right *not to be prevented or restricted* to act in certain ways by other people or groups of people. In this sense, negative rights can also be seen to have a protective function, such as authority's duty to refrain from forceful coercion (for example for prevention of torture or ensuring religious freedom) (Barlow and Hill 1985, p. 3; Malnes and Midgaard 1993, p. 331). This can also be found in what Beck (2007a, p. 684) refers to as the 'meta-transformation' of the law: while an increased number of regulations are being introduced, they have the deliberate aim not to introduce new collective requirements but to turn collective requirements into individual opportunities for choice. In relation to children this can, for example, be seen in their right to be heard regarding whom to live with when their parents divorce and what educational road to wander. The inevitable companion of the 'meta-transformation' of the law where collective requirements are turned into individual opportunities for choice, as discussed in the previous chapter, are increased rights. When a requirement becomes open for rejection it gives the subject a new right. Reversely, a positive right is the right to take part in a common good, such as education, police protection and health care. In relation to the Internet, the development of digital skills is for instance defined as a key competence in Norwegian schools; hence children have a positive right to be educated in such. As we have seen from the previous chapters, such positive rights are a typical feature of the modern welfare state.

12 For more general accounts, analysis and discussion of the background, specifics and dilemmas of the convention and the parts not covered by this work, as well as bordering issues refer to the vast amounts of literature and research conducted (such as Alderson 2008; Cohen 1992; de Graef 1992; Flekkøy 1992; Freeman 1992a; Freeman 1992b; Freeman and Veerman 1992; Hamelink 2008; Heintze 1992; Høstmælingen, Kjørholt and Sandberg 2008; James and James 2004, pp. 78–108; Johnson 1992; Lopatka 1992; Melton and Limber 1992; Ruxton 2005; Veerman 1992; Verhellen 1992).

What then about these rights versus online risk and the policy that covers it? In many respects the Internet is not new, but part of the long-existing media sphere. As such, we can build upon political as well as scholarly traditions and discussions on the protection of children and regulatory legitimacy and relevance as these have played out in relation to printing press, books, television, video and videogames. But, there are also distinct differences between the Internet and what is now the traditional media: books, newspapers, television, radio and cinema theatres. No, it does not matter that it is *digital*. It *does* however matter that it allows for *interaction*.¹³ The communicative nature of a wide variety of Internet services facilitates new risks and new anxieties, most notably connected to the potential *contact* dangers posed by other users, and *conduct* dangers created by the children themselves. While the latter has so far received little attention in the public discourse and among researchers (Staksrud 2009), the former adds to the traditional anxieties relating to children and their innocence, sexuality, pornography and abuse (Staksrud 2008a). At the same time, the understanding of the right to privacy has evolved to also including privatized use of media and communication tools in their bedrooms/‘bedroom culture’ (Pasquier 2001, 2008), and lately when ‘out and about’ with their Internet-connected smart phones (Bond 2010; Lenhart, Purcell, Smith and Zickuhr 2010; Ling and Haddon 2008). This to such a degree that some researchers have argued for formally securing children’s (teenagers’) online participation, including privacy provisions for protection *from* intervention by caretakers (de Haan 2009, pp. 188–9).

Following these observations, one can assert that it is the same features that afford the democratic rights of participation that also relate to the most problematic risks activating the right to protection.

13 The author recognizes the vast etymological discussion on the concept of interactivity, as well as the fact that the digital nature of the Internet is in itself a prerequisite for its very existence, as well as for its imbedded user-to-user interactivity. This does not, however, detract from that on a non-technical and non-philosophical level; for the present discussion, the core issue is the Internet’s communicative qualities, not its technical DNA.

Chapter 11

Citizen or Consumer?

As discussed in the previous chapter, the freedom of information, expression, organization, participation and the right to privacy and safety are fundamental human rights, and these rights, in this culture, in this time of history also belong to children. The historical sector analysis has shown that the traditional institutions managing rights connected to child safety and media content have changed. This is especially true for those institutions originally designed to provide safety and relief for parents in the form of censorship, age-classification and restrictions on children's access to content. Instead children are very much in their own right when using the Internet and other forms of digital information and communications technologies. The management of these issues has shifted towards parents and the children themselves, aided by awareness and education initiatives from what are now media *councils* and similar governmental institutions, non-governmental organizations and self-regulatory initiatives and agreements.

The EU Kids Online II project, conducting more than 50,000 interviews with children and one of their parents about online risk and opportunities for children in 25 countries, and drawing on the expertise of a large body of researchers, culminated in the following primary policy recommendation:

Children need to be encouraged to be responsible for their own online safety as much as possible. New means of internet access, less open to adult supervision, are increasingly evident in young people's internet use. 49% of children go online access in their own bedroom where it is unrealistic to expect parents to monitor their safety. Awareness-raising should encourage self-governing behaviour, empowerment rather than restriction, with the emphasis on responsible behaviour and digital citizenship. (O'Neill & McLaughlin 2011, p. 5; see also O'Neill & Staksrud, 2012)

It is striking how the child him/herself is now, also within research, seen as the prime caretaker and decision-maker when it comes to his/her own risk. S/he must be empowered so as to make good decisions, not have decisions made for him/her. Furthermore, the emphasis on *digital citizenship* is of interest. Typically, our everyday rights are secured on a nation-state level (as well as in the EU) to our status as citizens. Rights are linked with our citizenship.¹ Simplified, through

1 For reflections on the current citizenship practices of youth, especially in relation to the media, see for instance Enghel and Tufte (2011).

citizenship, the holder is affiliated with a state, with rights and obligations in relation to that state (Norwegian Directorate of Immigration 2010).² This is a legal term, affording human beings rights based on legal, territorially (state) afforded affiliation. However, in relation to this discussion I agree with Sarikakis (2007a, p. 69) who, when discussing social cohesion in the EU context, sees the distinction between citizens with rights and human beings without as often used to justify political and cultural abuse of ‘non-citizens’. Therefore, in relation to this work I consider, as does Sarikakis, the human as a citizen-at-large. Also, following the classic Marshall definition of citizenship where the citizen is a member of a community with civic, political and social rights (Marshall 1950; Marshall and Bottomore 1992; see also Tsaliki 2007), digital citizenship is considered membership of the online community, affording you civic, political and social rights – rights coinciding with the UN human rights and rights of the child.³

The European Union, embracing industry self-regulation as its information society strategy, emphasizes this: the power of choice is now with the individual, with the industry providing advice and possible repercussions. What does it mean that these types of regulation are outsourced from governmental institutions and relocated to service providers? I argue that the shift from governmental regulatory institutions to self-regulation by industry also signifies a shift for the user from being a citizen with secured citizen rights to a *consumer* with a somewhat

2 In the EU, citizenship is established through the Treaty of the European Union, Part II article 17: 1. ‘Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. 2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby’. (see European Union 2006, p. 49). See also Tsaliki (2007) on the construction of European identity and citizenship.

3 Linking this to the wider discussions of reflexive modernity, please note how Giddens (1991, p. 16) stresses the importance of dialogic democracy, where the more reflexive individuals should develop personal relationships in which active trust is ‘mobilized and sustained through discussion and the interchange of views, rather than the arbitrary power of one sort or another’. He continues: ‘Individuals who have a good understanding of their emotional makeup, and who are able to communicate effectively with others on a personal basis, are likely to be well prepared for the wider task and responsibilities of citizenship’. (Giddens 1991, pp. 16, 119). So, in relation to citizen’s rights, ‘effective’ communication skills are decisive in the reflexive modernity. Children of today, as already known from most people’s personal experiences and existing research, are efficient communicators, with expanding and complex social networks. There is nothing that exhaustively suggests that a child, someone below the age of 18, will have a poor understanding of ‘their emotional makeup’, or that any given adult, someone above the age of 18, will have a good understanding of the same. Age cannot be the decisive factor in Giddens’ citizenship preparations.

different set of *consumer rights*.⁴ Looking at Internet safety as a consumer issue has been vocalized by the industry as well as EU institutions. For instance, by the European Economic and Social Committee (EESC) on the introduction of the EC Internet Action Plan: ‘the Committee sees Internet protection as a consumer issue (the Internet is a service) and believes that classing it as such would reinforce protection’ (EESC 2002, p. 5).⁵ Consequently, while the UN Convention on the Rights of the Child establishes the minimum standard of citizen rights for children, as described above, consumer rights entails something different. Simplified, most of these rights will be based in the classic principles in the Consumer Bill of Rights formulated by US President Kennedy:

- (1) The right to safety – to be protected against the marketing of goods which are hazardous to health or life.
- (2) The right to be informed – to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labeling, or other practices, and to be given the facts he needs to make an informed choice.
- (3) The right to choose – to be assured, wherever possible, access to a variety of products and services at competitive prices; and in those industries in which competition is not workable and Government regulation is substituted, an assurance of satisfactory quality and service at fair prices.
- (4) The right to be heard – to be assured that consumer interests will receive full and sympathetic consideration in the formulation of Government policy, and fair and expeditious treatment in its administrative tribunals. (Kennedy 1962, March 15th.)

The objectives of the European Commission’s approach to the issue of harmful content online has been freedom of expression and pluralism, combined with cultural and linguistic diversity, the protection of minors and consumer protection. The principles of regulation are to regulate only when the market fails, yet still preferably with a self-regulatory/co-regulatory approach. This is a development addressed by Beck:

4 It should be noted that in some discussions, perhaps especially prevalent in economic behavioural studies, the distinction citizen–consumer comes with the embedded connotations of individuals’ decision-making strategies: ‘citizens’ are those whose decisions are based in predominantly altruistic values, while ‘consumers’ are those whose decisions are determined by egoistic preferences (economic) (see for instance Berglund and Matti 2006 for more on this.). However, in this work, such a distinction is not implied nor intended.

5 Similarly, Sarikakis, researching cultural policy in the European Union in general and with respect to the European Parliament in particular, sees a shift towards consumer culture, particularly in the digital field, contributing this partly to how the US industry through bilateral free-trade agreements have secured that any digitalized form of content automatically becomes the subject of the market, not the state (Sarikakis 2007a, p. 86).

Unknowable long-term consequences is ultimately dumped on the so-called ‘responsible consumer’ (Consumer choice rules). The appeal to ‘responsibility’ is the cynicism with which the institutions whitewash their own failure. However – and this is also part of the tragic irony of this individualization process – the individual, whose senses fail him and her in the face of ungraspable threats to civilization, who, thrown back on himself, is blind to dangers, remains at the same time unable to escape the power of definition of expert systems, whose judgment he cannot, yet must trust. Sustaining an individual self of integrity in world risk society is indeed a tragic affair. (Beck 2006b, p. 336)

As previously shown, self-regulation, by its very nature, embeds less accountability, legitimacy, transparency and evaluation through and by democratically elected bodies.⁶ This is a democratic problem in itself.⁷ When the base legitimacy for the rights that are being regulated are transferred from the citizen to the consumer sphere, this is amplified. We are afforded different rights as citizens than we are as consumers. As a consumer, our participatory rights are not secured. Our rights are not linked to us as subjects, but to the product in question and our relationship with it, given that we are able to, and choose to, procure it. If we are not able or willing to establish a relationship with the product, we have no rights. This is in opposition to the observed phenomenon of digital products that transform into digital public services when they reach their critical mass. The nationwide adoption of Facebook is one example; a more critical one is the onlineification of governmental services paired with a privately owned access market.

One might argue that self-regulation is precisely a way of ensuring increased rights (or literacy, see Hobbs 2008, pp. 442–3) – also for children. Looking at the introduction into society of any new medium, it is clear that in many respects, anxieties concerning new media and children are part of a cyclical tradition, following the path of media panics as argued by Drotner (1999a, 1999b). Again, the case of ‘Xena’ in Norway can be used as an example, where a layman – the childless car salesman – instigates a moral outcry, demanding that measures are taken. Such panics can create ad hoc legislation, or attempts at such (see Staksrud and Kirksæther, 2013), and put pressure on the rights of children. However, as argued by Drotner and Livingstone (2008, pp. 2–3), the media harm argument has had little support by commercial companies. They have

6 Many of these concerns are also raised in relation to the European Union and its institutions (see for instance Bomberg and Stubb 2003; Ehin 2008; Føllesdal 2004; Heard-Lauréote 2010; Moravcsik 2002; Naurin 2004; Nentwich and Weale 1998; Neyer 2010; Risse and Mareike 2007; Sarikakis 2004, 2007b; Schönlaue 2005; Smismans 2004, 2006; Stefanie 2007; Tsakatika 2005).

7 For more in-depth discussions on this, see Murdock (1992, 1999, 2004, 2007), Golding and Murdock (1986) and Murdock and Golding (2005).

instead aligned with freedom of expression advocates supporting a liberal or rights-based critique, referring to children's personal choice and agency, which may be seen as an increase of their rights. Drotner and Livingstone see this development as providing support for the idea of a more individualized society.

Furthermore, it could be that children as consumers do not pose a problem, as they may very well be generally better equipped to manage the technological challenges than the older generations. As demonstrated in the previous chapters, children are individuals in their own right; they can make rational (yet often risky) decisions and have the ability to act as citizens of a nation-state and human beings with human rights. Within the digital field, they can even demonstrate a superior knowledge of the digital production means (as opposed to adults and 'older generations'). The transformation of the traditional media censorship and age-restrictive institutions into councils, as discussed in the previous chapter, is also a sign of the changing attitudes of children's rights as well as a testament to the belief in their competence. For instance, the motivation for the Danish transformation of the old censorship board to media advisory was based on a new understanding of children, media and influence. Referring to 'observations' that children *appear* to cope far better than adults with the 'challenges of the network society' and the belief that media is an essential knowledge base for children, there is less justification for absolute restrictions and age-based censorship (Medierådet for børn og unge 2010). The understanding of children as (potentially) competent decision-makers is also reflected in some of the high-profile awareness and educational campaigns in the field of Internet safety. Examples include the 'You Decide' campaign, an educational package aiming to increase young people's knowledge of privacy and to raise their consciousness about the choices they make online, focusing on the child as decision maker,⁸ and the 'Use your head' campaign⁹ focusing on digital bullying.

There is no denying that consumers can have substantial power to help change. The previously described incident of how a single person could stop the airing of *Xena* (Schulian and Tapert 1995–2001) by contacting companies and having them withdraw their commercials from the network in question is one such example. The commercial power of children and how youth culture is crucial to the political economy is another (Buckingham 2011; Ekström and Tufte 2007; Wasko 2008). But for such power to be capitalized upon, there is a need for proficiency. Thus, the concept of individual *competence* becomes critical. Children have been, and are often, seen as individuals who cannot defend themselves against various forms of peril, such as potential media harm. State

8 The campaign originated in Norway as a combined effort of The Norwegian Board of Technology, the Norwegian Data Inspectorate and the Centre for ICT in Education, and has been adapted fully or in part by a number of European countries; see www.dubestemmer.no.

9 The campaign can be found at www.bruekhuue.com and originated as a partnership between NGO, industry and government stakeholders in Norway.

regulation and legislation has been the answer to this; the state guarantee of protection for those in need who cannot provide this for themselves.¹⁰ Under the (Nordic) welfare state model there has been rooted approval of the idea of children as the responsibility of the state (Castles and Pierson 2000; Ladd-Taylor 1994; Leira 1993; Pedersen 1993). Thus, both the issue of individualization and the issue of children and online risk raise overall questions about the current obligations of the state, the caretakers and the children themselves.

Illegal Digital Aliens

As a citizen of the Western welfare states of Europe, your rights as elaborated above are secured. As a consumer these rights are not. Consequently, as a pressing example, if ‘everyone’ uses Facebook for communication, social, educational and professional interaction, political discussion, ad hoc groups, invitations and public information, Facebook as a service facilitates democratic, social and educational interaction. If you for some reason are denied access by the service’s owner, for example due to your age,¹¹ you have no rights. You are a digital citizen *non grata*, kept in off-service detention. However, with embedded citizen’s rights you could argue for the right to *participation*, but as a consumer you cannot. And, continuing to use Facebook as an example: ironically, today if you should choose to participate and manage to do so by creating a profile while you are under the age of 13, you have no rights at all, as you have violated their terms of service. At the same time, while the self-regulatory agreement on social networking sites in Europe expresses a wish for these sites to ensure that their age restrictions are real and that under-age users are barred from the service, there are no consequences for the industry if these provisions are not in place (Arto et al. 2009; European Commission 2009), except perhaps the risk of ‘name and shame’ potentially giving bad them publicity. Yet, as of 2010, 20 per cent of 9–12 year-old Internet-using European children had a Facebook account (Livingstone et al. 2011b), but, by definition, without the appropriate protective measures and rights. In Staksrud and Livingstone (2011)

10 Typically, in our field of concern these discussions and proposed solutions can be found under the ‘digital literacy’/‘media literacy’ terms. For an overview of exemplary studies relating to this, please refer to the Introduction.

11 This can for instance be the case because the content on the service is deemed as harmful or inappropriate for (younger) children. It can also be because legal regulations make it easier for the business to deny access for children under a certain age, typically 13, rather than embed the legislative requirements of, for example, privacy protection for minors. This is for instance the case with the US Child Online Protection Act [COPA] (Child Online Protection Act 1998), as well as the US Children’s Online Privacy Protection Act [COPPA] (Federal Trade Commission 1998) both pertaining to children under the age of 13. As a US-based service, Facebook must adhere to these acts.

we note that while creating policies is partly a normative exercise, the actual protection of children must be a pragmatic one. Naturally, children would like to be where everyone else is. This is not the problem. How to keep them safe, and who should be responsible for this task is. So far, as demonstrated in, for example, Staksrud and Lobe (2010), evaluating the self-regulation initiative for safer use by children of the major online social networks in Europe, the results show varying degrees of success in implementing agreed upon measures and ensuring their functionality (see also Livingstone et al. 2011b; Livingstone et al., accepted).

One might of course argue that such concerns will eventually be addressed by the co-regulatory approach, and the underlying carrot-or-stick incentive for self-regulation: if industry does not make it work, governments and supranational agencies such as the institutions of the EU will be ready to step in. As described in the previous chapter, by referring to Oswell (2008, p. 484) in relation to the field of children and media protection: ‘self-regulation is not a separate form of legal regulation, but rather operates in the context of statutory powers and law enforcement agencies’ (yet Oswell is also agreeing that strategies of ‘responsibilisation’ still tend to displace the burden of risk downwards, leaving reduction and management of risk to individual parents or individual children (Oswell 2008, p. 485)). Hybrid schemes are undertaken at a national level: for instance, as presented and problematized by the PURRR¹² research project (Livingstone and Lunt 2007; 2007a, 2007b; Lunt and Livingstone 2007) in the UK, the Office of Communication, Ofcom, is defined to exist to ‘further the interests of *citizen-consumers* [author’s emphasis] through a regulatory regime which, where appropriate, encourages competition’ (quoted in Livingstone et al. 2007a, p. 613). But what really is a citizen-consumer? The answer is far from clear.

Whether stick-intervention by the democratic welfares states of Europe is an actual and effective option, is questionable: both because this will require a fundamental breach with the principles of the information society as discussed in the previous chapter, and because the trans-national nature of Internet services makes the legislative and policy toolboxes smaller. For instance, as of 2011, eight member states and Norway reported to the European Commission that consumer or public authorities had been involved in developing codes of conduct for Internet service providers, and that only six member states had evaluation systems in place to assess the effectiveness of them (European Commission, 2011b, pp. 3–4). As Nicholas Negroponte put it, ‘The Internet cannot be regulated. It’s not that laws aren’t relevant, it’s that the nation-state is not relevant’ (Negroponte, quoted in Drezner 2004, p. 481). Or similarly, as Beck argues in *Risk Society*, the regulation of technology policy is problematic, as industry in relation to the state possesses a double advantage of both the autonomy of investment decisions and the monopoly of the application of technology (Beck 1992, p. 212).

12 = ‘The Public Understanding of Regimes of Risk Regulation’.

In this mix there is also the added regulatory level of NGOs to consider. NGOs are used as advisers both to the policymakers of the EC and to national governments in the field of Internet safety and protection of children. As discussed in the previous chapter, they often liaise with the industry to provide them with support and advice. Furthermore, they can act as independent evaluators intended to provide the public/users with guarantees of the quality of the self-regulatory measures promised and implemented. At the same time they are, more often than not, supported financially by the same industry they advise and monitor. The media education they offer is privatized. Additionally, NGOs are not subjected to the same scrutiny and democratic processes as established governmental institutions. This also pertains to the evaluation of their relative effectiveness and the actual minimizing of risk and/or harm.¹³

This is of course not to suggest that there is a fault-free solution waiting to be unearthed: government institutions might be no more rational or independent than industry and NGOs, and they also have a normative or political purpose. Nor is there any guarantee of finding the independent 'expert' to assist and recommend. As argued by Cottle (1998), the 'independent expert' (or researcher) simply cannot be assumed to coincide with institutional sources of professionalism, but instead to have other agendas and influences. At the same time, experts do have a strong power of defining the issues in the research they do, in the questions they ask and by the questions they do not ask.

It has been asserted (Renn and Klinke 2001, p. 27) that no risk policy can aim to reduce all risks down to zero, but rather aim to move the risk into the 'green area' where state regulators and other stakeholders and participants can use known methods for risk-benefit assessment. For subjective constructs, such as online risk, they are considered to be most effectively combated by argumentation; research and communication in public as the probability of occurrence and extent of damage are pretty well known. However, within risk research it is also recognized how science-based assessment is not enough. Key is the trustworthiness in regulatory bodies and discourse:

The extent of damage and the probability of occurrence of this risk type are not dramatic, the potential of mobilisation is high, however. In order to inform the public about the real extent of damage and the probability of occurrence, confidence-building measures are necessary. Independent institutions with high social esteem are important brokers for informing the public about the results of scientific research. Information is not enough, however. The affected people

13 However, there are also signs of re-regulation, following the increased role of the voluntary sector. For instance, Rochester (2000, p. 64) observed increasing rigorous measures to regulate the activities of the voluntary sector in general in order to minimize the risks of using private rather than public institutions.

should be given the opportunity to participate in decision-making and licensing procedures. (Renn and Klinke 2001, p. 24)

Consequently, pointing back to the current regulatory scheme, I argue that the acquisition of negative rights, or the relocation of control and restriction, is also a re-location of power and a change of the power structure. The re-location of power and control from the institutional to the individual level might result, or have resulted, in the power ending up with third parties – such as the professional and commercial service and content providers or even NGOs. The self-regulatory approach promoted and supported by the European Commission in many ways puts the safe and secure faith of citizens in the hands of commercial companies. This also limits the affected peoples' opportunity to participate in decision-making. For children this is to an amplified degree problematic, in that they, as the adults, on the one hand escape governmentally controlled regulatory schemes, while on the other they are at the mercy of whatever business and/or special interest idea that instead frames the advice and possible repercussions they face. In contrast to adults, however, their weakened public status – indeed, even a total lack of such – may cause them to completely fall between every public crack that exists. And make no mistake, the children know this, and compensate for it by any means available. Some even retaliate. One needs to look no further than juvenile hacktivism, digital truancy, the intentional access of pornography and exuberant digital goods free-for-all for examples of this.

Response and Responsibility

As documented above there has been steadfast increase of both positive and negative rights for children. In a political-philosophical perspective, the increased rights of any group of citizens would be perceived as positive progress. But, within the welfare state, the societal contract is based on a (more or less) tit-for-tat exchange between responsibilities and rights. Such an exchange requires the skills to understand how to manage these rights and responsibilities. One can argue that the management of these rights and responsibilities is limited, or even biologically challenged, as discussed in the risk section (Part I). Children's *behavioural willingness* as elaborated in the framework of the *gist*-based model does point to significant differences between adult and adolescent decision-making. However, these differences do not state that children make less rational choices, just less experienced and less informed ones. Moreover, embracing risk as a necessary tool for development and learning for children has been advocated ferociously by other experts on child development and childhood (Gill 2007). Within the field of Internet safety in general and relating to children in particular, this view – the need to tolerate some level or risk – has gained increased support on the theorization around 'resilience to risk', as

discussed in Staksrud and Livingstone (2009). This is not necessarily in opposition to the previous discussion on brain development and gist-based reasoning, as these studies, relying on dual-process models, consistently refer to *unhealthy* risk-taking. The ethical flipside is that while risk estimation here is about statistics on an overall level, the exposure to risk and the coping of such is on an individual level. There is also a fluctuation tolerance level of what are acceptable risk levels. Brown (1998, pp. 90–92) demonstrates how children and adolescents in Western modernity generally have been granted a legitimate ‘victim status within very narrow parameters, showing how various studies on child victimization concluded with children endured high levels of victimization that would not be tolerated by adults, victimization often labelled as “child’s play” or part of a “normal” schoolyard experience’.¹⁴ There is no denying that while studies show that most children are resilient and cope with online risk experiences, for some these experiences lead to harm (Hasebrink et al. 2011; Staksrud and Livingstone 2009).

I have previously argued that if the individual is constantly faced with decisions that all become part of the self-authored biography, *how* decisions are made is a factor of decisive interest, especially when we are dealing with decisions related to risks. Here, the field of neurobiology offers valuable insights into how such decisions are made, especially among adolescents, and as so, provides prescriptive measures. However, interestingly, some of the key recommendations coming out of this – that younger children and adolescents should be sheltered from risky experiences and supervised to prevent negative exploration (Reyna and Farley 2006, p. 34; see also Table 5.2 on prescriptive implications of neurobiological findings in the Risk section – Part I) – is not a viable option when we also consider the current issues of children’s basic human rights as well as the positive features associated with the use of the Internet. Both psychology and biology offer insights into the level of competence, and how this is determined by age and often also by gender (Renn and Klinkle 2001), as well as with risk assessment abilities (Reyna and Farley 2006). One cannot expect that within the short, in evolutionary terms, timeframe of 20 – or even 120 – years, the biological features of children, and how they are able to assess, react to and manage risk have changed significantly. Yet, as discussed above, the image and status of children has also changed substantially, from deviant monsters via competent consumers to powerless victims – and perhaps back. Today, within the tradition of the ‘new sociology of childhood’, as discussed in Part I, it is commonly recognized that childhood and youth are social constructions, that they are neither considered universal nor as natural categories (Lobe, Simões and Zaman 2009b, p. 31). Today, children’s standing as human beings and as citizens is unparalleled. These developments signify a normative belief in their competence. As pointed out by Cunningham:

14 A prime example here being the ending of the ‘Lord of the Flies’ (Golding 1954).

CITIZEN OR CONSUMER?

A history of childhood can easily become a history of what adults have done to children. Children become the victims or the beneficiaries of adult actions. But children can also be agents in the making of their lives and their world. (2006, p. 16)

However, given the history of children, we cannot take for granted that the acquisition of rights will continue as a linear development, as the view of children continues to be culturally, biologically, religiously, financially and legally challenged. For instance, as described in ‘Children and online risk: Powerless victims or resourceful participants’ (Staksrud and Livingstone 2009), children are, in public debates on media risk, often seen as Aristotelian clean slates – a ‘writing tablet on which as yet nothing actually stands written’ (Aristotle, c.350 BC, Chapter 4, (1). See also Locke (1721); 1721).

Hence, it might be that within the development of policies for new media, *perceived* rather than (or in addition to) real risks and potential for harm is a motivating factor, together with how one sees children – as victims in need of protection, or as competent individuals able to make decisions for themselves.

When discussing risk, regulation and rights, one could add the fourth ‘r’: *responsibility*. Responsibility is one of the major values of modernity. As argued by Beck-Gernsheim (2001e, p. 144) – who can be against it? Who would put forward a case for irresponsible behaviour? But then again, what does it really mean in the context of online risk? In our case, the protection of children from harm is a responsible starting point, but what is the responsible course of action? Increased Internet use gives more opportunities and more risks. Should one try to prevent risk or to accept risk and hope and facilitate for the development of resilience? Is empowerment and media education really protection? To what degree are, and can, children be held responsible for their own risky behaviour, their own risk biographies?

With the introduction of subjective liberties, modern law, in contrast to traditional legal systems, endorses Hobbes’ principle by which everything is permitted which is not explicitly forbidden. Hence law and morality diverge. With the moral code posits duties, the law establishes rights without reciprocal obligations. All this serves to create a space in which institutionalized individualism can thrive. (Beck 2000a, p. 84)

The autonomous child¹⁵ can be a source of great concern for parents and educators. Children wanting, needing, demanding and arguing for privacy and self-sufficiency for using the Internet at home and in schools puts a strain on the adults legally and emotionally responsible for their current and future well-being. So, returning to the individualization theory: if the imposed freedom of

15 For a critical historical discussion of the development of the ‘autonomous child’ in media and cultural conformism, see Pasquier (2008).

choice creates fears and the escape into advice literature, personal coaches and TV shows, *who advises the children?*

As discussed in Chapter 2 (Individualization), in the reflexive modern society, where the (institutionalized) individualization takes place, there is no limit to the options one faces. Instead, Beck claims (Beck et al. 2003, p. 20) that existing boundaries between individuals have been created along with the decisions that are being made. These boundaries are artificial in nature, but yet legitimate, and have been institutionalized into systematic procedures that affect everyday life. Thus, 'you are obliged to standardize your own existence' (Beck and Beck-Gernsheim 1995, p. 7). Because of this, the individuals become disembedded, and then re-embedded in new social forms of reintegration and control. However, relationships and ties are, in these new forms, individualized and do not follow established patterns or can be copied from one's parents.

Fundamentally, as the individual user is now the one forced to make the ultimate decision, it comes down to the question of who to trust for advice. Parents are expected to ask themselves, *who do I trust to give me advice and competence on how to best protect my children?* The forced decision is embedded in the regulatory logic of the institutions, as argued by Frau-Meigs:

The expectations weighing on parents are then enormous: they are expected to take full responsibility for the television consumption of their children. The logic of self-regulation does not question the source of production prior to programming; it thrusts the burden of choice a posteriori onto the unwitting watchers. (Frau-Meigs 2006, p. 85)

Children themselves are also expected to make a decision as to who to trust to have their best interest in mind: the industry – with its underlying market motives? NGOs – with their underlying ideological and/or religious motives? Government institutions – with their underlying political or bureaucratic motives? Researchers and experts – with their underlying theoretical rather than practical approach, and funding driven agenda? Or partners, parents or peers – with their potential lack of competence? Mix and match? There might be no lack of privatized advice, but there are few answers.¹⁶

16 What we do know from the 2010 EU Kids Online survey is that European parents' desired source of information on Internet safety is the child's school (43 per cent), traditional media sources (32 per cent), family and friends (29 per cent), service providers (26 per cent) and websites (24 per cent), government and local authorities (20 per cent) and manufacturers and retailers (16 per cent). Welfare organizations and charities (NGOs) come last at 12 per cent, the same as the percentage of parents who prefer to have their safety information directly from their own child (12 per cent). The *actual* sources of such information are predominantly family and friends (48 per cent),

With such prospects and opportunities as afforded to the privileged individuals living under (or rather with) the Nordic welfare state model, one would expect that the abundance of choice should be the ultimate feeling of freedom. However, the task itself is, according to the individualization theses, quite daunting. And therein lies the dilemma facing the modernized citizen: you are free to choose, but you may not possess the ability make these choices. For children, this problem multiplies, as it not only is applicable to themselves, but also to their caretakers, who should be the ones guiding them. As asked in the introduction: should parents coach, curl or control?

Power and Peril

Regardless of one's starting point, the allocation of the power of definition becomes central: understanding online risks as subjective constructs open to cultural and personal influences, who can define what online risk is and how it should best be reduced down to a tolerable level of harm? Who has the power to define peril?

As already established, we have seen a dismantling of governmental institutions that previously controlled the media flow of the child citizen. As demonstrated in the previous chapter, the tasks conducted by these institutions have been transferred to the individual. But, these tasks are also transferred to industry, NGOs and new or transformed governmental advisory boards, often connected to experts and researchers. These boards give, as online risks are subjective, varying advice and tools. This advice is not necessarily generated from an underlying rights-based ideology. Rather, it can be based in an institutional adaptation to new policy wishes, in a given philosophical ideology or religion, or motivated by market forces under the banner of 'corporate social responsibility'. Thus, you – as a parent and as a child – are bound to make decisions, and take the responsibility for them. At the same time you are expected to 'standardize' your own life, complying with what you are advised to do. For instance, the European Commission does, in its own evaluation report on behalf of the member states, call for more 'action' on the retail videogame business related to 'underage sales' (European Commission 2011b, p. 8), while the PEGI labelling

traditional media (32 per cent) and their child's school (27 per cent) (Livingstone et al. 2011a, p. 129 figure 101). Also, when researching Norwegian parents' regulation of media for their children, Karlsen and Syvertsen (2004) found that parents were sceptical about the media industry's capacity to regulate and label its own products adequately, especially in relation to computer games, concluding that there was wide agreement among the parents in the study that state regulation was preferred over industry, especially in relation to commercial media companies and products (as opposed to public broadcasting channels). For another example of a general scepticism towards privatization of cultural institutions, in this case movie cinemas, see Asbjørnsen and Solum (1999).

as described in the previous chapter is *not* an age limit or restriction, but an advisory tool. Still, you are, as an individual, expected to comply with the advice, by not buying such a game if you yourself are under-aged, or if you are an adult, for your under-aged child. Similarly, while the age recommendations are exactly that, *recommendations*, retailers are expected to restrict their sales to ‘over-age’ consumers only. These phenomena are theorized as a form of de-regulation. In other words, tendencies to *de*-individualization in the transformation of the law must also be recognized. There are institutionally individualized *opportunities* to make decisions, there are institutionally individualized *obligations* to make decisions and there are tendencies to *de*-individualization, characterizing the *space of ambivalences* of institutionalized individualization (Beck 2007, p. 683).

Rights for children, as for other individuals, are increasingly established. You have the right to make your own decision. However, as theorized by Beck, this is also a duty:

Opportunities, dangers, biographical uncertainties that were earlier predefined within the family association, the village community, or by recourse to the rules of social estates or classes, must now be perceived, interpreted, decided and processed by individuals themselves. (Beck and Beck-Gernsheim 2001b, p. 4)

The individuals of the reflexive modernity are characterized by choice, something that was not there for previous generations. But the choice has to be made quickly, as if by a reflex. Decisions must be made without the traditional limitations of classic institutions like state, class, nuclear family or ethnic group. And once they are made, they will probably come back to haunt you, needing to revoke, refine, readdress and recalculate everything as no decision is final. Marriage can be left, children can be given up, career paths can be changed, friends come in all categories and your biography can be rewritten. If we do not have an eraser or delete button for choices made, at least we have a life *Tippex* that can cover them if needed. In the exemplifying words of a young woman contacting me after I appeared on a news show discussing children and online privacy and reputation:

It’s like this: I know there is a lot of stuff that I did that is not so good. People can see it right. If they google my name. But when I applied for this job, I put out a lot of nice stuff about me also, on different sites and services, so like, when they google me, the nice stuff will come up and cover the bullying we did. It will come on top of the list. At least the good should neutralize the bad. ‘Cause I really want this job. ... I don’t really think that firms should be allowed to google you when you apply for a job. Cause that is like, private stuff. Right? (Girl/woman, 19 years, 2007)

An explanation of the situation at hand has been offered by Beck, pointing to the process of institutionalized individualization in the welfare states of

Western Europe. Thus, one could argue that the apparent rights acquired to decide for yourself might be a deception brought on by individualization.

Sense and Censorship

Regulating media content and children's access to it also raises questions of censorship. In the Western welfare states of Europe, censorship as an open policy tool is neither politically acceptable nor feasible. But, how do we actually define censorship? Drezner (2007) argues how 'the regulation of Internet content – that is, censorship – neatly fits the outcome of sham standards. Governments have wildly divergent preferences regarding the extent to which Internet content should be regulated' (Drezner 2007, p. 488). Pauwels and Donders (2011, p. 533) trace the strong emphasis on self- and co-regulation within the EC in general to precisely the fear of exaggerated Internet regulation in particular.

The underlying understanding in these arguments is that censorship is something that is by definition conducted by governments only. But is this really the case? As noted by Haufler (2001, pp. 9–10), we often tend to assume regulation as an activity of government. By doing this we are blinding ourselves to other possibilities. Given the wide applications and consequences of self-regulation, I argue that commercial content and access control, or NGO supremacy over risk and harm definitions, also can be a form of censorship.

Consider how it is not only the child and his/her protectors who might have cause for alarm when regulation becomes deinstitutionalized. This also falls into a wider dilemma on the potential for democratic exchange of ideas: for instance, Jacobs (2007), in referring to a posting on the Internet mailing list 'nettime' (www.nettime.org),¹⁷ expresses an even more profound concern that the alliances between nation-state government and Internet industries can result in political repression of marginal groups, as it creates 'a tide of intolerance':

Efforts to involve netizens (active participants in the Internet community) in Internet governance such as the European Union's Safer Internet Forum or the UK's Internet Watch Foundation may lead to a mainstreaming of sexual politics, rather than an understanding of new porn spaces and indie and queer porn movements. An example of such a mainstreaming would be the censorship of online sexual communities by commercial portals – and their eventual removal. (Jacobs 2007, p. 38)¹⁸

17 John Perry Barlow, *Censorship 2000*, Internet mailing list nettime, www.nettime.org

18 Similarly, it is interesting to note how early analysis of the 'what will happen if national film censorship is abandoned' foresaw the establishment of local censoring

Similarly, Nadine Strossen, the President of the American Civil Liberties Union, argues that self-rating schemes would turn the Internet into a homogenized medium dominated by commercial speakers (Strossen 2000, pp. 118–9). Parallel concerns have been raised on the issue of self-rating schemes, such as the ones supported by the Safer Internet Programme through the ICRA projects (Staksrud 2002).

For the end user being denied the opportunities of participation, information, communication and protection, it is of lesser relevance whether these restrictions come from industry referring to your limited or non-existent consumer rights, or from governments violating your negative right not to be prevented from participating or your positive right to be included as a digital citizen and as a digital human. The end result may very well be the same.

committees, who would probably advocate a much stricter regime than the one the (then current) centralized governmental run censorship would do (Bjørnsen et al. 1969, p. 19).

Chapter 12

‘Child Pornography is Great!’

All of the regulatory efforts and implementations in the name of child protection have, and will, inevitably put pressure on other democratic principles such as privacy, freedom of expression and freedom of information, hence the extensive public debates that have trailed each and all of them. Compelling arguments are often put forward showing unpleasant texts, images and attitudes (such as, for many, pornography) on the one side and the innocence of children and their impressionable minds on the other.¹ However, these arguments might not always be embedded in concern for children’s well-being. The discussion of protection, freedom of expression and censorship also questions the motives of corporate leaders. Are they engaging in self-regulatory schemes wanting to do good? Or is it all about power and public relations? As discussed by Haufler (2001, p. 112), many observers believe that corporate leaders cynically adopt corporate codes as a PR strategy, without adapting or requiring any real change. ‘Civil society “regulates” through its monitoring and advocacy functions. Industry regulates by setting standards for itself’ (Haufler 2001, p. 121). In this lies also the problem of free-riders,² companies relying on the effort of others rather than contributing themselves.³

Today, the protection of innocent children continues to be put forward as a compelling argument for introducing legislation that challenges basic human rights – also for adults. Psychometric research has implied that risk debates

1 This tendency has, in contrast to what many would have believed, given the omnipresence of the Internet in adults’ everyday life, not weakened. This work has been written in parallel with one of the most controversial political decisions in Europe, the so-called ‘Data Retention Directive’ (The European Parliament and the Council, 2006/24/EC), and the proposal to expand the directive to include all searches performed online (Motti and Záborskà 2010). The directive, and its underlying policy documentation, has the fight against child pornography online and the protection of children from potential online abuse (such as through grooming situations) as its key argument (see for instance background documentation Samferdselsdepartementet, 2010 in the Norwegian public hearing for such an example).

2 For more on the specific issues and problems of free-riding, see for instance Levmore (1982).

3 Without contributing this directly to the free-rider problem, it is noticeable how the EU Kids Online survey in 2009–2010 identified almost 80 key social networking sites in Europe, while at the same time the Safer Social Networking Principles for the EU had 20 signatories comprising a total of 25 services.

are not necessarily, or singularly, about risk statistics and management of risk, as demonstrated in Part I (*Risk*). Risk can also be a surrogate for social or ideological concerns, or hidden agendas (Slovic 2000b, p. 191). Only in a few cases, such as the ones below, is this fully verbalized:

Child pornography is great ... it is great because politicians understand child pornography. By playing that card, we can get them to act, and start blocking sites. And once they have done that, we can get them to start blocking file sharing sites. (Johan Schlüter, Danish Anti Piracy Group, Stockholm May 27th 2007, quoted in Engström 2010)

And similarly, Phil Archer, former (2000–08) Chief Technology Officer (CTO) in ICRA on the industry motives for endorsing the previously discussed ICRA Internet classification scheme, substantially endorsed by the EC Safer Internet Action Programme:

... look at the original ICRA membership: we had Microsoft, T-Online, AOL (still very big then of course), other ISPs, even Britain's first digital TV channel. It comes down to the fact that, as you well understand, the mission for internet companies is not child protection, it's brand protection. ... So they all sign up to this thing that is a flagship project of the new EU Safer Internet Programme. ... So I guess by political support I mean that we had, yes, EU support and the support of some governments ... Moreover, we had the support of policy makers in lots of companies. What ICRA never had was practical support/implementation. ... My understanding is that the political support that ICRA enjoyed – and it was substantial – was all to do with being seen to do something without being seen to impose censorship.

And on the changing of ICRA into the FOSI (Family Online Safety Institute):⁴

Also, I know that at least one household name company agreed to join FOSI “on condition that they didn't have to label.” With the help of an excellent PR consultant, (n.n.),⁵ the CEO had seen that he could turn the failing organization into one that simply held meetings at which internet companies talked about what they were doing for online safety in an environment of their peers. They could show legislators that the industry was doing all it could and more to make the internet safe. That's what FOSI does – and it's been very successful (more members and money now than ever before). (Archer 2011)

4 See fosi.org.

5 Name omitted by author.

The Sweet Candy Around the Bitter Pill

Again, what response that should be given to risk, and who should give it, will depend on which status children are afforded in the given society. Are they considered to be innocent and in need of protection? Or competent and willing learners in need of advice? Or a useful tool providing an excuse? Is apparent empowerment, such as media literacy education, really protection or something else? As observed by Frau-Meigs, alternate motives may exist also here:

Media education seems to be a concession granted by neo-liberal forces to mitigate their commercial conquests over state regulation (less emphasis on quotas, more inclusion of product placement, ...) – the sweet candy around the bitter pill. For such policies promote self-regulation and place the responsibility of media risks on the individual ... Hence, the risk for the implementation of media education policies lies in their being used as a lever to weaken market regulations, in particular those concerning the protection of children, consumers and personal data. ... (Frau-Meigs 2011, p. 174)

Regardless, the ultimate responsibility for overall child welfare and legislative protection does still lie with the state and its politics. As stated in the UN Convention on the Rights of the Child, article 3.3: 'states Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision' (United Nations 1989). This is also recognized within the European Union and the European Commission:

Decision-makers need to be aware of the degree of uncertainty attached to the results of the evaluation of the available scientific information. Judging what is an 'acceptable' level of risk for society is an eminently *political* responsibility. Decision-makers faced with an unacceptable risk, scientific uncertainty and public concerns have a duty to find answers. Therefore, all these factors have to be taken into consideration. (European Commission 2000b, p. 5, point 5)

So what are the consequences for children's rights if they become an excuse? Let me offer one: if alternate motives are the prime reason for implementation of regulatory regimes, efforts and practices, the effectiveness in terms of the right to protection and the intrusiveness in terms of rights of freedom of expression, information, privacy and organization might not be in the forefront when considering how and what to regulate.

Consequently, given the democratic and normative dilemmas arising from the self-regulatory approach to Internet risk and protection from harm, I argue

that it is a democratic oversight to view these extensive services as merely part of business, trusting that business models will provide the best possible protection and participation schemes. In this discussion, and as a media scholar, I position myself alongside scholars such as Mansell and Raboy (2011a, p. 13) seeing the media, hereunder also the Internet, as paramount social institutions, with Skogerbø (1996) seeing media as democratic institutions with specific obligations towards the public and with Haufler (2001, p. 122) urging the empowerment of citizens in self-regulatory processes so they can determine their own fate through democratic political processes. Thus, public intervention in respect to their access and orientation is both legitimate and necessary. One such intriguing intervention has been suggested by de Haan (2009), arguing for a *digital rights charter for children* based on the UN Convention.⁶

It is apparent that the consumer role has embedded itself in the citizen, bringing with it its special brand of rights management. In lieu of this, Haan's proposal is clarifying, just by being put on the table. For, are we not moving towards a society where we live our lives in two worlds, the physical and the electronic? Or even, do we not see a merger of the two? Without resorting to science fiction descriptions, we see our lives change, and our existence operating at several levels. Then, having two sets of standards for the two modes of living seems arbitrary, to say the least. It is possible that we do not need a digital citizenship, but unless our nation-based citizenship is updated, it may be imperative that it is established.

Theoretical Conclusions and Implications

This work has two overall objectives: the first was to answer the three research questions related to children – *what is online risk? How are such risks regulated? What are the potential implications for children's rights?* The second underlying objective was to make a theoretical contribution by empirically applying the theory of individualization on a field not before explored by Ulrich Beck. In that lies also the ambition to inform back, aiding theoretical developments. This was done within a specific set of parameters, looking at the supranational regulation of online risk for children, as well as the changes in governmental institutions dedicated to the protection of children from potential media harm in some of the Western welfare states of Europe. The analysis showed that there has been a steadfast dismantling of these institutions, easily spotted by how they have all changed their names and institutional self-representation from 'censorship', 'control' and 'authority', to 'advisory'. The legislative foundation – 'the societal

6 Also, other researchers have proposed a 'Children's Internet Charter', such as Livingstone (2011a, p. 162; 2011b, p. 510).

semantics of law' – for these bureaucratic institutions has changed. So has their practical work. One predominant marker is the extensive involvement in awareness related work, both nationally and on a European level. Similarly, we see how the European Union policy on a safer Internet is grounded in the idea of self-regulation (for industry stakeholders) and awareness (for children, parents and educators) and lately, also, knowledge enhancement (for policymakers and researchers), leaning heavily on Non-Governmental Organizations to perform these tasks. In addition, individual Internet users – parents and children – are allocated the ultimate responsibility of making choices to minimize risk and optimize opportunities: what to do, how to do it and who to trust for advice along the path of decision-making.

One of the major critiques of the individualization theory is the lack of empirical findings to support it. This book provides such findings, and can thus be seen as strengthening the theoretical claims that there has been an outsourcing of key institutions which before relieved the individual or provided him with security and orientation.

At the same time there are findings pointing in the opposite direction. For instance, the demands for re-regulation and legislative age and content restrictions, such as in the field of computer games. Also, the signs of NGOs 'dressing up in authority' and providing systematic alternatives to institutionalized classification schemes, as discussed in the *Regulation* chapters (Part II), can be seen as examples of the same tendency. However, this is not sufficient to significantly weaken the theory. Individuals who are allowed and forced to make their own risk-related decisions will seek guidance and comfort from other perceived authoritative and/or informed sources. At the same time they are expected to standardize their lives and their decisions.

Discussing responsibility and power structures is also a question of the relationship between the child and its parent(s). Consider the following description of the dilemma of relationships in the individualized society:

How much room is there left in a do-it-yourself biography with all its pressures and restrictions for a partner with his/her own plans and problems? How can the other person avoid becoming an additional hindrance, if not a disruptive factor? To what extent is it possible to share one's life if social circumstances compel one to concentrate on one's own interests? Situations are bound to arise in which, despite the very best intentions, two monads who instead of building up a shared universe have to defend their own separate universes end up arguing, sometimes in a civilized tone, and sometimes bitterly, with no holds barred. (Beck and Beck-Gernsheim 1995, p. 53)

While Beck and Beck-Gernsheim relate this discussion to adult partnerships, one might very well exchange 'partner' with 'parent', seeing the above as

a description of the negotiations and conflicts occurring in the home when children are individuals with their own personal time, money and rights.⁷

This chapter has addressed the changing relationship between the child, its parent(s) and the state. Therefore it might be helpful to remind how the (institutionalized) individualization does not refer to subjective transitions of attitudes and identities within individuals. In the individualization chapter it is presented how Beck argues:

The instance of falsification and the empirical proof of the individualization hypotheses is not to be found primarily in the contingency of attitudes and modes of behaviour of individuals ..., but in the relationship between state and individualization: basic civil rights, basic political rights, basic social rights. ... In all these fields there is evident, empirically verifiable or refutable, an historic trend towards an institutionalized individualization. (Beck and Grande 2007, pp. 681–2)

The analysis has also pointed to a blind spot in the theory, namely how children are considered only in collective group terms, and repeatedly considered as commodities more than as individuals and citizens. Therefore, as a theoretical

7 In relation to the wider theoretical discussions beyond Beck's individualization theory it is interesting to note how Giddens (1991) take on the modern parent-child relationship as one of the social revolutions of our time is an interesting observation that bears relevance also to our interest area of children and internet-related risk. As 'early' as 1991 Giddens (Giddens, 1991, p. 189) argued that a gap was created between generations due to the pace of social and technological change. The experiences of children have become detached from that of their parents, and children with increased formal rights might feel resentment if parental care is not adequate: 'The authority of parents over children, among many groups at any rate, is much less of a given than it used to be – just the thing that provokes despair among more conservative authors. Whatever the wider implications of this change may be, this situation is one where parent-child relations are increasingly subject to negotiation on both sides. Children, even when very young, generally have much more autonomy in their relations with their elders than previously they did. It's not just by chance that a large volume of sexual abuse has come to light in recent years, having presumably lain undisclosed before: or that there is now so much discussion, worldwide, of children's rights. What may seem to the conservative critic an objectionable decline in parental authority and filial obligation is more complex and more hopeful, than such an essentially pessimistic interpretation would imply. The authority of parents over children is less arbitrary than it used to be; parents are more often called on to account for their actions, either by their children or by others. ... Yet it does not follow that parental authority is always weakened; it may be enhanced when based more on consent than on the direct imposition of power' (Giddens 1991, p. 97). Giddens sees a clear trend towards 'negotiated authority' within the family, where the parents authority is no longer a given. 'A child and parent approach each other as implicit equals, even if empirically the parent holds the greater authority' (Giddens 1991, p. 119).

development, I offer the following observations: if the age of reflexivity is the age of the individual, and traditional categories of class, gender and such cannot be used to structure and guide one's decisions, one cannot treat 'children' as a single entity, but must relate to them as individuals. Thus, one must also include *age* as a 'fluctuating' factor in the theoretical discussions of (institutionalized) individualization.

Beck (2007, p. 682) argues that the historical-empirical basis for testing the individualization theory is: 1) the establishment of basic and civil and political rights in the nineteenth century, their restriction (to men) and their de-restriction (inclusion of women) in the twentieth century; and 2) the establishment, explanation and then dismantling of the welfare state in Western Europe, after the Second World War, and in particular the developments from the 1960s and 1970s and onwards. The second point has been addressed in Chapter 6. The first point, given the argued theoretical expansion to also include children and the empirical findings of this work, can be reformulated into: 1) the establishment of basic civil and political rights in the nineteenth century, their restriction (to men) and their de-restriction (inclusion of women) in the twentieth century and their restriction (to adults) and their de-restriction (inclusion of children) in the twentieth and twenty-first centuries.

More Research is (Of Course) Needed

More research is always needed. We need more empirical studies addressing children and online risk, harm, coping, opportunities and affordances. We also need more research towards the practical level of policy development and risk management strategies. This does especially pertain to how we shall deal with the tension between neurobiological and cognitive findings on the decision-making of adolescents versus the established democratic rights of children in terms of participation, communication and protection. We also need more research addressing the conflicting roles of stakeholders working in the field of Internet safety. The democratic problems that potentially arise when we seek to protect children through self-regulation should especially be addressed further. To what extent is child protection used as a lever? With this also comes the understanding that the issue of children, media and protection challenges core democratic values of information, speech and participation, not only for children, but for all of us.

Finally, there is scope for further theoretical elaborations and developments of the individualization theory, where the field of media and communication is believed to be a valuable supplier of terms.



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Chapter 13

Good Luck!

Life is not fair. Most people will at some point realize the randomness of events in life leading to good and bad outcomes, many of which will always be beyond our control regardless of what we do. Managing risks, identifying our normative ideal and being able to accurately pinpoint and implement prescriptive measures will protect our children in the online and offline world, but only up to a certain point. This is not a fatalist theory; this is one of the experiences of life. While it is the researcher's trade to assign explanatory models to real-life events, some events will come down to the unpredictable phenomenon of luck. As argued by Fredriksen (2005, p. 44) risk ratios (as the ones provided in the statistical realm from surveys such as EU Kids Online) only give an idealized picture of the world. In the history of risk, the various tools implemented can be seen as attempts to 'tame chance' and reduce uncertainty through the use of formalized risk methods of assessment and calculations (Kemshall 2006a, p. 82). For the individual this can lead to an overestimation of the fairness of life and events, so that people are held causally responsible for things they do not control.

Within the individualization theory, this is explained as the ill-produced biography. Wrong turns have been taken, mistakes have been made and plans and prospects of career, family life, love, economy, weight, exercise, healthy diets, polite children and a beautifully designed home have gone astray. Such unwelcome developments can be written in as 'merely bad luck' (Beck and Beck-Gernsheim 2001b, p. 3). One is responsible for one's own life, but we allow for explanatory excuses.

Not all children are born into loving families. Not all children have parents that care. Not all children have the ability to develop their mental and physical capabilities. No child is dealt the same cards as the next. For some, circumstances beyond their control will determine how likely it is that they are at risk – and how likely it is that they are not. Not all children have good luck. In a contractual relationship between the citizen and the welfare state it has traditionally been the task of institutions to level the playing field, providing a counterweight to the randomness of luck. In the words of Rawls:

The natural distribution is neither just nor unjust; nor is it unjust that men are born into society at some particular position. These are simply natural facts. What is just and unjust is the way institutions deal with these facts. (Rawls 1971, p. 102)

CHILDREN IN THE ONLINE WORLD

As this work has demonstrated, the institutions dealing with levelling the field, protecting all children, those at risk for harm and those who are able to cope, have changed. As their tasks have been outsourced, so has the security and orientation they afforded the citizens of the welfare state. Thus, on the one hand, children of today have more rights in terms of personal decision-making as digital consumers. On the other hand, they may have lost some of their democratic rights to participate and to be protected as digital citizens.

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Index

Note: italic page numbers indicate figures and tables; numbers in brackets preceded by *n* refer to footnotes.

- addiction issues 8, 55, 74
- adolescents 29, 30, 41, 68, 73, 74, 76, 79, 80, 160, 173
- advertising/marketing 6, 54, 55, 129
 - embedded/viral 8
- affordances 11
- age-assigned roles 28–29
- age-based regulation 33–34, 85, 113, 130, 136, 151, 164
- agency 19–20
- aggressive risk 54, 55, 63(*n*22), 64
- anorexia 8, 55
- Aristotle 161
- Atkinson, Will 24, 26
- Australia 35, 45, 51–52, 119
- Austria 110, 117(*n*11)
- awareness-raising 72, 85, 93, 94, 95, 96, 105, 107–109, 110, 111, 121, 171
 - NGOs and 131
- Bangemann Report (1994) 90
- Barnevakten (NGO) 129–130, 133
- Bauman, Zygmunt 19
- Beck, Ulrich 2, 3, 4, 9, 11, 13–18, 43, 78
 - on expert knowledge 61
 - five theses of risk 44, 81
 - and historical sector analysis 13–14, 111, 173
 - and individualization *see* individualization
 - on institutional change 36, 120
 - and ‘killing of class’ 23, 24
 - on mass media 22
 - on ‘meta-transformation’ of law 149
 - on rights/duties 164
 - on risk 42, 44, 82, 138, 139
 - risk society and 14, 15–16, 44, 84, 154
 - on self-culture 142
 - on social inequality 17
 - on societal semantics of law 13(*n*3), 111, 113–117
 - on technological risk 59–60
 - on welfare state 33
- Beck-Gernsheim, Elizabeth 3, 4, 10, 14, 15, 18, 29
- biography 17, 18–19, 19(*n*10), 21–23, 33, 37–38, 160
 - globalization of 37
 - risk 67, 175–176
- boundaries 12, 21, 24, 32, 37, 70, 111, 120, 162
- Britain (UK) 25, 34, 35, 105, 106, 119, 168
 - NGOs in 128, 130, 131, 134, 136
 - Williams Report (1979) 72–73, 121
- broadcasting authorities 14
- bullying 54, 55, 61, 69, 94, 110, 155
- Canada 35
- cartoons 57
- censorship 3, 11, 57(*n*8), 113, 114–117, 151, 170
 - and children’s rights 144
 - and self-regulation 165–166

CHILDREN IN THE ONLINE WORLD

- child benefit 33–34
- child pornography 106, 110, 132
 - and ideological concerns/hidden agendas 168
- child protection 1, 15, 23(*n*17), 35, 38, 109, 113, 124, 140, 158, 167–168, 173
 - and ideological concerns/hidden agendas 168, 173
 - and new media 56–57
- child sexual abuse 94, 96, 106, 148
 - see also* child pornography
- childhood 46, 145, 159, 160
 - complex view of 51
 - definitions of 145
- childhood studies 46–48, 81
 - developmentalist approach 48
 - media studies and 48, 49
 - social constructionist approach 47–48
 - three stages of 47
- Childnet International (UK) 129–130, 134–135
- children 43
 - and age-assigned roles 28–29
 - competence/agency of 155–156, 160–161, 169
 - as consumers 153–155
 - decision-making by *see* children's decision-making
 - defining 30, 161
 - as digital class 23–24(*n*17)
 - gender differences in 25, 29–30, 52(*n*3), 78(*n*9), 160
 - and individualization 4, 10
 - involved in regulation process 115, 117, 138
 - as justification for regulation 2, 168, 169–170, 173
 - lack of public status of 159
 - and media 46–49
 - normative challenges with 2–3
 - and online risk *see* online risk
 - as property/articles of trade 27, 28, 172
 - resilience of 160
 - as risk 27
 - theoretical disregard for 4, 27, 30
 - treated as homogenous group 28–29, 31, 38, 51, 63, 172–173
 - younger 8, 30, 76, 79–81, 115, 156(*n*11), 160
- children's decision-making 73–78, 143, 151
 - adolescents 74, 76, 173
 - and adult decision-making, compared 67–68, 74, 75, 75(*n*3), 77–78, 81, 159
 - and behaviour willingness 76, 81, 159
 - and children as consumers 153–154
 - 'cool' factor in 73
 - fuzzy-trace/gist theory 76–78, 79, 159
 - and McGurk-Macdonald study 77–78
 - neurobiological aspects of 75–76, 79, 81
 - prescriptive implications of 79–82
 - theoretical implications of 78
- Children's Online Privacy Protection Act (US, 1998) 100
- children's rights 4, 11, 14, 26, 30, 39, 142, 143–150
 - acquisition/development of 160–161, 173
 - ensorship and 144
 - and citizen/consumer rights 151–153, 154–155
 - competence/agency and 155–156, 160–161
 - and definitions of childhood 145
 - divorce and 27–28
 - Facebook and 156–157
 - and ideological concerns/hidden agendas 2, 168, 169–170
 - individualization and 143, 144, 146

INDEX

- participation/protection 12, 146, 149, 150
- philosophical background to 145–146
- positive/negative 149, 159, 166
- and responsibility/duty 161–162, 164
- see also* Convention on the Rights of the Child
- Christianity-based organizations 129–130
- citizen-consumers 157
- citizenship/citizen rights 61, 128, 151–153, 154–155, 156, 159
- digital 151–152, 156, 166, 170, 176
- and self-regulation 153, 154, 157, 159
- civil rights 39, 152, 172, 173
- class 17, 21, 23–25
- ‘killing of’ 23, 24
- cognitive psychology 41(*n*1), 42, 67, 68, 70–71, 137–138, 173
- comics 56
- commercial risk 54, 55, 63(*n*22)
- communications research 8
- institutional origin and 90(*n*10)
- computer games regulation 110, 114, 115, 116, 120–121, 122, 150, 163–164, 171
- see also* PEGI
- conduct risks 62, 63(*n*23)
- consumer associations 107
- consumer protection 110
- consumer rights 151–153, 154–155, 156, 166
- and self-regulation 153, 154, 157, 159
- content classification 85, 93, 94, 95, 96–99, 110, 111, 139, 171
- commercial motivation for 168
- self-rated *see* self-regulation
- Convention on the Rights of the Child (UN, 1989) 3, 146–148, 149, 152, 153, 169
- and digital rights charter 170
- copyright 99
- corporate social responsibility 124–125, 163
- cosmopolitanism 16(*n*6), 22(*n*15), 146(*n*4)
- cost-benefit analysis 28, 90
- criminology 20, 43
- critical evaluation skills 8
- cultural studies 48
- ‘curling-parenting’ 12(*n*10), 163
- Daphne Programme 91(*n*13), 106, 110
- data collection 107–108
- de-individualization 164
- death 18, 39
- decision-making 11, 17, 21, 27, 29, 38, 42, 137–138, 141, 163, 164
- children’s *see* children’s decision-making
- rational choice and 43, 68
- and risk biographies 67
- and risk perception 68–71
- trust and *see* trust/trustworthiness
- democracy 1, 154, 167, 173
- and media/Internet 5, 170
- Denmark 33, 34, 106, 108
- institutional change in 113, 114, 117, 118, 118, 121, 155
- risk perception in 52
- and Safer Internet Action Plan 121–122
- voluntary sector in 128
- digital citizenship 151–152, 156, 166, 176
- digital literacy 6–7, 149
- divorce 27
- dopamine/dopaminergic systems 76
- drugs 8
- dual process models 76–78, 79
- e-commerce 110, 120
- economics/economists 43, 44

CHILDREN IN THE ONLINE WORLD

- education 5, 6–7, 14, 24, 25, 39, 48, 81, 112(*n1*), 128
 media literacy *see* media literacy
 and risk 62
 sector 107
- EEA (European Economic Area)
 10, 84, 91, 91(*n14*)
- EESC (European Economic and
 Social Committee) 97, 101, 153
- embedded marketing 8
- ENASCO/ENASCO II projects 13
- EU Kids Online project 7–8, 39,
 63, 91(*n15*), 132–133, 151,
 162–163(*n16*), 167(*n3*), 175
 awareness-raising and 108, 109
 online risk model of 53–54, 53
 online risk typology of 54–55,
 55, 81–82
- European Commission 84, 85, 90,
 95, 97, 98, 99, 169
 awareness and 107–109
 and citizen/consumer rights
 153–154, 157
 competency of 141
 computer games regulation *see*
 PEGI
 and hotlines 106, 107, 110
 legislation 109–110, 120
 mobile phones regulation 105
 NGOs and 127, 130–134, 158
 Safer Internet Programme *see* SIP
 self-regulation and 124–125, 132,
 159
 social networking regulation 105
- European Council 84, 91, 92–93, 99,
 110
- European Economic Area (EEA)
 10, 84, 91, 91(*n14*)
- European Economic and Social
 Committee *see* EESC
- European Financial Coalition 110
- European Forum on the Rights of
 the Child 110
- European Online Grooming Project
 (POG) 109
- European Parliament 84, 89, 91,
 92–93
- European Union (EU) 10, 27, 35,
 84, 169
 citizenship in 152, 152(*n2*)
 consumerism in 153–154
 content classification in *see*
 content classification
 filtering policies in *see* filtering
 policies
 five policy pillars of 10, 85,
 95–110, 111, 123
 and institutional change 121
 regulatory legitimacy in 89–90
 self-regulation in *see* self-
 regulation
- EUROPOL/INTERPOL 92
- everyday life 17–19
 ‘theologization’ of 19
- expert knowledge 3, 42, 43, 55, 60,
 61, 64, 87(*n2*)
- expression, freedom of 12, 92, 147,
 147(*nm7*, 8), 151, 154–155, 167
- Facebook 60, 154
 and children’s/citizen’s rights
 154, 156–157
 and US child protection acts
 156(*n11*)
- family 14, 34
see also parents
- Family Online Safety Institute
 (FOSI) 168
- film classification boards 14, 85,
 101(*n25*), 113, 114–117, 118
 tenure and 140
see also NBFC
- filtering policies 85, 92, 93, 94, 95,
 95, 96–99, 110, 111
 criticisms of 98
 four categories in 97
 industry actors in 97–98
 NGOs and 131
 and rights/freedoms 97, 99
- Finland 33, 34–35, 101(*n25*)

INDEX

- FOSI (Family Online Safety Institute) 168
- Foucault, Michel 2(*n*3), 44
- France 57(*n*8), 102(*n*27), 119, 120(*n*7), 131
- fraud 61
- fuzzy-trace theory 76–78, 79
- gambling 8, 55
- game theory 77
- gender 25, 29–30, 52(*n*3), 78(*n*9), 160
- Germany 16–17, 29, 51–52, 105, 117
welfare state in 33, 34
- Giddens, Anthony 19, 23(*n*17), 44, 120
- gist-based intuition 77, 78, 159
- globalization 16, 22(*n*15), 37, 84, 111
- Gore, Al 124
- governmentality 44
- grooming 54, 55, 94
- Habermas, Jurgen 16, 20
- harassment 54, 55
- Hill, Alison 57–58
- historical sector analysis 13–14, 111, 173
- Hobbes, Thomas 145, 146
- hotlines 85, 91(*n*13), 94, 95, 95, 106–107, 110, 111
NGOs and 127, 131
regulatory rationale for 107, 121
- human rights *see* rights
- Iceland 33, 34–35, 91(*n*14), 108
risk perception in 52
- ICRA (Internet Content and Rating Association) 97–98, 127, 166, 168
- ICT (information and communication technologies) 5, 6, 7, 111, 151
- identity 42, 48
- identity theft 61
- illegal content 92, 93, 94, 105, 132
- illegal downloading 8, 54, 55, 159
- INCORE consortium 130
- individualism 19–21, 34–35, 128, 152
- individualization 4, 10, 13–39, 111–113, 140, 141, 170–173
and biography 17, 18–19, 19(*n*10), 21–23, 33, 67
children and 27–30, 82, 161–162
children's rights and 38–39, 143, 144, 146
class/social inequalities and 23–25
and consumer rights 154, 155
critiques of 23–26, 146, 171, 172–173
de- 164
and everyday life 18–19
future research on 173
in Germany 16–17, 29
imposition of 4, 13, 18, 31, 32–36, 161–162
and individualism 19–21
Internet and 37–38, 164–165
and labour market 15, 23(*n*17), 25–26
lack of empirical base for 23, 25–26, 31, 171
media regulatory bodies and 35
parameters/criteria for 31
and personal money/time 29–30
research challenges with 26
and risk society *see* risk society
and societal semantics of law *see* societal semantics of law
and technological change 59–60
thesis 16–19, 25, 28
use of term 13(*n*2), 19–21
and values 123
and welfare state 4, 13, 18, 31, 32–36
and women 27, 29
- information and communication technologies *see* ICT
- information, freedom of 12, 151, 167

CHILDREN IN THE ONLINE WORLD

- information society 90
 Inglehart-Welzel cultural map 35
 Inhope (Internet Hotline Providers of Europe) 106, 107, 134
 INSAFE network 108–109
 institutional change 5, 14–15, 31, 85, 113–122, 139, 141, 151, 152–153, 170–171, 176
 and children's rights 155, 163
 irrationality in 118
 and political ideologies/perceptions 118–121
 and societal semantics of law 113–117, 118
 and technological change 3, 15, 43, 118–119
 institutional schizophrenia 22
 institutionalized individualization *see* individualization
 institutions 2(*n*3), 3, 10
 educational 24
 and individualization 4, 13, 14–15
 media regulation bodies 14, 36
 multi-stakeholderism and 101, 113, 121
 outsourcing/in-sourcing of 10–11, 85, 111–112, 117, 123–125, 141–142, 176
 regulatory legitimacy of *see* regulatory legitimacy
 tenure and 139–140
 trust and *see* trust/trustworthiness
 values in 122–123
 Interactive Software Federation of Europe (ISFE) 103
 interactivity 59
 intergovernmentalism 90(*n*11), 139(*n*1)
 Internet 43
 and democracy/citizenship 5
 emerging contents 8
 fears/anxieties about 2, 5, 10, 41, 48, 51–52, 150
 and individualization 37–38, 111, 112
 and institutional change 3, 113–117
 legislation and *see* legislation
 positive features of 48, 81, 92, 114, 160
 research on *see* research on children and new media/Internet
 risk and *see* online risk
 trans-national nature of 119, 157
 Internet Action Plan 109–110, 130, 153
 Internet Hotline Providers of Europe *see* Inhope
 Internet Watch Foundation (IWF) 106, 130, 165
 Interpol 92, 106, 134
 Ireland 105, 108
 ISFE (Interactive Software Federation of Europe) 103
 ISPs (Internet service providers) 99, 101, 107, 120(*n*17), 157, 168
 Italy 45, 105
 Kennedy, John F. 153
 knowledge-based projects 108, 109, 171
 labelling systems 97, 101, 127, 139
 labour market 15, 23(*n*17), 25–26, 113
 legislation 85, 95, 97, 101, 109–110, 111, 112, 141
 motivation for 118–120
 national 101, 106, 119, 119, 147(*n*6), 149
 and technological/institutional change 118–119, 121
 liberal state model 35
 literacy 48, 100
see also digital literacy; media literacy
 Locke, John 145
 love 18, 39
 Luhmann, Niklas 16, 44
 McGurk-Macdonald study 77–78
 Magaziner, Ira 124

INDEX

- ‘Manhunt 2’ (computer game) 105, 105(*n*31)
- marketing *see* advertising/marketing
- marriage 14, 18, 39
- Maslow, Abraham 83
- mass media 21–22, 147
- media authorities 14, 35, 36, 113–117, 121
 tenure and 140
see also film classification boards; NICAM
- media and communication studies 1, 43, 67, 173
- Media Council for Children and Young People (Denmark) 114, 122
- Media Literacy Initiative 110
- media literacy/competence 8, 100, 110, 114, 136–137, 138, 169
- media panics *see* moral/media panics
- media regulation 4, 14, 23(*n*17), 38, 90(*n*12)
- media risk 2, 55–58, 111–112
- media studies 14, 23, 42, 45–46, 60, 81, 111
 and childhood studies 48, 49
- media, traditional 22, 59, 149, 150, 162(*n*16)
- MEDIAPPRO 108
- medicine 7, 43, 47
- menarche 145
- Microsoft 97, 134, 168
- mobile phones 8, 37, 45, 94, 122, 124, 150
 European Framework for Safer use of (2007) 105
- modernity 4, 112, 161
 everyday life 17–19
 late/post- 44, 120
 second/reflexive *see* reflexive modernity
- modernization 14
- moral/media panics 8, 45, 56, 71, 120, 121, 154
 NGOs and 129–130
- music 57
- nation-state 36, 84, 85, 88, 116, 118, 151–152, 157
- National Board of Film Censorship (Denmark) 114, 118
- navigation skills 8
- NBFC (Norwegian Board of Film Classification) 14, 101(*n*25), 102, 122, 130
 organizational change in 115–116, 118
- Negroponte, Nicholas 157
- Netherlands 34, 35, 106, 121, 136
 institutional change in 113, 116–117
 Media Act 117
 media classification board in *see* NICAM
 voluntary sector in 128
- networked individualism 20
- neurobiology 42, 67, 68, 75–76, 79, 141, 160, 173
- new media 5, 6, 12, 64, 111–112, 116, 122
 children/adult differences in 53, 65, 155
 fear of 51, 56–58, 71
 and network society 20
see also Internet; mobile phones
- news coverage 45–46, 60
- NGOs (non-governmental organizations) 11, 85, 107, 108, 110, 112–113, 121, 122, 123, 127–138, 141, 151, 162(*n*16), 163
 citizenship/individualism and 128
 competency of 141, 158, 162
 and EC/industry 130–134
 as figures of authority 133, 171
 funding for 131–133, 134
 grassroot 128–130, 139
 independence of 135
 and industry 134–135, 158

CHILDREN IN THE ONLINE WORLD

- and media literacy 136–137, 138
- and parents as decision-makers 135–138
- and political leaders 134
- as response to media panic 129–130
- role of in welfare state 127–128
- self-regulation and 130, 131, 132, 135
- uncertainties/challenges with 132–133
- NICAM (Netherlands Institute for the Classification of Audiovisual Media) 101(*n*24), 103, 106, 117, 118, 135–136
- NMA (Norwegian Media Authority) 14
- non-governmental organizations *see* NGOs
- Nordic countries, risk perception in 52, 73
- Nordic welfare state 52, 156
 - class in 23–24(*n*17), 30, 33–35
 - equality/universalism in 33–34
 - individualism in 34–35, 163
 - regulatory legitimacy in 87, 88
- Norway 25, 27, 55(*n*5), 63, 108, 157
 - child benefit system in 33–34
 - children's rights in 149
 - film classification board *see* NBFC
 - institutional change in 113, 115–116, 121
 - introduction of colour television in 57
 - NGO in (Barnevakten) 129–130, 133, 154
 - risk perception in 52
 - and Safer Internet Action Plan 121–122
 - and SIP 91(*n*14)
 - voluntary sector in 128
- Norwegian Media Authority (NMA) 14
- Nozick, Robert 145
- online gaming 94
- online risk 1, 10, 16, 38, 41, 41–65
 - age/generation factor in 52–53, 63
 - analytical model of 53–54, 53
 - approaches to research on 4–9
 - and children's rights 147, 150
 - and coping mechanisms 58
 - and cultural differences 51–52
 - current incidence of 63–65, 64
 - and decision-making 42
 - defined/approaches to 9, 51, 54
 - dependent on external knowledge 59, 60
 - descriptive mapping of 10, 42
 - future research on 173
 - historical context of 9–10, 13–14, 41, 55–58
 - and individualization 26
 - management of *see* risk management
 - as media risk 55–58
 - positive potential of 61–62, 63
 - public discussion/anxieties about 2, 5, 10, 41, 48, 51–52, 150
 - regulation of *see* regulation of online risk
 - research *see* risk research
 - as research question 4, 14, 81, 170
 - resilience to 159–160
 - and responsibility 161–162
 - sexual *see* sexual risk
 - as technological risk 59–61
 - typology of 9, 41, 54–55, 55, 62, 81–82
- organization, right of 12
- pan-European approach 108–109, 110, 121–122, 139, 171
- Pan-European Game Information system *see* PEGI
- Panopticism 2
- parents 3, 12, 25, 90, 97, 105, 108, 114, 140–141, 171–172
 - and children's rights 148(*n*11)

INDEX

- and content rating systems 132–133, 135–136
- cultural differences in 136
- and media literacy 136–137
- NGOs and 130, 132–133, 135–138
- rights of 30
- risk perceptions of 52
- sensitizing of 60
- styles of 57, 58, 136, 163
- and trust 162
- participation rights 12, 146–148, 149, 150, 151, 156, 166, 173
- peer-to-peer file transfer 94
- PEGI (Pan-European Game Information) system 101–105, 130, 133, 136, 163–164
- and Barnevakten 130, 133
- controversies with 104–105
- establishment of 102–103
- motivation for creating 101
- rating system 104, 104, 104(*n*29), 121
- success of 102, 104, 105, 120
- PEGIONline 103
- personal money/time 29–30
- ‘place polygamy’ 37
- Plato 56, 58, 141
- POG (Online Grooming Project) 109
- political activism 129
- political rights 39, 152, 172, 173
- pornography 2, 41, 52, 54, 55, 58, 96, 115, 150, 159, 165
- and risk perception 72
- power relationships 44, 82, 159, 171–172
- Prague declaration (2009) 100–101
- precautionary policy principle 89–90
- privacy, right to 12, 29, 60, 92, 124, 147, 151, 164, 167
- probability theory 68, 69
- Protection of Minors and Human Dignity (European Council, 1998) 99
- protection rights 12, 146, 149, 150
- provision rights 146
- psychometric paradigm 44–45
- public awareness *see* awareness-raising
- public hearings/debates 1, 10
- questionnaires 44–45, 52(*n*3), 81
- racism 8, 54, 55, 94, 96, 106, 120(*n*17)
- radio 12, 150
- rationality 4, 29, 35, 43, 74, 140–141
- scientific/social 42
- thin theories/correspondence view of 68, 69, 77
- Rawls, John 145, 175
- Recreational Software Advisory Council on the Internet (RSACi) 97
- reflexive modernity 15–16, 17, 21, 36, 67, 112
- choice and 164
- human rights and 146
- regulation of online risk 1, 4, 10–11, 36, 38, 64, 83–85, 139–142, 167–168
- and changes in semantics of law 85
- children’s rights and 144, 145, 150
- descriptive/prescriptive/normative levels 67
- effectiveness of 141
- and ideological concerns/hidden agendas 2, 167–168, 169, 173
- and individualization 26
- lack of concrete concerns in 121
- legislation *see* legislation
- legitimacy of *see* regulatory legitimacy
- legitimacy
- NGOs and *see* NGOs
- risk perception/decision-making and 79–80, 80
- self- *see* self-regulation
- trustworthiness and 158–159, 162

- see also* censorship; child protection
- regulatory legitimacy 1, 4, 10, 11, 38, 41, 67, 82, 83, 85, 87–110, 143
 and children's rights 150
 defined 88–89
 and five policy pillars 95–110, 111
 and precautionary policy principle 89–90
 as social contract 88
- Reno vs ACLU* (1997) 120
- research on children and new media/
 Internet 4–9
 future 173
 gaps in 7–8, 9
 individualization and 4
 and optimism/worry dichotomy 5, 11–12
 questionnaires 44–45, 52(*n*3), 81
 traditions/topics 6–7
- responsibility 100, 161–162, 164
 corporate social 124–125, 163
- rights 12, 136, 145–147, 167, 173
 children's *see* children's rights
 citizen *see* citizenship/citizen rights
 civil/social/political 39, 152, 172, 173
 consumer *see* consumer rights
 negative/positive 149, 159, 166
 protection 12, 146, 149, 150
 provision 146
- risk 16, 42, 137–138
 Beck's five theses of 44, 81
 defined 51
 growth in research on 3, 43
 and ideological concerns/hidden agendas 168
 positive potential of 61–62
 ratios 175
 resilience to 159–160
 in social sciences 43–46
- risk analysis/assessment 16, 57(*n*8), 59, 64, 68–69, 90
- risk management 7, 8, 42, 67, 73, 79, 175
 and boundaries/limits 12
 and decision-making 143
 five policy pillars of 10, 85, 95–110, 111, 113
 freedom/affordances and 83
 irrationality in 118
 media literacy as 137
 and political regulators 141
 supranational approach to 139
 and technological change 59
- risk perception 38, 41, 68–73, 82, 140–141
 anchoring/focusing effect in 71
 cognitive psychology and 70–71
 in collective groups 71–73
 criteria 68, 70, 70
 and cultural differences 51–53
 gender and 52(*n*3)
 quantifying/modelling 45
 technology and 59
- risk prevention 38
- risk research 43–49
 growth in 3, 43–44
 hybrid/interdisciplinary approaches 44–45
 SARF framework 45–46
 sociological approaches to 43–44, 49
 trustworthiness in 158–159
- risk society 14, 15–16, 22, 44, 84, 120
 expert knowledge and 61
 and individualization thesis 16–17
 range of issues applied to 15–16
 technological change and 59–60
- Risk Society* (Beck) 14, 15, 17
- risk takers 62
- ROBERT (Risktaking Online Behaviour - Empowerment through Research and Training) 109
- Ruise, Roar 129

INDEX

- Rousseau, Jean-Jacques 145
- RSACi (Recreational Software Advisory Council on the Internet) 97
- Rule of Rose* (computer game) 120–121
- Safer Internet Action Plan 91, 94, 97, 100, 106, 121–122, 168
NGOs and 131–132
- Safer Internet Forum 95
- Safer Internet Plus Programme (2005–08) 91, 91(*n15*), 94
- Safer Internet Programme *see* SIP
- Safer Social Networking Principles 105
- SAFT programme 52, 91(*n15*), 108, 114(*n3*), 122
- SARF (social amplification of risk) framework 45–46
- Save the Children (Denmark) 106
- self-harm 8, 54, 55
- self-realization 18, 27, 29, 128
- self-regulation 79, 80, 85, 90, 95, 99–106, 104–105, 110, 111, 115, 121, 141, 151, 171
as censorship 165–166
and citizen/consumer rights 153, 154, 157, 159
of computer games 104–105, 104(*n29*)
concerns with 101, 166
and democracy 154, 173
'industry knows best' approach 90, 99–100
national approaches compared 123–125
in Netherlands 116–117
and neurobiology 75(*n5*), 76
NGOs and 130, 131, 132, 135
in US 97, 100
- sexual risk 53, 54, 55, 63(*n22*), 64, 148
positive potential of 62
- sexually explicit content 102–103
- SIP (Safer Internet Programme) 8(*n6*), 10, 84–85, 91–95, 94, 109, 110, 122, 123, 130, 166
action lines 92–93
EU policy initiatives and 84(*n4*)
four policy principles of 91–92
funding for 91–92(*n15*), 92, 93, 95
knowledge base/enhancement in 93, 95
origins/development of 91
self-regulation in 100–101
- social contract 88
- social crises 21–22
- social inequality 15, 17, 23, 23(*n17*), 24–25
- social media/networking 37–38, 129, 167(*n3*)
children's rights and 156–157
self-regulation of 105
- social responsibility 100
- social rights 39, 152, 172
- social risk 21–22
- social services 34
- societal semantics of law 13(*n3*), 14, 111, 113–117, 170–171
- societalization 17
- sociology 7, 8, 14, 16, 43–44
and media research 23, 49
- sponsorship 8
- suicide 8, 55
- supranationalism 10, 38, 84, 89, 90, 139–140, 170
- surveillance 1–2
- Sweden 33, 34, 61(*n19*), 108
institutional change in 113, 115, 117, 118, 118, 121
risk perception in 52
and Safer Internet Action Plan 121–122
voluntary sector in 128
- Swedish Council on Media Violence 122
- Swedish Media Council 115
- systems theory 44
- teachers 53, 79, 96, 98, 107–108, 109, 114, 132, 142

CHILDREN IN THE ONLINE WORLD

- technological change 3, 15, 37, 43, 65, 99–100, 140
 - fear of 56–57
 - and institutional change 3, 15, 43, 118–119
 - and precautionary principle 89–90
 - trust and 60–61
 - see also* Internet; new media
- technological risk 59–61, 111–112
- television 12, 22, 129, 150
 - colour, introduction of 57
- Thatcherism 20, 128
- Titmuss, Richard 32
- traditional societies 18
- transparency 1, 154
- trust/trustworthiness 60–61, 88(*n5*), 132, 158–159, 162, 171

- uncertainty 3, 68, 90, 169, 175
- UNICEF 148
- United Nations (UN) *see* Convention on the Rights of the Child
- United States (US) 35, 51–52, 56(*n7*), 62, 97
 - Consumer Bill of Rights (1962) 153
 - Internet specific legislation in 119, 120
 - self-regulation in 97–98, 100, 123–124
 - Supreme Court 120
- user empowerment 98, 114, 118, 138, 142, 149, 169

- video games *see* computer games
 - regulation
- video/video recorders (VCRs) 57–58, 113, 150
- violence 2, 54, 55, 58, 72–73, 82, 94, 104–105, 110, 114, 116, 121
 - and advertising 129
 - in comics 56(*n7*)
 - labelling and 97, 102, 104, 104
- viral marketing 8
- Vodafone 134
- voluntary sector *see* NGOs

- weak groups 51
- Weber, Max 87, 134
- welfare state
 - and children/media risk 3
 - children's rights in 11, 31, 139, 143, 175–176
 - citizen/consumer rights in 156–157
 - class in 23–24(*n17*)
 - imposition of individualization in 4, 13, 18, 31, 32–36
 - Nordic *see* Nordic welfare state
 - origins/development/dismantling of 32–33, 173
 - outsourcing/in-sourcing in *see under* institutions
 - regulation in *see* regulation of online risk
 - regulatory legitimacy in 88–89
 - role of NGOs in 127–128, 132
- Williams Report (1979) 72–73, 121
- women 27, 29, 173
- World Wide Web Surfing Project 98

- 'Xena: Warrior Princess' (TV show) 129, 154, 155

- younger children 8, 30, 76, 79–81, 115, 156(*n11*), 160
- youth research 20