



The Rights of Kids in the Digital Age

The left and right are both cynically exploiting children to advance their own ideological agendas.

By Jon Katz

Article I Children Lead the Revolution

Children are at the epicenter of the information revolution, ground zero of the digital world. They helped build it, and they understand it as well or better than anyone. Not only is the digital world making the young more sophisticated, altering their ideas of what culture and literacy are, it is connecting them to one another, providing them with a new sense of political self. Children in the digital age are neither unseen nor unheard; in fact, they are seen and heard more than ever. They occupy a new kind of cultural space. They're citizens of a new order, founders of the Digital Nation.

After centuries of sometimes benign, sometimes brutal oppression and regulation, kids are moving out from under our pious control, finding one another via the great hive that is the Net. As digital communications flash through the most heavily fortified borders and ricochet around the world independent of governments and censors, so can children for the first time reach past the suffocating boundaries of social convention, past their elders' rigid notions of what is good for them. Children will never be the same; nor will the rest of us.

The young are the last significant social entity in America perceived to be under the total control of others. Although in recent years society has finally moved to protect kids against exploitation and physical abuse, they make up the only group in our so-called democracy with no inherent political rights, no voice in the political process. Teenagers in particular, so close to adulthood, are subjected to sometimes intolerable controls over almost every aspect of their lives.

In part, that's because fears for children are manifold, ranging from real danger (assault, molestation, kidnapping) to such perceived - but often unprovable - perils as the alleged damage caused by violent or pornographic imagery, the addictive nature of some new technology, the supposed loss of civilization and culture.

In some parts of America, particularly amid the urban underclass where violence and economic hardship are epidemic, those fears for children seem not only valid, but understated. But for middle-class families that consume much of this controversial popular culture, such fears seem misplaced, exaggerated, invoked mostly to regain control of a society changing faster than our ability to comprehend it.

The idea that children are moving beyond our absolute control may be the bitterest pill for many to swallow in the digital era. The need to protect children is reflexive, visceral, instinctive. All the harder, then, to change.

Article II A New Social Contract

Three centuries ago, a stunning new idea was introduced to the world: No one has the right of absolute control over others. People have the inherent right to some measure of freedom. Rules should be agreed upon, not imposed. Although this notion has become our most cherished political value, in the 17th century it existed in practice nowhere on the planet. When it did spread, slowly, it was first applied to men, usually white men. Bit by bloody bit, the idea has encompassed other groups, but it has yet to be applied at all to children.

John Locke, the 17th-century English philosopher and essayist, is most remembered for that influential political argument: People have some say in the way they are governed. Locke preached that people naturally possess certain rights - life, liberty, and property. Rulers, he wrote, derive their power only from the consent of the people they rule. Government, then, is essentially a Social Contract: subjects give up certain freedoms and submit to the authority of government in return for just rule, the safeguarding of what is rightfully theirs. The ruler holds power only so long as he uses it justly. If that sounds familiar, it's because Locke's intellectual fingerprints are all over the Declaration of Independence and the Constitution.

Locke's contract requires mutual responsibility. If the government violates the trust placed in it by the people, if rulers "endeavor to take away and destroy the power of the people or to reduce them to slavery," then government forfeits the power the people have placed in it. An arbitrary or destructive ruler who does not respect his subjects' rights is "justly to be esteemed the common enemy and pest of mankind and is to be treated accordingly."

The idea of a Social Contract emphasizing mutual responsibility rather than arbitrary power seems especially relevant to the rights of children and the extent of parental authority, particularly in the midst of our raging civil war over culture and media.

Children are being subjected to an intense wave of censorship and control - V-Chips, blocking software, ratings systems on everything from movies and music to computer games. Cultural conservatives like Bob Dole and William Bennett are forging a national political movement out of their desire to put cultural blinders on the young. President Clinton has enthusiastically embraced the idea that parents should have the right to block kids' TV programs. In this struggle, the young are largely alone; few political, educational, or social entities have lent support or defense.

Locke challenged the belief, widespread then and now, that the power of parents over children is "absolute." In his *Two Treatises of Government* and the essay "Some Thoughts Concerning Education," Locke argued for the moral education of children rather than the arbitrary imposition of rules. Children, like adults, were entitled to some measure of freedom because that was appropriate to their status as rational human beings. Parents' authority should not be severe or arbitrary, he wrote, but used only for the help, instruction, and preservation of their offspring. It is eventually to be relinquished.

The adult world seized on Locke's basic concepts of individual liberty and over time established political and legal rights. The French and American Revolutions transformed the politics of the world in ways that are still being played out today. But children have lived almost completely outside these notions - and for understandable reasons. Children's rights are, in fact, vastly more

complicated.

Any sort of legislated political emancipation for the young is almost out of the question. Children are unlikely to win the sweeping legal protections granted other minorities. But some of the most powerful movements in our political history - civil rights, feminism, gay emancipation - were moral as well as legal struggles. With children, the idea of expanded freedom also begins as a moral issue.

The lives of children are far too complex to generalize about. Degrees of maturity, emotional stability, rates of development and learning, and the level of parents' patience, thoughtfulness, and resources vary too widely to set forth strict rules. Five-year-olds aren't like 15-year-olds. And when it comes to culture, at least, boys are often not like girls.

But that's why the notion that all children possess some basic rights in the digital age is critical. Their choices ought not to be left completely to the often arbitrary and sometimes ignorant whims and fancies of individual educators, religious leaders, or parents, any more than people ought to be subject to the total control of kings. Parents who thoughtlessly ban access to online culture or lyrics they don't like or understand, or parents who exaggerate and distort the dangers from violent and pornographic imagery are acting out of their own anxiety and arrogance, imposing brute authority. Rather than preparing kids for the world they'll have to live in, these parents insist on preparing them for a world that no longer exists.

The young have a moral right of access to the machinery and content of media and culture. It's their universal language. It's their means of attaining modern literacy, which in the next millennium will surely be defined as the ability to access information, rather than to regurgitate the names of the presidents. It may mean the difference between economic well-being and economic hardship.

Blocking, censoring, and banning should be the last resort in dealing with children, not the first. Particularly if children have been given the chance to develop a moral and responsible ethic and are willing - as in Locke's notion of the Social Contract - to meet their responsibilities.

Article III The Responsible Child

The cultural disputes between children and their families cannot be solved by extending the legal system into the home. No legislator can define every circumstance in which a child is entitled to assume more responsibility for his or her decisions. And wildly varying family values make it difficult to spell out universal rights.

But we as adults and parents can start to understand what a new Social Contract with children looks like - beginning with the notion of the Responsible Child. He or she is a teenager, or almost one, who meets certain criteria:

She works to the best of her ability in school. She's reasonably responsible about her education and functions successfully in a classroom.

She's socially responsible. She avoids drug and alcohol abuse and understands the health dangers of smoking.

She does not harass, steal from, or otherwise harm people, including siblings, friends, fellow students.

She carries her weight at home. She does the tasks and chores she has agreed on or has been assigned to do.

The Responsible Child is not the embodiment of some utopian vision; she can at times be difficult, rebellious, obnoxious, moody. But she makes a good-faith effort to resolve differences rationally and verbally. Saintliness is not required.

Article IV The Moral Foundation

The Responsible Child does not appear miraculously but emerges as a result of years of preparation and education. Her conscience and sense of responsibility don't spontaneously form at the legal age of adulthood. They are built into her life early through thoughtful parenting and a complex series of relationships.

The vast literature on children and child psychology contains arguments about every conceivable child-rearing issue. But respected experts conclude nearly unanimously that dominant character traits don't just appear during the teen years. They get formed much earlier, from the interactions and environment provided since infancy.

If parents spend time with their children, form strong attachments with them, teach them morals, live moral lives, discourage and punish immoral behavior, and treat their children in a moral way, then the moral issues their children face later are much more likely to be resolved.

As parents define permissible behavior and limits, as they explain them again and again, the child gradually incorporates these rules into her own reflexive behavior. This becomes the formation of conscience and individual value systems.

The idea that a TV show or a lyric can transform a healthy, connected, grounded child into a dangerous monster is absurd, an irrational affront not only to science but to common sense and to what we know about children in our own lives. It is primarily the invention of politicians (who use it to frighten or rally supporters), of powerful religious groups (that can't teach dogma to the young without control), and of journalism (which sees new media and new culture as menaces to its own once-powerful and highly profitable position in American society).

As powerful as they are, media and culture - or the sometimes offensive imagery transmitted by them - can't form our children's value systems or provide the building blocks of conscience. Only we can do that.

Article V The Rights of Children

The Responsible Child has certain inalienable rights, not conferred at the caprice of arbitrary authority, but recognized by a just society as inherently belonging to every person. As we enter the digital age, this recognition is inevitable, a powerful idea that will bring children into the vast community of people who have, or are battling for, some control over their lives.

Children have the right to be respected, to be accorded the same sensitivity that other disenfranchised minorities have grudgingly been granted by the rest of society. They should not be viewed as property or as helpless to participate in the decisions affecting their lives.

Children should not be branded ignorant or inadequate because their educational, cultural, or social agenda is different from that of previous generations. They have the right to help redefine what

education, literacy, and civic-mindedness are.

Children have a right to two-way communications with the politicians, clergy, and educational leaders who claim to know what is best for them. Children have a right to help shape discussions about their moral lives.

Children of various socioeconomic levels ought to have equal exposure to the new technologies - multimedia, cable channels, the Net - that deliver information, education, and culture. They have a right to have new media and technology included in their school curricula.

Children who meet their personal and educational responsibilities ought to have nearly unrestricted access to their culture - particularly if they demonstrate an ability to maintain balance in their lives.

Children have the right to assemble online, to form groups, and to communicate with like-minded communities through Web sites and homepages, online services, email, and the range of possibilities created by the Net.

Children have a right to challenge the use of blocking software and other technologies, like the V-Chip, that arbitrarily deny them choice, exposure to ideas, and freedom of speech.

Children's rights are not synonymous with permissiveness. Scholars of childhood agree that children need clear boundaries and occasional discipline. But if children have the opportunity from an early age to make informed decisions about themselves - what to eat, when to sleep, what to wear - they will be able to take a measure of control of their cultural lives by their teens.

These rights are not a gift conferred out of the goodness of our hearts, but the fulfillment of the most basic responsibility of parents: to prepare children for the world they will live in.

Article VI Negotiating the Social Contract

How would a Social Contract about media and culture - a truce between adults and children - work?

The model envisioned by Locke applies eerily well to kids. By definition, a contract is agreed upon, not imposed. Its power comes not from arbitrary authority but from a moral base, a desire to do the right thing for everyone, to respect and understand the rights and needs of all parties. Parents and children would both have to want an agreement that ratifies the children's rights and makes responsible parents yield some of their power while feeling safe about it.

The rational adult has to begin by accepting that censorship and arbitrary controls don't work, that he or she has to thrash out a shared value system with his or her children. Attempting to censor children can undermine authority and values rather than affirming them. Since most older children and their friends can circumvent almost all censorious technology, and since much of the digital world is beyond the comprehension of most parents anyway, mere authority becomes limited, sometimes meaningless. Children will learn not how to form value systems, but how their moral guardians can't make their dictums stick.

So, family members need to think through their own notions about children and culture. How much power and control are the elders willing to cede? A parent would spell out how much TV or online time he finds appropriate and define what else is expected from the child: domestic chores, school performance, religious obligations.

The child would spell out what access to culture she wants: which TV shows, which CDs, how much time online. And she has to specify what she's willing to do in exchange. She must agree to follow rules of safety: not giving out telephone numbers or home addresses to strangers online, and telling parents about "pornographic" contacts, such as files with sexual content. Media access is granted as a right, but it's subject to some conditions.

There would probably be as many different kinds of contracts as there are families. But if children meet their end of the Social Contract, then parents would concede that their children have a moral right to access the TV programs they want, the CDs they want to hear, the online services they choose and can afford. Families could begin to rely on trust, negotiation, and communication rather than phobias, conflict, and suspicion.

It has to be a good-faith contract. Parents who ask too much will lose their moral authority to make an arrangement like this. Kids willing to do too little will jeopardize it as well. Some parties will probably have to set aside their broken contracts and keep on fighting.

Naturally, if either side violates its agreement - if kids fail in school, harm other people, start drinking heavily - then the contract is null and void. Children who can't or won't behave rationally forfeit the right to rational understandings and will return themselves to a state of diminished freedom.

But millions of American kids who can handle a racy chat room or an episode of NYPD Blue won't be denied cultural freedom because of their parents' fears about the kids who can't.

Article VII Test Case

As it happens, for years my own household has operated under a form of Social Contract - not that we called it that or thought much about John Locke. I have seen that it can work. My wife and I have a 14-year-old daughter, who is comfortable with my writing about her cultural rights, though not about other details of her personal life.

Believing that culture is the language and currency of her generation, we've always encouraged her to understand it. She played Nintendo, watched cable, loved the Teenage Mutant Ninja Turtles. Now, she watches ER, Homicide: Life on the Street, and The X-Files, plus old musicals on cable and the occasional dumb sitcom after a tough week.

She can see virtually any movie she wants, although sometimes there is some discussion about it. If she is shocked, upset, or otherwise uncomfortable, she feels free to leave. The Motion Picture Association of America's parental rating system is an absurd guide to what children can or cannot handle and has never been the criterion in our family. When my daughter was younger, if there were serious questions about the violence, sexual content, or emotional intensity of a movie, my wife and I would sometimes see it first, then take our daughter. The ability to tell an 8 year-old when to close her eyes is a helpful thing. Now, of course, we don't have to.

She has been online since she was 10. We have never thought of acquiring blocking software, which would be offensive and demeaning to her, but she's been taught not to pass around her name, address, or phone number - and to pass problems or unsettling experiences on to us.

She hasn't had many. She has encountered occasional creeps and a few disturbed people online - boys who want to talk dirty, men who want to send her explicitly sexual files - and she's learned important phrases like No and Get lost. Despite the enormous publicity those kinds of contacts

generate, they have been relatively rare. She does have online friendships, few of which I know anything about.

We trust her implicitly, until she provides a reason to be regarded differently. So far, so good: she does well in school, has healthy friendships, sings in a demanding chorale, has shown little interest in violence, drugs, or alcohol. She's developed a high level of common sense and analytic thoughtfulness about the culture she uses. But new media haven't supplanted old - she reads a lot, and writes, and talks. In fact, it was she,

I hereby acknowledge, who first pointed out to me that my thoughts about children's rights related directly to this John Locke guy she'd learned about in her history class.

I have no illusions that she is a "typical" child, if there is such a thing. As an only child, she's easier to monitor. As a middle-class family, we can provide a computer, books, and an allowance high enough to cover movie tickets.

Still, she - and we - live very much according to Locke's idea of a Social Contract. It is understood and articulated that as long as she does as well as she's doing, she has the right to her culture and to her own rational judgments about it without interference, ridicule, or censorship.

We all understand that she needs to be different from us. Her culture is perhaps the most important way she has of separating, of differentiating herself from us.

So far, the contract holds.

Article VIII The Political Power of Children

Cultural conservatives, politicians, parents, teachers, adults in general - and especially journalists - have greatly underestimated just how political an issue this assault on kids' culture has become.

In topics online, on Web sites, in countless live chats, the young vent their anger at the pious efforts of the adult world to "safeguard" them, at congressional efforts to legislate "decency" on the Internet, and to curb free speech in this freest of environments. They're generating email, firing up online discussions, bordering Web pages in black.

This is as intensely aroused and political as kids have been since the '70s. Plus this digital generation has an organizational weapon no previous generation had: the ability to find and talk to distant allies just a modem away. Easily able to measure their own lives against others, to compare their own experience with rhetoric, these kids know their culture isn't dangerous. Their tactics, occurring almost completely out of sight of parents and beyond the consciousness of journalists and politicians, could transform the politics of the young.

Journalists have underreported the extent to which culture is politics to young people, and how they resent suggestions that culture is rendering them stupid, indifferent, and violence-prone. Since children are almost voiceless in media and in the political debates on issues affecting them, it's not surprising that their outrage goes largely unnoticed.

But the traditional, hidebound press is learning the high cost of relentlessly patronizing and offending kids - it has alarmingly few young consumers. Politicians may soon be learning the same lesson. The battles over new media are likely to spark youthful politicization reminiscent of the movements launched by racial minorities, women, and gays.

Under the noses of their guardians, the young are now linked to one another all over the world. They already share their culture online, trading information about new movies, TV shows, and CDs, warning one another about viruses, sharing software and tech tips. At times, they band together to chastise or drive out aggressive, obnoxious, or irresponsible digital peers. They steer one another to interesting Web sites.

But children, perhaps more than any other oppressed minority, have a long way to go to become politically organized. And they can't engage in political struggle by themselves.

By now, they should have had some help. Some online benefactor should fund something like a Children's Digital Freedom Center, similar to the Electronic Frontier Foundation. It could provide children with truthful information about violence, pornography, and online safety with which they could educate their classmates and confront ignorance and misinformation about their youth culture. It could also provide legal support to young people penalized for free expression online, or those unfairly denied their right of access to culture.

Instead, what children have received from the digital community is a deafening yawn.

Article IX The Hypocrisy of the Digital World

Above almost all things, the digital culture prides itself on the notion that information should be free, that this new culture should remain unfettered and unobstructed. Efforts at corporate and governmental control and the promotion of so-called "decency" standards are the subject of ferocious debate online and political lobbying offline.

But the culture is either silent or supportive of the attempts to block children's access. The EFF wholeheartedly supports limiting children's access to the Net and even has links from its Web site to publishers of blocking software. Even on libertarian-minded conferencing systems like The Well, it's mostly taken for granted that children can be denied the freedom of speech for which everyone else is so willing to fight.

Citizens of the Digital Nation, so quick to hit the barricades when Congress attempts to cut back on their freedom of speech, seem happy to embrace the new raft of blocking software. They seem quite willing to trade children's rights for their own freedom of expression. Don't take us, take our kids.

No one in the highly sensitive and politicized adult digital world blinks when the media cheerfully talk about blocking software as the clear alternative to censoring the Internet. No one minds when reviews recommend programs such as Cybersitter, SurfWatch, Net Nanny, and Cyber Patrol. The very names of the programs are patronizing and demeaning.

This approach is the antithesis of trust and rational discourse between adults and children and more evidence of the growing need to protect children not from smut, but from adult abuses of power. Blocking software is noxious and potentially unlimited. Some of these programs have thousands of potentially forbidden categories, going far beyond sex and violence. Once applied, censoring and restrictions inevitably will spread into other areas that adults want to place off-limits: political topics that differ from their own values, music and movie forums that don't conform to their adult tastes, online friends that don't meet their approval, Darwinian theory.

Although it's being introduced in America as a means of protecting children, as this technology evolves it could easily become the tyrant's best techno-pal, offering ever more ingenious ways to

control speech and thought. Some children reared on this stuff will inevitably grow up thinking that the way to deal with topics we don't like is to block them - remove them from our vision and consciousness. In any other context, defenders of free speech would be bouncing off the walls.

Like the movie industry's silly ratings code, blocking software gives the illusion of control. It doesn't ensure safety since sophisticated evildoers will circumvent it even more quickly than kids. And it doesn't teach citizenship in the digital world.

As parents withdraw, secure in the belief that the Net Nanny will do the work they should be doing, count on this: children, many of whom helped build the digital culture, will swiftly transcend this software. They would be much better off if parents accompanied them when they first set out online, showing them what is inappropriate or dangerous.

Blocking deprives children of the opportunity to confront the realities of new culture: some of it is pornographic, violent, occasionally even dangerous. They need to master those situations in a rational, supervised way to learn how to truly protect themselves.

The urge to block presumes that exposure to certain topics is intrinsically dangerous. But only an infinitesimally small number of kids have been lured into potentially dangerous situations as a result of online encounters - fewer than 25, according to the National Center for Missing and Exploited Children. That's a tiny figure given the billions of online encounters.

The digital world owes it to children to defend their rights as zealously as it defends its own. So far, it has failed, betraying its own heritage and, worse, its future.

Article X What Children Need in the 21st Century

Children need to get their hands on the new machines. They need equal access to the technology of culture, research, and education. Poor and working-class families have few computers compared with the affluent middle class. And we are learning that some minority children are resisting computers as the toys of the white nerd.

But if new technology can create a gap between haves and have-nots, it can also narrow it. Cheap, portable PCTVs - televisions with computers and cable modems - would help equalize the digital revolution in a hurry. Hastening the arrival of such equal access should be the first and most pressing moral issue of the digital generation.

Children also need to learn to use the machinery of culture safely and responsibly. That means grasping the new rules of community in the online world, transcending the often abrasive, pointlessly combative tone that permeates many online discussions. They need to learn how to research ideas and history as well as to chat, mouth off, and download games.

Children need help in becoming civic-minded citizens of the digital age, in figuring out how to use the machinery in the service of some broader social purpose than simple entertainment. They need guidance in managing their new ability to connect instantly with other cultures. They need reminders about how to avoid the dangers of elitism and arrogance.

But more than anything else, it's time to extend to children the promise of the fundamental idea that Locke, Thomas Paine, Thomas Jefferson, and others introduced to the world three centuries ago: That everyone has rights. That everyone should be given as great a measure of freedom as possible. That all should get the opportunity to rise to the outer limits of their potential.

We need to teach ourselves how to trust children to make rational judgments about their own safety. We see their world as a dark and dangerous place, even as they see it as challenging, entertaining, and exciting. We patronize them in the belief that they don't have the character, common sense, or conscience to withstand the dangers of their vastly expanding cultural universe. And now we try to block them from that world.

We haven't got a chance. Like Locke's ideas of emancipation, children's lives are taking on a momentum of their own, moving rapidly past our anxious and fearful grasp. Their emancipation is as inevitable as our own.

Since Locke's time, democracy has inexorably advanced as monarchies and authoritarian regimes have increasingly failed. They have been undermined by new ideas riding on the back of new technologies that now extend to every corner of the world. Oppressive authority and censorship seem increasingly anachronistic amidst the porous borders of the emerging digital era.

The approaching millennium is more than a historical landmark. It's the right time to liberate our children from the heavy hands of history. Most of us recognize that our children are moving into a miraculous new era. They will, like everyone else, take risks and face dangers. They will also reap great rewards.

Children have the chance to reinvent communications, culture, and community. To address the problems of the new world in new ways. To do better than we did. Instead of holding them back, we should be pushing them forward. Instead of shielding them, we should take them by the hands, guide them to the gates, and cheer them on.

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