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Online Child Sexualization: A Postliberal Approach to Legal Change

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Dedication

To all the little girls, past and present, who lost their innocence too soon.

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Abstract

My thesis will assess the legal framework governing the regulation of social media and child sexualization in the United States. It will demonstrate how children are harmed by social media, specifically looking at how girls are *sexualized* because of social media's unenforced age policies and the promotion of harmful content. After reviewing previous legislation that has attempted to address this problem, and assessing their weaknesses, I will highlight the resources of burgeoning political theory postliberalism to bolster legal arguments in favor of expanded legislative protection for children online.

General Problem

Combining findings from both legal and psychological fields, this paper seeks to highlight the crisis of child sexualization caused by social media and demonstrate how the law can shape Big Tech to better safeguard children's wellbeing using the political backing of a postliberal theoretical framework. Sexualization is largely studied by those in the field of psychology. The American Psychological Association (APA) defines it as occurring when an individual's value is exclusively derived from their sexual appeal, their physical attractiveness is reduced to this sexual appeal, when a person is objectified, or when sexuality is improperly imposed on them.¹ Examining the sexualizing influence of social media on girls requires determining how girls experience any number of these four facets of sexualization on social networking sites. In addition to incorporating psychological research, this study will assess the state of U.S. law pertaining to social media, child users, and indecent content to determine what legal frameworks exist to warrant and inform additional legislation curtailing sexualization.

¹ APA TF, "Report of the APA Task Force on the Sexualization of Girls," *American Psychological Association* (February 2008): 1, <http://www.apa.org/pi/women/programs/girls/report>.

Ultimately, this thesis investigates the extent to which social media sexualizes young girls and how postliberalism can support legislation crafted to limit this influence.

Child Sexualization: Literature Review

Political interest in the well-being of girls online has increased dramatically in recent months, as U.S. legislators confront leaked data from Facebook’s internal research vis-a-vis the company’s whistleblower Frances Haugen.² Proposed legislation such as the KIDS Act and Filter Bubble Transparency Act attempt to curb the harmful effects of Big Tech’s internal design features that amplify harmful content, with the aim to address self-image, mental health, and eating disorders ostensibly caused by social media usage.³ However, little legislative attention has been given to the sexualization of girls exacerbated by Big Tech. This lapse is especially apparent in the face of a growing body of research corroborating the disturbing correlation between social media usage and the sexualization of girls. Consensus among scholars in this area has formed around the APA’s four-pronged definition of sexualization. It occurs when an individual’s value is exclusively derived from their sexual appeal, their physical attractiveness is reduced to this sexual appeal, when a person is objectified, or when sexuality is improperly imposed on them.⁴ Sexualization is recognized as occurring on a spectrum, from children’s internalization of sexual standards to extreme forms of sexualization, including pornography, sex trafficking, and child abuse.⁵ The designation of sexualization within social media’s damage to girls is important because it more precisely identifies contributing factors, such as objectification

² C-SPAN, “Facebook Whistleblower Frances Haugen Testifies Before Senate Commerce Committee.” YouTube Video, 3:27:56, October 5, 2021, <https://www.youtube.com/watch?v=GOnpVQnv5Cw&t=11783s>.

³ C-SPAN, “Facebook Whistleblower Frances Haugen Testifies Before Senate Commerce Committee.”

⁴ APA TF, “Report of the APA Task Force on the Sexualization of Girls,” 1.

⁵ APA TF, 4.

and exposure to or involvement in pornography, to the negative outcomes of social media usage. The body of sexualization research, ranging from meta-analysis and research surveys to original studies, demonstrates the strong presence of sexualization in media and identifies various resultant harms experienced by girls. Findings regarding the scope and impact of sexualization on girls appear incommensurate with the scarcity and datedness of relevant legislative provisions, indicating a need for policy reform regulating social media companies.

Sexualization & Social Media

Studies that present meta-analyses of sexualization research largely contend that media is saturated with sexualized portrayals of girls,⁶ whether through advertisements, which are 85% more likely to portray girls in a sexualized manner than boys,⁷ or through pop culture, such as music videos and video games.⁸ Both original research and reviews of existing literature suggest that, within the broader arena of sexualization, social media uniquely facilitates self-sexualization,⁹ even those studies that seek to combat narratives that girls are victims of sexualization.¹⁰ In light of the overwhelming evidence to suggest that sexualization is facilitated by social media, scholars have investigated its effects on girls with both longitudinal and cross-

⁶ Sharon Lamb and Julie Koven, "Sexualization of Girls: Addressing Criticism of the APA Report, Presenting New Evidence." *SAGE Open* 4, no. 9 (October 2019): <https://doi.org/10.1177/2158244019881024>.

⁷ W. O'Donohue, S. R. Gold, & J.S. McKay, "Children as sexual objects: Historical and gender trends in magazines." *Sexual Abuse: Journal of Research & Treatment* 9, (1997): 291-301, <https://doi.org/10.1007/BF02674854>.

⁸ L. Monique Ward, "Media and Sexualization: State of Empirical Research." *The Journal of Sex Research* 53, no. 4-5, (2016): 560-577. doi: 10.1080/00224499.2016.1142496.

⁹ Stephanie V. Ng, "Social media and the Sexualization of Adolescent Girls." *The American Journal of Psychiatry* 11, no. 12 (March 2017): 14, <https://doi.org/10.1176/appi.ajp-rj.2016.111206>.

¹⁰ Antonio García-Gómez, "Teen Girls and Sexual Agency: Exploring the Intrapersonal and Intergroup Dimensions of Sexting." *Media, Culture & Society* 39, no. 3 (April 2017): 391-407. <https://doi.org/10.1177/0163443716683789>.

sectional approaches.¹¹ Results suggest that social networking sites cause users to internalize appearance ideals¹² and self-objectify.¹³ In both media and social networking sites, sexualized portrayals of girls erode societal views of girls' humanity, moral standing, mental capacity, and sympathy for victims of sexual assault, reinforcing anti-victim rape narratives.¹⁴ Moreover, studies that employ meta-analyses link self-objectification and sexualization to a litany of negative consequences for girls, including cognitive decline, decreased motor skills, body dissatisfaction, and low self-esteem. While educational, medical, and psychological studies decrying these results abound, the legal provisions for addressing the problems they highlight are inadequate to solve them.

Legislative Overview

In the United States, much of the political energy that has been directed toward child safety online has either culminated in the passage of legislation that does not address the problem of sexualization, been struck down by the judiciary, or failed to pass altogether. A handful of child protection laws fall under the first category, including the 1998 Children's Online Privacy Protection Act of 1998 (COPPA), which regulates the "collection and use" of children's data

¹¹ Longitudinal studies track variables over extended periods of time, while cross sectional studies collect and analyze information at a single point in time.

¹² Antonio García-Gómez, "Teen Girls and Sexual Agency: Exploring the Intrapersonal and Intergroup Dimensions of Sexting," 391–407.

¹³ Laura Vandebosch and Steven Eggermont, "The Interrelated Roles of Mass Media and Social Media in Adolescents' Development of an Objectified Self-Concept: A Longitudinal Study." *Communication Research* 43, no. 8 (December 2016): 1116–40. <https://doi.org/10.1177/0093650215600488>.

¹⁴ Elise Holland and Nick Haslam, "Cute Little Things: The Objectification of Prepubescent Girls." *Psychology of Women Quarterly* 40, no. 1 (March 2016): 108–19. <https://doi.org/10.1177/0361684315602887>.

below the age of 13.¹⁵ However, legislation more commonly falls under the last two categories, having failed to pass, or, once passed, been struck down. Congress' first update of telecommunication law in 60 years included the Communications Decency Act of 1996.¹⁶ The act sought to tackle an important component of child sexualization, namely exposure to pornography, by prohibiting the transmission of "obscene or indecent" material to minors.¹⁷ However, the breadth of its speech suppression was deemed unconstitutional in *Reno v. American Civil Liberties Union* and most of its provisions were struck down.¹⁸ The following year, Clinton signed the Child Online Protection Act of 1998 (COPA), not to be confused with COPPA, which attempted to bar the transmission of obscene material to minors 16 and under within the context of commercial transactions on the Internet.¹⁹ In a series of cases the Supreme Court deemed the legislation unconstitutional for its excessive suppression of adult speech in the process of attempting to protect children from indecency.²⁰ While many laws addressing minors' online experience do not address sexualization, fail to pass, or have been deemed unconstitutional, there are many laws in effect that attempt to address the problem of child sexualization.

The legislation that has remained in effect to keep online platforms accountable for their impacts only attempts to inhibit extreme forms of sexualization, such as child exposure to or involvement in pornography and sex trafficking. The cornerstone of this body of legislation is

¹⁵Gina Stevens. "Smart Toys and the Children's Online Privacy Protection Act of 1998," Congressional Research Service, January 8, 2018, <https://crsreports.congress.gov/product/pdf/LSB/LSB10051>.

¹⁶ Johnson and Castro, "Overview of Section 230: What It is, Why It Was Created, and What It Has Achieved."

¹⁷ Zeigler, "Communications Decency Act of 1996 (1996)."

¹⁸ Zeigler.

¹⁹ Purdy, "Child Online Protection Act of 1998."

²⁰ Purdy.

Section 230, which is a portion of the Communications Decency Act of 1996 that was not deemed unconstitutional in the *Reno* case.²¹ Viewed as the hallmark of modern internet regulation, the Good Samaritan clause of Section 230 declares that interactive computer servicers, such as social networking corporations, are not liable for the content contributions of their users, or for any attempt they make to limit the availability of inappropriate content.²² The only modification of Section 230 since 1996, the “Allow States and Victims to Fight Online Sex Trafficking Act of 2017,” or FOSTA-SESTA, held operators of “interactive computer service[s]” liable for “reckless disregard” of their platform’s contribution to sex trafficking.²³ FOSTA-SESTA seeks to limit the effects of sexualization, as the APA’s Task Force on the Sexualization of Girls identifies sex trafficking and prostitution as extreme forms of sexualization.²⁴ Short of these extreme forms of sexualization, social networking sites are largely exempt from the consequences of their platforms. Outside of Section 230, two statutes passed in 2003 and 2006 that criminalize titling indecent or pornographic sites and content with misleading names to deceive minors.²⁵ So long as internet platforms do not exhibit reckless disregard for sex trafficking, and pornographic sites do not intentionally deceive minors into viewing harmful content, social networking sites are unaccountable for allowing or promoting the sexualization of children on their platforms. In recent years, legislators have attempted to address this vacuum of accountability.

Considering increased awareness of social networking sites’ harmfulness to minors, Congress members have proposed legislation seeking to make social networking corporations

²¹ Johnson and Castro.

²² “47 U.S. Code § 230,” *Legal Information Institute*.

²³ Congress.gov. “H.R.1865 - 115th Congress (2017-2018).”

²⁴ APA TF, 4.

²⁵ “Obscenity and Indecency.” *EveryCRSReport*.

more accountable to child users, but even these proposals have missed the mark. Legislative proposals include Senator Markey and Cassidy's expansion of COPPA to include teens. The Children and Teens' Online Privacy Protection Act seeks to protect children and teens from exploitative data gathering and targeted advertising for alcohol, drug, and gambling related products by social networking sites.²⁶ Representative Castor of Florida proposed a bill in July of 2021 proposing an update to COPPA that seeks to establish a division of the Federal Trade Commission (FTC) tackling "youth privacy and marketing."²⁷ U.S. Representatives Walberg and Rush of Michigan and Illinois, respectively, proposed a bill in March of 2021 that also sought to expand the role of the FTC, while also raising the age for parental consent protections and including two new categories of information, geolocation and biometric data, under the protections of COPPA.²⁸ While Congressmembers Walberg and Rush's proposed data privacy law expansions are inadequate to address the problems faced by minors on social media sites, Senators Markey and Cassidy's problematization of targeted advertising to children is closer to solving the problem that Facebook whistleblower Frances Haugen highlighted in her congressional testimony—which initiated the political energy now exhibited by congress members.²⁹ Chiefly, it is social media companies' algorithmic prioritization of harmful content that most damages those most disadvantaged by sexualization online, and it is this articulation that congress members' recent bill proposals miss altogether.³⁰ Contending with the active

²⁶ "Senators Markey And Cassidy Propose Bipartisan Bill." *Ed Markey United States Senator for Massachusetts*.

²⁷ Lerman, "New Bill Would Update Decades-Old Law Governing Children's Privacy Online, Add Protection for Teens."

²⁸ "Walberg, Rush Lead Bipartisan Effort to Protect Children's Online Privacy." *Congressman Tim Walberg Representing the 7th District of Michigan*.

²⁹ C-SPAN, "Facebook Whistleblower Frances Haugen Testifies Before Senate Commerce Committee."

³⁰ C-SPAN.

promotion of exploitative content that social media companies engage in, especially as it contributes to the acute challenges posed by sexualization research, is essential to meaningful reform and child advocacy in the digital realm.

Since previous legislation crafted to protect children on social media has either missed the mark of combating child sexualization or been found unconstitutional by the courts, this paper provides an overview of social media companies' contribution to the problem and argues for legislative change to reinvigorate the dated guidance of Section 230 and combat high rates of child exposure to sexualizing content and the prioritization of such content through targeted algorithms.³¹ Without advocates focused on finding appropriate and narrowly defined legal solutions to the problems increasingly uncovered by researchers, the growing body of research demonstrating the detrimental impact of sexualization provide no actual solvency for the vulnerable population they study.

Methodology

Aiming to create solutions, this paper will convey the extent to which social media sexualizes young girls, review the statutory and legislative decisions which have precluded action on this front, and explore the conceptual resources of postliberal theory to strengthen legal arguments for federal and state governments to further child protection online in the United States. First, I will leverage psychological studies on the sexualization of young girls to highlight the severity of social media-driven sexualization. Second, I will conduct a legal review of children's protection from indecency, both on and offline. Finally, I will highlight lessons from

³¹ C-SPAN.

failed legislation and apply postliberal paradigms to build principled arguments in favor of expanded child protection through social media regulation.

Legal Precedent: Failed and Floundering

Congress has never passed broad internet regulation, although it has passed children's data privacy laws such as the 1998 Children's Online Privacy Protection Act (COPPA) and introduced bills about children's use of the internet pertaining to data privacy and related service provider liability. While these restrictions protect children from data collection, they do not mitigate the effects of harmful algorithmic content promotion on children. While no legislation has yet been put in place regulating social media algorithms directed at children, there have been attempts to limit prurient content itself. These attempts have largely failed, whether by failing to pass the legislature or by being struck down for issues of unconstitutionality. Content-based restrictions are held to the standard of strict scrutiny, requiring any restriction that the government puts in place to be narrowly tailored to fulfill a compelling governmental interest to be considered constitutional. That this threshold is challenging to meet is proven by decades of legislative history, which is riddled with legislation that tried and failed to address the problem of children's sexualization.

The Communications Decency Act (CDA) was enacted in 1996 as the first attempt to federally regulate children's access to indecent internet content.³² However, in *Reno v. American Civil Liberties Union*, the Supreme Court found that prohibitions on the broadcasting of indecent material in the supporting case for CDA, *Pacifica*, were excessively reliant on the idiosyncrasies of broadcasting itself, qualities the internet does not share.³³ Ultimately, CDA was unable to overcome strict scrutiny because its provisions were too broad. The ACLU successfully proved

³² Holmes, "Children and the Internet." 6.

³³ Holmes, 8.

that the decency law protecting children excessively inhibited the first amendment rights of adults, as their speech was burdened by the need to be child appropriate.³⁴ The next attempt at protecting children online was made a year later with the Child Online Protection Act, which prohibited the communication of harmful material to minors knowingly, for commercial purposes, and with the use of the internet.³⁵ The law defined obscenity according to the terms set out in *Miller* and *Ginsberg* and included provisions that would prevent people acting in good faith from being prosecuted.³⁶ It was challenged in a case called *Ashcroft I*, in which the Supreme Court upheld the constitutionality of the law in the face of charges that its provision to abide by “community standards” of decency excessively burdened free speech, here referring to commercial communications depicting sexual acts and nudity.³⁷ However, after the case was remanded to the Third Circuit, the court decided that the “content-based restriction on speech . . . [were] not narrowly tailored to serve the interest of protecting minors from harmful content online.”³⁸ The problem of child sexualization through exposure to and participation with social media content is considerably more damaging, with the proliferation and advancement of technology, and the rising rates at which children engage with it. Additionally, expanding their legal protection is both consistent with the government’s stated interest in protecting the welfare of children, and does not necessarily infringe on the legitimate free speech rights of adults online. As Justice Scalia stated in his dissent of the final *Ashcroft* decision in 2003, “[n]othing in the First Amendment entitles the type of material covered by [the Child Online Protection Act] to strict scrutiny.”³⁹ Revised legal principles, paradigms, and arguments are necessary to forward

³⁴ Holmes, 9.

³⁵ 47 U.S.C. § 231(a)(1).

³⁶ Holmes 10.

³⁷ Holmes, 11.

³⁸ *ACLU v. Ashcroft*, 322 F.3d 240, 243 (3d Cir. 2003).

³⁹ *Id.* at 660

a compelling case for the protection of children from indecency online and postliberalism may offer these resources.

Classical Liberalism

As this legal precedent shows, the courts' application of strict scrutiny to content-based speech restrictions prioritizes sexual content accessibility over children's protection from indecent material. Like all legal decisions, this choice advances some principal values and restricts others.⁴⁰ In some cases, judges might put individual liberty ahead of equality, or give priority to citizens requiring stability over those wanting social change.⁴¹ Still more, they might emphasize political communication over other values, such as the right to privacy.⁴² The courts' preference for free speech in cases of online child protection is informed by the United States founding philosophy of classical liberalism. Not to be confused with progressivism or a particular side in the right-left spectrum of American party politics, it is a theory developed by thinkers like Thomas Hobbes, Francis Bacon and John Stuart Mill in England five hundred years ago.

Liberalism posits that humans are primarily free individuals without obligations to others, and that they are separate and opposite to nature.⁴³ It sees humans as primarily individuals that desire to pursue their self-interest and conceives of society as only incidental to the desires of those individuals.⁴⁴ Breaking with antiquity, these thinkers defined liberty as freedom from irrational religious and social norms, and generally the artifice of custom. This differed greatly

⁴⁰ Walter F. Murphy, "Political Jurisprudence," in *Courts, Judges, and Politics*, 6th ed. (New York: McGraw-Hill Higher Education, 2006), 19.

⁴¹ Murphy, 19.

⁴² Murphy, 19.

⁴³ Deneen.

⁴⁴ Andrew Willard Jones, *The Two Cities: A History of Christian Politics* (Ohio: Emmaus Road Publishing, 2021), 205.

from classical and premodern, Christian thinkers, who viewed liberty as the regulation of one's desires to orient oneself toward the ultimate good, and welcomed limits on their autonomy that might facilitate their virtuous journey. In *Phaedrus*, Plato conceived of the struggle for freedom as a rider trying to control the winged horses of his chariot such that he might glimpse a "blessed and spectacular vision" of the divine, in which the "sacred [was] revealed."⁴⁵ He needed to master the wild horse and direct the good horse so he might behold the beauty. For Plato, controlling one's appetites was necessary to apprehend freedom, just as restricting one's food cravings allows a person to experience the freedom of health. When he philosophizes about the ideal city in *The Republic* he provides a picture of what kind of government could facilitate such freedom, one with wise political leaders—his famous philosopher kings—but also, as Deneen points out, a place that took care to tell children the kinds of stories that would form them well.⁴⁶ Similarly, Aristotle's *The Politics* celebrates cultural limits as important for shaping a person into their true selves, claiming that those who consumed food and sex in uncultivated ways were far from realizing their true human nature.⁴⁷

In opposition to ancient thought, the term liberal has come to refer to thinkers that reacted against two characteristics of medieval Europe: "religious conformity and ascribed status."⁴⁸ One paramount example of these reactions is the Protestant Reformation, which paved the way for people to assert individual liberty because it affirmed individual conscience.⁴⁹ As time went on, revolutions in England and France became the 17th and 18th century backdrop of such

⁴⁵ Plato, *Phaedrus* (Oxford: Oxford University Press), 38-39.

⁴⁶ Patrick J. Deneen, *Why Liberalism Failed* (London: Yale University Press, 2019).

⁴⁷ Deneen.

⁴⁸ Terence Ball and Richard Dagger, "The 'L-Word': A Short History of Liberalism" (Winter 1990), <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1172&context=polisci-faculty-publications>, 2.

⁴⁹ Ball and Dagger, 3.

foundational liberal texts as Thomas Hobbes' *Leviathan* (1651), which affirmed the equality and natural freedom of all people, and John Locke's *Letter Concerning Toleration* (1689), which argued that religion is a private matter, and the state ought not force its citizens to conform to the kinds of Christianity it deems best.⁵⁰ Locke's *Two Treatises of Government* (1690), which would heavily influence the American founders, was written mainly after the Glorious Revolution in England and also argued, in true liberal form, against ascribed social status, maintaining that the government's legitimacy derives from the people's consent. The French and American Revolutions were a culmination of liberal thought, asserting rights and freedoms like "religious liberty, freedom of thought and speech, the division of governmental powers, an independent civil society, and rights of private property and economic freedom [which evolved into] the doctrine of laissez-faire."⁵¹

After liberal thought was codified into liberal republics, the project of liberalism switched from seeing the "government as, in [Thomas] Paine's words, a 'necessary evil,'" to seeing it as "a necessary ally in the struggle to promote individual liberty."⁵² This shift in liberal thought is exemplified by nineteenth-century English philosopher and economist John Stuart Mill.⁵³ Having just experienced the Napoleonic wars, the society Mill grew up in was one discontented with its elitist political system, and he found himself living through a societal "transition from a highly unequal society to a more egalitarian order" powered by increased prospects for self-development and literacy expansion.⁵⁴ He saw the government as an important factor in creating an "atmosphere of freedom" that would allow remarkable individuals to express and develop

⁵⁰ Ball and Dagger.

⁵¹ Ball and Dagger.

⁵² Ball and Dagger.

⁵³ Ball and Dagger, 5.

⁵⁴ Mark Philp and Frederick Rosen, "Introduction," in *On Liberty, Utilitarianism, and Other Essays* (Oxford: Oxford University Press, 2015), ix.

their innovative selves.⁵⁵ The government could do this by instituting civil liberties and by reducing the tyrannical influence of the masses, which “*may* desire to oppress a part of their number” and force them to conform to conservative social and religious mores.⁵⁶ For the most part, if a citizen was not hurting another citizen, they should be free to do whatever they want, Mill contended.⁵⁷ In the 19th and 20th centuries, Mill’s vision of government as the primary protector of an individual’s self-development was extended by “‘reform’ liberals” who advocated for government expansion in the West to ensure people’s basic needs were met, such that they could truly be free to reach their potential.⁵⁸

In his 1992 work, *The End of History and the Last Man*, Francis Fukuyama claimed that liberalism had triumphed over communism and fascism, a view widely held in the wake of the Cold War. However, today, liberalism is increasingly under scrutiny for eroding important, often illiberal, religious, cultural and civic institutions that imbue society with a sense of purpose. As critics like Deneen have contended, liberalism primes citizens to view relationships as contractual and voluntary, loosening “social bonds in nearly every aspect of life—familial, neighborly, communal, religious, even national.”⁵⁹ In a highly polarized political moment, Deneen’s observations about a public that seems more interested in demanding rights than in fulfilling obligations to the other side seem to ring true. The concomitant decay in institutions resulting from citizens acting self-interestedly is one that Deneen argues is a natural consequence of the Founders’ logic, especially exemplified in *Federalist 10*. While this work is concerned

⁵⁵ Deneen, 146.

⁵⁶ *On Liberty, Utilitarianism, and Other Essays*, ed. Mark Philp and Frederick Rosen (Oxford: Oxford University Press, 2015), 7-8.

⁵⁷ *On Liberty, Utilitarianism, and Other Essays*, 13.

⁵⁸ While this was contested by neoliberals like Milton Friedman and Ayn Rand who wanted the market ethic to reign everywhere, their survival of the fittest, Social Darwinist attitudes were less influential than reform liberalism, now simply called liberalism.

⁵⁹ Deneen, 29-30.

with factionalism and remedies under the new Constitution, in it, James Madison assumes a general dynamic of state usurpation of local loyalties that Deneen suggests is key to the political order's contemporary problem of prioritizing private ambitions over the public good.⁶⁰

Moreover, his argument suggests that liberalism's emancipating ethic, freeing the individual from not only their locality, but from vestiges of inherited privilege, unfolds into the dissolution of legitimately beneficial enclosures and loyalties like family values.

While Deneen's connections between founding liberal principles and the modern emancipated disposition are rather broad and even nebulous, his discussion of the liberated sexual ethic is harmful in tangible, measurable ways that harms the most vulnerable people, as my research on sexualization will demonstrate. Deneen's argument is that society has made room for the unconventional geniuses that Mill champions in *On Liberty* by renegotiating social customs and becoming tolerant of what the masses might consider vices, but the average people who would most benefit from Burkean moral instruction about respecting authority or monogamy are paying the price.⁶¹ Not only is the freedom of liberalism doing a disservice to the economically disadvantaged, but its insistence on freedom without reasonable safeguards is increasingly punishing children.

Postliberalism as Principled Backing

Postliberalism is a theological, philosophical, and political movement that has emerged within conservatism to question classical liberalism, which has dominated political theory for the last four centuries and offers a meaningful opportunity for reformulating arguments for child protection online. Postliberalism began in political theology, which is the discipline that "works

⁶⁰ Deneen.

⁶¹ Deneen, 147.

out theological ideas into political ideas.”⁶² In his work *Political Theology*, as cited in Stacey’s “Losing our Religion,” Carl Schmitt contends that all modern theories of the state are simply “secularised theological concepts.”⁶³ From doctrine that affirmed papal political authority in the High Middle Ages to the conciliarism and nominalism that slowly ceded power over to princes and secular political rulers in the Late Middle Ages, to finally theology like the divine right of kings that gave nearly all spiritual power to the government during the Early Modern Period, the transfer of power from God to state was motivated by theological change.⁶⁴ Since the secular concessions of political theology partially constructed the modern liberal state, it makes sense that critiques of the system would arise from political theology.

Postliberalism started in Yale Divinity School during the 1970s, arising from a set of relationships, conversations, and disagreements among scholars, especially George Lindbeck and Hans Wilhelm Frei.⁶⁵ Hans Frei pushed back against prevailing forms of systematic theology and the historical method with his books *The Identity of Jesus Christ: The Hermeneutical Bases of Dogmatic Theology* and *The Eclipse of Biblical Narrative: A Study in Eighteenth- and Nineteenth-Century Hermeneutics*; for a long time, he argued, Christians had read the Bible as a “realistic narrative [telling] . . . the overarching story of the world” in which they found their place.⁶⁶ Modernity disrupted this, and in the eighteenth century people began to read the Bible looking to determine historical facts and general lessons from Jesus’ teachings for them to situate within their own lives.⁶⁷ Like a great novel, Hans Frei argued, the Bible is too complex and

⁶² Timothy Stacey. “Losing Our Religion: Sources of Solidarity in Pluralist Settings.” (PhD diss., Goldsmith’s College, University of London), https://research.gold.ac.uk/id/eprint/18803/2/STA_thesis_StaceyT_2016.pdf, 25.

⁶³ Stacey, 26.

⁶⁴ Jones

⁶⁵ Timothy Stacey. “Losing Our Religion: Sources of Solidarity in Pluralist Settings,” 22.

⁶⁶ Placher

⁶⁷ Placher

poetic to reduce to certain fundamental morals or truths.⁶⁸ Readers must understand that the “stories portray a person -- a God who acts in the history of Israel and engages in self-revelation in Jesus of Nazareth,” and understand themselves as fitting within that story.⁶⁹ George Lindbeck was Frei’s contemporary at Yale Divinity School, and would help spearhead the political theology that would come to be known as postliberalism. Lindbeck is best known for his book *The Nature of Doctrine: Religion and Theology in a Postliberal Age* (1984). Reinforcing his colleague’s argument, he said people should see “scripture as an overarching narrative lens through which Christians may read the world,” but he went further, arguing for the necessity of distinct forms of Christian community to provide “the indispensable context” to words like “‘God’ or ‘love’ or ‘creation.’”⁷⁰ Lindbeck’s unique contribution was to recover certain elements of Thomism that insisted it was not propositions, but lived discipleship and negative theology that would best facilitate knowledge of God.⁷¹

Part of Frei and Lindbeck’s legacy is that scholars today are more likely to treat the Bible literarily than they once were, analyzing things like plot and form, and appreciating its purposeful ambiguities. They also left lasting impressions on their students, who would go on to influence their students toward a postliberal disposition. Shaped by the mentorship of Hans Frei, professor and theologian William Placher would hold to the conviction that “theologians should talk about the Christian message, not about *how* to talk about it” (Webb). Upon his passing, Placher’s own mentee, Stephen H. Webb, wrote Placher believed the gospels present a person, not an “empirical reality.”⁷²

⁶⁸ Placher.

⁶⁹ Placher

⁷⁰ Higton 9

⁷¹ Higton, 10.

⁷² Webb.

Since Frei and Lindbeck, postliberalism has come to refer to any political theory that aims to regain a sense of common good within the political order, resisting the notion that a shared commitment to abstract principles is sufficient to bind the polis.⁷³ To some, this might mean that postliberalism is not always explicitly theological, as classic, pre-Christian thinkers forwarded versions of the good for society to uphold, but for Charles Taylor, any theory with a transcendent motivation for political action outside simply the action itself is a political theology; this encapsulates everything from Marx's Utopia to Aristotelian *telos*.⁷⁴ Whether they explicitly situate their political arguments within the realm of theology or not, a common thread connecting the most prominent postliberal thinkers today is Catholicism. Some of these prominent, Catholic, postliberal thinkers include Charles Taylor, Patrick Deneen, Alasdair MacIntyre, Adrian Pabst, Sohrab Ahmari, Andrew Willard Jones, William Cavanaugh, Adrian Vermuele and John Milbank.

These thinkers critique the founding of American society in liberalism. In *Why Liberalism Failed*, Patrick J. Deneen traces the problems of American society back to its founding in liberalism, claiming that the American Founders, shaped as they were by Thomas Hobbes, Francis Bacon, John Stuart Mill and John Locke, broke free from classical and Christian premodernity when they decided to redefine liberty as freedom from irrational religious and social norms. The notion of pursuing freedom by becoming a more virtuous person was lost. In fact, Alasdair MacIntyre conceptualized the effect of liberalism on society as a philosophical shift that removed one important component of a tripartite model once characterizing classical thought: "1) humans as they are, moving via 2) ethics, to 3) humans as they can be."⁷⁵ Liberalism

⁷³ Stacey, 11-12.

⁷⁴ Stacey, 28.

⁷⁵ Stacey, 31.

removed the heart of this model, ethics, leaving society without a bridge between humans as they are, with untutored appetites, to humans as they could be: people with a realized telos. In an article for *New Polity*, a journal that boasts many postliberals on its board and editorial staff (including Andrew Willard Jones, D.C. Schindler and John Milbank), writer Michael Hanby describes the metaphysical “disaster” of wrenching questions of being and God out of the public square; this phenomenon has precipitated what McIntyre describes as an inability to be shaped toward the good through ethics while rendering society incapable of sharing a common nature, common reality or common good.⁷⁶

There are several obstacles to postliberalism’s success in application to a secular political realm. Postliberalism’s reliance on Catholic thought makes it difficult to apply broadly. Stacey notes that in its fullest religious sense, postliberalism is unworkable in a religiously pluralistic society.⁷⁷ Critiques of one notable attempt to apply postliberalism to the legal system,⁷⁸ Adrian Vermeule’s *Common Good Constitutionalism*, emphasize that the common good he defends is woefully “undefined” and requires more to “fill in the blanks.”⁷⁹ While postliberalism’s diagnosis of society as fractured, alienated and polarized as a result of its lack of communality and shared sense of common good remains accurate, it lacks specificity in its account of the way forward. While defining the common good for a pluralist society has always been challenging, the symptoms of unmitigated liberalism—polarization, atomization, socioeconomic inequality, and the decay of family values—demand that efforts be made to better define it. The divides of

⁷⁶ Michael Hanby, "Are We Postliberal Yet?" *New Polity* (blog), February 8, 2021, <https://newpolity.com/blog/are-we-postliberal-yet>.

⁷⁷ Stacey 15.

⁷⁸ William Baude and Stephen E. Sachs, "The Common-Good Manifesto," *Harvard Law Review* 136, no. 4 (2023): 1193-1228, <https://harvardlawreview.org/2023/01/the-common-good-manifesto/>.

⁷⁹ Peter J. Wallison, "Review: Common Good Constitutionalism," *American Enterprise Institute* (blog), February 22, 2019, <https://www.aei.org/articles/review-common-good-constitutionalism/>.

society are great, as Justice Kennedy exemplified in the infamous mystery passage of *Planned Parenthood v. Casey* (1992): “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”⁸⁰ Although much of life is mysterious, and the state rightly allows its citizens to disagree on many important questions about life, agreeing on areas of common good within this gulf is needed to address the divides postliberalism points out. In light of McIntyre and Deneen’s accounts of liberalism’s erosion of ethical inquiry and the formation of the self toward one’s *telos* through virtue, one path forward for liberalism may simply be inculcating morality into the polis wherever such choices would facilitate the public good.

A Case Study: Online Child Sexualization

One area where the government is expected to and expressly interested in promoting virtue is in children. Case studies are often employed in political science to illustrate the outworking of a particular stream of political thought. In his important work, “American Business, Public Policy, Case Studies and Political Theory,” Theodore J. Lowi outlines the value of this form of illustration, discussing three main kinds of policy: regulatory, distributive and redistributive.⁸¹ The first case study conducted in this paper will assess the potential for postliberal theory to address regulatory policy, particularly towards children’s indecent exposure on social media. The problem of child sexualization serves as a valuable site for testing the ability of postliberal principles to structure legal and policy arguments.

Members of this intellectual movement, sometimes termed the New Right, claim that liberalism is not a neutral respect for plurality, but a view that has advanced its own conception

⁸⁰ *Planned Parenthood of Southeastern Pennsylvania, et al. v. Robert P. Casey, et al.*, 505 U.S. 833 (1992), <https://www.law.cornell.edu/supremecourt/text/505/833>.

⁸¹ Theodore J. Lowi, “American Business, Public Policy, Case Studies, and Political Theory,” *World Politics* 16, no.4 (July 1964): 687-715, <https://www.jstor.org/stable/2009452>.

of the good, namely personal freedom, and this has weakened traditional institutions, atomized individuals, and hollowed out all societal sense of purpose.⁸² These criticisms of liberalism point to seismic ethical and material shifts in social cohesion, family life, and sexual ethics as evidence of this decline. Reacting to this decay, postliberals propose that policy advance the common good through moral legislation, ordering the public life around religion, family, and local institutions. This societal critique and political response recognizes an inconsistency between the promise of liberalism to remain neutral and its biased manifestations. Moreover, postliberal thought sparks discussion about the societal ills facing the U.S. domestically, such as the suicide epidemic and divorce rate. While postliberalism is relatively new in its current formulation, its popularity across the political spectrum reveals the fraying edges of classical liberalism, especially as it pertains to upholding key societal institutions such as the family.

Implications & Future Action

Moving forward, solving the issue of social media's sexualization of young girls requires (1) bolstering judicial support to inhibit challenges of constitutionality on future protective legislation, (2) carving out spaces for researchers to audit social media algorithms, and (3) allowing this research to inform a legislative overhaul of Section 230 of the 1996 Communications Decency Act. Supporting these prescriptions is the identification of child sexualization as a systemic problem, one that individual users are ill-equipped to handle, and the principled, postliberal prioritization of children's virtue formation over adults' indulgent interests.

⁸² Timothy Stacey. "Losing Our Religion: Sources of Solidarity in Pluralist Settings." (PhD diss., Goldsmith's College, University of London), https://research.gold.ac.uk/id/eprint/18803/2/STA_thesis_StaceyT_2016.pdf, 9.

The government is rightly involved in protecting the welfare of children, reducing threats to their emotional, mental and physical wellbeing posed by corporations, inadequate school systems, and even negligent families. The mass propagation of sexualizing media to children and facilitation of content that features children in sexualized settings pose a risk to children, as the research demonstrates. Studies that employ meta-analyses link self-objectification and sexualization to a litany of negative consequences for girls, including cognitive decline, decreased motor skills, body dissatisfaction, and low self-esteem. Postliberalism highlights that ethical habits can form people into becoming more virtuous, arguing the government should seek to help rather than hinder this process. In many ways, the legal system already regulates corporate practices that unduly influence children toward harmful behavior. For instance, the Federal Trade Commission prosecutes companies for advertising products and services to children in a deceptive manner because they are more naive and easily manipulated.⁸³ The Federal Communications Commission bans cigarette advertisements from running on TV and radio, and the Food and Drug Administration restricts the tobacco industry's ability to market to minors under the Family Smoking Prevention and Tobacco Control Act (2009).⁸⁴ Despite precedent for legislation that protects children from corporations seeking to engender harmful, unhealthy practices in children for profit, legislation aimed at expanding children's protection against social media corporations has failed to pass or remain standing due to legal challenges, as the literature review highlights.

⁸³ Carol Jennings and Mary Koelbel Engle. "Advertising to Kids and the FTC: A Regulatory Retrospective That Advises the Present," https://www.ftc.gov/sites/default/files/documents/public_statements/advertising-kids-and-ftc-regulatory-retrospective-advises-present/040802adstokids.pdf.

⁸⁴ Truth Initiative, "What do Tobacco Advertising Restrictions Look Like Today," February 6, 2017, <https://truthinitiative.org/research-resources/tobacco-industry-marketing/what-do-tobacco-advertising-restrictions-look-today>.

To address this challenge, the courts should use relevant legal opinions to articulate the state's independent interest in the wellbeing of children and defend its position as a compelling governmental interest. As with many other so-called "compelling state interests," the government has hardly articulated what its interest in protecting children really entails.⁸⁵ If this stronger, more specific vision of child flourishing was legally established through relevant judicial opinions, then future congressional efforts to pass online child protection legislation could withstand challenges of unconstitutionality. With the US legal system protecting speech from content-based restrictions using the highest legal standard, strict scrutiny, supporters of children's protection legislation require a narrowly tailored solution aimed at supporting a well-defined compelling state interest. This judicial reasoning could be grounded in the postliberal acknowledgement that the state should prioritize the virtuous formation of children over the prurient interests of adults. Indeed, as John Milbank writes, "the public respect for freedom may appear moral, but at the root it recognises only the infinite vagaries of private desire . . . Against the impersonalism of liberal institutions and policies, post-liberals shift the emphasis to the 'whole person' . . . embedded in a social order that is more basic than either state or market."⁸⁶

Nowhere is postliberalism's contention that true liberty resides in human flourishing, as well as upholding traditional values and social mores, more true than in child policy. Children cannot consent to the social contract because they lack the autonomy and rationality necessary to do so, suggesting that a postliberal approach is most appropriate. As Barbara Arneil states in "Becoming Versus Being: A Critical Analysis of the Child in Liberal Theory," liberal theories

⁸⁵ Richard H. Fallon Jr., "Strict Judicial Scrutiny," *UCLA Law Review* 54, no. 6 (2007): 1267-1327, https://www.uclalawreview.org/wp-content/uploads/2019/09/33_54UCLALRev1267June2007.pdf, 1271.

⁸⁶ John Milbank, *The Politics of Virtue* (London: Rowman & Littlefield, 1990), 77.

treat children as “becomings;” they are only considered insofar as they prefigure an “autonomous adult citizen.”⁸⁷ Children are excluded from a consent-based governmental community because they lack the “entrance requirements” of consenting to its rules, making the child “literally no part of the community to which he/she is born,” as John Locke expresses.⁸⁸ Children require the protective arm of the government, not merely negative rights that constrain the scope of governmental activity in a child’s life.⁸⁹ The issue of limiting corporate influence on children’s development through protective measures like content-based restrictions can be seen as an extension of this protective arm that children require to a greater extent than other subjects in a liberal democracy.

Postliberalism allows policymakers, citizens and other stakeholders to perceive government intervention to limit, augment, or combat the sexualization of children facilitated by Big Tech corporations as a site of virtue formation in children. Children frequently depend on the protective arm of the state because they are impressionable and susceptible to “indoctrination,” as Justice Warren E. Burger stated in the 1971 religious establishment case *Tilton v. Richardson* (1971).⁹⁰ The unique impressionability of minors acknowledged by the Court in religious establishment cases suggests that children deserve similar protections from the indoctrination of Big Tech. This radical formation of young minds is certainly taking place on social media. Without a meaningful ability to resist its influence, young girls are continually susceptible to

⁸⁷ Barbara Arneil, “Becoming Versus Being: A Critical Analysis of the Child in Liberal Theory,” in David Archard and Colin M. Macleod, eds., *The Moral and Political Status of Children* (Oxford: Oxford University Press, 2002), 74.

⁸⁸ Arneil, 75.

⁸⁹ Arneil, 76.

⁹⁰ *Tilton v. Richardson*, 403 U.S. 672 (1971), <https://supreme.justia.com/cases/federal/us/403/672/>

social media's sexualization, and its inculcation of hedonic, utilitarian values.⁹¹ Moreover, minors' efforts to find and identify with content on social media that subverts sexualization are overwhelmed by the prioritization of such sexualized content on platforms; one participant in a study of social media and the sexualization of adolescents stated that she tries to follow feminist accounts, "but it is often still sort of censored in a way . . . [conversely,] you don't have to make any effort to see this," she said, pointing "to a sexualized picture on the table."⁹² This anecdotal evidence supports the overall trend of sexualization observed by researchers in the field. Since subversive, anti-sexualizing content is scarce, and engagement with it is disincentivized by a variety of factors arising from both on and off the platform, the onus should not be on individual child users to mitigate all the harm social media does to them.

While the courts should support future child protection legislation by filling in the government's pre-existing compelling interest in protecting children with a more detailed legal vision of child flourishing, the legislature should revise Section 230 in light of changing technology, specifically algorithms. The aforementioned research regarding children users' susceptibility to sexualization demonstrates the need for the government to hold social media companies accountable to the effects of their algorithms. It is imperative that social media companies, and not just their users, take responsibility for this. Minors themselves are understandably too young and impressionable to be completely responsible for their online sexualization, but it may be remarked that adult users that contribute sexualizing content to social media platforms, or solicit children to engage in sexualizing content, conversations or

⁹¹ Johanna M. F. van Oosten, "Adolescent Girls' Use of Social Media for Challenging Sexualization," *Gender, Technology and Development* 25, no. 1 (2021): 1-21, <https://doi.org/10.1080/09718524.2021.1880039>.

⁹² Oosten.

behavior are largely to blame for harming girls. Indeed, Section 230 of the Communications Decency Act distinguishes between platforms and their users, exempting the former from responsibility for the content published by the latter. However, as more research surfaces as a result of recent data leaks from Meta, the powerful hand of algorithms in promoting, prioritizing and perpetuating certain kinds of content on children's feeds becomes more important, complicating the simple binary presented by Section 230. The 1996 legislation conceived of internet sites and platforms as static message boards, not as the learning, patterned feeds social media users understand them as today.⁹³ The problem of social media sexualization goes beyond the individual user and requires a broader solution.

An important component of this broader solution is to incorporate the burgeoning role of algorithms into the regulatory provisions of Section 230. Machine learning occurs when collections of algorithms are fed a great deal of audiovisual data and employ statistical techniques to perfect certain tasks.⁹⁴ However, AI is known to replicate biases it observes from ingested data samples, creating ethical challenges for users and designers. Not only are women and girls objectified, with harmful physical, psychological and emotional consequences, gender violence has been cast as acceptable and prejudiced by algorithms employed online.⁹⁵ Since algorithmic bias affects everything from policing and hiring to elections and healthcare, scholars and practitioners should work extensively to revise algorithms to make them more ethical.⁹⁶ One

⁹³ Miren Gutierrez, "Algorithmic Gender Bias and Audiovisual Data: A Research Agenda," *International Journal of Communication* 15 (2021): 439-461, <https://ijoc.org/index.php/ijoc/article/viewFile/14906/3333>, 450.

⁹⁴ Gutierrez, 439.

⁹⁵ Gutierrez, 440.

⁹⁶ Cathy O'Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (New York: Crown, 2016), https://edisciplinas.usp.br/pluginfile.php/4605464/mod_resource/content/1/%28FFLCH%29%20LIVRO%20Weapons%20of%20Math%20Destruction%20-%20Cathy%20ONeal.pdf, 32.

way that social media platforms can be held accountable to preventing the sexualization of minors on their platforms is to employ the recommendations provided by emerging ethicists in the Artificial Intelligence space like Dr. Gretchen Huizinga of “Righteous AI” and Miren Gutierrez from the University of Duesto in Spain. The latter calls for more “transparent algorithms” so they “can be judged on a case-by-case basis” regarding whether they unduly promote harmful material to vulnerable groups.⁹⁷ To facilitate this transparency, Gutierrez asserts that government researchers should be allowed to audit the complex, proprietary algorithms employed by social media corporations like *Meta*, allowing users to have a better understanding of how they are being influenced, and, in the case of children, brainwashed.⁹⁸ Moreover, auditors could compare their findings with a rubric considering whether algorithms are optimizing online experiences in a way that balances profit-making with the wellbeing of its users.⁹⁹ Just as unmitigated profit maximization can hurt the environment, lead to poor labor conditions, and hurt the consumer, without regulatory guardrails Big Tech will continue to hurt child users for profit. To prevent this, federal regulatory agencies should take the information gleaned from audits regarding algorithmic harm and create a legal standard to hold social media companies civilly liable for cases where this standard has been breached. In this way, entities like the Seattle Public Schools that sued social media companies for creating a mental health crisis among their students, would have greater legal grounds than that social media companies are a public nuisance.¹⁰⁰ Taking these steps would allow the government to actualize

⁹⁷ Gutierrez, 448.

⁹⁸ Gutierrez, 448.

⁹⁹ Gretchen Huizinga, "Righteous AI: The Christian voice in the Ethical AI conversation" (PhD diss., University of Washington, 2020), https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/48925/Huizinga_washington_0250E_24261.pdf?sequence=1&isAllowed=y, 121.

¹⁰⁰ Seattle School District No. 1 v. Meta Platforms, Inc., Facebook Holdings, Llc, Facebook Operations, Llc, Meta Payments Inc., Facebook Technologies, Llc, Instagram, Llc, Siculus, Inc.,

whistleblower Frances Haugen's call for government oversight in the enterprise of social media, which is increasingly being understood as a matter of life and death for young people.

One of the key criticisms of liberalism is that it does not admit to a particular vision of human flourishing except for allowing people to decide what is good for them, letting them pursue their own visions of the common good. This is an important bedrock of the United States' pluralist society and federalist system. However, in trying not to take sides, the liberal system enshrines choice as its ultimate vision of what is good for society. This ethic of liberality makes attempts to shape or restrict citizens' practices through policy seem unnecessary, but such actions are needed to produce virtuous citizens and create a flourishing society. In *The Republic*, Plato personifies different governments, arguing that every regime forms a particular kind of person, soul, or constitution, based on the values embedded in that regime. There is Timocracy and the Timocratic Man, Oligarchy and the Oligarchic Man, Despotism and Despotism Man, Democracy and the Democratic Man. Plato imagines that the democratic polis would be a place of freedom that encourages variety, "like an embroidered robe which is spangled with every sort of flower."¹⁰¹ Yet, one of the weaknesses of democratic men is that "they care only for making money, and are as indifferent as the pauper to the cultivation of virtue."¹⁰² The sexualization of children on social media is a systemic problem, and its negative impacts continue to materialize. The tensions postliberalism foregrounds in this policy issue are the same ones Plato predicted

Snap Inc., Tiktok Inc., Bytedance Inc., Alphabet Inc., Google Llc, Xxvi Holdings Inc., And Youtube, Llc,
<https://storage.courtlistener.com/recap/gov.uscourts.wawd.317950/gov.uscourts.wawd.317950.1.0.pdf>.

¹⁰¹ Plato, *The Republic*, trans. Benjamin Jowett (1871; repr., Roman Roads Media, 2014), https://files.romanroadsstatic.com/materials/plato_republic.pdf, 292.

¹⁰² Plato, 291.

would plague the Democratic Man nearly two and a half thousand years ago: money and virtue, freedom and flourishing.

Bibliography

- “47 U.S. Code § 230 - Protection for private blocking and screening of offensive material.”
Legal Information Institute, <https://www.law.cornell.edu/uscode/text/47/230>.
- “American Psychological Association Commends House Bill.” *American Psychological Association*, 2010, <https://www.apa.org/news/press/releases/2010/03/healthy-media-youth>.
- “H.R. 4925 — 111th Congress: Healthy Media for Youth Act.” *GovTrack*, 3 Dec 2010, <https://www.govtrack.us/congress/bills/111/hr4925>.
- “Obscenity and Indecency: Constitutional Principles and Federal Statutes.” *EveryCRSReport*, 2002-2009, https://www.everycrsreport.com/reports/95-804.html#_Toc232392782.
- “Senators Markey And Cassidy Propose Bipartisan Bill To Update Children’s Online Privacy Rules,” *Ed Markey United States Senator for Massachusetts*, 24 June 2021, <https://www.markey.senate.gov/news/press-releases/senators-markey-and-cassidy-propose-bipartisan-bill-to-update-childrens-online-privacy-rules>.
- “The Common Sense Census: Media Use by Tweens and Teens,” *Common Sense Media*, https://www.common sense media.org/sites/default/files/uploads/research/census_research_report.pdf.
- “Walberg, Rush Lead Bipartisan Effort to Protect Children’s Online Privacy.” *Congressman Tim Walberg Representing the 7th District of Michigan*, 11 March 2021, <https://walberg.house.gov/media/press-releases/walberg-rush-lead-bipartisan-effort-protect-children-s-online-privacy>.
- ACLU v. Ashcroft, 322 F.3d 240, 243 (3d Cir. 2003).

- APA Task Force on the Sexualization of Girls. "Report of the APA Task Force on the Sexualization of Girls." *American Psychological Association* (2008, February 1).
<http://www.apa.org/pi/women/programs/girls/report>.
- Arneil, Barbara. "Becoming Versus Being: A Critical Analysis of the Child in Liberal Theory." In *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod, 67-85. Oxford: Oxford University Press, 2002.
- Ball, Terence, and Richard Dagger. "The 'L-Word': A Short History of Liberalism." Winter 1990.
<https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1172&context=polisci-faculty-publications>.
- Baude, William and Stephen E. Sachs. "The Common-Good Manifesto." *Harvard Law Review*.
<https://harvardlawreview.org/2023/01/the-common-good-manifesto/>.
- Cenk Y. Şahin. "Protecting Children from Harmful Materials on the Internet: The US Experience (A Discussion on the First Amendment and Internet)," *Annales XXXIX*, no. 56 (2007): 87-100, <https://dergipark.org.tr/tr/download/article-file/6984>.
- Congress.gov. "H.R.1865 - 115th Congress (2017-2018): Allow States and Victims to Fight Online Sex Trafficking Act of 2017." 11 April 2018,
<https://www.congress.gov/bill/115th-congress/house-bill/1865>.
- C-SPAN. "Facebook Whistleblower Frances Haugen Testifies Before Senate Commerce Committee." YouTube Video, 3:27:56, October 5, 2021,
<https://www.youtube.com/watch?v=GOnpVQnv5Cw&t=11783s>.
- O'Neil, Cathy. *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*. New York: Crown, 2016,
https://edisciplinas.usp.br/pluginfile.php/4605464/mod_resource/content/1/%28FFLCH%

29%20LIVRO%20Weapons%20of%20Math%20Destruction%20-%20Cathy%20ONeal.pdf.

Deneen, Patrick J. *Why Liberalism Failed*. London: Yale University Press, 2019.

Fallon, Jr, Richard H. "Strict Judicial Scrutiny." *UCLA Law Review* 54, no. 5 (2007): 1267-1327.

https://www.uclalawreview.org/wp-content/uploads/2019/09/33_54UCLALRev1267June2007.pdf.

García-Gómez, Antonio. "Teen Girls and Sexual Agency: Exploring the Intrapersonal and Intergroup Dimensions of Sexting." *Media, Culture & Society* 39, no. 3 (April 2017): 391–407. <https://doi.org/10.1177/0163443716683789>.

Gutierrez, Miren. "Algorithmic Gender Bias and Audiovisual Data: A Research Agenda."

International Journal of Communication 15 (2021): 439-461.

<https://ijoc.org/index.php/ijoc/article/viewFile/14906/3333>.

Hanby, Michael. "Are We Postliberal Yet?" *New Polity*. <https://newpolity.com/blog/are-we-postliberal-yet>.

Holland, Elise, and Nick Haslam. "Cute Little Things: The Objectification of Prepubescent Girls." *Psychology of Women Quarterly* 40, no. 1 (2016): 108–19.

<https://doi.org/10.1177/0361684315602887>.

Holmes, Eric. "Children and the Internet: Legal Considerations in Restricting Access to Content." *Congressional Research Service*. 14 March 2022.

Huizinga, Gretchen. "Righteous AI: The Christian voice in the Ethical AI conversation." PhD diss., University of Washington, 2020.

https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/48925/Huizinga_washington_0250E_24261.pdf?sequence=1&isAllowed=y.

Johnson, Ashley and Daniel Castro, "Overview of Section 230: What It is, Why It Was Created, and What It Has Achieved." 22 February 2021, *Information Technology and Innovation Foundation*, <https://itif.org/publications/2021/02/22/overview-section-230-what-it-why-it-was-created-and-what-it-has-achieved>.

Jones, Andrew Willard. *The Two Cities: A History of Christian Politics*. Ohio: Emmaus Road Publishing, 2021.

Koppelman, Andrew. "Does Obscenity Cause Moral Harm?" *Columbia Law Review* 105, no. 5 (2005): 1635–79. <http://www.jstor.org/stable/4099411>.

Lamb, Sharon, and Julie Koven. "Sexualization of Girls: Addressing Criticism of the APA Report, Presenting New Evidence." *SAGE Open* 4, no. 9 (2019): <https://doi.org/10.1177/2158244019881024>.

Lerman, Rachel. "New Bill Would Update Decades-Old Law Governing Children's Privacy Online, Add Protection for Teens." *The Washington Post*, 29 July 2021, <https://www.washingtonpost.com/technology/2021/07/29/coppa-update-teenagers-online/>.

Livingston, Sonia et al. "The Case for a UNCRC General Comment on Children's Rights and Digital Media." *Children's Commissioner*, April 2017, <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Case-for-general-comment-on-digital-media.pdf>.

Lowi, Theodore J. "American Business, Public Policy, Case Studies, and Political Theory," *World Politics* 16, no.4 (1964): 687-715, <https://www.jstor.org/stable/2009452>.

Milbank, John. *The Politics of Virtue*. London: Rowman & Littlefield International, 2016.

Murphy, Walter F. "Political Jurisprudence." In *Courts, Judges, and Politics*, 6th ed., 41-71.

New York: McGraw-Hill Higher Education, 2006.

Ng, Stephanie V. "Social media and the Sexualization of Adolescent Girls." *The American*

Journal of Psychiatry 11, no. 12 (2017): 14-14. [https://doi.org/10.1176/appi.ajp-](https://doi.org/10.1176/appi.ajp-rj.2016.111206)

[rj.2016.111206](https://doi.org/10.1176/appi.ajp-rj.2016.111206).

O'Donohue, W., Gold, S. R., & McKay, J. S. "Children as sexual objects: Historical and gender

trends in magazines." *Sexual Abuse: Journal of Research & Treatment* 9, (1997): 291-

301, <https://doi.org/10.1007/BF02674854>.

On Liberty, Utilitarianism, and Other Essays. Edited by Mark Philp and Frederick Rosen. ix-

xxxv. Oxford: Oxford University Press, 2015.

Peter, Roberts W. "There Is a Need to Regulate Indecency on the Internet" *Cornell Journal of*

Law and Public Policy 6, no. 2 (1997):

[http://scholarship.law.cornell.edu/cjlp/vol6/iss2/4?utm_source=scholarship.law.cornell.e](http://scholarship.law.cornell.edu/cjlp/vol6/iss2/4?utm_source=scholarship.law.cornell.edu%2Fcjlp/vol6/iss2/4&utm_medium=PDF&utm_campaign=PDFCoverPages)

[du%2Fcjlp/vol6/iss2/4&utm_medium=PDF&utm_campaign=PDFCoverPag](http://scholarship.law.cornell.edu/cjlp/vol6/iss2/4?utm_source=scholarship.law.cornell.edu%2Fcjlp/vol6/iss2/4&utm_medium=PDF&utm_campaign=PDFCoverPages)

[es](http://scholarship.law.cornell.edu/cjlp/vol6/iss2/4?utm_source=scholarship.law.cornell.edu%2Fcjlp/vol6/iss2/4&utm_medium=PDF&utm_campaign=PDFCoverPages).

Philp, Mark, and Frederick Rosen. "Introduction." In *On Liberty, Utilitarianism, and Other*

Essays, ix-xxxv. Oxford: Oxford University Press, 2015.

Planned Parenthood of Southeastern Pennsylvania, et al., Petitioners, v. Robert P. Casey, et al.,

etc. Robert P. Casey, et al., etc., Petitioners, v. Planned Parenthood of Southeastern

Pennsylvania et al. 505 U.S. 833 (1992).

<https://www.law.cornell.edu/supremecourt/text/505/833>.

Plato. *Phaedrus*. Oxford: Oxford University Press.

Plato. *The Republic*. Translated by Benjamin Jowett. 1871; repr., *Roman Roads Media*, 2014.

https://files.romanroadsstatic.com/materials/plato_republic.pdf.

Purdy, Elizabeth R. "Child Online Protection Act of 1998 (1998)." *The First Amendment*

Encyclopedia, <https://www.mtsu.edu/first-amendment/article/1066/child-online-protection-act-of-1998>

Ross, Catherine J. "Anything Goes: Examining the State's Interest in Protecting Children from Controversial Speech," *Vanderbilt Law Review* 53, no. 427 (2000),

<https://core.ac.uk/download/pdf/232645512.pdf>.

Seattle School District No. 1 v. Meta Platforms, Inc., Facebook Holdings, Llc, Facebook Operations, Llc, Meta Payments Inc., Facebook Technologies, Llc, Instagram, Llc, Siculus, Inc., Snap Inc., Tiktok Inc., Bytedance Inc., Alphabet Inc., Google Llc, Xxvi Holdings Inc., And Youtube, Llc.

<https://storage.courtlistener.com/recap/gov.uscourts.wawd.317950/gov.uscourts.wawd.317950.1.0.pdf>.

Slater, Amy and Marika Tiggemann. "Little Girls in a Grown Up World: Exposure to Sexualized Media, Internalization of Sexualization Messages, and Body Image in 6–9 Year-Old Girls," *Body Image* 18 (2016): 19-22, <https://doi.org/10.1016/j.bodyim.2016.04.004>.

Stacey, Timothy. "Losing Our Religion: Sources of Solidarity in Pluralist Settings." PhD diss., Goldsmith's College, University of London, 2016.

Stevens, Gina. "Smart Toys and the Children's Online Privacy Protection Act of 1998,"

Congressional Research Service, January 8, 2018,

<https://crsreports.congress.gov/product/pdf/LSB/LSB10051>.

- The Social Media Collective. "Critical Algorithm Studies," *Microsoft Research*,
<https://socialmediacollective.org/reading-lists/critical-algorithm-studies/>.
- Tilton v. Richardson, 403 U.S. 672 (1971).
Justia.<https://supreme.justia.com/cases/federal/us/403/672/>.
- Truth Initiative. "What do Tobacco Advertising Restrictions Look Like Today." February 6,
 2017. <https://truthinitiative.org/research-resources/tobacco-industry-marketing/what-do-tobacco-advertising-restrictions-look-today>.
- UNICEF. "Child Safety Online: Global Challenges and Strategies." *Florence: UNICEF Office of Research-Innocenti*, 2012, www.unicef.org/publications/pdf/ict_techreport3_eng.pdf.
- Van Oosten, Johanna M. F. "Adolescent girls' use of social media for challenging sexualization." *Gender, Technology and Development* 25, no. 1 (2021): 1-26.
<https://www.tandfonline.com/doi/full/10.1080/09718524.2021.1880039>.
- Vandenbosch, Laura, and Steven Eggermont. "The Interrelated Roles of Mass Media and Social Media in Adolescents' Development of an Objectified Self-Concept: A Longitudinal Study." *Communication Research* 43, no. 8 (2016): 1116-40.
<https://doi.org/10.1177/0093650215600488>.
- Vendley, William F. and Rosvga, Dorothy. "Protecting Children from Online Sexual Exploitation." *ECPAT International and Religions for Peace*, 2016,
<https://www.unicef.org/documents/protecting-children-online-sexual-exploitation>.
- Wallison, Peter J. "Review: Common Good Constitutionalism." *American Enterprise Institute*.
<https://www.aei.org/articles/review-common-good-constitutionalism/>.
- Ward, L. Monique "Media and Sexualization: State of Empirical Research." *The Journal of Sex Research* 53, no. 4-5, (2016): 560-577. doi: 10.1080/00224499.2016.1142496.

Zeigler, Sara L. "Communications Decency Act of 1996 (1996)." *The First Amendment Encyclopedia*, <https://www.mtsu.edu/first-amendment/article/1070/communications-decency-act-cf-1996>.