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Kant Stop the Kidfluencers:

Moral Considerations in Using Children as Social Media Influencers

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Abstract

The practice of "kidfluencing," or using children as social media influencers to promote commercial products and services, raises ethical concerns about the commodification of childhood, them being viewed as products, and their rights falling between the gaps. This essay critically examines the moral dilemmas and challenges in regulating kidfluencing practices from a Kantian and virtue ethics perspective, analyzing the implications of commodifying childhood and the potential harm it can cause. The UN Convention on the Rights of the Child is used as a framework for evaluating the moral interests of children in the context of kidfluencing practices. Arguments for and against regulating kidfluencing practices and the challenges and dilemmas in achieving effective and consistent regulation are presented. The essay concludes with a summary acknowledging the limitations and the need for further research.

Keywords

Kidfluencing, child influencers, social media, ethics, Kantian ethics, virtue ethics, the commodification of childhood, UN Convention on the Rights of the Child, consent, advertising, regulations, limitations, children's rights, argumentative

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1. Introduction

1.1 Background and context of kidfluencers

As technology and the Internet continue to advance, social media's rise has created a new phenomenon: influencers. An influencer is someone who affects or changes the way other people behave. It is often a person a company pays to show and describe products on their social media platforms, intending to encourage others to buy them.¹ With their large following on social media platforms such as Tiktok, Instagram, and Youtube, the people behind the pages have managed to create a new celebrity status – Internet fame. The Influencer MarketingHub's Benchmark report for 2023 shows that the influencer marketing industry is expected to grow to a worth of approximately 21.1 billion dollars in the year 2023, with over 83% of the survey's reports participation believing influencer marketing to be an effective form of advertisement and marketing.²

You do not need to have a massive following to start earning money from creating social media content; it is something anyone could try with a smartphone on hand. In this lucrative business, there are many possibilities to make money. Different rates and opportunities are open depending on your following and negotiation skills. Brand deals can lead to big paychecks, and you can post sponsored content to generate income. Influencers can also earn money through affiliate marketing – discount codes and links that gives the influencers a percentage of the sales they contribute to. Influencers can also monetize their content and get money through advertisements and programs already built-in on the application, earning money for the number of clicks they obtain.³⁴

Following this trajectory, family influencers have also started to amass significant popularity and following. They usually upload content of their entire family – from sketches, singing

¹ *Influencer*, the Cambridge Dictionary, 2023.

<https://dictionary.cambridge.org/dictionary/english/influencer>

² Werner Geysler, *The State of Influencer Marketing 2023: Benchmark Report*. Influencer MarketingHub, 2023. <https://influencermarketinghub.com/influencer-marketing-benchmark-report/>

³ Sydney Bradley. How much money Instagram influencers make. *Business Insider*, 2022-12-03. <https://www.businessinsider.com/how-much-money-instagram-influencers-earn-examples-2021-6?r=US&IR=T>

⁴ Rachel Fishbein "Growing up Viral: "Kidfluencers" as the New Face of Child Labor and the Need for Protective Legislation in the United Kingdom." *George Washington International Law Review*, vol. 54, no. 1, 2022, p.132

videos, and tidbits from their daily lives.⁵ From that, children have also started to become influencers from an early age, often referred to as kidfluencers. As the popularity of influencers continues to increase, companies have now begun to target parents wishing to earn fame for their kids.⁶

It is worth noting that for this essay, kidfluencing refers to child influencers who are 13 years old or younger. This age limit is relevant because it is the age at which many social media platforms, including Facebook⁷, Instagram⁸, and Tiktok⁹, prohibit users from creating an account without parental consent. In other words, children younger than 13 are not legally allowed to use these platforms on their own, which means that any kidfluencers on these platforms must have the consent and active involvement of their parents or guardians.¹⁰ On these sites, you can often find their bio stating their social media site is "run by their parents."¹¹ Therefore, the responsibility of protecting the rights and well-being of child influencers falls on both the child and their parents and any other parties involved in their content creation and distribution. These children have to be aided by their parents to use the social media applications; therefore, they control what is uploaded.

Child actors have always fascinated people, and we see all the difficulties they face because there's so much scrutiny. Kidfluencing takes it to the next level because the difference between traditional child actors and social media influencers is that it is not a kid pretending to be somebody else in the movies or on a show. The kid in itself, as themselves, becomes the show.¹²

⁵ Crystal Abidin. #familygoals: Family Influencers, Calibrated Amateurism, and Justifying Young Digital Labor. *Social Media + Society*, 3(2), 2017, p.1-2

⁶ Fishbein, *Growing up Viral*, p.129

⁷ Facebook Help Center. "Managing Your Account."

<https://www.facebook.com/help/157793540954833>.

⁸ Instagram Help Center. "Parent's Guide to Instagram."

<https://help.instagram.com/517920941588885>.

⁹ TikTok Safety Center. "A Guide for Guardians." <https://www.tiktok.com/safety/en/guardians-guide/>.

¹⁰ Maheshwari, 'Online and Earnings'

¹¹ Sapna Maheshwari, 'Online and Earnings Thousands, at Age 4: Meet the Kidfluencers', *The New York Times*, 01-03-2019, <https://www.nytimes.com/2019/03/01/business/media/social-media-influencers-kids.html>

¹² Kid influencers: Few rules, big money [online video], CBS News, Aug 23, 2019. https://www.youtube.com/watch?v=8XkaSouYtbg&ab_channel=CBSNews

Child actors and models have been around for decades longer, and laws and regulations have been created to protect them. While the Internet has opened up new opportunities for children to reach fame, it is also void of regulations for kidfluencers. Social media production has yet to be recognized as a form of acting or labor, which leaves this form of entertainers without specific labor protections.¹³

Children can therefore be used for commercial purposes and profit. Commodification is when something is treated or considered a product that can be used or sold.¹⁴ This can be exploitative and potentially harm children's well-being, exposing them to the pressures and stresses of the public eye at a young age.¹⁵

The use of children in advertising and marketing raises ethical concerns about informed consent, as they are too young to understand and give it meaningfully.¹⁶ Children may not fully understand the implications of their participation in sponsored content. Parents, who often act as their children's managers and decision-makers, may have competing interests – financial gain versus their children's welfare – which can cloud their judgment about their children's involvement in these activities, believing that their actions are the best for their child's life.¹⁷

The industry of kidfluencers continues to grow, with more and more children being thrust into the spotlight. At the same time, governments and regulatory bodies struggle to keep up with the rapid pace of change in the area, with regulations not being up to par with the rapidly evolving technology.¹⁸ There is a lack of clear guidelines and regulations around the use of children in social media marketing, leaving it at a current free-roaming ground.

1.2 Research problem

The research problem addressed in this study revolves around the ethical concerns associated with the practice of kidfluencing and its implications for children, which raises various ethical

¹³ Marina Masterson, When Play Becomes Work: Child Labor Laws in the Era of 'Kidfluencers'. University of Pennsylvania Law Review, Forthcoming, May 11, 2020, p.579

¹⁴ Commodification, the Cambridge Dictionary, 2023.

<https://dictionary.cambridge.org/dictionary/english/commodification>

¹⁵ Masterson, When Play Becomes Work, p.593-594

¹⁶ Fishbein, Growing up Viral, p.135-136

¹⁷ CBS News, Kid Influencers.

¹⁸ Amber Edney. "'I Don't Work for Free': The Unpaid Labor of Child Social Media Stars." University of Florida Journal of Law and Public Policy, vol. 32, no. 3, 2022, p.571

questions regarding the commodification of childhood, the protection of children's rights, and the significance of informed consent.

This problem is significant because the increasing prevalence of kidfluencing practices has raised concerns about the potential exploitation and manipulation of children for commercial purposes, as companies have started to target parents trying to get their families or kids famous through influencing.¹⁹ It raises questions about the ethical boundaries of marketing strategies targeting young audiences and the impact of these practices on children's well-being, privacy, and development, as both companies and their parents might pressure the children to appear in online content.²⁰

Furthermore, investigating this research problem is to contribute to the ongoing discourse on regulating kidfluencing practices. By exploring the ethical implications and drawing on relevant literature and sources, this research aims to shed light on the moral complexities surrounding kidfluencing and provide insights into the need for regulatory measures to safeguard children's rights and well-being, not from a strictly legal perspective, but rather from what can be said on the subject from a moral standpoint.

It can be argued that using children as influencers is exploitative because they are often too young to understand the implications of their work and may not fully comprehend the commercial nature of their content or the intent behind what is being uploaded using their image and likeness.²¹ Parents may claim that the children are having fun while the adults do the actual work²², while it could also be argued that if you are selling a product, you are working.²³ This may result in children being used as a means to an end – something being done because it will help with achieving something else²⁴ - rather than being treated as autonomous individuals with inherent value and dignity. It can be tempting for parents to seek fame and fortune, but it is also essential to know when a line has to be drawn.

¹⁹ Fishbein, *Growing up Viral*, p.129

²⁰ Edney, "I Don't Work for Free", p.568

²¹ Sonia Livingstone & Miriam Rahali, Supplementary written evidence submitted, 2011, p.1

²² CBS News, *Kid Influencers*.

²³ Charlotte B. Winckler, "Kidfluencers: How the Law's Failure to Keep up Leaves Children across the Country at Risk of Labor Abuse and Financial Exploitation." *Charleston Law Review*, vol. 16, no. 2, 2022, p.124-125

²⁴ *A means to an end*, the Cambridge Dictionary, 2023.

<https://dictionary.cambridge.org/dictionary/english/means-to-an-end>

Children may not fully understand the consequences of their actions and may be unable to provide informed consent to participate in online content. Parents may influence their children's decisions, as they do not view what they do as work for their children – it is play,²⁵ which leads to a lack of genuine consent. Parents could also paint a particular picture of what their online presence means, or their kids may not fully grasp the scope of it all. When CBS asked a parent what they told their child about their work, the parent replied: "The way that I see it is that an influencer is a role model. And that's what I tell the kids."²⁶

This could also lead to problems as the child grows up, as there could be embarrassing or unwanted videos or pictures of the former kidfluencers online, photos they would maybe not have shared if given the option.²⁷ The right to erasure, or the right to be forgotten, is a general concept in Europe. It allows individuals to change their digital footprint, giving the children more control over the content containing them.²⁸ Today, that control is in the hands of the parents, and it's first afterward that something can be done about it.

Article 8 of the European Convention on Human Rights states a "right to respect for private and family life." States and governments tend not to infringe on this, and it is up to a parent how much of their children they choose to post online, by the notion that parents have the right to raise their children as they see fit.²⁹ However, a child should still have their right to privacy as well.

The commercialization and commodification of childhood is another issue that arises with kidfluencing. Using children as influencers contributes to a culture that places a high value on consumerism and materialism. This may negatively impact children's values and priorities, as they lack the experience to resist advertisements and consumerism.³⁰ The children may also be unable to recognize and identify what an advertisement is, as they are not yet fully developed.³¹

²⁵ Edney, "I Don't Work for Free", p.570

²⁶ CBS News, Kid Influencers.

²⁷ Kimberley Bond. 'I grew up with a famous parent... I will need therapy for the rest of my life'. Metro UK. 2023-04-24.

²⁸ Edney, "I Don't Work for Free", p.554-567

²⁹ Fishbein, Growing up Viral, p.149

³⁰ Ernst Guillaume. *It is Unethical to Advertise To Children*, linkedin, 2018-03-29.

<https://www.linkedin.com/pulse/unethical-advertise-children-ernst-guillaume/>

³¹ Livingstone & Rahali, Supplementary written evidence submitted, p.1-2

To regulate the matter is far more complex than what already exists in terms of regulations for child entertainers, such as the question of work hours, employer, and what is considered work.³² As the practice is relatively new, few regulations are in place to protect the interests of children involved in kidfluencing.³³ This lack of regulation raises questions about the responsibilities of parents, brands, and social media platforms to ensure that children are not exploited or harmed for their likeness.

Another concern is the impact of kidfluencing on children's development, as fame can have a damaging effect. Even though it is not yet fully explored, evidence shows that it can have serious mental consequences.³⁴ Children involved in kidfluencing may experience pressure to perform and maintain their online persona, leading to stress, anxiety, and other negative consequences. This essay will not explore this, as there is insufficient research and data on this relatively new phenomenon's long-term psychological implications and effects.³⁵

This essay examines various ethical issues related to kidfluencing, including the commodification of childhood and the ethical dilemmas surrounding using children for commercial purposes. It is essential to recognize that using children in advertising raises significant moral concerns, mainly when their participation is not voluntary or consensual. It is necessary to consider whether their participation is voluntary, coerced, or influenced by adults. There is a potential conflict of interest between the desires of parents to promote their children for fame and the child's best interests.³⁶ Traditionally, parents have the right to raise their children as they see fit.³⁷ Parents are responsible for making decisions that are in their child's best interests, but they may also have an interest in promoting theirs online. Children have a right to privacy, dignity, and protection from exploitation.³⁸ It is crucial to consider the impact that kidfluencing may have on children's rights and ensure that children are not harmed or exploited in someone's pursuit for commercial and financial gain.

³² Edney, "I Don't Work for Free", p.564-566

³³ Livingstone & Rahali, Supplementary written evidence submitted, p.5

³⁴ Digital, Culture, Media and Sport Committee, Influencer Culture: Lights, camera, inaction?: ASA System and CMA Responses to the Committee's Twelfth Report of Session 2021-22
<https://committees.parliament.uk/publications/23200/documents/169665/default/> p.43

³⁵ Fishbein, Growing up Viral, p.135

³⁶ Ibid, p.135

³⁷ Masterson, When Play Becomes Work, p.580

³⁸ Edney, "I Don't Work for Free", p.562

1.3 Aim and research questions

The aim of this essay is to conduct a comprehensive and argumentative analysis of the ethical concerns associated with kidfluencing and its impact on children, primarily by conservatism and their own parents.

By critically examining the commodification of childhood within the context of kidfluencing, the research will explore the moral dimensions involved and assess contrasting perspectives on the exploitation versus empowerment of children in consumer culture. It will also evaluate the role of informed consent in kidfluencing practices and examine the ethical implications in light of the United Nations Convention on the Rights of the Child (UNCRC). Through this analysis, the thesis aims to provide insights into this discussion from the perspective of Kant and Virtue ethics. This essay contends that regulating kidfluencing is necessary to safeguard children's rights and promote their best interests while balancing concerns related to free speech and fair advertising practices.

The following research questions will guide the investigation:

- How does the commercialization of childhood contribute to the phenomenon of kidfluencing, and what are the ethical implications of this practice?
- What are the key arguments for and against regulating kidfluencing practices, and how can these arguments be framed within a Kantian or virtue ethics perspective?
- What is the role of informed consent in child influencer's content, and how does it affect ethical considerations?

1.4 Delimitations and ethical considerations

In order to address the ethical considerations inherent in the topic of kidfluencing, certain delimitations, and ethical guidelines have been established for this essay. These include:

Protection of Privacy and Consent:

To uphold the right to privacy and consent of children involved in kidfluencing practices, this essay refrains from using specific names of children or channels. Respecting their privacy and agency is crucial in ethical analysis, as it acknowledges the vulnerability of children and their need for protection in the digital realm.

Focus on the Kidfluencer's Perspective:

While the influence of kidfluencers on consumers and society at large is a crucial aspect to consider, this essay primarily focuses on the ethical implications from the perspective of the kidfluencer. It examines how their participation in commercial activities may impact their well-being, development, and ethical agency. This approach recognizes the need to prioritize the welfare and rights of the child involved.

Direct Relevance to Kidfluencers:

The essay considers the impact on consumers and society only to the extent that it directly affects the kidfluencer. The primary focus is on evaluating how kidfluencing practices may exploit or compromise the child's autonomy, dignity, and moral development. By maintaining this focus, the essay seeks to provide a comprehensive analysis of the ethical concerns specific to kidfluencing.

By delineating these delimitations and ethical considerations, this essay aims to approach the topic of kidfluencing in a responsible and morally conscious manner. Respecting the privacy and consent of the child participants and centering the analysis on their ethical well-being contributes to an ethically sound examination of the subject.

Age Delimitation and Conceptualization of 'Child':

As previously mentioned, the age of 13 is commonly associated with the minimum age requirement for using social media platforms independently. Therefore, this research delimits its focus to children up to the age of 13, as it primarily examines the ethical concerns and implications of kidfluencing practices where parents create content for or with their children. By focusing on this particular age range, the research aims to address the specific dynamics and considerations involved when parents are actively involved in shaping their children's online presence and engaging in kidfluencing activities. This delimitation allows for a more nuanced exploration of the ethical dimensions and parental roles within the context of kidfluencing practices.

1.5 Outline

This essay is structured as follows:

Chapter 2 provides an overview of previous research conducted on the subject of kidfluencers. It explores the existing literature and identifies common themes and key

findings that have emerged in this area of study, which tends to focus on the lack of regulations.

Chapter 3 introduces the theoretical framework for this essay, drawing on the ethical perspectives of Kantian and virtue ethics. It explains the relevance of these frameworks to the topic of kidfluencing and establishes the theoretical foundation that will be used for the analysis conducted in later chapters.

In Chapter 4, the methodological approach used in this study is explained. It outlines the research methodology employed and provides an overview of the materials and resources used.

Chapter 5 focuses on three essential factors in the ethical discourse surrounding kidfluencing. It examines the concept of the commodification of children, highlighting how they are often treated as products themselves. It also explores the significance and importance of informed consent in the context of kidfluencing practices and what those words mean here. Lastly, it delves into the child convention, which outlines the rights of children relevant to this essay.

In Chapter 6, the results of the analysis are presented, incorporating arguments and counterarguments based on the theoretical frameworks established in Chapter 3. This chapter combines and applies the theories to evaluate the ethical implications of kidfluencing practices, together with what was discussed in Chapter 5 and other relevant factors.

Chapter 7 serves as a summary of the essential findings and arguments presented throughout the essay and also suggests directions for future research in this field.

2. Previous Research

2.1 Overview of Previous Research on Kidfluencing

In the following literature review of previous research, the aim has been to summarize the main arguments, findings, and conclusions made to help set a background for what has been said and done on the subject beforehand.

Marina Masterson speaks from an American perspective and discusses how child actor laws should be adapted to include children on social media. Attempts have previously been made

without success. Families can get paid through advertisements, gifts, and sponsorships, which also makes regulations on compensation hard.³⁹

Masterson brings up family law and how it conflicts with child labor laws. Traditionally, parents have the right to raise their children as they see fit and without regulations within their homes – but there are limits. Masterson points out that even though parents may see what they do to their kids as "play," they are indeed working. Parents gain both money and fame from putting their children on the Internet. Hence, children can get exploited at the expense of their welfare and education. There needs to be a balance between family autonomy and child protection. Masterson explores the history of child labor laws, its interaction and integration with entertainment industries, and how kidfluencers need similar protection and regulations. Many laws already in place do not fit with the fast-paced context of social media.⁴⁰

The federal Fair Labor Standards Act (FLSA) that was passed and regulates child labor across the country is only applicable for oppressive work, which excludes child actors – as acting is viewed as an opportunity for children. Acting has become state based – some states have rigorous protection, while others have none.⁴¹ Masterson believes that laws regulating kidfluencers would fall under the same umbrella, as the work would not be considered oppressive, as it tends to benefit them rather than cause harm. Yet Masterson means that protection for social media production is better suited for federal law, as internet entertainment and advertisement are better suited for federal regulations.⁴² Masterson presents Coogan Law, a law created in California for child actors after a child actor discovered that he had been tricked off of his earnings by his parents. This law requires that parents make a trust for their child where 15% of the child's wages are put until they are 18 years old. Masterson points out that child actors can also be harmed by other factors, including financial ones – long hours, dangerous working conditions, and it takes a toll on a child's physical and mental health. Therefore, California has imposed restrictions on how long a child can work each day, which varies for different age categories.⁴³ Similar matters also affect kidfluencers, and California defines the "entertainment industry" broadly enough that it could include social

³⁹ Masterson, *When Play Becomes Work*, p.581-582

⁴⁰ *Ibid*, p.580-582

⁴¹ *Ibid*, p.585-586

⁴² *Ibid*, p.586

⁴³ *Ibid*, p. 587-588

media productions. Still, it would be preferable to separate regulations that are more specific to this topic.⁴⁴

Social media content is often done at home and regulated by the parents – unlike child acting – and the company that contracts them has less control over how to regulate the work. Masterson means that parents often claim to be the ones to complete the job, even though the children appear in numerous posts, and sponsors' contracts specifically ask for the children to appear. The children can therefore be exploited by their parents and the company that sponsors them.⁴⁵ Family autonomy and self-expression make it harder for states to regulate social media productions. It needs to be decided what kind of social media work should be considered labor.⁴⁶ In Masterson's comment, she states that social media productions should not fall under labor law when unpaid, as it is a form of self-expression. On the other hand, personal expression and actual work need to be separated when content is created for money.⁴⁷

In "The Children of YouTube: How an Entertainment Industry Goes Around Child Labor Laws," Neyza L. Guzman starts by discussing children's presence in the workforce throughout history and the different settings in which the work takes place. Guzman states that children are unable to advocate for themselves properly and are subject to long hours and low wages. Child labor was especially prominent during the industrial revolution in the United States. The child's income would benefit the family, and often the employer would pay the parents directly. This, Guzman points out, is similar to the problem that we today face regarding how YouTube pays the parents directly, not the child.⁴⁸ Although many federal and state laws have developed to cover many areas of child labor, they have failed to keep up with modern technology. They do not yet protect children broadcasted on a platform such as YouTube and their compensation, both monetarily and non-monetarily. The comment explores these limitations and how the current laws do not recognize children on the Internet as employed

⁴⁴ Ibid, p. 589

⁴⁵ Ibid, p.590-591

⁴⁶ Ibid, p.593-594

⁴⁷ Ibid, p.595

⁴⁸ Kimberlianne Podlas, "Does Exploiting a Child Amount to Employing a Child - The FLSA's Child Labor Provisions and Children on Reality Television." *UCLA Entertainment Law Review*, vol. 17, no. 1, 2010, p.87

actors. Guzman also goes into the history of child actors and also mentions Coogan Law from 1939 and its effect on the labor laws for child actors.⁴⁹

Guzman points out how, historically, child actors like Shirley Temple have been praised for providing love when it was needed, like during the Great Depression.⁵⁰ Choices had to be made since the stance on child labor had shifted – but it needed to be regulated. Should all child labor be banned and regulated, or just those considered oppressive? If they went with the former, it would mean that the public would lose child actors – something that brought them much enjoyment and pleasure. The positive contribution that child actors contributed to led to it being deemed as non-oppressive and hence excluded from the laws that were eventually drafted.⁵¹

The comment explores YouTube's history and impact and how it evolved user-generated content, which ultimately led to a partner program where users who uploaded videos would be able to earn money through advertisements on their videos.⁵² Guzman criticizes that YouTube's priority with this has been not to lose advertisements and revenue rather than erasing the problematic content in the videos.⁵³ While YouTube has taken action to remove and demonetize videos that contain disturbing content regarding children, it does not seem to take action on whether channels follow child labor laws – and if children are compensated for their work. YouTube Channels, therefore, fall between the cracks.⁵⁴

The current legal systems have yet to catch up with this development, which leads to producers and parents being able to take advantage of this grey area.⁵⁵ Guzman further discusses laws already in place and gives examples of different kidfluencers on YouTube. She concludes that there is one problem – children on YouTube are not actors, and YouTube states that it is the parent's responsibility to ensure that they comply with laws and

⁴⁹ Ibid, p.89

⁵⁰ Ibid, p.90

⁵¹ Ibid, p.91

⁵² Ibid, p.93–94

⁵³ Ibid, p.95

⁵⁴ Ibid, p.96

⁵⁵ Ibid, p.97–98

compensate their children.⁵⁶ With the current laws, the parents are not doing anything illegal.⁵⁷

Guzman suggests solutions: The term child actor could broaden to include YouTube stars, allowing states to keep their existing statutory schemes, even though this would not cover all states. Guzman suggests that the best solution would be to have a federal law rather than a state-based one. Guzman points out that the children are probably unaware or do not grasp how much money they are making, and also suggests that the judiciary could step in to interpret the meaning and application of the term's actor and performer so that kidfluencers are viewed as child entertainers.⁵⁸ Guzman also admits that this would not be without problems. If parents were required to get permits to film videos with their children, it would be both burdensome and costly for them. Yet, she states that the child's best interest should ultimately outweigh inconveniences for the parents.⁵⁹ It is still an issue even if parents do not intentionally exploit their children. A clear-cut solution is currently non-existent, but minors need to be protected.⁶⁰

Kimberlianne Podlas, an Assistant Professor of Media Law at the University of North Carolina, writes about the topic of children in Reality Television, a matter that, at a closer glance, is not much different from kidfluencers on social media. In her text "Does Exploiting a Child Amount to Employing a Child - The FLSA's Child Labor Provisions and Children on Reality Television," Podlas explains reality television as a form of program that captures the drama of real people in real life. As these shows begin to multiply, so does the number of children that appear in them.⁶¹

This arouses questions about the children's welfare and the parents' motives, who choose to put their children on display. Investigations started on whether these children were working illegally. Podlas also states that historically, when parents receive money and fame, it tends to distract them from protecting their children's best interests.⁶² Children are exposed to and

⁵⁶ Ibid, p.106

⁵⁷ Ibid, p.107

⁵⁸ Ibid, p.109-111

⁵⁹ Ibid, p.112-113

⁶⁰ Ibid, p.114-115

⁶¹ Neyza Guzman, J.D. "The Children of YouTube: How an Entertainment Industry Goes Around Child Labor Laws," *Child and Family Law Journal*: Vol. 8: Iss.1, Article 4, 2020, p.39

⁶² Ibid, p.45

vulnerable on reality shows, and their welfare is at risk.⁶³ Like both of the previous articles, Podlas brings up FLSA and whether its law covers children on reality television – is it considered work?

Podlas further explains the different definitions within FLSA and the difference between "enjoyment" and "work." If activities are undertaken voluntarily, without the command from an employer or other purpose, it is not qualified as work, as they are not controlled.⁶⁴ Podlas further explains the FLSA and its different conditions – what is considered work, what is not, under what conditions, and what relationships.⁶⁵

Podlas then goes on to analyze whether it can be applied to reality children. Participation in a reality television show must constitute work and be within an employment relationship.

"What do reality children do? For who? And at what directions?" are questions that need to be answered.⁶⁶ Podlas states that reality programs are people going through their everyday life but with the addition of a film crew – which is not what we generally consider employment or work.⁶⁷ Podlas concludes that while employing a child in oppressive labor could amount to exploitation, exploiting a child's work on a reality television series does not constitute oppressive child labor, forbidden by the FLSA. The law should not be manipulated or relied on to be applicable in these cases.⁶⁸ Podlas argues that the children are not forced to perform dangerous tasks but are stripped from their privacy and put in situations that could harm their emotional well-being. Podlas means that child labor laws do not best address this, but rather child welfare laws.⁶⁹ The focus should be on the parents and their responsibility for the welfare of their children, not child labor implications.⁷⁰

Ana Saragoza, a Juris Doctor candidate at American University Washington College of Law, highlights the ambiguity surrounding the adequate compensation of kidfluencers for their participation in sponsored posts. Despite the significant financial aspects associated with this business and the various ways kidfluencers enter the industry, the issue of whether they are

⁶³ Ibid, p.45–46

⁶⁴ Ibid, p.49–50

⁶⁵ Ibid, p.55–58

⁶⁶ Ibid, p.58

⁶⁷ Ibid, p.60–61

⁶⁸ Ibid, p.70–71

⁶⁹ Ibid, p.70

⁷⁰ Ibid, p.73

fairly compensated remains unclear. This uncertainty arises because parents are not legally obligated to allocate their children's earnings from these endeavors. This is not unlike how it was for child actors in the 1900s before proper laws to protect them were implemented.⁷¹ Since 2018, the state of California has attempted and failed to pass further protection needed for children on social media. Saragoza argues that Coogan Law needs to be stronger and also explores how the Federal Trade Commission (FTC) can play a role that can help regulate kindfluencing.⁷² Children continue to be monetized, and Saragoza states that child labor laws need to evolve so that the earnings that the children generate can be protected. Otherwise, they will be exploited.

Saragoza explains the history of the enactment of Coogan Law and if minors have a right to publicity, similar to previous articles. She gives examples of Child Actors who have suffered because of their parents abusing their earnings and how there are codes in place that force parents to put specific percentages of the child's wages in a blocked trust account. If they fail to comply, they can be charged with negligence.⁷³ She looks at how FTC's policing in influencing social media marketing. For instance, how they advise that advertisements need to be disclosed on a post. The FTC continues to expand its jurisdictions regarding social media, which points to influencers being more regulated in the future than they are today. Saragoza states that if no other laws exist, Kidfluencers will continue to fall victim – just like child actors are today, even with regulations.⁷⁴

Saragoza then compares protections for kidfluencers and Californian child laborers while scrutinizing the FTC's role in policing different endorsements. Saragoza recommends how Coogan Laws should and can be amended and what the FTC can do to monitor social media posts since the current law does not require parents to put aside money – it is voluntary. She believes similar language to cover these issues can be expanded further.⁷⁵ Many parents fail to see their children as the primary beneficiaries of social media work and state that their children simply must be present and appear, not work.⁷⁶ Saragoza recommends that

⁷¹ Ana Saragoza. "The Kids Are Alright? The Need for Kidfluencer Protections." *American University Journal of Gender, Social Policy & the Law*, vol. 28, no. 4, 2020, p.577

⁷² *Ibid*, p.578

⁷³ *Ibid*, p.578–582

⁷⁴ *Ibid*, p.585–586

⁷⁵ *Ibid*, p.598–601

⁷⁶ *Ibid*, p.587–588

companies perform their due diligence when contracting with parents of kidfluencers because, as it is now, the law assumes that parents are competent enough to manage their children's earnings. She concludes that while a parent has the right to raise their child as they see fit, it does not mean that states cannot have protections in place, so mismanaging does not occur. The FTC, parents, and companies all need to work together.⁷⁷

There is no universally agreed definition of child labor, making the topic highly contested.⁷⁸ Three international conventions have set the standard for child labor's legal parameters and provide a global basis of actions to work against. These are the ILO Convention No. 138 on Minimum Age for Admission to Employment in 1973, the United Nations Convention on the Rights of the Child, 1989 (UNCRC), and ILO's Worst Forms of Child Labor Convention, 1999 (No. 182).⁷⁹ The ILO has categorized three types of working children: those in employment, child laborers, and children in hazardous work. Other criteria that define child labor are age, working hours, location/environment, limits, and type of work. The issue of child labor is multifaceted, with various socioeconomic facets. The agendas have had different focuses throughout time, but the broader consensus is now a more practical direction of fighting global exploitative or harmful child labor.⁸⁰

There are still questions regarding child labor that are difficult to get concrete answers to, such as what can be considered harmful work and what can be defined as hazardous work.⁸¹ ILO defines the worst forms of child labor. Among them are slavery, prostitution, illicit activities such as drugs, and work likely to harm a child's health, morals, and safety. The Author of Reviewing child labor and its worst forms: Contemporary theoretical and policy agenda, Mahmudul Hoque, goes on to further explain different issues and shifts that have occurred with legislation and what perspectives and knowledge are still needed. He states that the minimum age for work cause more harm than good and the lack of clarity for specific terms.⁸² Hoque says that child labor has increased in many parts of the world, even in countries where poverty rates have declined.⁸³ He means that, with the rapid urbanization,

⁷⁷ Ibid, p.601–602

⁷⁸ Mahmudul Hoque, Md. Reviewing child labour and its worst forms: Contemporary theoretical and policy agenda, 6. 2021, p.34

⁷⁹ Ibid, p.32–33

⁸⁰ Ibid, p.34

⁸¹ Ibid, p.35

⁸² Ibid, p.37–39

⁸³ Ibid, p.40

social exclusion, and destabilized livelihoods in the current pandemic-affected world, child labor incidences prevail as a threat in many developing countries. Hoque concludes that there are struggles to find effective ways to address these issues, and the phenomenon continues to be debated.⁸⁴

2.2 Common themes in previous research

The earlier research presented discussed the lack of regulations and legal framework available when it comes to protecting children on social media and other newer media such as reality television. All authors press on the need to implement appropriate laws to ensure that children are compensated or otherwise taken care of.

The articles also highlight concerns about the exploitation of children in social media and reality television. They emphasize the importance of protecting children from potential harm, ensuring their well-being.

They also discuss the different laws already in place: their history, what they say, what their limitations are, and if entertainment laws could – and if so, how – be implemented to fit the unique challenges of child influencers. The aforementioned articles draw parallels between kidfluencers and child actors, exploring the history of child labor laws and regulations in the entertainment industry. They bring up historical examples, such as the implementation of the Coogan Law for child actors, to provide insights into the need for similar protections and regulations for kidfluencers and children in reality television. The articles reference international conventions and agreements related to child labor, highlighting the global nature of the issue and the importance of addressing it on a broader scale. The articles mention the involvement of regulatory bodies such as the Federal Trade Commission (FTC) in monitoring and enforcing regulations related to social media endorsements and advertising. The subject of the potential role authorities have in ensuring fair compensation and compliance with child labor laws is also brought up.

The articles discuss the role of parents in managing their children's involvement in social media and reality television. They examine the potential for parental abuse of earnings and call for measures to hold parents accountable for protecting their children's interests, and also what the line is when it comes to what a parent has the right to do, which is more in line with

⁸⁴ Ibid, p.42

what will be further discussed here – the belief that a parent can raise their child according to their own beliefs and judgments.

The articles acknowledge the complexities and challenges involved in defining child labor, determining what is considered harmful work, and addressing child labor issues in different contexts. They recognize the ongoing debates and the need for continued research and policy development in this area. Still, from what is typically considered harmful work – kidfluencing would not be considered one of them, as with child acting, it would most likely be considered something that would benefit the child rather than not.

The research conducted in this essay builds upon the relevant themes discussed from the earlier research, providing a foundation for understanding the potential actions that can be taken, as well as the challenges that have hindered progress this far. One notable aspect is the recognition that the current definition of child labor may be too restrictive, prompting the need to explore alternative perspectives, as it is hard to see it as being harmful. While previous articles primarily focused on this particular aspect – how existing laws can be adapted and transformed - this essay distinguishes itself by approaching child influencing not as conventional work but rather from the standpoint of what children inherently deserve – their autonomy, consent, and privacy rights. The essay will delve into the concept of compensation, not in terms of traditional employment benefits or with money, but in relation to what children should rightfully claim simply by being themselves – their human rights and their voice.

3. Theoretical framework

In examining the ethical concerns surrounding kidfluencing practices, it is essential to employ a theoretical framework that provides insights into the relevant moral dimensions. This essay adopts a dual theoretical perspective, drawing upon Kantian ethics and virtue ethics, to back up and give context to the complex ethical considerations involved.

Kantian ethics, developed by German philosopher Immanuel Kant, emphasizes the inherent rightness or wrongness of actions based on principles of duty and universal moral law. It underscores the significance of acting out of a sense of responsibility rather than self-interest

or personal gain, or rather – what the intent behind an action is.⁸⁵ The concepts of the categorical imperative, universal law formula, autonomy, and autocracy are central to understanding Kantian ethics.⁸⁶

Virtue ethics directs attention to the character of the moral actor and the development of virtuous traits. Rooted in ancient Greek philosophy, virtue ethics highlights the importance of cultivating virtues and striving towards eudaimonia, a state of human flourishing achieved through virtuous conduct.⁸⁷ Moral education and the role of the community in fostering virtuous character are vital components of virtue ethics.⁸⁸

The ethical implications of kidfluencing practices can be comprehensively analyzed by combining these two theoretical frameworks. The Kantian perspective explores the notions of autonomy, exploitation, and universalizability. At the same time, virtue ethics focuses on character development, flourishing, and the role of moral education – aspects highly relevant to the debate surrounding kidfluencers. This combined theoretical approach enables a nuanced examination of the ethical dimensions surrounding the commercialization of childhood and the use of children as influencers regarding matters such as consent, free speech, and parental rights and duties.

The following sections will first further explain and examine the theoretical framework to give a deeper understanding of the concepts that will be used. The section after will explore the ethical concerns and implications of kidfluencing through the lenses of Kantian ethics and virtue ethics, offering insights into the protection of children's rights and arguing from that standpoint.

3.1 Kantian perspective

Kantian ethics is a philosophical theory that, at its core, is deontological. Kant himself believed so, meaning that it focuses on the inherent rightness or wrongness of actions rather than the consequences of those actions. Deontology challenges the simplistic notion of right and wrong, asserting that specific actions are morally forbidden, regardless of their overall

⁸⁵ Baxley, Kant's theory of virtue, p.12

⁸⁶ Baxley, Kant's theory of virtue, p.52

⁸⁷ Alasdair C. MacIntyre,, *After virtue: a study in moral theory*, 3. ed., University of Notre Dame Press, Notre Dame, Ind., 2007, p.148

⁸⁸ MacIntyre, *After virtue*, p.149

consequences. Deontologists uphold constraints that prohibit engaging in certain offensive acts, even if doing so would result in better outcomes. Common examples of these constraints include prohibitions against lying, causing harm to the innocent, breaking promises, and similar actions.⁸⁹

According to Kant, actions are only morally reasonable if they are done out of a sense of duty rather than out of self-interest or desire for personal gain.⁹⁰ When a shopkeeper aids a customer, it can be safely assumed that the shopkeeper has an ulterior motive for treating their customer fairly, as it is motivated by a desire for profit. Still, if the shopkeeper had been inclined to treat the customer fairly because of an immediate inclination of love for them, the motivation or intent would be harder to determine, as they could be motivated either by love or by duty and the principle of honesty.⁹¹ A person must always promote the good, but not when it enables telling lies or harming the innocent.⁹² A morally good action is not solely determined by its consequences, but rather by the good will behind it, the intent. The motive or intention behind an action is crucial in determining its moral worth. Acting out of a sense of duty and adherence to moral principles is considered morally praiseworthy, regardless of the outcome of said action.⁹³

Kantian ethics is grounded in several key concepts, including the categorical imperative, universal law formula, and autonomy. The categorical imperative is a central concept in Kantian ethics. According to Kant, the categorical imperative is the ultimate principle of morality. The categorical imperative is a universal principle that requires individuals to act in a way that can be made into a universal law.⁹⁴

In other words, individuals should only act in ways they would be willing to see everyone else work in the same situation. This means that actions are only moral if done out of a sense of duty to a universal moral law rather than a desire for personal gain. This principle is closely related to the categorical imperative and emphasizes the importance of universalizability in

⁸⁹ Immanuel Kant, et al. *Groundwork for the Metaphysics of Morals*. Edited by Allen W. Wood, Yale University Press, 2002, p.140–143

⁹⁰ Kant, *Metaphysics of Morals*, p.4-6

⁹¹ Anne Margaret Baxley, *Kant's theory of virtue: the value of autocracy*, Cambridge University Press, Cambridge, UK, 2010, p.12-13

⁹² Kant, *Metaphysics of Morals*, p.155-156

⁹³ *Ibid*, p.9-10

⁹⁴ *Ibid*, p.30-34

moral decision-making.⁹⁵ Kant argues that moral actions are those that can be universally applied without logical contradiction and that one should only act in a way that they would be willing for everyone to act in the same manner, without any contradiction or inconsistency. By applying this formula, individuals are encouraged to consider the universalizability and consistency of their actions, ensuring that they do not treat themselves as exceptions to the moral principles they uphold.⁹⁶

Autonomy refers to the idea that individuals can make moral decisions based on their reasoning and judgment. According to Kant, moral agents act dutifully. They are autonomous because they can make decisions based on reason alone, without being influenced by external factors such as emotion or personal interest.⁹⁷ Kant introduces autonomy as the supreme principle of morality, and the main idea is that following the categorical imperative requires the ability to act independently and even against one's personal desires and interests as a sensual being with needs. Kant regards this capacity for self-determination as inherent to autonomy, which is a characteristic of the will. In other words, only a will with the property of autonomy can adhere to the categorical imperative because it can independently determine its actions, separate from its sensual needs. This enables the will to act in accordance with a practical principle that commands unconditionally based on its form alone.⁹⁸

3.2 Virtue perspective

Virtue ethics is a philosophical approach to ethics that emphasizes the character of the moral actor rather than the moral rules or the consequences of actions. Virtue ethics focuses on developing character traits that lead to ethical beliefs, and the central issue revolves around determining which character traits qualify as virtues. The roots of virtue ethics can be traced back to ancient Greek philosophy, particularly the works of Plato and Aristotle, or at least in the West.⁹⁹

The central concept in virtue ethics is the notion of a "virtue." Virtues are character traits that are essential for living a good life. They are qualities of character that enable individuals to

⁹⁵ Baxley, Kant's theory of virtue, p.77

⁹⁶ Kant, *Metaphysics of Morals*, p.171-172

⁹⁷ *Ibid*, p.161-164

⁹⁸ Baxley, Kant's theory of virtue, p.58-59

⁹⁹ Hursthouse, Rosalind and Glen Pettigrove, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta & Uri Nodelman (eds.), 2022.

<https://plato.stanford.edu/archives/win2022/entries/ethics-virtue/>

fulfill their potential as human beings. Virtues are not just habits but innate dispositions developed through practice and habituation. According to virtue ethics, the goal of human life is to develop these virtues and become virtuous.¹⁰⁰

Eudaimonia is another critical concept in virtue ethics, often translated as "happiness" or "flourishing." According to Aristotle, eudaimonia is a state of being achieved by living a virtuous life—blessedness, happiness, and prosperity.¹⁰¹ Eudaimonia is the ultimate goal of human life and is achieved through the development of virtuous character traits – a fulfilled life. It does not have to do with particular actions or consequences; it is cultivating virtuous character traits that lead to eudaimonia.¹⁰² This means the righteous person can act according to reason and develop the virtues necessary for living a good life, barring bad luck.¹⁰³

Virtue ethics also emphasizes the importance of moral education and the role of the community in the development of virtuous character. The virtues are developed through practice within a community with shared values and goals; to deserve well is to have contributed in some substantial way.¹⁰⁴

In summary, virtue ethics is a philosophical approach emphasizing the importance of developing virtuous character traits to live a good life. The critical concepts of virtue ethics include the notion of a "virtue," eudaimonia as the ultimate goal of human life, and the importance of moral education and community in developing virtuous character.

4. Method and materials

4.1 Method

The chosen methodology for this essay draws inspiration from argumentation analysis rather than a specific method, even though it draws heavy inspiration from one. The essay explores the various arguments both in favor of and against the use of kidfluencers, utilizing the principles of critical thinking and reasoning.

¹⁰⁰ Ibid.

¹⁰¹ MacIntyre, *After virtue*, p.148

¹⁰² MacIntyre, *After virtue*, p.185

¹⁰³ Nancy Sherman. *Making a Necessity of Virtue: Aristotle and Kant on Virtue*. Cambridge: Cambridge University Press, 1997, p.9-12

¹⁰⁴ MacIntyre, *After virtue*, p.202

The aim of that is to provide a comprehensive evaluation of the ethical considerations surrounding kidfluencers by critically examining the available evidence and assessing the potential consequences.

In terms of a structured method, the approach follows a Classical or Aristotelian format, which involves presenting and explaining the main argument, addressing opposing viewpoints, and providing supporting evidence. Throughout the essay, credibility (ethos), emotional appeal (pathos), and logical reasoning (logos) will be employed to engage and persuade the reader effectively.¹⁰⁵

Critical thinking also plays a crucial role in this analysis by providing the tools necessary to analyze texts, question assumptions, and seek alternative explanations for the evidence.¹⁰⁶ It encourages individuals to approach arguments with skepticism and doubt, enabling a deeper examination of the issues at hand. Identifying problems within arguments, including the author's writing, helps uncover weaknesses and gaps in the reasoning on display.

In critical thinking, an argument surpasses mere disagreement; it seeks to persuade others that one viewpoint is more preferable to another. To construct a strong argument, reasons are essential, and these reasons, in turn, must be supported by additional arguments. Ultimately, an argument should lead to a conclusion, guiding the reader toward accepting a particular viewpoint and understanding why it is preferable.¹⁰⁷

The central argument of this essay asserts that the commodification of childhood through kidfluencing practices is morally problematic and necessitates increased regulation. To support this argument, the essay draws upon insights from both Kantian ethics, emphasizing universal principles and respect for human dignity, and Virtue Ethics, focusing on character traits and virtues that promote the well-being of individuals and society. Additionally, the United Nations Convention on the Rights of the Child serves as a guiding framework for evaluating the ethical implications of kidfluencing practices.

¹⁰⁵ Matt Ellis. How to Write an Argumentative Essay Outline. 2022-06-28.

<https://www.grammarly.com/blog/argumentative-essay-outline/>

¹⁰⁶ Stella Cottrell, *Critical thinking skills: developing effective analysis and argument*, Palgrave Macmillan, Basingstoke, 2005, p.14

¹⁰⁷ Roy van den Brink-Budgen, *Critical thinking for students: learn the skills of critical assessment and effective argument*, 3. ed., How To Books, Oxford, 2000, p.9-11

While presenting the main argument, this essay also considers counterarguments that challenge the need for regulation and explores the complex challenges and dilemmas associated with regulating kidfluencing practices effectively. By presenting a range of arguments and counterarguments, the essay aims to provide a nuanced analysis of the ethical issues at stake, contributing to ongoing debates and discussions surrounding the regulation of kidfluencing practices.

4.2 Materials

The study conducted a comprehensive review of relevant literature, including academic articles, reports, news articles, notes, and comments, to provide a comprehensive overview of previous research on the topic – all in relation to both social media, influencers, children online, and kidfluencers. The search process involved electronic databases such as Libris and Google Scholar, focusing on as many recent publications as possible.

The selection of books on Kantian ethics and virtue ethics was based on their frequent references in searches and their relevance to the topic. Several books were chosen to provide a broader perspective and a more comprehensive understanding of these ethical theories.

The data analysis employed a thematic approach, identifying key themes and subthemes based on the research questions and relevant literature. Two main perspectives, Kantian ethics and virtue ethics were utilized and chosen to evaluate the ethical implications of kidfluencing practices and the commodification of childhood. The analysis also considered counterarguments and alternative viewpoints to present a balanced and nuanced perspective as best as possible in a relatively new field.

In the study, several recurring themes emerged as arguments to examine the ethical challenges and implications of kidfluencing and the commodification of childhood, which provides the arguments of the essay. These include:

- *Protecting Children's Rights and Well-being*: This argument explores the importance of safeguarding children's rights, ensuring their well-being, and preventing potential harm or exploitation in kidfluencing practices.
- *Fostering Positive Character Development and Virtues in Children*: This perspective emphasizes the role of kidfluencing in shaping children's character development and

promoting positive virtues, raising questions about the potential impact of commercialization on moral education.

- *Balancing Free Speech and Regulations:* This argument delves into the tension between the freedom of speech and the need for regulatory measures to address ethical concerns and protect children's interests in the context of kidfluencing.

It is important to note that the study acknowledges its limitations, including the limited sample size of sources and the subjective interpretation of themes and subthemes, mainly due to the subject being relatively up-and-coming. Despite these limitations, the research hopefully contributes valuable insights into the ethical challenges and implications associated with kidfluencing and the commodification of childhood.

5. Contextual Factors Shaping Kidfluencer Practices

5.1 The Commodification of Childhood

In today's consumer-driven society, childhood has become a significant market, with children being treated as consumers and targeted by advertising and marketing strategies. This section aims to shed light on the multifaceted aspects of the commodification of childhood and the moral concerns it raises.

Children are surrounded by consumer culture from an early age, encountering advertisements and products tailored explicitly to their interests. The concept of childhood as a generative cultural site, generating both meanings and bodies, has given rise to a unique market dedicated to children's goods, spaces, and media. This market goes beyond a mere extension of other markets; it represents a remarkable achievement of twentieth-century capitalism.

To understand the ethical implications of kidfluencing practices and the commodification of childhood, it is essential to explore different perspectives. On the one hand, a structural perspective views children as being invaded and exploited by adult institutions, such as businesses and advertising. On the other hand, there is an emphasis on children's agency and active participation in consumer culture, considering it was empowering rather than exploitative.

From an early age, we are surrounded by consumer culture, which becomes a fixture in our public life. As consumers, we are confronted with images of children in all advertisements, from food to travel, web pages, and our televisions. We face them daily. Adults, however, are not the only target. Department stores and internet sites are filled with children's goods. Items were smartly placed at grocery store checkouts, at the gas station, and at the child's level, inviting us to buy something for the children.¹⁰⁸

In his 2004 publication titled "The commodification of childhood," Thomas Daniel Cook examines how the culture of the market that revolves around childhood is a remarkable achievement of twentieth-century capitalism. Over the past century, the child market has expanded to include goods, spaces, and media, surpassing the opening of just another market like others. What sets the child market apart from others is that childhood is a unique, generative cultural site. Childhood generates both meanings and bodies that grow, interact, and transform to the extent that they create new childhoods, new meanings, and often new markets: the exchange value moves and changes beyond any cohort or generation in the process.¹⁰⁹

The transformation in clothing departments during the 1930s represented a shift in perspective—from viewing the world from a mother's viewpoint to beginning to perceive the world from a child's perspective. The concept of seeing the world from a child's viewpoint is now taken for granted as the commercial sector, legal systems, and everyday life regularly reflect and evaluate the child's outlook; back then – it was new.¹¹⁰

Various factors are driving the commodification of childhood, including the increasing influence of the media and entertainment industries on children, the rise of new technologies and digital media, and the growing purchasing power of children and their ability to influence household spending. This has led to a significant increase in the number of products and services marketed directly to children and the use of persuasive and often deceptive advertising tactics designed to appeal to their desires and preferences. It also leads to children

¹⁰⁸ Daniel Thomas Cook, *The commodification of childhood: the children's clothing industry and the rise of the child consumer*, Duke University Press, Durham, 2004, p.1

¹⁰⁹ Cook, *The commodification of childhood*, p.2

¹¹⁰ *Ibid*, p.3

selling these products – to themselves or others – without even being able to have their bank account.¹¹¹

Josh Golin, executive director of the Campaign for a Commercial-Free Childhood, means that the companies choose to have children as their influencers, showing a clear sign of their target – other children.¹¹² This is prevalent on websites such as Youtube, where a "Don't tell, don't ask"-stance is used, Golin says—websites profits enormously by hosting content that is deliberately designed to attract kids.¹¹³

The commodification of childhood refers to treating children as consumers and marketing to them as such, aiming to generate profit for businesses. This practice involves creating and selling products and services specifically designed for children, as well as using advertising and other marketing techniques to persuade children to want to purchase these products instead of targeting the adults.¹¹⁴¹¹⁵

To better understand the relationship between childhood and consumer culture, it can be viewed from a structural perspective, where businesses, advertising, and other adult institutions are seen as invading childhood and exploiting children through promotions, advertising, and media. This emphasizes children's agency and active participation in consumer culture, seeing it as empowering. Children make meanings out of toys unanticipated by their adult designers, and they are creative in appropriating consumer goods and media.¹¹⁶ News media tends to focus on the exploitation of children, and marketers often highlight their empowerment, leaving the parents somewhere in the middle. However, the world of goods, advertising, and media is temporally and structurally embedded in adult industries, structures, and economic arrangements that precede and encompass any one child or any particular manifestation of childhood. The reality is more complex than a simple

¹¹¹ Sapna Maheshwari, 'Online and Earnings Thousands, at Age 4: Meet the Kidfluencers', The New York Times, 01-03-2019, <https://www.nytimes.com/2019/03/01/business/media/social-media-influencers-kids.html>

¹¹² Ibid.

¹¹³ CBS News, Kid Influencers.

¹¹⁴ Cook, The commodification of childhood, p.2

¹¹⁵ Ibid, p.6

¹¹⁶ Ibid, p.4

dichotomy of exploitation or empowerment, and parents often find themselves somewhere in between.¹¹⁷

The commodification of childhood has been a topic of debate and concern among parents, educators, and child advocates, who argue that it can negatively affect children's development and well-being. Critics say that it can encourage materialistic values and lead to a focus on consumption rather than more meaningful experiences and relationships.¹¹⁸

In addition to the commodification of childhood through the marketing of products to children, there is also a disturbing trend of children themselves being treated as products. Parents put their children in front of the camera, posting their pictures online, making money and fame off of them. Those with one million followers or more can earn upwards of \$10,000 per sponsored post.¹¹⁹ Children who have become social media influencers are often used for marketing products to their peers and followers.

This raises serious ethical questions about the use of children in marketing and the extent to which their interests and well-being are being prioritized. It also reinforces the idea that children are objects to be used for profit rather than individuals with agency and autonomy.

In many cases, the children's value as influencers is directly tied to their ability to generate revenue for the brands they promote. They may be coached on creating engaging content, attracting followers, and maximizing profits through sponsorships and collaborations. Some kidfluencers are even represented by talent agencies, further highlighting the commodification of their image and persona.¹²⁰ At the beginning of a documentary by CBS, a kidfluencer, earning money and posting content online, get asked what an "influencer" is. They do not know, yet it is their "job."¹²¹

5.2 The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that sets out children's civil, political, economic, social, and cultural

¹¹⁷ Ibid, p.5

¹¹⁸ Livingstone & Rahali, Supplementary written evidence submitted, p.3-5

¹¹⁹ CBS News, Kid Influencers.

¹²⁰ Maheshwari, 'Online and Earnings'

¹²¹ CBS News, Kid Influencers.

rights. It was adopted by the United Nations General Assembly in 1989 and ratified by almost all countries worldwide. The UNCRC recognizes that children are entitled to special care and assistance and that their best interests must be a primary consideration in all actions and decisions that affect them.

While many articles could be applicable differently, this essay will mainly focus on three articles from the Convention, briefly mentioning a few other relevant ones.

Article 3 of the UNCRC states that in all actions concerning children, the child's best interests should be a primary consideration. Any decision, policy, or practice affecting children must prioritize their well-being, safety, and development above other interests, such as commercial or marketing objectives. Therefore, when considering the impact of kidfluencing practices on children, it is essential to assess whether they promote or undermine the child's best interests.

Article 17 of the UNCRC recognizes the right of children to access information from diverse sources and be protected from harmful information and materials. They have the right to make informed choices. This means that children have the right to receive appropriate information for their age and development, which does not jeopardize their well-being or dignity.

It also implies that children should be protected from manipulative or deceptive advertising that can exploit their vulnerability, lack of experience, or credulity. Therefore, any regulation of kidfluencing practices should consider balancing children's right to access information with their right to be protected from harm.

Article 32 of the UNCRC recognizes children's right to be protected from economic exploitation and hazardous work that interferes with their education or harms their health or development. This means that children have the right to be free from labor or exploitation that can compromise their physical, mental, or social well-being.

In the context of kidfluencing, this implies that children should not be used as commodities or marketing tools and that their participation in any advertising or promotional activity should not interfere with their education, play, or family life. Therefore, any regulation of kidfluencing practices should ensure that children's rights to education, leisure, and development are respected and promoted.

Other articles of the UNCRC that may be relevant to kidfluencing practices include Article 12, which recognizes the right of children to express their views and participate in decisions that affect them, and Article 13, which recognizes children's right to freedom of expression. These articles imply that children should have a voice in any decision or policy that affects them and that their opinions and ideas should be respected and considered. However, they also imply that children's expression should be protected from manipulation, censorship, or coercion and should be supported to develop critical thinking, ethical judgment, and media literacy skills.

Therefore, any regulation of kidfluencing practices should ensure that children's participation and expression are genuine, informed, and voluntary and that they are not used to promote products, services, or ideologies that may harm them or others or are not informed choices.

5.1 Consent for Children in Kidfluencing

Consideration needs to be made regarding work hours and especially consent, as more and more parents are leaving their jobs to pursue social media with their children full-time. Most of the time, the child does not get the same options; they are given a lollipop.¹²²

Many children are faced with an identity online created by their parents. There is a lack of privacy, and children are unable to give consent to their images being online - they do not know what it means or how it can come to impact them. While it is unlikely that anything can be done from a legal perspective, it could help if parents were more aware of the impact of sharing their children online could do, and what impact it can have. At the same time, children should be able to veto a picture or at least get an input, even though parents legally have a right to upload it.¹²³

With or without input, it also needs to be put into consideration that a child might not know what it means to consent meaningfully – they might not even be aware of to what extent their parents have shared of them online, and could be unhappy with the decision if they knew or understood what it meant. Fishbein writes that a survey conducted by CBBC Newsround reported that a quarter of children reported that when their parents share the content of

¹²² Edney, "I Don't Work for Free", p.570

¹²³ Ibid, p.571

them on social media, they feel embarrassed or anxious.¹²⁴

It is crucial to recognize the need to obtain consent from children in the context of kidfluencing, as it presents unique challenges due to their age and level of understanding. Researchers, practitioners, and policymakers should strive to develop appropriate guidelines and frameworks that promote transparency, protect children's rights, and ensure their well-being in this rapidly evolving industry. As it is now, there is an apparent loophole. Kids can only know what until their older to act upon what is out there.

6. Results and analysis

6.1 Protecting Children's Rights and Well-being

From a Kantian perspective, children have inherent moral worth and should be treated as ends in themselves, not as a means to an end.¹²⁵ Therefore, any practice that exploits children for profit or commercial gain is morally wrong. Kidfluencing practices, which use children as advertising tools and commodify their images, can be seen as violating this principle.

Furthermore, Kant's categorical imperative requires us to treat others as we would want to be treated ourselves. We do not wish to be used as mere means to someone else's end, so we should not do this to others. In the case of kidfluencing, children are used to selling products and generating profit for companies and individuals, without necessarily considering their well-being or autonomy, targeted while still not given even the ability to consent or have their right to privacy heard meaningfully.

Regulating kidfluencing practices can help protect children's rights and well-being by preventing them from being used as marketing tools and ensuring that their interests are prioritized over commercial ones. This could involve limiting the types of products children can promote, requiring parental consent and oversight, and imposing penalties for non-compliance. By taking a Kantian approach to regulating kidfluencing practices, we can uphold the dignity and autonomy of children and ensure that they are treated with the respect

¹²⁴ Fishbein, *Growing up Viral*, p.135-136

¹²⁵ Kant, *Metaphysics of Morals*, p.32

and consideration they deserve while also letting the control stay in the parents' hands – just less so.

There are also essential considerations around consent. Kantian ethics places a significant emphasis on the concept of autonomy, or the ability to make decisions for oneself free from coercion or manipulation. In the context of kidfluencers, it is crucial to ensure that children are able to exercise their autonomy and provide informed consent for their participation in influencer activities.

However, given the power dynamics inherent in parent-child relationships and the potential for financial gain, there are concerns that children may not be able to provide truly informed and voluntary consent. As such, regulations may need to be implemented to ensure that children are not being exploited or coerced into participating in kidfluencing activities without fully understanding the implications.

Parents have the right to make decisions for their children, including the decision to involve them in social media and influencer culture. As long as parents are not forcing their children to participate and the child is not harmed, they argue there is no reason to prohibit or regulate kidfluencing practices. Many parents do not consider what their children do work and mean that they do the hard work.¹²⁶

However, these arguments can be critiqued in several ways. First, the idea that kidfluencing empowers children overlooks the potential harm and exploitation that can come with it. While some children may enjoy creating content and building a following, others may feel pressured to perform or may experience adverse effects on their physical and psychological well-being. Additionally, the financial success achieved through kidfluencing may cost the child's autonomy and development, as they may become dependent on the approval and endorsement of their sponsors and audience, as children under the age of 12 are particularly vulnerable to deceptive advertising unless they possess the ability to distinguish between advertising and other forms of entertainment and understand its persuasive nature. This vulnerability arises from the fact that their advertising literacy, encompassing knowledge and skills related to advertising, is not fully developed at this stage. Additionally, cognitive abilities, emotion

¹²⁶ Winckler, *Kidfluencers: How the Law*, p.124-125

regulation, and moral development are still in the early stages of maturation for children in this age group.¹²⁷

Second, the argument that parents have the right to make decisions for their children raises questions about the limits of parental authority. While parents have a significant role in guiding and shaping their children's lives, they are also responsible for acting in their child's best interests and protecting their well-being, as presented in the UNCRC.

By prioritizing the autonomy and well-being of children and ensuring that they are able to provide informed consent, regulations can help to regulate some of the ethical concerns surrounding kidfluencing practices.

6.2 Fostering Positive Character Development and Virtues in Children

In addition to the concerns about the commercialization and exploitation of childhood, there are also moral concerns about the potential impact of kidfluencing on children's character development and virtues. Some critics argue that kidfluencers promote values that are superficial, materialistic, and individualistic traits¹²⁸ rather than virtues such as honesty, kindness, and empathy.

From a virtue ethics perspective, the cultivation of virtues is an essential aspect of human flourishing, and it is the responsibility of parents and caregivers to instill these virtues in children. Kidfluencers have the potential to influence children's character development by modeling and promoting particular virtues, such as creativity, perseverance, and a positive attitude. Many parents claim that this social media is a way for their children to express themselves – and they are seen as role models by other children.¹²⁹

However, there is also the risk that the messages promoted by kidfluencers may contradict or undermine the virtues that parents and caregivers seek to instill in their children. For example, if a kidfluencer promotes a lifestyle that emphasizes material possessions and instant

¹²⁷ Livingstone & Rahali, Supplementary written evidence submitted, p.1-2

¹²⁸ Maheshwari, 'Online and Earnings'

¹²⁹ CBS News, Kid Influencers.

gratification over hard work and delayed gratification, this could undermine the development of virtues such as perseverance and self-control.

Therefore, it is crucial to consider the impact of kidfluencing on children's character development and virtues. Parents and caregivers should be aware of the messages promoted by kidfluencers and should actively work to counteract any negative influences. Additionally, regulators should consider how to promote positive character development and virtues in children, perhaps by encouraging kidfluencers to promote messages that align with positive virtues and values.

6.3 Balancing Free Speech and Regulations

The regulation of kidfluencing practices poses significant challenges and dilemmas, particularly when it comes to balancing the right to free speech with the need for the protection and well-being of children. From a Kantian perspective, the right to free speech could be connected to autonomy – something significant - but it must also be balanced with the duty to protect vulnerable individuals¹³⁰, such as children. Therefore, regulating kidfluencing practices can be seen as a way to fulfill this duty while still respecting the principles of free speech because, without regulations, everyone is vulnerable.

However, implementing regulations that adequately protect children's rights and well-being while still respecting their autonomy and freedom of expression can be difficult. In addition, there is the issue of the UNCRC, which recognizes children as active participants in their lives and decision-making processes. This Convention must be considered when implementing regulations, as children have the right to express themselves and have their views taken into account. A delicate balance must be struck between regulating kidfluencing practices and respecting children's autonomy and freedom of expression.

In addition, Kant's emphasis on the categorical imperative and the formula of universal law has implications for the ethical considerations surrounding kidfluencing. If children's use for commercial purposes became a universal law, it could lead to widespread exploitation and potential harm to children's well-being. Similarly, the failure to regulate kidfluencing raises

¹³⁰ Sherman, Making a Necessity of Virtue, p.130

concerns about the universalizability of the actions of parents and sponsors who exploit children for commercial gain.¹³¹

6.4 Counterargument: Kidfluencing Can Enhance Children's Empowerment

It is undeniable that kidfluencers have the potential to empower children in various ways. By sharing their experiences and perspectives on multiple topics, they can inspire other children to express themselves and pursue their passions. Furthermore, kidfluencers can provide a sense of community and belonging for children who may feel isolated or misunderstood in their offline lives. By seeing others like themselves achieving success and recognition, children can develop a sense of self-confidence and self-worth, as it is a means for them to express themselves – be creative.¹³²

Additionally, kidfluencing can offer children the opportunity to develop essential skills, such as creativity, communication, and critical thinking.¹³³ Through the process of creating content, collaborating with others, and engaging with their audience, children can learn valuable lessons about responsibility, empathy, and ethical decision-making – by taking a chance at something lucrative.¹³⁴ In this sense, kidfluencing can serve as a form of education that prepares children for the challenges of the modern world.

However, while the potential benefits of kidfluencing cannot be ignored, it is essential to recognize that these benefits do not come without risks. Children's safety, privacy, and well-being must be prioritized in all aspects of their participation in the industry. Furthermore, it is vital to ensure that children's rights and dignity are respected and that they are not exploited or treated as commodities.¹³⁵ By implementing appropriate regulations and safeguards, it is possible to create an environment in which children can benefit from the opportunities that kidfluencing provides while also being protected from harm.

¹³¹ Masterson, *When Play Becomes Work*, p.581

¹³² Maheshwari, 'Online and Earnings'

¹³³ Digital, Culture, Media and Sport Committee, *Influencer Culture: Lights, camera, inaction*, p.3

¹³⁴ Julia Carrie Wong, 'It's not play if you're making money': how Instagram and YouTube disrupted child labor laws'. *The Guardian*. 2019-04-24.
<https://www.theguardian.com/media/2019/apr/24/its-not-play-if-youre-making-money-how-instagram-and-youtube-disrupted-child-labor-laws>

¹³⁵ Digital, Culture, Media and Sport Committee, *Influencer Culture: Lights, camera, inaction*, p.3

6.5 Counterargument: Kidfluencing Can Provide Positive Role Models for Children

The counterargument for the regulation of kidfluencing practices is that it can provide positive role models for children. Kidfluencers who promote positive values and ethics, such as kindness, generosity, and respect, can help children develop these qualities themselves. By showcasing their own positive behavior, kidfluencers can inspire their young followers to follow suit and cultivate these traits, as virtue ethics promote.

Moreover, kidfluencers can serve as positive role models, as children can see themselves in what they see on screen.¹³⁶ For instance, a boy who loves to dance can challenge the stereotype that dancing is only for girls. Similarly, a child of color who is a successful kidfluencer can inspire other children of color to pursue their dreams.

However, it is essential to note that positive role models in kidfluencing are not limited to the kidfluencers themselves. Parents also play a crucial role in shaping their child's moral and ethical values. Therefore, parents need to be aware of the content their children consume and promote on social media, as this reaction underscores the tendency to exaggerate and repeatedly emphasize enjoyment, which can obscure the commercial nature of the practice.¹³⁷ They must ensure that the industry does not exploit or manipulate their child and that the content aligns with their values and beliefs.

7. Conclusion

7.1 Summary of Key Findings and Arguments

Kidfluencing raises complex ethical, social, and legal issues that require careful consideration and work. The commercialization of childhood has resulted in children being treated as consumers and also as products themselves, with potentially harmful consequences for their well-being, autonomy, and dignity. The use of children as influencers has added a new dimension and hardships for families, consumers, the market, and children themselves.

¹³⁶ CBS News, Kid Influencers.

¹³⁷ Abidin, #familygoals, p.9-10

From a Kantian perspective, protecting the rights and well-being of children should be a moral imperative, and this requires regulating kidfluencing practices. The United Nations Convention on the Rights of the Child provides a valuable framework for understanding the obligations of states, societies, and parents towards children, including the need to promote their participation and protect them from harm.

From a virtue ethics perspective, promoting fair and honest advertising practices, fostering positive character development and virtues, and ensuring regulations' consistency and effectiveness are all essential goals.

There are also counterarguments that need to be considered. It has been argued that kidfluencing can provide positive role models for children and strengthen their empowerment. Making more kidfluencing regulations can infringe on free speech rights, and maybe current regulations are adequate and enforceable as they are. These counterarguments highlight the need for a nuanced approach that balances competing interests and values and takes into account the evolving nature of digital media and marketing practices.

In light of these challenges and dilemmas, it is clear that there is no easy solution to the problem of kidfluencing as of now. Nevertheless, it is essential that we continue to engage in critical reflection and dialogue and that we work towards creating a more ethical and just world for all children. First and foremost, it is crucial always to respect their consent and for children to make as informed choices as possible. By doing so, we can ensure that children are not treated as commodities or mean to an end but as ends in themselves, deserving of respect, care, and protection.

7.2 Future Research

Three potential avenues for future research emerge from the analysis that further expands on the subjects and arguments touched upon in this essay.

To further explore the extent to which influencer culture and parental control intersect, investigate the potential implications for children's autonomy. Examine how influencer content shapes children's values, aspirations, and decision-making abilities, and evaluate the role of parental guidance in mitigating or exacerbating any adverse effects on a more long-term basis.

It would also be educational to see the long-term effects of child influencing and to investigate the long-term consequences of children's participation in influencer activities, including their

psychological, social, and emotional well-being. Would it be possible to analyze the potential impacts on identity formation, self-esteem, and relationships as children transition into adolescence and adulthood or to compare the experiences and outcomes of child influencers with their non-influencer peers? As the children grow up, it would be possible to see the results and effects this lifestyle has had, and maybe it is only then that existing regulations can be made – because now there will be more concrete evidence of what it does.

After conducting this research, it would be interesting to further explore the notion of parental consent in the context of child influencing, considering the balance between parental rights and children's agency. To investigate how children's autonomy and decision-making capacity can be respected within the framework of parental supervision and guidance. To examine the ethical considerations surrounding children's ability to provide informed consent in the digital age and explore this topic even further. A parent who over-share online and children who have to live with the consequences, what effects does that have?

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