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New Technologies, Image Distribution and Cyberabuse – Jeff Hearn and Matthew Hall

In a recent issue (No. 82, July/August 2017) of NOTA News, we wrote about “revenge pornography” (‘Pornography: Non-consensual, Vengeful, Online’). Here, we continue this discussion with a broader take on the impact of new technologies on violation, abuse and harassment. Information and communication technologies (ICTs) provide many open-ended and undefined possibilities for online violation. ICTs bring several distinctive features to everyday life: time/space compression of distance and physical separation, instantaneousness in real time; asynchronicity; reproducibility of images; creation of virtual bodies; blurring the ‘real’ and the ‘representational’; broader bandwidth, wireless portability and globalised connectivity; personalisation, and blurring, even abolition, of online/offline boundaries.

There are many forms of cyberabuse, such as cyberbullying, cyberstalking, online aggression, ‘flaming’,¹ ‘happy slapping’² and trolling, to name just a few. Cyberabuse can entail intentional damage of someone’s reputation by spreading malicious gossip, rumours or photos (these can also be digitally manipulated, as, for example, with ‘deepfakes’³ also known as ‘sexualised photoshopping’ (McGlynn et al., 2017); and outing and trickery – the sharing of, or tricking someone into revealing aspects of their private life, with the intent to embarrass them (Lacey, 2007). Some may begin as fun such as the posting of a friend intoxicated and partially naked on a social media platform but later become misused by others (Walker et al., 2019). Posting explicit sexual images or films can be done without consent, along with offensive text with the intention to violate, harm, abuse or humiliate the targeted person by circulating or sending repeated messages and photos, often via hyperlinks to purpose-built websites. These images or films may also be accompanied by abusive emails, ‘tag-team-style pile-ons’ in internet forums and personal attacks in blog and newspaper article comment sections (Svoboda, 2014). In short, the crux of cyberabuse is the imbalance of power and lack of consent, sometimes facilitated by the perpetrator’s ability to remain anonymous.

The development of technology has also facilitated ‘upskirting’⁴ (Powell, 2010) and an explosion in “sexting”⁵ – the sending of explicit sexually images by text message (Hasinoff,

¹ A hostile interaction between people on the internet often involving profanity.
² A group of people film or photograph, and then circulate online, their assault of a person.
³ Use of technology to combine and superimpose an image or video of person onto another person’s image or video to give the impression that it is of that person.
⁴ Taking a photograph of underneath a person’s skirt without their consent.
⁵ Sending explicit sexually images by text message.
A survey of 5,000 adults (Match.com, 2012) found that 57% of men and 45% of women had received an explicit photo on their phone, and 38% of men and 35% of women had sent one. Once this happens, those seemingly ‘private’ pictures are potentially available for the world to see if uploaded and shared on the Web (Penney, 2014). Whilst some forms of electronic pornography such as sexting may be considered consensual, Ringrose et al.’s (2012) interview and focus group study of sexting shows it is often coercive and is often linked to peer-pressure, harassment, bullying, and even violence.

This raises some complex issues, for example, how such violations can be simultaneously embodied and virtual. They are not reducible to just one form or possibility, may be multi-medial, and may only be understandable in the context of a range of social practices beyond the visible and readable text. For example, a particular posting may reference, implicitly or explicitly, another earlier topic or social occasion offline and off-screen, positive or negative, for one, both or more parties, which would not be decipherable by an uninvolved party or viewer. Specific instances may be part of a chain of events, occurrences, times and places. Moreover, violations by sexual images can be seen in terms of the processual nature of the interactive web, in which ‘produsers’, ‘prosumers’ and other hybrids (Bird, 2011) create the web interactively, sometimes for the assumed but unknown audiences (Whisnant, 2010), as evidenced in do-it-yourself pornography, selfies, celebrity selfies, naked selfies, reality media, online lives, neknominate (drinking) challenges, and the rest.

Effects
Harassment and abuse occurs both offline and online, and in public and private spaces. There is a more general increase in the pornographisation of public space, both online and offline, with the unprecedented historical expansion of (online) pornography, and more general ‘mainstreamification’ or ‘normalisation’ of pornography in society. These tendencies have multiple effects. The 2014 study, Young People, Sex and Relationships: The New Norms (Parker, 2014), surveyed a representative sample of 500 18-year-old young people: “Almost eight out of 10 young women (77 per cent) say ‘pornography has led to pressure on girls or young women to look a certain way’, while almost as many (75 per cent) say ‘pornography has led to pressure on girls and young women to act a certain way.’” Online pornography is part and parcel of many children’s, young people’s, and indeed adults’, lives.

Non-consensual distribution of sexual images can be understood as another form of gendered/sexual violence and abuse that ranges across femicide, rape, stalking and non-contact harassment (Blumenstein & Jasinski, 2015). Victim-survivors of cyberabuse and sexual harassment report a host of negative effects: feelings of humiliation, shame and
embarrassment; reputation damage; problems with intimate partners, family, friends, work colleagues and, in public; sexual shame; sexual problems; body image issues; becoming paranoid and hyper-vigilant; concern for personal safety; and, some have even taken their own life. A 24-year-old victim, Anisha, talking on BBC Newsbeat (2014) about being a victim of “revenge pornography” says people recognise her in public and turn up at her door as well as contact her by phone, text messages, emails and through Facebook. Although her ex-boyfriend posted explicit images of her on a couple of websites, they are now on over 200 websites across the globe. She now struggles to find a job because an employer can see the images of her from a simple Google search.

Combating violation by image distribution

There is a need for stronger evidence-based interventions to combat cyberabuse, not least as we do not yet know exactly how many people are affected by these abuses. Combating cyberabuses involves matters of politics, policy, law, education and changes in public attitudes so that victims are not blamed for consenting to the taking of explicit images and instead the perpetrators for sharing them. Effective interventions for tackling harassment and other abuses of women and girls in public spaces, both offline and online, require strategic planning at all levels, and multidisciplinary and multi-organisational responses.

Universal laws for convicting perpetrators of violation by image distribution and revenge porn do not exist. In many countries, the criminal legal frameworks are either non-existent or securing convictions is very difficult (Franks, 2016). Although countries need to develop their own individual national and regional action plans, there needs to be greater international cooperation and the development of cross-border laws, pursuing the perpetrators and those who facilitate these crimes.

Chrissy Chambers, a woman whose ex-boyfriend uploaded an alleged revenge pornography video of him having sex with her while she was allegedly drunk lives in the United States where the alleged offence took place, but claims her ex-boyfriend posted the videos in the United Kingdom, so she has had to pursue the case in the United Kingdom (Finch, 2015). Without international and cross-border laws, pursuing perpetrators and those who facilitate these crimes is likely to be very difficult (Topping, 2016).

Much also needs to be done to stop organisations which are hosting such sexual images and search engines that link to revenge porn sites, for example. Stronger civil laws should also be in place so that victims can sue perpetrators for damages. Other forms of sexual harassment in public places such as ‘upskirting’, although now a criminal offence in England and Wales, should be made an offence elsewhere.
There were 465 UK prosecutions for violation by way of non-consensual distribution of sexual images, so-called “revenge pornography”, in 2016/2017, a rise from 206 in the previous year (CPS, 2016). Current legislation and responses are typically slow, costly, and, sometimes ineffective at removing the images from the web. While prosecutions are pending, the images remain online and continue to affect victim-survivors. There is a need for national-level coordination and funding of policies, and also local-level cooperation of the services needed to serve victims. At the local and national levels, services need coordination in order to exchange best practice and ensure a focus on the needs of the victim.

Specialised services focused on the needs of victim-survivors should be developed. More needs to be done to help victims deal with the fallout. It would help therefore, if protocols of cooperation between relevant authorities and existing support services were strengthened to provide a range of emotional- and practical-based support services, and webpages and webforums could be developed for the dissemination of learning and support materials for victims, educators, agencies and the media.

There is also a need to raise public and popular awareness, for example, the potential risks of revenge porn that can follow from sexting. One method of doing so is to include this on educational and training curricula on sex and relationships, and on equality and diversity, in both educational institutions and other locations, such as workplace, religious and sports organisations. Charities and educational groups are reported to be concerned that many teenagers are not being taught about issues like sexting, online pornography, consent and healthy relationships, including the illegality of child sexting and revenge pornography.

The primary focus of sex and relationship curricula tends to be on sexuality and health, and what constitutes a healthy relationship; this should include how to communicate online, and also deal with the ending of relationships, problem solving, and training on relationship skills and emotion regulation (Lundgren & Amin, 2015). As most online sexual harassment is done by men and boys, gendered analysis and understanding of sexual harassment is also necessary, especially in education and training.

There also needs to be greater regulation and responsibility of internet providers and other relevant technology companies who facilitate online sexual harassment and abuses. Current copyright and privacy laws should be more comprehensive to allow victims-survivors the right to have images swiftly removed and deindexed. Courts should also have greater powers to force technology companies to comply with this. Strategic planning requires a
regular and consistent research, data and statistics in order to provide the evidence to evaluate policy developments and the effectiveness of interventions.

More specifically, what often underlies violation by image distribution is that image copyright means the author of the image – the person who took the photo – has, in effect, the right to do what they wish with a photograph even if the person in the photo or video does not consent to this. One US survey indicated that 80% of victims-survivors took the pictures in question themselves, thus giving them the legal rights to the photographs in question (Johnson, 2013). Many websites offering take-down services often also ask for copyright registration numbers. We wonder what the probability is of a couple seeking joint copyright after taking sexually explicit images and photographs?

Concluding remarks

In tackling violation by sexual image distribution, and cyberabuse more generally, we recommend 4 key responses:

- Stronger civil laws in place so that victims can sue perpetrators for damages;
- more international co-operation particularly in relation to law, criminal proceedings, and technology companies;
- more support for victims; and,
- educational programmes in schools and elsewhere to highlight the risks and potential consequences of taking and sending images.

Through more action-orientated, multidisciplinary responses, we can help to remove the stigma and trauma this crime causes (Hall & Hearn, 2017a, 2017b, 2018a, 2018b; Hearn & Hall, 2018).

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