

Nonconsensual Pornography

By Hannah McNeil

ABSTRACT. This paper addresses the issue of nonconsensual pornography and its effects on victims; a case study involving an in-depth interview of a participant who offers a personal perspective on the struggle of coping with the damaging aftermath of revenge porn. This research aims to examine how this type of exposure and online sexual harassment is harmful to its victims and seeks to raise awareness for this form of harassment in the digital age.

Nonconsensual pornography, used interchangeably with revenge porn, involves the distribution of sexually graphic images of individuals without their consent (Citron, 2014). This can include hidden recordings, recordings of sexual assault and images originally obtained with consent in the context of a consensual relationship (Citron, 2014). Nonconsensual pornography is becoming a worldwide social phenomena, affecting celebrities, with recent leaks of Kim Kardashian and Jennifer Lawrence as well as non-celebrity men and women. Even though this phenomena is a gendered issue, with over 72% of the victims being female (Cyber Stalking Statistics, 2012), men can be victims as well.

Revenge porn has devastating effects on its victims by exposing them sexually in vulnerable and humiliating ways (Citron, 2014). This type of exposure can lead to a degrading form of sexual harassment toward the victim. Online harassment can range from anonymous messages that are threatening in nature to offline stalking and physical attack. The anonymity of the internet can allow users to make these threatening comments without fear of punishment.

This issue has been developing rapidly due to the recent increase in the use of technology and social media. Consequently, it has been difficult for authorities to stay informed with the laws and regulations, or lack thereof, regarding this invasion of privacy. Misunderstandings of the First Amendment and consent play a huge role in this confusion. This research will briefly discuss the global phenomena of revenge porn and explore how such harassment may affect victims based on a case study of one victim's experience. I examined what aspects of her life were most affected and the difficulty she experienced in her repeated efforts to remove the photos from the internet. This research seeks to contribute to the understanding of the effects of nonconsensual pornography and subsequent online harassment.

Revenge porn and nonconsensual pornography are fairly new terms that are becoming more common because of this growing social issue. There is scant empirical research on nonconsensual pornography, especially regarding the effects of this type of harassment. The issue of criminalizing revenge porn has been the focus of more recent research.

States are enacting legislation that criminalizes nonconsensual pornography and the distribution of those images or videos. So far, Arizona, California, Colorado, Delaware, Georgia, Hawaii, Idaho, Maryland, New York, Pennsylvania, Utah, Virginia and Wisconsin (ncsl.org, 2013) enacted legislation criminalizing nonconsensual pornography. However, these laws do not protect those who are victims of revenge porn and do not address consent regarding public distribution. *"Voyeurism laws in many states prohibit the nonconsensual recording and distribution of sexually explicit images of another person. However, those laws do not protect those who either consented to be recorded or recorded images themselves, but, in either case, did not consent to the distribution of those images"* (Najdowski, 2014).

One of the more major points of discussion in the research of this topic is the definition of consent and the

concept of contextual consent. If one gives consent in a particular context it does not mean that they give consent in all contexts. If one possesses images or videos that were given to them with consent, it does not mean they consented to the distribution of those images (Laird, 2013). This research hopes to contribute to the understanding of contextual consent and how this type of harassment affects women.

I conducted a qualitative in-depth interview with a respondent with whom I know quite well. She has shared with me the difficulties she has encountered over five years coping with the effects of revenge porn. To protect the interviewee's identity, I have changed her name and all identifying information in my discussion. The interview guide consisted of three sections. The first set of questions had to do with how the participant discovered her photos on the internet. Next, I inquired how this situation impacted her personally and if it affected her career. We then discussed the process she went through to get the photos removed from the internet.

When she began describing how she first found out about the photos, her reaction seemed to be shock, "*...and I was just like holy cow, who did this*" (White, 2014). She found out about the photos because a male friend of hers messaged her on Facebook and told her he had seen the pictures on a porn website he frequents. He sent her the links and not only were the sexually explicit photos posted without her consent, but also her personal information was posted as well. "*...and it would be like full name and all this crazy information about me that I never expected to be on the internet*" (White, 2014). The information posted alongside the photos included her full name, where she went to school, and links to her Facebook page. Subsequently, the participant Google searched her own name and discovered her photos had been posted on more than one site, including a popular social media website.

The participant is still in the process of removing her photos from these sites and has been for the past five years. Yet, she has only been successful with one website to

date. She has not sought legal help but has contacted Google support numerous times requesting that the images be removed from all Google searches. *"...Um, all you have to do is Google my name. And that's, for the purposes of the recording is an interesting situation because I am the only person on Google with my name"* (White, 2014). The fact that these images are high on Google search hurts her even more, potentially jeopardizing personal aspects of her life and making it harder to have the photos removed. *"Posting photos with the victim's real name helps the picture get high in Google search and hurts the ability to get or keep a job"* (Laird, 2013). After she contacted Google support, they sent her a disclaimer stating that they do not remove things from the internet and have subsequently not responded to her complaints.

Past feminist research has found that men in patriarchal societies regularly hold positions of institutional, social and legal power over women. Some scholars argue that one way some men assert their dominance over women is through sexual assault and rape (Whisnant, 2013). Nonconsensual pornography is a form of sexual violence and victims' lack of legal support to remove unwanted images reflects a larger power structure of male power and control. Also present is a power dynamic between the victim and the trusted recipient of the sexual photos or videos and the violation of the victim's trust by putting the photos online. This spiteful act is exposing the victim to extreme vulnerability, shame, humiliation, harassment, bullying and even threats. The victim is essentially powerless over who can see and use the photos or videos once they are on the internet.

Rules, laws, and institutions in a patriarchal society are structured in a way that uphold the status quo and male privilege. Google is an extension of this structure and has the power over who can see the photos and, the fact that they are not being removed is a reflection of the control they have over the victim (Whisnant, 2013). *"Google is the master of the internet, just do your thing, you guys make millions of dollars, you can handle clicking a button and*

making something go away” (White, 2014). Every website and social media support site that she has contacted has provided very little help and have even lied to her about taking the photos down.

The photos ended up on a new popular social media website. Once she discovered this, she contacted the owner of the blog that posted the photos and they actually did respond. He acted very sympathetic towards her and apologized, telling her that he would take it down as soon as he got to an actual computer. Subsequently, he never took them down and never responded back to her again. She contacted the social media’s site support to have the photos removed from the blog. She put in a complaint and the social media website requested that she send them a picture of her driver’s license. Immediately after, the social media website also asked for her to send them a photo of herself holding a piece of paper that read,

‘(Name of Website) this is me.’ “(Website name) emailed me back and said ‘okay. what’s the link that’s a problem, okay we’ll take it down.’ They never did. Um, even though that they said they did. I had to submit a photo you know, and that kind of felt invasive, having to submit a photo of myself saying ‘Website Name’ this is me. Um, because if a girl is complaining that photos are up without her consent, why do you need to see that it actually is that girl?” (White, 2014). This set of interactions, and the fact that the social media site blatantly lied to her, reflects the lack of relative power victims have to protect themselves from further harm (Whisnant, 2013).

The only time she was able to have her photos removed from a website, was when she contact the webmaster and lied that she was a minor at the time the photos were taken. Even though they never responded to her, she revisited the website and the photos were removed. That was the only successful moment she has had in the past five years.

My participant has said that she has been deeply embarrassed by the unwanted exposure and one situation in particular stood out as especially embarrassing to her. A man she was dating at the time confronted her about the photos that were posted online. A person on the internet

who was unfamiliar to my participant, starting sending the nude photos to all of her Facebook friends, including the man she was dating as well as coworkers:

"And that's a guy I really liked, and I, you know that's embarrassing as it is, you know, like oh god, now this girl that wants to date you has naked photos of herself online" (White, 2014). "So it embarrassed me in that relationship. It made me delete my Facebook, for about a year. Um, so that's a contact source I was not able to use" (White, 2014).

She explains the changes in her reaction to this situation since she first found out. *"And so my reaction has been, has gone from, oh shit, what the fuck, what the fuck, to oh my god not again" (White, 2014).*

The fact that the harassment happens over the internet can make it worse for the victim. The internet offers a wider audience and victims can feel violated in their own homes. This type of violation is felt by victims of cyberbullying, online harassment and revenge porn (Ybarra, 2004). This can result in victims removing themselves from participating in online activities that they did for entertainment, for example when my participant had to delete her Facebook profile to avoid harassment. This is a perfect example of how this kind of exposure can affect its victims' lives, especially regarding personal relationships and their online activity.

She also informed me that this has affected her professional life in sales. When other co-workers refer customers to her, most of them usually Google search her to find out if they want to work with her for this specific purchase. When this happens, customers almost always come across her naked photos and they will choose not to work with her. She had a co-worker tell her, *"Okay well I told somebody to contact you about (participant's career), and uh, they Googled you, and I'm sure you know where this is going" (White, 2014).* This has cast my participant in an extremely unprofessional light and is also extremely embarrassing for her. To add insult to injury, she is also losing money. Again, these images are controlling aspects of

her personal as well as professional life and supports the theory that online harassment violates more than one aspect of the victims' life (Ybarra, 2004).

We discussed the comments that she has received about her photos, and they are mostly insulting her appearance:

"One girl told me that, well not told me, told the internet that I could have gotten a manicure and pedicure before I took the photos and straightened my hair a bit and I'm just like you know, I was young and I didn't care" (White, 2014). "But like, to say someone is a 'butterface' or you know just finding the smallest things to cut a person down, not thinking that they would see it, because of the anonymity of the internet" (White, 2014).

She told me that it was mostly females that would leave insulting comments on her pictures. These kinds of comments can be damaging to a victim's self-esteem, especially if the victim is younger and the images are largely available on social media sites. *"Victims struggle with anxiety and panic attacks, anorexia and depression are common ailments"* (Citron, 2014).

The participant has only knowingly received one threatening comment in regards to her photos. She used to comment back to the users who were insulting her in order to defend herself. One user responded with a threat, *"When I was battling back at them, uh, one person said 'oh well, I just Googled you and I know where you live, and I know your phone number, I'm about to show up at your apartment, ha"* (White, 2014). Since she has received that comment, she has stopped trying to stand up for herself online. She considers herself fortunate that the threatening user never came to her apartment, an occurrence that research shows can be an additional harm from revenge porn (Citron, 2014).

Toward the end of my in-depth interview, the participant stated that she has given up on trying to have her photos taken down. She seemed to almost have accepted it as an aspect of her life that she could not

control. This overall feeling of helplessness is common among victims of online harassment, who feel as if they have no control over what is happening to them (Ybarra, 2004).

Nonconsensual pornography is extremely psychologically damaging to the victim, and unfortunately, can be physically damaging as well (Citron, 2014). Education on nonconsensual pornography is important because people do not realize what this kind of sexual exposure has for victims, especially the people who are commenting, sharing, and viewing these images. The helplessness and loss of control the participant felt reinforces the fact that these photos have control over their lives and, the more images like hers are shared and re-blogged, the more control the images has over the victim's life. It can prevent the victim from getting a job, being in a relationship, and it can even cause harm, physically and psychologically.

During the interview the participant explained how she did not know what revenge porn was before this happened to her nor did anyone ever discuss with her the dangers of sharing sexually explicit photos. Education is critical to help prevent nonconsensual pornography as well as education about consent and contextual consent with regards to sharing images online. Further research should aim to document the pervasiveness of nonconsensual pornography, as well as examine the detrimental effects it has for victims. While research on cyberbullying and online harassment assist in understanding the effects this type of harassment has on the victim, research needs to include nonconsensual pornography. Extending such research to include revenge porn can provide better evidence of how damaging it can be and further demonstrate the need to criminalize it.

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References

- Babbie, E. (2011). *The Basics of Social Research* (5th ed.). Belmont, CA: Wadsworth
- Citron, D.K. (December 01, 2009). Law's Expressive Value in Combating Cyber Gender Harassment. *Michigan Law Review*, 108, 3, 373-415.
- Citron, D. (2009). Cyber Civil Rights. *Boston University Law Review*, 89, 60-125.
- Citron, Danielle Keats, & Franks, Mary Anne. (2014). *Criminalizing Revenge Porn*. DigitalCommons @ UM Carey Law.
- Cyberstalking Statistics. (2012, January 1). Retrieved October 28, 2014.
- Franks, M. (2012). Sexual Harassment 2.0. *Maryland Law Review*, 71(3), 655-704.
- Gleicher, N. (2008). John Doe Subpoena's: Toward a Consistent Legal Standard. *The Yale Law Journal*, 118(No.2).
- Laird, L. (November 01, 2013). Victims are taking on 'revenge porn' websites for posting photos they didn't consent to. *Aba Journal*, 98.
- Levmore, S., & Nussbaum, M.C. (2010). *The Offensive Internet: Speech, Privacy, and Reputation*. Cambridge, Mass: Harvard University Press.
- Ritter, B.A. (January 01, 2014). Deviant Behavior in Computer-Mediated Communication: Development and Validation of a Measure of Cybersexual Harassment. *Journal of Computer-Mediated Communication*, 19, 2, 197-214.
- Russo, Nancy Felipe, & Pirlotte, Angela (November 01, 2008). Gender – Based Violence, Concepts, Methods and Findings. *Annals of the New York Academy of Sciences*, 1087, 1, 178-205.
- Schwabach, A. (2014). *Internet and the Law: Technology, Society, and Compromise*. Santa Barbara: ABC-CL10.

- Staudemüller, F., Hansen, B., & Voss, M. (2012). How Stressful is Online Victimization? Effects on Victim's personality and properties of the incident. *European Journal of Development Psychology*, 9(2), 260-274.
- Welsh, S. (1999). Gender and Sexual Harassment. *Annual Review of Sociology*, 25, 169-190.
- Whisnant, R. (2013). Feminist Perspectives on Rape. *The Stanford Encyclopedia of Philosophy*, Fall ed.
- White, Betty. (2014). In-depth interview participant, November 23, 2014.
- Ybarra, M.L., & Mitchell, K.J. (2004). Youth engaging in online harassment: Associations with caregiver-child relationships, internet use, and personal characteristics. *Journal of Adolescence*, 27, 319-336.