Chapter Eleven: Digital sex

The digital realm is vast. In this chapter we are going to focus on the specific implications of the relationship between sex and digital culture to further our understanding of **deviance** and crime. In order to do this, we need to unpack some of what we think we know about digital cultures and pay attention to the distinctly political ways in which the digital realm operates when it comes to **sexuality**. In this chapter firstly, we will examine how the Internet and online domain has affected dating and relationship behaviours, including sexting, cyber-sex and 'revenge porn'. The discussion will lead us into our second case study; the phenomenon of romance fraud and fraud in online romances. We will finish by examining how sexualised violence and harassment are exacted in online domains by focussing on trolls, and what is called the 'manosphere'.

By the end of this chapter you will understand more about:

- How we define technology and digital culture in criminology.
- The ways in which the digital realm fosters specific **sexual practices** and ways of interacting sexually.
- How, and why, sex crime which happens online is difficult to deal with through existing laws and political mechanisms.
- What the criminal justice system has tried to do in the face of 'revenge porn', fraud, and online sexual violence.

How digital sex poses criminological problems

Crime and deviance in the digital realm pose specific problems for the administration of justice. Not only do criminal acts potentially exceed national borders and jurisdictions (we see some of this in the realm of online child sexual exploitation, discussed in Chapter Seven, and pornography discussed in Chapter Thirteen), but at the same time, even within a given jurisdiction, the fluidity of the online realm, and the anonymity that it affords makes it easier for people to hide. We will see some of this in the context of trolling and online harassment (Jane, 2014). More than this, the online realm can give rise to the creation of so-called 'echo chambers' in which extremes of opinion and behaviour are affirmed and validated by other internet-users in the echo chamber (Colleoni et al, 2014). Groups such as so-called anti-vaxxers, 'pro-life' groups, 'incel' groups, nationalist, and anti-fascist groups can use the online realm to establish subcultures (Cohen, 2003[1955]). Often, these might look like benign special-interest groups with people holding values in common sharing information and support. At the most extreme end, the insularity of the echo-chamber can lead to acts of terrorism, such as those we saw in London Bridge in the UK in 2017, at the Al Noor Mosque in Auckland, New Zealand, in 2019, and at the Isla Vista in California, USA, shootings in 2014. We will come back to this discussion of the echo chamber later in the chapter. Terrorism and harassment happened before the rise of the Internet, of course, and not every niche special interest online group is criminogenic, but the digital realm both influences and is influenced by the proliferation of these crimes and acts of deviance. We will see some of this at play in this chapter in the context of sexual practice.

Theorising tech

We often talk about the online world, the Internet, the digital world, and technology as if these were interchangeable terms. One of the important things to realise when we talk about digital cultures in the context of sex and crime, is that what we might refer to as 'technology' or 'technological advances' have become subsumed into what we might think of as an undifferentiated 'black box' (Latour, 2012[1991]). By this we mean that we do not recognise the inherently socio-technical quality of objects of technology and instead imagine that we live in a purified world in which the technology and society are distinct things. We also end up thinking that technological advances are the neutral, taken-for-granted backdrop to our online activities. Technology is a complex category that needs unpacking (Coupaye, forthcoming). Thinking about digital culture in this undifferentiated way means that the very important ways in which technology and the digital realm are political are obscured. This has implications for our study of crime, justice, **gender** and sexuality in the context of the digital realm. Because these ideas are taken for granted, we take a moment to specify how we understand taken-for-granted terms in this chapter on Table 11.1.

[Table 11.1 HERE]

Privacy

One of the more political elements of the digital world surrounds the notion of privacy. Visit any website or download any app to your smartphone and before

you get too far, you are invited to agree to a series of terms of use and privacy settings that you will most likely never read. 'We respect your privacy', cookie and Internet protocol (IP) policies might say as they explicitly ask your permission to invade your privacy by recording browsing habits on your machine and sending you tailored adverts as you move around the web.

The Latin etymological origins of 'private' emphasise that something 'private' means something that is 'set apart, belonging to oneself, personal'. The notion of privacy as something that is free from the intrusion of **the State** is borne out of a classical liberal imaginary of citizenship which underpins the concept of the liberal democracy in most **post-industrial economies** and certainly much of the **Global North**. Recall our discussions about liberalism in Chapter Two. The idea here is that a citizen agrees to surrender some of their rights to the State in exchange for protection and certain levels of sustenance (maintaining the peace, for instance, or building infrastructure); this is called the social contract (Locke, 1980[1690]). Beyond this, citizens have the right to do and say what they like, even unwise or objectionable things, and unless what they are doing actively **harms** someone else, the State has no right to intervene; this is called the harm principle (Mill, 1998[1859]. These notions of privacy have informed much of modern government and contemporary jurisprudence ever since. How they help us to understand the digital realm is another matter.

The private may be opposed to the public, but the development of contemporary digital cultures means that the boundary between the two is in fact more porous

than first meets the eye. There is a level of anonymity online which means that to a certain extent, individuals can keep their online activities private. At the same time, as many warnings about internet safety remind us, once something is online, it is there forever, and might be found by anyone. Obviously, when it comes to sexual practice or expressions of sexuality, this private/public interplay can pose considerable issues; we will see this in the context of sexting, image-based sexual violence (also known as 'revenge porn'), and online hate speech.

What comes first...?

Sarah M. Grimes and Andrew Feenberg (2013) suggest that there are two dominant ways in which technology has been theorised. On the one hand substantivist theorists posit that technology is autonomous and preoccupied with domination. For substantivists, technology is not the emancipatory tool that we are invited to imagine it is. Substantivists are critical – pessimistic – about where technological development might take us. Constructivists, on the other hand, analyse the social impact of actors on technological design and development.

Let us think this through via the phenomenon of sexting, which is the practice of sending sexually explicit photographs or messages for the purpose of sexually exciting, or flirting with, a partner or prospective partner. From a technologically substantivist perspective, technological advancement can be thought to bring about social change (for example, sexting is only the phenomenon that it is because so many people have a smartphone now). This perspective considers that technological advancement has its own **agency**, and that society and culture are

passive in the face of technological advancement, and that technology necessarily drives forward social change.

On the other hand, a constructivist understanding of technology considers that technology is socially constructed. This vision gives very little agency to inventions or technological progress itself. We should remember that people have been sharing sexually erotic images of themselves for centuries. It has created an industry, infrastructure, and economy around the circulation of images. The easy, almost mundane way that erotic images can be created and shared had the effect of dulling morally restrictive attitudes to sexually explicit imagery everywhere: especially in privileged counties of the Global North. Porn and erotic images are banned in some countries (for instance, Papua New Guinea), but even here, the erotic exchange of images still goes on, albeit on the quiet.

Beyond this dichotomy, Bruno Latour's (2012[1992]) work on Actor Network Theory (ANT) has been especially helpful for thinking about this. ANT makes no distinction between the social and the technical: it recognises that one cannot exist without the other. Meaning is made – the world is understood – by actors in a bio-socio-cultural-economic network. Actors can be both human and non-human bodies. A network can be understood as a web of relations that binds humans and non-humans together. For our purposes, in the context of sexting, the smartphone network, the handsets of the photographer, and of the recipient, the camera, the screen, the body that is in the photograph, the digital photograph itself, the person who receives the photograph are all actors in a sexting network. All actors in the

network have their own agency, by which we mean all actors *do something*. The camera does not need to intend to take the photograph and the network does not need to 'know' that the digital imprint conveyed along it is a sexy photograph, but without these parts of the network, the sext cannot take place. Indeed, the only expendable element in a sexting network seems to be the human recipient; if I send a sexy photograph using my smartphone to the phone of one of my friends but their phone breaks, or falls down the toilet before they see it, or in a fit of regret I sneak onto their phone to delete the message before they open it, they may not see it, but the sext still exists.

Technological Unevenesses

We may think that technological advances in devices such as smartphone or tablets, or in the effectiveness of telecommunication networks means that digital sexual cultures progress everywhere – and yes this is true – but how this progress manifests itself, and the forms it takes, varies from place to place (Livingstone and Bulger, 2014).

The first mobile phone was created in the 1970s, but it was at the turn of the millennium that mobile phones became cheap enough and small enough to gain a mainstream appeal. Up until that point, people in post-industrialised countries relied on land lines, public phone booths, and shared, home phones. Meanwhile, in what we call the **Global South,** land line infrastructure was (and remains) very poor in places, with many different households sharing a landline telephone. Once again, as mobile phones got cheaper and more accessible at the end of the 1990s,

mobile phone ownership in these poorer countries exploded. Nigeria and Bangladesh, for instance, rank eighth and ninth in the world for mobile phone use, whereas when it comes to landlines, they rank at 69th and 67th in the world, respectively. In 2010, Germany was ranked third in the world for landline use but comes behind Nigeria and Pakistan for mobile phone use. In Panama, mobile phone ownership is at 202 per cent whereas Panama ranks 95th on the rankings of landline use around the world. In Papua New Guinea, 90 per cent of internet activity happens on a mobile phone. All this is to show that the development of mobile phone use is uneven and depends on the ways in which infrastructure for fixed landlines has or has not been established. Mobile phone use has all but replaced landline phone use in poorer countries, especially those without telephone infrastructure. This has been accompanied by a transformation in the way that personal relationships are managed. We see this in the debates around sexting in South Africa in Chapter Twelve. In Papua New Guinea, sexting has formed part of a courtship practice through which people 'find' each other by composing random phone numbers and then trying to engage in an erotically charged text-based exchange with the person on the other end of the line that will never make its way to meeting in person and is not intended to (see Livingstone and Bulger, 2014: 322).

T. T. Sreekumar (2013) demonstrates how communicative devices and technologies are put to use in Singapore, for instance, or the Middle East, to create civic-cyber spaces for political action. Young people use digital devices in political contexts to mobilise resistances to authoritarian actions of the state (in the context

of the Arab Spring for instance), and also to forge their own **subjectivities** as they transition into adulthood. In the South African context, as Sreekumar (2013: 83) reports, the digital realm creates private spaces of safety in public spaces, facilitates connections and disconnections, and sources of conflict and constraint, but also of freedom. Ultimately, social, sexual relations cannot exist without technical relations. We interact with technical objects in ways that test them out, that push their limits, which find new ways to put them to use. Thus, technical objects are always technico-social objects. In short, the digital, physical, political, and imaginative realm are intertwined the world over, but the form they take, and what they do, will depend entirely on the context in which they exist.

Digital Intimacy

There is absolutely no doubt that advances in, for instance, online dating sites have transformed contemporary dating practices. Particularly in the USA and the UK. According to Forbes, there are 8,000 online dating sites in the world and 50 million people in the USA alone have tried online dating (Matthews, 15 June 2018). The online dating market was, in 2012, worth $1.9 billion (Kopp et al, 2015:205).

Certainly, the near-ubiquity of the mobile phone or smartphone, the Internet, and WiFi in public spaces, has changed how sexual relationships are facilitated. But it would be a mistake to think that before the advent of Kik or Snapchat people did not send nude photos to each other, or that before Tinder or Grindr people did not use media for casual hook-ups. Yes, the pace and scale may be different – a lot more may be contingent on people's close proximity to each other in the case of

hook-ups (or not, in the case of cybersex or long-distance relationships) – but people have always used technology for sex (Hearn, 1996). Whether it is through phone sex on chat lines, personal adverts in specialist pornographic magazines, or so-called lonely-hearts adverts in the local paper, different media have been used in different ways as technologies to promote sexual practice. Some of it might be deviant, some of it not, but in general, sex and communication technology have long gone hand in hand.

The way the online world has altered dating dynamics illustrates how dating and the online realm interact with each other to forge a form of intimacy which is distinct from relationships which are forged offline. In part, this is due to what Al Cooper (1998) refers to as the 'triple-A engine'; the combination of the accessibility of the Internet – that there are a huge number of sites that can be visited – the affordability of it – that a great many of them are free to visit – and the anonymity that it appears to afford, transforms sexual practice on the internet. Indeed, though 20 years old, Erich A. Merkle and Rhonda A. Richardson's (2000: 189-90) examination of how face-to-face and online relationships are distinct remains pertinent. In their analysis of the dynamics of relationships forged online they note that online relationships are marked by increased self-disclosure as a means of forging intimacy. Unlike face-to-face relationships in which people might be warier of revealing information about themselves until greater trust is established between the parties, in the online realm, the relative comfort of anonymity can cause people to reveal more about themselves.

Aaron Ben Ze'ev (2004) makes a similar observation; the online world fosters a form of 'detached attachment' in which intimacies are forged (and broken) according to a set of seemingly contradictory qualities. One of these is the tension between anonymity and self-disclosure. Thanks to the anonymity of the internet, people can take the risk of revealing intimacies about themselves that they would not disclose elsewhere. Relationships can be forged over distances – even across the globe – but can also take place in real-time. Unlike sending a letter or waiting for a phone call, a text message, WhatsApp, or email can forge an immediate sense of closeness which belies the geographic distance that they may be materially subject to (Miller, 2011: 179). Indeed, this sort of distance can form part of what makes a relationship which takes place online even more compelling. Vincent Miller (2011: 179-80) suggests that because they operate outside of the mundanity of real life, online relationships take place in an almost fantasy realm – perhaps thanks also to the anonymity – and are characterised by intense longing for 'circumstances that cannot be brought to bear or exist': the distance becomes part of this form of online encounter.

We see this also play out the context of cybersex which, as Miller (2011) demonstrates, emerges as a specific form of sexual practice because of the way in which it can *only exist mediated via the digital realm*. Cybersex as a form of intimacy is neither socially determined nor technologically driven but emerges through the interplay of a desire for intimacy, the freedom of anonymity, the facility of using smartphones, apps, dating websites, to find people to flirt with, and the ubiquity of Internet access (at least in the post-industrialist contexts in which

much of this research has taken place). Cybersex recruits a lot of imaginative work. Even if participants 'meet' online to exchange fantasies, the sexual practices that they might fantasise about, or desire, do not have to actually take place in the real world. They are not limited by material realities of meeting in real life. Participants can experiment with different personas and profiles. They might, shrouded by the anonymity the online realm affords them, express sexual desires that they might not be able to express in the offline realm. And this connectivity makes cybersex a particular, distinct sexualised practice (Ben Ze'ev, 2004).

Cybersex is defined as using the internet for 'sexually gratifying activities' (Cooper and Griffin-Shelley, 2002). We might add that rather than simply searching for sexually gratifying materials – erotic stories, for instance, or pornography – cybersex is interactive; involving two or more people in erotic discussion, or visual exchange for their mutual sexual satisfaction (Daneback et al, 2005: 325).

Cooper et al (2000), Jennifer P. Schneider (2000 a, b), and Mark F. Schwartz and Stephen Southern (2000), have all analysed cybersex as a potential source of concern around the risk of sex addiction. For these authors, cybersex is a **public health** and therapeutic concern. Schwartz and Southern (2000: 128) suggest that cybersex is akin to Laud Humphrey's (1975) 'tearoom trade' (where men would have anonymous sex with men in public toilets) because it is where 'anonymous persons engage in easily accessible ritualised behaviour that leads to impersonal, detached sexual outlets'. Compulsive cybersex, Schwartz and Southern (2000) argue, is undertaken by people seeking to hide negative feelings about themselves,

or about their past in order to seek intimacy and comfort from behind the secure veil of anonymity.

Women who cybersex, they say, are more likely to suffer from other compulsive behaviours, such as bulimia, or over-eating, or 'even swinging or sadomasochism', which they claim will be 'initiated by their partners' (Schwartz and Southern, 2000: 37). Men who cybersex in an obsessive fashion are also likely to be addicts of alcohol or drugs, and to be depressed.

According to Cooper et al (2000: 21), cybersex compulsives can take their risky behaviours offline and participate in sex which transmits sexually transmitted diseases (see Chapter Nine for our discussion of sex and risk). Groups which have traditionally been sexually disenfranchised such as women or LGBT+ people are even more likely to take sexual risks as a result of their online sexual activities, they argue.

At the same time, Kristian Daneback et al (2005: 326) note that these sexually minoritised groups actually find that cybersex affords them safe spaces in which to express sexual desires which are non-normative; women can engage in cybersex 'without fear of violence, STI, pregnancy,... or social stigmatisation', whilst cybersexual spaces might offer LGBT+ people or young people the opportunity to 'try out' sexual expression without risk of violence or other dangers.

[START TEXTBOX]

Consider the following:

- What are the implications of these concerns about cybersex encounters?

- How might they be a source of public health concern?

- What if some of these online encounters involve participants who are in relationships with people in the offline world, or 'in real life'? Does that change the ethics of the cybersex?

- If a married person meets someone else online and engages in an online flirtation with them, or explores sexual fantasies with them, is this adultery?

- Does the level of anonymity that participants might enjoy exonerate them from accusations of cheating?

- Or is it in fact worse, because the intimacy that they might be sharing is more profound thanks to it taking place online (see Miller, 2011: 180-1)?

Merkle and Richardson (2000: 190) wonder whether an online relationship *can be cheated on*, in the offline world? So, if you develop an online romantic relationship with someone on the other side of the world, and you have developed intense emotional bonds with each other, speaking online and exchanging messages every day, and then that person hooks up with their friend from work at the weekend, have they cheated on you? What is the difference between online or offline relationships, in terms of what we might expect for, or from them? Perhaps these questions demonstrate the very specific way that the digital realm mediates and forms intimacy and betrayal.

[END TEXTBOX]

Commercial cybering

Commercial cybersex is cybersex that takes place usually using webcams. Patrons pay online for sexualised online encounters with performers. What is it like to be on the receiving end of a commercial cybersex encounter? Interviewing men and women working in different professional cybersex set-ups in the Philippines, Elinor M. Cruz and Trina J. Sajo (2015) outline the different working conditions and practices of cybersex models, including the different ways in which they encounter and transcend abuses by the managers of the cybersex rooms or the clients themselves. These models work in managed online rooms and provide sexual performances and cybersex for clients from all over the world for a fee. Cybersexers working in a 'cybersex den', or online brothel also have their time and their bodies tightly controlled; certain levels of grooming are required; eating, washing, and sleeping times are also strictly prescribed. Yet, Cruz and Sajo (2015) also outline how cybersexers provide support for each other if they find themselves in personal financial trouble, or are made homeless, or are arrested by the police for their online sexual activities. Moreover, cybersexers find ways to resist the more stringent abuses they might suffer from their online clients. Some visitors to these cybersex 'dens' ask cybersex models to engage in profane practices such as eating faeces or drinking urine in exchange for money. Using soft drinks or chocolate brownies as props to resemble urine and faeces they manage to manipulate their online performance for their client without submitting to these requests. Similarly, by controlling camera angles or by creating false ejaculate with body lotion, actors were also able to take control of their performances and to 'fake' certain sexual acts which were requested by the clients.

This manipulation is only possible because this form of sex takes place online. The manipulation of the visual effect and the distance between client and performer which is mediated by a camera affords performers agency, even as they are also able to use the medium as a way to enter into romantic relationships with some of their clients in order to receive gifts and money or to eventually leave the webcam performers' world. These accounts demonstrate the ways in which cybersex moulds and influences interactions, but also can be manipulated by participants.

To summarise, cybersex is neither inherently good or bad, but rather is put to work in different ways; to enable people to explore hidden sexualities, to enable clandestine relationships to flourish, to enable people to get sexual gratification in otherwise sexless relationships, to enable people to make money, and also to encourage compulsive behaviours to fester.

Image-based sexual violence

Something that is less equivocal is the complex case of image-based sexual violence, or what can colloquially be known as 'revenge porn'. Consider the following incident:

[START TEXTBOX]
In 2014, along with a handful of other A-list celebrities, the actress Jennifer Lawrence had her iCloud account infiltrated by a group of hackers who leaked intimate naked photographs of her onto the site 4chan. These photos had been

private images that she had taken and sent to her boyfriend. These images were later posted to other sites, including Reddit, and were reposted by celebrity blogger Perez Hilton (Selby, 1 September 2014). All in all, over 500 images of various actresses were released over the course of several hours. Jennifer Lawrence decried the leak as a form of sexual violence and noted how on top of this she, and others in her position were met with lack of empathy and victim-blaming comments by some members of the public. In Lawrence's own words, 'I feel like I got gangbanged by the fucking planet—like, there's not one person in the world that is not capable of seeing these intimate photos of me' (cited in Mallon, 21 November 2017). The case was investigated by the Federal Bureau of Investigation (FBI) and five men were convicted of 'unauthorized access to a protected computer' between March 2016 and October 2018. They received sentences ranging from 8 to 34 months in prison.

'Revenge porn' has been defined by different jurisdictions including Canada, England and Wales, and certain states of the USA as the non-consensual distribution of sexually intimate images.

- Think of what you know about 'revenge porn': is what happened to Lawrence and other celebrities an act of 'revenge pornography'?
- Do you agree with commentators that the celebrities 'deserved it' for taking the photos in the first place?
- What do you think of the sentences that each of the perpetrators received?
- Does anything surprise you about the sentences?

[END TEXTBOX]

Donna M. Hughes (2002) demonstrates how the proliferation of Internet use has created a field of potential abuse towards women and children that did not exist in the same way before the development of digital technologies. Thanks to peer sharing platforms and the ease of uploading and sharing visual material, **gendered** digital violence such as sexual grooming, sex trafficking, and stalking has become easier to commit than ever before. One of the first websites to host 'revenge porn' was 'Is Anyone Up?' and before it closed down in 2012 the site boasted 30,000 visitors a day. It is estimated that there are around 3,000 websites dedicated to the proliferation of 'revenge porn' (McGlynn et al, 2017). In this section we are going to consider how the criminal justice system deals with 'revenge porn' and we are going to assess the extent to which it does this successfully.

'Revenge porn' and the law

Until recently, few jurisdictions had specific laws against image-based sexual violence. Note that the hackers who attacked Lawrence's iCloud account and leaked her photos were convicted of 'unauthorized access to a protected computer' and not of creating and sharing 'revenge porn'. Indeed, one of the factors to consider when it comes to understanding why this criminal offence was used to convict, is that of definitions. What do the words 'revenge porn' conjure up for you? What sort of image do you think would 'count' as 'revenge porn'? What sort of person would create 'revenge porn'? And why?

The phrase 'revenge porn' can suggest the image of an angry ex-boyfriend or girlfriend posting a sexualised image of their ex-partner online without their permission in order to shame and humiliate them (McGlynn et al, 2017). The notion of 'revenge' suggests that the parties must have known each other. Did the hacker who leaked her pictures 'know' Jennifer Lawrence? Or have any specific reason to get 'revenge' against her? Should we be focusing so much on the intentions of the perpetrator anyway? Moreover, the word 'porn' suggests that some sexualised activity must be happening. Is a picture of someone getting out of the shower, or trying on clothes in a store changing room, porn? In England and Wales, the image must be one that is 'something not ordinarily seen in public' according to the Revenge Porn Helpline, so a photograph of someone sunbathing topless in a way which exposes the breasts would not count as 'revenge porn' if it were posted online. What do you think of this?

It might be more helpful to think of 'revenge porn' as one more form of image-based gendered violence that exists along a continuum (Kelly, 1987). Upskirting, virtual rape, photoshopped porn, and sextortion are all also forms of sexualised online violence. Sometimes people share sexualised photos and films with their friends not specifically for revenge against a partner but as a form of 'male bonding or initiation ritual' (McGlynn, 2017: 35). It is for this reason that Clare McGlynn et al (2017: 36) suggest that what we call 'revenge porn' might better be named 'image-based sexual abuse', and why we prefer this term.

Part of the stigma surrounding 'revenge porn' occurs due to poor understanding about what it really is. Sarah Bloom (2014) and Danielle K. Citron and Mary A. Franks (2014) both demonstrate how devastating the effects of 'revenge porn' are. The shame and humiliation that victims feel often silences them and prevents them from seeking redress. The victim-blaming aimed at the women, in particular, who are victims of 'revenge porn' exacerbates this (Bloom, 2014: 250). Women lose their jobs, become depressed, even commit suicide because they have been victims of 'revenge porn'. The online nature of 'revenge porn' almost makes it worse for victims than if it were taking place offline, because online images are permanent, are easily accessible by anyone, and can be shared anonymously (Bloom, 2014: 249).

This sort of victim-blaming echoes the victim-blaming that women who live with intimate partner violence and abuse, or who are raped, experience. It is borne out of a sense that women should be ashamed of their bodies and their sexualities and desires; that if they transgress by taking sexy photos of themselves, they should be punished. This sort of archaic thinking may explain, in part, why various jurisdictions have been so slow to criminalise 'revenge porn'.

What are the other barriers to criminalisation? As Citron and Franks (2014) highlight in the context of the USA, one of the issues is that of consent. In many cases of so-called 'revenge pornography' within a **heteronormative** framing, people – usually, though not always, women – send sexy photos of themselves to their partners that they may have taken themselves and that they may have

intended their partner to see. To a certain extent they have consented to the image being taken, but not to it being shared widely. Citron and Franks argue that the fact that there is no specific law against creating 'revenge porn' in many states of the USA means that victims of this crime have to rely on other legal instruments to seek justice, and that these other legal instruments are ineffective when it comes to dealing with the harm that 'revenge porn' causes.

Civil actions against people who share 'revenge porn' or sites who host it are ineffective because they rely on a victim who has the financial means to sue, and who can face having a case tried without their anonymity being protected. As long as it remains out of the scope of a sex crime, victims cannot remain anonymous, and the shame and stigma associated with this type of crime can eliminate this as an option. Where legal jurisdictions in the USA do not have a specific offense of 'revenge porn', victims might pursue justice using laws against harassment for instance, which have failed because images are shared with *other people* and not the victim which therefore is not deemed to be harassment *of the victim* (Citron and Franks, 2014: 366), or laws against creating child pornography, which only works for minors, or laws against the creation of non-consensual images, which only works when images have been taken non-consensually, not when they were consensually shared with a partner.

In 2015, 'revenge porn' was criminalised in England and Wales. Section 33 (1) of The Criminal Justice and Courts Bill establishes that it is an:

offence for a person to disclose a private sexual photograph or film if the

disclosure is made—

(a)without the consent of an individual who appears in the photograph or

film, and

(b) with the intention of causing that individual distress,

A photograph or film is 'private' if it shows something that is not of a kind

ordinarily seen in public.

(3)A photograph or film is "sexual" if—

(a)it shows all or part of an individual's exposed genitals or pubic area,

(b)it shows something that a reasonable person would consider to be

sexual because of its nature, or

(c)its content, taken as a whole, is such that a reasonable person would

consider it to be sexual. (Section 35:2)

'Revenge porn' statutes also exist in France, Israel, and in some states of the USA.

Given McGlynn et al's (2017) comments about 'revenge porn' existing on a

spectrum of image-based violence, do you think that the definition given above in

The Criminal Justice and Courts Bill is adequate? Do you think it captures different

forms of image-based abuses? Why do these scholars consider that it is important

to create laws which specifically criminalise 'revenge porn' as a crime all of its

own?

Romance fraud

Online romance fraud is another context in which this question of whether we need more specific offenses which target the harms that sex crimes cause, arises. Online fraud is rampant. A common form of scam is the romance fraud, where a fraudster appears to enter into a relationship with their target and as the relationship develops, asks them for sums of money to pay for personal emergencies or things like rent or school fees. According to Monica Whitty (2015), romance fraud was in the top five Internet scams in 2011 in the USA. In 2016, in the UK, Action Fraud reported that there were nearly 4,000 cases of romance scams that took place (Cross et al, 2018). People have lost sums ranging from £50 to £240,000. In the USA the average loss was $8,900 (Whitty, 2015). The number of people who are defrauded in romance scams is not inconsiderable, and the sums that they lose are significant. What is more, as with 'revenge porn', there is also a stigma and shame associated with being a romance fraud victim that means that the real extent of this crime is under-reported. What might be even more concerning is that some people who are in online romances where they are being defrauded may not even know that they are part of a romance scam. They may not learn that they are a victim of crime until they are notified by police. Whitty and Tom Buchanan (2016) have noted that for romance fraud victims, the loss of the imagined relationship can be more devastating than the financial loss itself.

Part of the stigma associated with romance fraud stems from the fact that victims are considered to be gullible, desperate, and lonely people. As such, they might receive little sympathy, experience victim-blaming, and even hostility from their

family and friends (Whitty and Buchanan, 2016: 18; Gillespie, 2017: 222). In some cases, they might be re-victimised by people posing as police who claim to want to help them to get their money back (Cross 2019: 676). In order to further our understanding of romance fraud in criminology, it might be helpful to think a bit more about who becomes a victim of such a scam. What types of people fall for the tricks of romance fraudsters? It is also helpful to think about how romance frauds happen. How do scammers so convincingly manage to exploit people?

What type of person gets scammed by romance fraud?

Whitty is the scholar who has written most extensively on the topic of romance fraud; a topic which has been overlooked by criminologists up until now. Whitty (2018) notes that romance fraud victims are typically considered to be middle-aged women who are lonely and of low intelligence. In fact, her research demonstrates that men and women can both be subject to romance scams and that these scams affect both heterosexuals and LGBT+ people. Whitty (2018) notes that most romance fraud victims are middle-aged rather than very old or very young; perhaps because this age group has more disposable wealth. Whitty also found that people who are scammed tend also to be highly educated. From a psychological perspective, people who lack self-control, score highly on addiction characteristics, and are spontaneous might be more susceptible to being scammed. These are people who are likely to be agreeable, open, and extroverted rather than anxious and worried about taking risks. People who are extroverted and agreeable are more trusting than those who are not: those who are more neurotic (Buchanan and Whitty, 2014: 264). People who are 'sensation seekers' are also susceptible to

fraud. Sensation seekers are people who look for 'varied, new, complex, and intense sensations' and are willing to take risks for those experiences (Buchanan and Whitty, 2014: 265). In short, the types of people who are susceptible to romance fraud are people who might otherwise be considered to live life to the full. So, whilst it is also true that people who are defrauded in romance scams may be lonely, they also have characteristics which are associated with a full and meaningful life. This counters stereotypes about the type of person who will be caught in one these scams.

A further characteristic that Buchanan and Whitty (2014) and Christian Kopp et al (2015) suggest that victims of these frauds share is a belief in the ideology of romance. Whether heterosexual or homosexual, Kopp et al (2014) find that people who are defrauded in this way express beliefs in traditional scripts of romantic love. That is, they believe in love that is fated (or meant to be), they believe in 'the One', or that 'love will conquer all'. This romantic idealisation of intimate relationships is associated with this fraud because it in part explains why the person being defrauded might turn a blind eye to clues of the fraud. It might also be used to explain why they persist in sending money even if a fraud is suspected, and why, indeed, the loss of the relationship is experienced as such a blow when the fraud is finally unveiled.

How do romance frauds happen?

Part of the way that romance frauds are able to happen is because the parties play out the ideologies of romance between themselves. Whitty (2015) has identified five distinct phases of the romance fraud.

1. The profile

The first part of the fraud begins with the profile. Scammers posing as 'men seeking women' present themselves as being aged in their 50s and seek out women of this age. Posting attractive photographs of themselves, they present as a businessman or army officer, often from a country in the **Global North**, but stationed for work in a country like Ghana or Nigeria (where many of these frauds are based). This means that they can present themselves as successful and financially-independent men, who might also be lonely, and explains why, later, when the scam unfolds, money must be sent to these places. Men might claim to be widowed and looking after young children on their own. In their study of online exchanges between a male scammer posing as a Scottish architect living in West Africa and a Chinese woman, Tan Hooi Koon and David Yoong (2013) note that this sort of self-presentation is a way to prove good character and trustworthiness.

'Women seeking men', Whitty (2015) notes, present themselves as young (under 30) and as being in a low-paying job. They use photographs of attractive models on their profiles. The women target older men. Often both men and women claim to be religious. In both these scenarios it is a script of hegemonic, heteronormative desire which is at play here. Men show themselves as successful, able to provide for a family, but vulnerable and in need of the nurturing love of a woman. The

youth and poverty that female scammers claim enshrines an imaginary of femininity which is vulnerable and fragile; in need of masculine protection. For people who buy into these romantic scripts, it is no wonder that these profiles are so effective.

It is also worth noting that these scams demonstrate how well the scammers seem to understand heteronormative desire and these romance scripts. They also play on the potential latent racism of people in the post-industrialist countries who might be the subject of the scams. By pretending to be posted in African countries, they play on a common stereotype people hold of 'Africa'; that African officials must be bribed; that medical care is unreliable; that these countries are dangerous; that it is no wonder that the object of the love needs their help.

2. Grooming

Whitty (2015) suggests that once the relationship has become more established, it enters the 'grooming' phase. This is where the perpetrator attempts to increase the intimacy of the relationship by presenting a version of themselves which matches the ideal imaginary partner of the person whom they are trying to scam. This is reported as an exciting and exhilarating phase in the relationship; a sort-of honeymoon period, perhaps (Kopp et al, 2015). Again, this phase functions because people in the relationship are already invested in it and believe that true love will conquer all.

3. The Sting

This belief in the romantic ideology comes to bear at the moment that the fraudster makes their first move, or one of their moves, to acquire money from the victim. With a tale of being in dire straits – tuition fees to pay, rent to pay, medical bills to pay, visa officials to bribe – the scammer will turn to the victim, who now will be in the position of saviour within the love story, to help financially and to send money quickly. Sometimes the sums are high, sometimes they are not. Sometimes the scammer will ask for a huge sum to pay hospital bills after a car crash for instance, if their victim is not able to pay they will refuse, and the scammer will come back with a request for a smaller amount (what Whitty (2015) calls the 'door in the face technique'). Sometimes they might ask for a small amount which increases (what Whitty calls the 'foot in the door technique').

4. Sexual abuse

Whitty suggests that the fourth stage of a scam includes sexual abuse, where a victim is tricked into performing sexual acts on a webcam, perhaps for the amusement of the scammer, perhaps to blackmail them.

5. Revelation

The final phase marks the moment where the scam is revealed. This, Whitty (2015) has noted, is devastating for victims, not only because of the loss of the money but because of the loss of a relationship that they believed in.

How should online romance frauds be treated by the criminal justice system?

Fraud is a crime, and in England and Wales the crime is dealt with under the Fraud Act 2006. This provides recourse to deal with the financial loss. There is nothing else around the law related to consent, sexual offences, or psychiatric harm which can help these victims. Should there be other legal consequences for perpetrators of these scams in recognition of the emotional suffering they cause because of the romance element of the fraud (Witty, 2015; Gillespie, 2017)?

[START TEXTBOX]

Consider this very different type of romance fraud, which was also facilitated by the Internet:

In 2011, a Marketing and Creative Writing student called Gail Newland met a female student, Chloe, at a queer club night in Chester, UK. The two became friends. Newland had, for many years, used a male alter ego online to chat and flirt with women. Since 2003 she had been developing an online persona of a man she referred to as Kye Fortune. Newland would often pose as Kye online to experiment with a masculine identity and to help her to pursue women. Newland told Chloe that Kye was her friend, and that he (Kye) was attracted to Chloe. After becoming friends on Facebook, Kye and Chloe started to date. Their relationship was mediated by Newland, whom Chloe said she believed was a mutual friend of theirs. Yet, from Newland's perspective, the online persona of Kye Fortune that she had created gave them both an 'alibi' for their love affair in a context where they were both unsure about being 'out' as women who have sex with women.

In order to pull it off, the pair – Newland and Chloe – would have sex, with Newland as 'Kye' tying up Chloe's hands and making her wear a blindfold every time during the two years that they were together. Chloe said she was told that Kye had his chest bandaged because of a 'nozzle' attached to his heart, and that he had to wear a compression-style suit to regulate his heartbeat, so she could not touch him (Hattenstone, 15 July 2017). Chloe was told that Kye was so self-conscious about his appearance that she could not look at him.

On one occasion, something provoked Chloe to rip off her blindfold. There she discovered Newland, who had been penetrating her with a dildo, and not a penis, as she had believed. The pair argued. They sent condemnatory messages to each other. Newland tried to kill herself by throwing herself off a bridge. Ultimately, she was tried and was sent to prison for six years and six months, on three counts of sexual assault and one of fraud (Wilkinson, 21 December 2017).

This fraud – this deception – is one that took place in the offline world; very tangibly, in fact, in the bedrooms of the women, but it is also one which was facilitated by the digital realm. Chloe was able to build a relationship with Kye, she states, via the fact of his online persona. From Newland's perspective, the online persona of Kye allowed both women to act out a fantasy in which they were in a heterosexual relationship, all the while 'knowing' that they were not.

Reflect on this case.

- Did Chloe consent to sex here?

- Did Chloe *have* sex here?

- Whose story do you find most believable?

- Newland received a custodial sentence which is longer than many men receive for rape. What do you think about that?

[END TEXTBOX]

Though this case is in many ways extraordinary, it is not the first time that digitally mediated romance frauds have ended up with people deceiving their partners about what some people might consider to be fundamental aspects of their personhood; here, whether they are male or female. Indeed, so called 'gender-bending' has been recognised by Cooper et al (2000: 16) and by Daneback et al (2005: 326) as a practice that already happen amongst men who want to have cybersex with men and who pose online as women to seduce other men. Though not necessarily common (Cooper et al (2000) estimate 5 per cent of their sample did this), it is also not unheard of. What is the criminal justice response to these types of cases?

From our reading in Chapter Four, we know that the definition of rape under the Sexual Offences Act 2003 means that Newland was not guilty of rape, which is why she was found guilty under sections 2-3 of the Sexual Offences Act, which cover penetration by objects, hands, and other sexual touching (see Chapter Three for our discussion of rape law). Yet, the question of consent is murky in this case. Chloe consented to have sex with Newland when she thought that Newland was Kye. She consented to being penetrated by a penis, not a prosthetic penis, as such,

did she 'have the freedom and capacity to make the choice' to be penetrated as she was?

To think this through, we can analyse the case of *R v McNally* [2013] EWCA Crim 1051, which has facts that appear to be very similar to the case of Newland and Chloe. In the case of *McNally*, the defendant was a girl living in Scotland who presented as a boy named Scott on the social media site, Habbo. She met the complainant on Habbo and for several years they developed an online relationship. The McNally and the complainant were aged between 12-13 when their relationship started. When they met in person, they were 16-17 years old. They had sex, with Scott using a prosthetic penis. Scott dressed to look like a boy and wore a strap-on penis under trousers in order to give the appearance of a penis.

Scott was eventually confronted by the complainant's mother and came clean about the deception. The complainant was devastated at discovering someone whom she thought was her boyfriend, was actually a woman. She considered herself heterosexual and had consented to the sexual acts because she believed she was engaging in them with a boy. Sentencing McNally to nine months in a young offender institution, suspended for a period of 2 years, the court decided that the complainant 'chose to have sexual encounters with a boy and her preference (her freedom to choose whether or not to have a sexual encounter with a girl) was removed by the appellant's deception' (*R v McNally [2013]* at 26).

As such, this form of deception as to the sex of the defendant is enough to rescind sexual consent. In the context of online romance frauds this is not necessarily helpful, because whilst in the cases of McNally and Newland involve parties who met each other offline, in many romance scams, the parties may never meet. The law is also clear that deception about someone's age, wealth, HIV status, or profession is not enough to rescind consent to sexual acts. So, if you meet someone online, and believe them to be a world-class chess player because this is what they told you, and you have sex with them only because you are drawn to world-class chess players, and then you discover the fraud, as it stands, this fraud does not rescind your consent. In romance fraud cases, the sort of deception that takes place tends to be of this order, rather than deception about the sex of the perpetrator (though this is also certainly possible).

Alisdair A. Gillespie (2017: 228) wonders whether the 'grooming' that Whitty (2013) identified to be a constituent part of romance fraud could constitute an offence that could be punished in law. As we saw in Chapter Seven, the law around grooming in England and Wales is aimed at protecting children who are befriended by people who want them to 'acquiesce to sexual contact' (Gillespie, 2017: 228). Gillespie notes that the grooming that takes place in the context of child sexual exploitation and romance scams shares similarities. It can involve the sending of gifts, discussion of romance, sometimes interacting with family members to lull them into believing the relationship is harmless, or genuine.

Adults are not normally vulnerable to harm in the way that children are automatically considered to be, so it is likely that anti-grooming legislation is not appropriate in the context of romance frauds. People have the right, in law, to make bad decisions. Yet, the emotional toll of grooming in romance fraud continues to evade scrutiny in the criminal justice system. Legislation that punishes fraud does some of the work of punishing these sorts of scams, but should there be specific liability for defrauding someone emotionally? What would the implications of such a liability be? Legal scholars have already suggested that sometimes a bit of bending the truth happens in dating relationships; people may lie about their job, their age, or their wealth. They may even pretend to be single when they are not. At what point should these types of deceptions become criminalised? If at all? For more on this see our discussion of consent in Chapter Four.

Online hate

To continue this discussion of the spectrum of ways the online realm is gendered and affects sexual practice, we now turn to a third example of digital sexual cultures; the world of online gendered hate. To hate is to regard something with extreme ill-will. It is an impassioned and proactive verb and noun. Gendered hate predates the online expressions of hatred. However, online hate does implicate men and women – though disproportionately it affects women – and the use of rape threats and other forms of online shaming are tools used to perpetrate this online form of gendered violence. In this section we will consider this in the context of the so-called 'manosphere', the incels, and trolls who tweet rape threats.

The anonymity that we see playing a part in the world of cybersex, 'revenge porn', and online dating also emboldens people to engage in what might be considered to be abusive, violent online exchanges. There is an emerging body of work which considers the role that the Internet plays in developing so-called echo chambers (Colleoni et al, 2014; Barbera et al, 2015). An echo-chamber is a term used to describe a sound that reverberates around an enclosed, hollow space. In an online context, it describes people who engage with social media, online chat rooms, online news sources which share similar values to their own and which reinforce beliefs that they already hold. Echo chambers are criticised as places where people share views with people who already agree with them within a continuous feedback loop. Everyone agrees, so problematic views are not challenged or are ignored, differences of opinion are shut down, and assumptions become more and more entrenched. Echo chambers are associated with both the political left and the political right. They are particularly pronounced around groups whose views are not mainstream, or who form a sort-of subculture. The proliferation of the feedback is facilitated by algorithms which continuously point users within a subculture, or echo chamber, to more and more of the same ideas. Algorithms have been associated with fostering extremism in some of these groups by continuing to propagate extreme ideas or news stories.

Incels – or 'involuntarily celibate' men – form an online subculture that operates within an echo chamber and which uses the web to promote online **misogyny**. Debbie Ging (2017) has explored the ways in which incel forums have emerged

from men's rights groups and the so-called 'manosphere'. Though the notion of involuntary celibacy was an identity initially created online as a means through which men and women of whatever sexuality who wanted to date someone but found it difficult could support each other; the incel has now become associated with an expression of toxic, violent masculinity.

Incel identity is based on a premise that adheres to a so-called 'red pill' ideology, taken from the 1999 film, *The Matrix* (Wachowski and Wachowski). Here, men on incel forums consider themselves to have taken 'the red pill' and to see life in full, with all its 'ugly truths', whereas the rest of the world – the 'normies' – are 'living a life of delusion', having taken the 'blue pill' (Ging, 2017: 3). The 'black pill' describes an acceptance of the hopelessness of existence; where women are shallow and cruel, and only good-looking men get to have sex with them. Incels believe 'the red pill' makes them wise to the way that feminism and idealised, **hegemonic masculinity** act as barriers to them finding sexual partners: a fact which outrages them. Incels also attribute their inability to find a sexual partner to perceived physical failings in their appearance, and the performance of masculinity they are capable of. Online forums like Reddit and 4chan (before it was expunged from the site) and now on sites like incel.me, weebs.fun, blackpill.is, and incels.co (although these shut down and reappear elsewhere frequently), are full of men who attribute their incel status to their **ethnicity** (there is a firm hierarchy of desirability and undesirability based on ethnicity in incel culture), on their looks – their height, the size of their wrists, the shape of their jawline – or their intelligence. These feed into pseudo evolutionary-biological theories about why

women (referred to as femoids, or foids) prefer men who are stereotypically good looking to 'mate' with (men with this status are 'Chads', good looking women are called 'Stacys', with racialised equivalents for Black men (Tyrone), south east Asian men (Chadpreet), Middle Eastern men (Chaddam), and so on). Though it is unclear how many of them would actually do this in the offline world, incels advocate the rape and enslavement of women who will not have sex with them and appear to espouse a traditionally **patriarchal** view of heteronormative gender relations.

Angela Nagle (2017) has conducted in-depth inquiries into the rise of online misogyny via these sorts of groups. She notes that though the misogyny expressed online is an expression of patriarchal violence, it is not also an expression of hegemonic masculinity (after Connell and Messerschmidt, 2005). Indeed, the masculinity at play here, is one that appears to be full of self-loathing and vulnerability; not the iconic Marlborough Man masculinity that Chads are imagined to embody.

Beyond the echo-chamber, incels have been associated with, and taken pride in, a few high-profile gun attacks on women perpetrated by people who follow an incel ideology. One of the most high-profile attacks took place in California in 2014 in which 6 people were killed and 14 injured. Here, Elliot Rodger posted a video of himself online complaining about how women rejected him despite the fact that he was, in his words, a 'supreme gentleman'.

Rodger had written a 137-page manifesto in which he outlined his incel ideology; a document that has been adopted with alacrity by other members of the incel community (Jaki et al, 2019). In Oregon in 2015, Chris Harper-Mercer killed 10 people including himself. He also left a manifesto which outlined his grief about not having a girlfriend (Anderson, 23 September 2017). On 14 February 2018, Nikolas Cruz killed 17 people in Florida (Shukman, 15 February 2015), on 23 April 2018, Alek Minassian killed 10 people in Toronto (BBC, 25 April 2018) and on 2 November 2019 Scott Beierle killed two women and himself in Florida. All three allied themselves with Elliot Rodger in online videos, social media, and chat rooms (Associated Press, 13 February 2019). Rodger has acquired a saint-like status in some incel communities for his part in the so-called 'Beta uprising' (Beauchamp, 23 April 2019).

It is clear that the anonymity, community, and accessibility of these online spaces have provided these perpetrators with the inspiration to commit acts of violence in the name of gendered hate. Both men and women have been victims of these attacks. These have been attacks on certain performances of masculinity and femininity from the perspective of a rigid incel ideology. It is also clear that incels are also victims of an ideal of hegemonic masculinity from which they feel they are excluded, based on appearance, personality, and success, and this self-loathing perpetuates itself within these echo chambers. What is less clear is whether the Elliot Rodgers of the online world would have perpetrated these attacks without incel forums. Mass shootings in the United States and Canada have happened before the rise of incel subcultures. These extreme acts of violence cannot

necessarily solely be attributed to the forums, but the forums are undeniably expressions of hate, and of community built on hate.

Trolling

We have seen how, in the context of 'revenge porn', the Internet has been used to do violent things to people thanks to the anonymity and accessibility that users of the internet enjoy. This sort of hate is also echoed in incel debates. The practice of trolling is a specific expression of online hate that it is worth considering.

Trolling – or writing provocative messages to enrage or insult people – has its own particular history in the evolution of digital cultures (Bishop, 2014). Trolling plays on the principle of free speech; that no matter how loathsome the opinion, unless it is an act of hate speech – defined as speech 'which spreads, incites, promotes or justifies hatred, violence and discrimination against a person or group of persons' (Council of Europe, n.d) – which incites other people to violence or acts of hatred it, is not a crime. Trolling is a practice that is popular amongst both men and women and that they engage in for fun, as well as to express anti-social behaviours (March et al, 2017).

A common speech act expressed as trolling – often on social media sites like Twitter but also on online spaces including chat rooms and message boards – is the rape threat. An array of high-profile women, from Hilary Clinton to Miley Cyrus have received rape threats. For women in public life such as Labour Member of Parliament Jessica Phillips in the UK, who has received over 600 rape threats and,

Brazilian politician Ana Paula da Silva who received rape threats after wearing a low-cut bright red pantsuit during her swearing in ceremony in the Legislative Assembly of Santa Catarina: rape threats are commonplace, nearly daily occurrences.

[START TEXTBOX]

Consider the following case study from the UK:

In 2014 two young people – Isabella Sorely from Newcastle and John Nimmo from South Shields – were jailed for the exact same crime despite living 24 km from each other and never having met in person. Nimmo and Sorely had taken to Twitter to send rape threats to feminist journalist Caroline Criado-Perez who was, at the time, campaigning for the portrait of Jane Austen to appear on the £10 bank note. This campaign was successful, but it also aroused the ire of an array of commentators, some who were anti-feminist, some who were misogynistic, some who, like Sorely, were simply drunk and keen to jump on a bandwagon. The rape threats that Nimmo tweeted to her included 'Ya not that gd looking to rape u be fine', 'I will find you [smiley face]' and then the message 'rape her nice ass', whilst Sorely tweeted 'I've just got out of prison and would happily do more time to see you berried [buried]; seriously go kill yourself! I will get less time for that; rape?! I'd do a lot worse things than rape you'. The two were tried together at the Old Bailey. Sorely was sentenced to 12 weeks in prison, Nimmo was sentenced to 8 weeks in prison under the under section 127 of the Communications Act 2003. Both had to pay £400 in damages.

The threats that Nimmo and Sorely both made were borne out of a fantasy in their heads of the type of people they were and what they could do. It is unlikely that either of them would have raped or sought to rape Criado-Perez, but that does not stop this type of trolling from being deeply harmful and frightening (Jane, 2014: 563). Instead it shows how the online realm has the capacity to foster a politics where the hatred of women is normalised. And, as Jane (2014: 564) demonstrates, this is a form of hatred that specifically targets women. Whilst women like Sorely might participate in trolling, the targets of the trolling – especially when the trolling is full of rape threats, criticisms of how women look, whether or not they are overweight, or 'cunts' – are women. Men are not habitually trolled with anything like the sexist enthusiasm that are women.

What do you think about this statement? Do you agree that women are more often the targets of sexist trolling than men? And what does this mean in terms of what the politics of the digital world are? There are practical barriers which prevent the prosecution of trolls in the criminal courts, such as the anonymity that people can hide behind. Are there also socio-political barriers that prevent trolling from being appropriately criminalised? The implications of these further illustrate to us that the digital realm poses specific problems to us in our study of sex and crime and may need more targeted, thoughtful responses.

[END TEXTBOX]

Summary

One of the difficulties of writing a chapter about sex and the digital realms is that what we call the digital is so ubiquitous that it is difficult to discern which criminological elements are specific to the digital realm and the specific digital form. The intertwining of devices, digital networks, screens, keyboards, senders, recipients, even bank transfers, alcohol, desire, or shame work together to create these specific circumstances. ANT helps us to perceive this.

We have seen in the chapter how even theorising the digital and establishing what we are talking about when we refer to the digital, is complex. We have discussed how the digital realm has affected online dating, sex, abuse, and fraud. We have seen how people can be empowered by the anonymity of the online world to explore their sexualities. We have seen how the digital realm fosters certain forms of connectivity and identity formation about subcultures who may then go on to express misogynistic hatred in the offline world. Or those who keep their hatred online, and who get into trouble for that too.

We could have spoken about how the web is used for sex trafficking, for **sex work**, for uploading amateur pornography, for grooming children, for fostering feminist resistances, for playing computer games which simulate rape, to assist in the coercive control of partners within abusive and violent relationships, or for the sharing of apps and information which is intended to keep women safe by monitoring them on their way home from a night out. We could have talked about Grinder, and Tinder, and the dark web. Some of this we do talk about in other

chapters; some of this you may have to research for yourself. The important thing to remember is that the digital does penetrate almost every part of life, but that it does not do this neutrally, and it should be approached with a critical spirit in your criminological adventures.

Review Questions

- Create your own Actor-Network; think about a recent digital interaction that you have had. What are all the elements that make that interaction possible?
- Should the criminal justice system intervene to criminalise trolls and incels who use online spaces like Twitter?
- What would proponents of the principle of privacy and freedom of speech that governs the Internet outweigh say about these public protection concerns?
- Why do experts think that the criminal justice system does not do enough to protect victims of romance fraud or 'revenge porn'? What reasons for this are given?

Other chapters that this links to:

Chapter Four (Consent and its discontents)

Chapter Seven (Sexual exploitation and the State)

Chapter Ten (Sex and Disability)

Chapter Twelve (Children, sexualisation and the law)

Chapter Fourteen (The Future)