Image-Based Sexual Abuse: Social and Legal Implications

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Abstract

Purpose of Review Widely referred to as either "revenge porn" or "nonconsensual sharing of sexual imagery," image-based sexual abuse targets millions of people around the world and causes much harm. This article covers the current state of social scientific knowledge on this key variant of digitized sexual violence and suggests new directions in empirical work.

Recent Findings A rapidly growing body of research shows that image-based sexual abuse is committed mainly by men against women and it often co-occurs with offline forms of male-to-female assaults like rape, stalking, and beatings. Additionally, to further understand the scope of factors that contribute to the problems of online image-based sexual abuse online, researchers should examine the relationship between image-based sexual abuse and pornography consumption.

Summary Future studies should be specially designed to test theories that prioritize the concepts of gender, power, control, and patriarchy. Further, despite the creation of new legislation aimed at curbing image-based sexual abuse, the criminal justice system's response has, thus far, been woefully inadequate. Hence, additional means of prevention and control are necessary. A multidisciplinary approach may involve mental health and sexual wellness awareness campaigns that include ethical behaviors in a digital space. Also, clinical assessment and treatment may be part of creating long-term changes at individual, interpersonal, and societal levels with psychosexual education that investigates core beliefs and harmful operating systems that facilitate image-based sexual abuse. Moreover, testing and providing empirically validated treatments for those who experienced sexual trauma and those who perpetrated and consumed digitized sexual abuse are warranted.

Keywords Image-based sexual abuse · Male peer support · Continuum of sexual violence · Gender · Power · Polyvictimization

Introduction

Commonly and widely referred to as *revenge porn*, recent studies done by social scientists and legal scholars show that the term *image-based sexual abuse* is a superior way of conceptualizing a variety of digital harms that millions of people, primarily women, experience around the world. There is a sound rationale for using it that was provided by feminist legal scholars near the end of the last decade. They correctly point out that the public distribution of sexually graphic images and videos made by men with the consent of the women they were romantically involved with, but later disseminated online without their consent following women's emotionally or physically exiting a relationship, is just one of a range of electronic assaults that exist on *the continuum of image-based sexual abuse* [1••]. The continuum consists of not only images sent out as a punishment for women exiting intimate relationships but also the nonconsensual taking of pictures in public and private places, sexualized photoshopping, "sextortion" (e.g., coercing people into creating and sharing private sexual images), recording sexual assaults and distributing them online, and sharing images "for a joke" or for no particular reason at all [2••].

The continuum of image-based sexual abuse is heavily informed by Kelly's [3•] concept of the *continuum of sexual violence*, ranging from nonphysical acts like inappropriate sexual remarks in the workplace to physical ones like forced penetration. Though the idea of the continuum is generally used to portray moving from the least serious to most serious, like Kelly, those who use the term image-based sexual abuse view all the above behaviors as equally serious. For these researchers, the acts they identify as existing on the continuum all pass or seep into each other and they are all used to abuse and control mostly women.

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Proponents of the concept image-based sexual abuse, such as McGlynn and Rackley [4], also sensitize us to the fact that the term revenge porn puts too much emphasis on the offenders' motives at the expense of the harm done to the survivors of the aforementioned practices. Furthermore, the images are not porn because this word suggests consent and legitimacy. Regardless of how one labels the behaviors examined in this article, again, they are primarily committed by men against women [5], a point repeatedly supported by an international body of empirical work. As well, regardless of its shape or form, there is an enormous global audience for image-based sexual abuse and most victims experience severe emotional distress and anxiety [6].

Given the growing problem of image-based sexual-abuse materials being posted, shared, and viewed online, more empirical work on online consumers who are potentially creating demands for image-based sexual abuse is necessary. Those who share these materials or use them for masturbation purposes, despite the negative consequences of engaging in these illegal behaviors, could be exhibiting features of compulsive sexual behavior disorder (CSBD) as classified in the World Health Organization's eleventh revision of the International Classification of Diseases (ICD-11) [7].

The term *revenge porn* may reflect cognitive distortions that could be operating in active addiction processes to serve the denial of harm, minimizing of personal behaviors and consequences and justifying or normalizing of "acting out." Two studies utilized qualitative analysis to investigate experiences of people engaging in online forums for peer support in recovering from pornography consumption. These self-help approaches include personal choices of practicing abstinence from pornography use, masturbation, and orgasm, and for some, an examination of healthy sexuality and masculinity. These practices may promote a "rebooting" experience with reports of positive changes that lead to healthy sexual functioning, for some which may include evolving sexual arousal templates toward experiences of attachment in relationships [8, 9].

The Extent, Distribution, and Major Determinants of Image-Based Sexual Abuse

Most of the relevant research has been on sexting among children and adolescents. This typically involves using smart phones or the internet to send sexually explicit pictures or texts [10••]. Few large-scale surveys have measured the extent, distribution, correlates, and outcomes of image-based sexual abuse among adults, but it is estimated that there are more than 3000 web sites devoted just to the narrower issue of "revenge porn" or sexual images uploaded by men without the permission of the women portrayed [11]. One of the best studies done to date is Powell and colleagues' 2019 cross-national survey of 6109 respondents aged 16 to 64 years who lived in Australia (n=2054), New Zealand (n=2027), and the UK (n=2,208) [12••]. These are some of their key findings: 1 in 3 respondents was victimized by image-based sexual abuse; young adults (20 to 29) are the most common victims; 1 in 6 participants perpetrated image-based sexual abuse; men are more commonly offenders than are women; offenders have diverse motivations; most victims are abused by known perpetrators, and the most common distribution sites are social media, email, and mobile messages. Moreover, these researchers found that the problem of image-based sexual abuse is getting worse in Australia since the administration of a 2016 nation-wide survey [13•]. In fact, non-consensual sharing and threats to share almost doubled. It is, therefore, reasonable to presume that rates of image-based sexual abuse will increase in many other countries in the foreseeable future because it is easy for new assaults to take place with the constant creation of modern technologies.

Researchers attempting to explain image-based sexual abuse have pointed to many causes or determinants. Even though this harm is a major social problem and primarily targets women, until recently, there was a highly noticeable absence of sociological theoretical work that prioritizes the concepts of power, patriarchy, control, and gender. That there is a strong relationship between these factors and women being victimized by image-based sexual abuse cannot be effectively explained using gender-blind theories like Cohen and Felson's *routine activities perspective* [14], despite claims to the contrary [15]. Hence, DeKeseredy and Schwartz's *male peer support theory* is garnering much attention in the contemporaryextant literature [16••]. It was originally crafted by DeKeseredy to explain why some men, because of their attachments to patriarchal and abusive male peers, regard some university/college female undergraduate dating partners as suitable targets of offline violent behaviors like physical and sexual abuse [17]. DeKeseredy and Schwartz modified DeKeseredy's offering and their theory point to the fact that there are online all-male subcultures that encourage and justify several types of image-based sexual abuse and other variants of online victimization [18]. One new prime example of such factions that exist within the Manosphere (the constellation of online anti-feminist men's groups) is Men Going Their Own Way (MGTOW) [19].

Polyvictimization: the Co-occurrence of Online and Offline Victimization

The intertwining of online and offline sexual victimization is an example of *polyvictimization*, which is experiencing multiple abusive behaviors of various kinds [20]. A small but expanding body of university/college-based research shows that many women are targets of technology-facilitated forms

of sexual violence, and these harms are related to female students' in-person intimate partner violence and sexual assault experiences [21]. Further, there is now some evidence that there is a linkage between image-based sexual abuse, offline face-to-face assaults, and *negative peer support* among university/college students [22••]. These are patriarchal messages that primarily come from male friends and also sometimes from female friends. The concept of negative peer support is rooted in DeKeseredy's male peer support theory and is defined by Hart as "strong support that is hostile to women or is intimate partner violence espousing" [23].

Research on the connection between the above three variables is in its infancy, and thus, there is still much that the social scientific community does not know about it. Certainly, it is premature to assume that the association is causal because it is unclear whether peer support or victimization came first [24]. Additionally, the temporal order of online and offline victimization is yet to be determined and perhaps this goal can only be achieved with longitudinal research [25]. What researchers in the field know for sure, however, is that technology facilitates both online and offline male-to-female victimization [26].

Conclusions: Suggestions for Future Research, and Social and Legal Implications

It is often said that those who created the first laws aimed at preventing and controlling violence against women could not have foreseen how technology facilitates online and offline adult and adolescent male-to-female victimization [27]. New electronic means of causing people much pain and suffering will emerge in the near future and researchers, practitioners, and policy makers, educators, and clinicians need to be prepared to keep pace with the rapid spread of cybercrimes such as those identified in this article. Maybe they will never be able to keep up with the ever-growing and ever-changing electronic technologies. Still, whatever empirical and theoretical work that is done in the future should prioritize gender, power, control, and patriarchy because, again, the risk of being harmed by image-based sexual abuse cannot be adequately explained by theories that ignore these concepts. The same can be said about theories of male-to-female offline victimization. Consider, too, that the vast majority of men who abuse women, regardless of how and where they do it, are not mentally ill and do not suffer from personality disorders [28]. As noted at the beginning of this article, image-based sexual abuse is a pervasive social problem, and thus, the influence of broader social, cultural, and political forces needs to be at the forefront of social scientific analyses. This is not to say that focusing on other factors (e.g., the contribution of alcohol and drug use) will not advance the field. They will, but gender hierarchies and power dynamics that exist in offline

environments also exist in electronic technologies like the Internet and therefore should be subject to rigorous empirical inquiry [29•]. Related to this point is that new theoretical frameworks that take gender, power, control, and patriarchy into account should be tested using quantitative methods like survey technology.

There is also a shortage of qualitative data on image-based sexual abuse and rich in-depth interviews and ethnographic research are likely to reveal some issues that are difficult, if not impossible, to uncover using survey methods. Ideally, though, a mixed-method study is what researchers should strive for when studying any type of technology-facilitated abuse [30].

Social scientific research on in-person types of male-to-female abuse in rural communities has mushroomed over the past 15 years [31]. Still, newer forms of non-physical assault need more empirical attention, especially those that involve digital technologies. Image-based sexual abuse is what Harris defines as *spaceless violence* and women can be targeted wherever they use electronic devices like smartphones or tablets [32•]. Therefore, image-based sexual abuse is not limited to urban areas or to the Global North, but little is known about the extent, nature, distribution, causes, and consequences of the online victimization of women living in rural and remote areas, as well as in the Global South [33]. It is likely that future research will find that rural female victims of image-based sexual abuse are at higher risk of being seriously harmed or murdered because they live far away from police departments and social services [34].

What Aborisade denotes as the *social costs* of image-based sexual abuse warrant considerable attention [35•]. For instance, many image-based abuse survivors experience victim-blaming and are strongly encouraged by criminal justice officials, friends, and family members to desist from using technology to avoid further victimization [36]. As well, female targets of image-based sexual abuse are at elevated risk of losing friends, experiencing family problems, losing their jobs, and not continuing their education because of widespread stigmatization [37]. Additionally, being targeted by image-based sexual abuse has psychological costs like depression, paranoia, stress, suicidal ideation, and post-traumatic stress disorder (PTSD) [38]. There are other social and psychological implications of image-based sexual abuse that could be reported here, but the most critical issues for survivors are prevention, control, and avenues for healing, including treatment.

What is to be done about image-based sexual abuse? In the USA, 46 states, Washington, D.C., and one territory now have some sort of law against image-based sexual abuse, although the laws range from misdemeanors to felonies, depending on the state, and occasionally on the age of the offender [39]. Still, returning to the societal problem of victim-blaming, there is considerable resistance to criminalization by groups who claim that the pain and suffering experienced by victims

are "self-inflicted" because they allowed themselves to be photographed or recorded.

To protect survivors from unjust blame, there have been calls to expand rape shield laws to cases of nonconsensual image sharing [40]. Nevertheless, numerous victims are dissatisfied with criminal justice responses for several reasons [41]. Consider the law and policy around image-based sexual abuse in England. The English legislation only covers behaviors done for the purpose of causing distress or sexual pleasure and there is no criminal consequence for photographs taken "for a joke." Moreover, men sharing images of women with their male peers, without intending the victim to find out, is not a criminal offense [42]. More importantly, regardless of the law in place and regardless of the country in which it exists, prosecutions and convictions are rare. Yet, while current legislation is ineffective, there are symbolic benefits from using the law to make a public stand on what is right and what is wrong. Having a protective legal framework may encourage individuals to engage in a process of ethical and moral discernment that helps the social, emotional, and sexual health of individuals and societies.

From a clinical perspective, one manual used to inform and guide treatment for classifying harmful sexual behaviors like engaging in image-based sexual abuse presents a four-quadrant model for assessment to differentiate sexual addiction with sex offending, sexual addiction without sex offending, sex offending without sexual addiction, and sexual concerns without either sexual addiction or sex offending [43]. In the setting of CBSD diagnosis included in the ICD-11, a newly published research-informed clinical manual highlights the complexities, controversies regarding forensic aspects of hypersexuality, and the newly established CSBD criteria; thus, there is much unknown about the possible role of CSBD in connection with sexual offending behaviors [44].

The extant social scientific literature does not view the law and criminal justice responses as the only solutions to problem of image-based sexual abuse. Improvements to the legal and criminal justice systems are often called for, but so is the use of a multi-pronged approach. This involves increasing accountability on the part of agents of social control (e.g., police and prosecutors) and exploring other avenues such as public education and awareness campaigns; improved support services for survivors; creating school-based initiatives; using social media; digital anti-rape feminism; and workshops on healthy masculinities [45–47]. There are, of course, other initiatives currently in place and new ones will undoubtedly arise out of growing international concern about the harms caused by digital sexual violence.

Imaged-based sexual abuse is poisoning our society on many levels, and the negative effects are numerous. Accordingly, a multidimensional response is necessary. One method alone will not succeed, and efforts to confront image-based sexual abuse will have no foreseeable end, as will the

efforts of those who resist attempts to eliminate sexist, degrading, and violent sexual media. The ultimate goal, then, is for people from all walks of life to work closely together to promote the responsible and peaceful use of new digital technologies.

Declarations

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