

1 Abuse

Abstract: This chapter examines the complexities of the term ‘abuse’ in digital contexts. It demonstrates that the expansion of abuse to digital contexts gives rises to a number of issues for both cultural discourses and law enforcement relating to the proliferation of technology and the normalization of ‘risky’ or potentially harmful sexual behaviors. This includes the need for more nuanced cultural and legal understandings of ‘harm,’ ‘victimhood,’ and offending behavior; the blurring of boundaries between coercion and consent, particularly among young people and the consequent inadvertent infringement of legal norms; and the need for more innovative approaches to regulation. It concludes by highlighting the need for continued engagement with these complexities within future research.

Keywords: technology-assisted sexual violence’ (TA-SV), abuse, harm, victims, perpetrators

Introduction

The term ‘digital abuse’ has only entered academic and cultural discourses within the last decades. The advent of the ‘digital society’ (Stratton et al., 2017) has expanded cultural and academic understandings of ‘abuse.’ In most parts of the world, the use of the internet and smart phones have become ubiquitous to our everyday lives. This has simultaneously increased opportunities for abuse and the vulnerability of victims (see Vulnerability by Ranchordas and Beck). While the range of digitally enabled ‘abuse’ may include a wide array of harms such as fraud, identity theft, phishing, malware, and terrorism, this chapter focuses on abuse related to sexual or gender-based violence.

In this context, ‘digital abuse’ refers to the use of digital technology to harass, abuse, threaten, or control another. This can take a number of forms including exploitation, harassment, or stalking through social media, or the sending of sexually explicit images or videos without consent. New forms of ‘technology-assisted sexual violence’ (or TA-SV) (see Bluett-Boyed et al., 2013) may involve adults and children, and males and females, as both perpetrators and victims. This phenomenon has given rise to an abundance of scholarship and a new nomenclature. This includes terms such as ‘online grooming’ (McAlinden, 2012); ‘sexting’ (Agnew, 2021); ‘cyber bullying’ (Kofoed and Ringrose, 2011); ‘cyberstalking’ (Sheridan and Grant, 2007); ‘cyber harassment’ (Wick et al., 2017); ‘online exploitation’ (Kloess et al., 2017); as well as ‘sextortion’ (Wolak et al., 2018) (extorting sexually explicit photos); ‘upskirting’ (Thompson, 2020) (taking a photograph under someone’s skirt without consent); ‘revenge pornography’ (Hall and Hearn, 2017) (sharing intimate sexual images, often by an ex-partner, without consent);

and ‘cyberflashing’ (McGlynn and Johnson, 2021) (unwanted sending of sexual images/videos over digital networks (see *Cybercrime* by Holt and Holt).

However, the expansion of abuse to digital contexts gives rises to a number of issues stemming from the proliferation of technology and the normalization of ‘risky’ or potentially harmful sexual behaviors. This includes the need for more nuanced cultural and legal understandings of ‘harm,’ ‘victimhood,’ and offending behavior; the blurring of boundaries between coercion and consent, particularly among young people and the consequent inadvertent infringement of legal norms; and the need for more innovative approaches to regulation.

As noted, terms such as TA-SV and digital abuse have become common parlance. Such terminology, however, is not always useful or helpful. Indeed, the addition of the prefix ‘cyber,’ ‘online,’ or ‘digital’ or other varied monikers in some ways may be seen as euphemistic and as diluting or minimizing abuses with very real harms for victims (see McGlynn et al., 2017: 30–32). Wood (2021) unpacks some of the complexity surrounding constructions of ‘technology’ and ‘harm’ and differentiates a number of understandings of the technology–harm relationship including: ‘instrumental technicity harms’—where technologies are used as a means to harm, beyond their intended use; and ‘generative technicity harms’—where technology becomes conducive of harmful ends. Both of these are illustrated in forms of abuse involving technology such as ‘sexting’ or ‘revenge pornography.’ Here, the digital dissemination of a sexually explicit photograph without consent, typically via social media platforms or smart phones, perhaps out of a motivation to shame or exert revenge, is harmful to the subject of the photograph; and at the same time, the use of a digital platform facilitates the broader sharing and dissemination of the image, that would not otherwise be possible, and thereby the expansion of harm or the pursuit of harmful ends.

Many academics, particularly feminist scholars, are beginning to recognize the complexities of abuse in digital contexts. McGlynn and Rackley (2017) have coined the phrase ‘image-based sexual abuse’ to denote that non-contact forms of abuse which are assisted or perpetrated via digital means may have very harmful and long-lasting emotional and psychological consequences for victims which are not always recognized or captured within legal frameworks. In short, therefore, some of the terminology surrounding abuse which occurs in digital contexts may serve to mask the underlying nuances and broader complexities of such abuses and, therefore, often needs to be used with caution. The remainder of this chapter unpacks some of these complexities, drawing in particular on my previous body of scholarship, as well as other research by leading writers.

The complexities of ‘abuse’ in digital contexts

As Grabosky (2001) asserted over two decades ago in relation to ‘virtual criminality,’ digital forms of abuse are a newer manifestation of abuse committed in a different way. At the same time, however, many of the same core cultural understandings of

abuse, victimhood, and harm in offline settings are not only replicated but augmented in digital settings (see Killean et al., 2022).

First, there is a potential cross-over between abuse in offline and online contexts (McAlinden, 2012, 2018) or contact and non-contact abuses. Two key examples are where children are 'groomed' online to meet with an adult abuser and are subsequently sexually abused offline; and where sexual assault in an offline setting is captured via photo or video and disseminated digitally. An illustration of the latter is provided by 'the Steubenville case' in Ohio in the United States in 2016, where a 16-year-old victim only learned of the sexual assault committed against her by her peers while she was unconscious after photographs and videos of the assault were posted on social media. Similarly, in Nova Scotia, Canada in 2011, 15-year-old Rehtaeh Parsons was photographed vomiting out of a window while one of the alleged perpetrators appears to penetrate her from behind. The photograph was shared on social media and Parsons committed suicide after being subjected to sustained bullying over the images. There is also an emerging commercial element to this cross-over. As a 2023 BBC documentary revealed, images of women being sexually assaulted on public transport in East Asia are subsequently sold online in a practice which has become known as 'Chikan' (see BBC, 2023). The spread of videos or images of sexual assault online can also lead to 'virtual restaging' of the abuse through altered videos or memes where the sharing of the trauma of abuse further violates the victim (Oles-Acevedo, 2018). As discussed below, these examples also illustrate the broad 'ripple effect' from digital forms of abuse potentially involving many 'bystanders' (see Killean et al., 2022; McAlinden et al., 2024).

Second, digital forms of abuse challenge traditional cultural conceptions of abuse and particularly 'age' and 'gender' variables relating to who is considered a 'deserving' victim (Randall, 2010) or at the top of the victim hierarchy. The 'ideal' trope of 'real child abuse' is premised on the 'predatory stranger' involving the 'older, adult, predatory, male 'monster' and the child victim who is seen as 'young, pure, passive and blameless' (McAlinden, 2014: 182, 185). However, abuses in digital settings may involve young people as perpetrators as well as victims. They may also involve females as perpetrators against males or females or both, particularly in relation to peer forms of abuse such as 'sexting' or sexualized cyberbullying. Indeed, empirical research demonstrates that motivations around sexting are complex for both boys and girls and that girls who engage in sexting are not always passive victims but may express a range of motives including pleasure or desire (Agnew, 2021; Bianchi et al., 2021). Sexting may also be underpinned by 'instrumental/aggravated motivations,' including sexting in exchange for something, under pressure, or with harmful intentions, where participation becomes harmful (see especially Bianchi et al., 2021). Research with self-identifying LGBTQ+ adolescents highlights that sexual and gender minority youths are more likely to have experienced pressure related to sexting (Van Ouytsel et al., 2021). However, the media focus on 'sexting' by adolescents that has occurred in the United States and elsewhere (Hasinoff, 2015) has in many senses detracted from digital victimization and abuse of other marginalized groups. This includes adult women via, for example, 'revenge pornography' or 'upskirting' as well as sexualized online abuse against ethnic

minorities and members of the LGBTQ+ community who, although they are reportedly more likely to be victimized, are less likely to report their abuse (Harris and Vitis, 2020). In this sense, the digital society has contributed to the creation of additional hierarchies of harm as some victims of ‘non-contact’ harms, or what Powell and Henry (2017, ch. 3) term ‘disembodied’ harms, may struggle to have their abuse recognized.

Third, digital understandings of abuse have broadened the list of those who might be considered ‘victims’ and ‘perpetrators’ (see *Victimization* by Walklate). In non-digital contexts of abuse, the categories of ‘victim’ and ‘offender’ are not always discrete in that there is a degree of fluidity between them. For instance, in complex forms of abuse (McAlinden, 2014), including among adolescent peers (McAlinden, 2012), an individual may wield power over and abuse another while at the same time also being victimized by another person. In digital settings, this ‘continuum of offending’ (McAlinden, 2014: 186) is potentially significantly broader and much more fluid due to the speed and ease with which images/videos of sexual violence can be captured and shared. This also reflects the twin elements of Wood’s (2021) distinction outlined above where technology is used as both a means to harm (instrumental technicity harms) and becomes conductive of harmful ends (generative technicity harms). When digital dissemination of images of sexual assault occurs on a non-consensual basis and very publicly, the actions of peers or online consumers during or after abuse have the potential to broaden potential responsibility for harm as ‘emotional bystanders’ (Harder, 2021; McAlinden et al., 2024). This factor has also been partially recognized within law enforcement discourses. For example, the analysis carried out by Dodge (2019) of Canadian court cases revealed that judges often perceived the ease with which abuse can be committed and distributed via digital means to be an aggravating factor—increasing the harm to the victim as well as the culpability of the perpetrator, thereby resulting in harsher sentences. This factor also highlights how abuse in digital contexts needs to be considered very much as part of the ‘continuum of sexual violence’ (Kelly, 1988) further extending those who might be considered responsible for documenting or sharing images of abuse (Killean et al., 2022).

Fourth, within digitized societies, there is a ‘culture of confusion’ (McAlinden 2018: 122) among children and young people around consensual and potentially harmful sexual behavior and in particular, a blurring of the boundaries between coercion and consent (Agnew and McAlinden, 2021). While the proliferation of digital technologies has ushered in a new set of sexual and social behaviors amongst adults as well as children, societal and cultural understandings of peer-based sexual behavior often differ markedly between children and adults. Several authors have highlighted the emergence of a ‘hypersexualised culture’ (Egan and Hawkes 2012: 278) in which sex and sexuality have become ‘the wallpaper of children’s lives’ (Bailey 2011: 12). My previous empirical research identified a number of factors relating to the contemporary cultural emergence of sexual exploitation and abuse among adolescents stemming from digital technology (McAlinden, 2018: ch 4) including: 1) ‘new media’ and changing modes of digital communication, among adults as well as children, often involving emoticons, abbreviated language, and routine image sharing; 2) changes in dating and courting practices,

which are often conducted online via social media and mobile phones; and 3) ready access or exposure to pornography online including via smart phones. These factors give adolescents 'sexual scripts' in terms of how they should think and act in relation to sexual norms (Ashurst and McAlinden, 2015). The upshot is that the normalization of 'risky' sexual practices such as taking and sharing 'nudes' or naked images of themselves may augment the failure of young people to see themselves as having been victimized or indeed as having harmed someone else as a 'perpetrator' or 'bystander.' This has two potential consequences for 'crime control': first, taking, possessing or distributing sexually explicit images among adolescents may lead to the inadvertent infringement of legal norms including those governing indecent images of children; and second, so-called 'statutory' (Wolak et al., 2004: 432) or 'compliant' victims, who are recognized in law as victims, may not self-identify as victims. This poses challenges for law enforcement in terms of failure to co-operate or complaint withdrawal at the police investigation stage (McAlinden, 2018).

These core complexities and the particular tensions around victimhood, harm, and blame generate problems for crime control in responding to sexual violence in digitized societies. The criminal law often struggles to keep pace with the rapid speed of technological change as well as evolving cultural and behavioral norms surrounding the use of technology (McAlinden, 2018). As a result, there is legal and even professional ambiguity surrounding who or what constitutes a 'risk' and what might be the appropriate response of law enforcement (McAlinden, 2018). On the one hand, it could be said that the digital context of abuse aids crime control by providing digital evidence, such as text messages, which can be used to contextualize behaviors or infer consent. On the other hand, however, 'The law, across the United Kingdom and in other Western jurisdictions, has adopted somewhat of an ambivalent response to TA-SV' (Killean et al., 2022: 3). This has manifested as a two-pronged problem. First, legal frameworks around digital forms of abuse may over-criminalize consensual sexual behaviors, especially among young people (Gillespie, 2013)—effectively criminalizing them for taking, possessing, or sharing 'indecent images of children' within legal frameworks designed to protect them (McAlinden, 2018). Second, they simultaneously fail to adequately respond to harms experienced by victims of non-consensual making or distribution of sexual images (see also Henry and Powell, 2015)—once more privileging children and young people as the 'ideal victims' (Christie, 1986) over other victims including adult women, as well as privileging adult male perpetrators as 'ideal perpetrators.'

Thus, many of the same cultural stereotypes surrounding abuse are reified and augmented within crime control discourses on digital forms of abuse. Core similarities include perceptions of who are considered legitimate 'victims' or 'perpetrators' and what constitutes harmful sexual behavior. However, key differences relate to increased blurring of the boundaries between coercion and consent within digital environments, the consequent inadvertent infringement of legal norms and a more complex range of motivations, on the part of both 'victims' and 'perpetrators.'

Whilst acknowledging the need for non-contact forms of abuse to be recognized within the criminal law, other writers have advocated for new policies among law en-

forcement, educators as well as service providers and online communities promoting 'ethical digital citizenship' (Henry and Powell, 2016: 397). This includes, for example, training and outreach programs within schools and universities, delivered by police officers, on safe and responsible use of digital technology and the role of bystanders.

Conclusion

This chapter has demonstrated the following in relation to abuse in digital contexts: First, some of the terminology may be unhelpful in masking the very real and often long-lasting harms that may ensue for many victims. Second, there is an increasing cross-over between abuse in offline and online contexts. Third, the complexities and evolving nature of behaviors pose challenges to core cultural assumptions concerning abuses relating, for example, to age and gender and 'victims' and 'perpetrators.' Digital forms of abuse broaden the 'victim–offender continuum' (McAlinden, 2014) to involve many more individuals as culpable 'bystanders.' This potential 'spill over' effect can occur through non-consensual third-party dissemination of images/videos of sexual violence. It can also occur via the 'emotional bystander' effect (Harder, 2021) characterized by the failure to intervene to prevent harm (see e.g., McAlinden et al., 2024). Fourth, for adolescents, there is often a blurring of the boundaries between coercion and consent, with potential legal consequences. Indeed, such forms of abuse also present challenges to both cultural discourses and for crime control where legal frameworks are not well equipped to deal with such complex forms of abuse using digital technologies.

These points underscore the fact that there is need for continued engagement with such complexities within future research including further intersectional analysis of experiences and responses to abuse in digital settings (Killean et al., 2022). They also reinforce the relevance of the 'continuum of sexual violence' or offending (that is the range and extent of behaviors which may be considered harmful) as an analytical tool for assessing harm and challenging cultural behaviors related to digital abuse.

Suggested reading

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