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Women's rights, gender and ICTs

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Sexuality and the internet

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Sexual rights and internet regulation

The internet, as a medium and as a milieu where people, information and modes of consumption connect, has achieved a paramount role for the exercise of sexuality. Online dating, matchmaking and casual encounters, porn, sexual health and education, online commerce for sexual goods, escort services, sex rights activism, and the manifestation of sexual identities and communities, all represent a fruition of interactions, stimuli and exchanges on the internet. That these activities are understood as "sexual" means that they are subject to regulation and disciplining. When it comes to sex and sexuality, the rules about what people can or cannot do, and the norms by which people learn when, where, how and with whom they should do it, respond to the logic of what Michel Foucault called the "sexuality device".[1] This functions as a medium for the production of truth about the self, under a regime of power and knowledge whereby populations are administered.

The internet and the virtualisation processes that it engenders are mechanisms intrinsically related to capitalist society, liberal modernity, and relations where, in theory, subjects are free to express their "inner truth". Online interaction has been characterised as a paradigm of free expression – anarchic, resistant to regulation. However, like sexuality, the internet has become yet one more vehicle for social segmentation and discourses about the self.

Offline rules and norms also inform sexual regulation online. The very classification of these experiences, expressions and exchanges as "sexual" inscribes them in a moral hierarchy that privileges certain subjects and experiences, and stigmatises others. According to Gayle Rubin,[2] this hierarchy is presided by what is considered most "normal", i.e. the kind of sex that takes place in a monogamous heterosexual relationship within wedlock, geared towards reproduction. Other sexualities rank below, in descending order (unmarried heterosexual couples, sexually active single straights, stable gay couples, promiscuous gays, paid sex, sex without consent), all the way down to criminalised forms such as sexual abuse and paedophilia.

The concerns raised by the prominent role of sexual content in internet communications has generated control initiatives often justified with the imperative of protecting "vulnerable" subjects, such as women, children and youth, or people lacking the autonomy or technical skills to respond to online threats. Control policies are based on the perception of an omnipresent threat represented by perverse individuals prowling around to prey on the weak. To what extent do these devices attempt to regulate dissident sexual behaviour and subjects at large, arguing that it is for their own good and the good of society? What are the effects of internet control mechanisms on sexual freedom?

Certain conditions of safety and security are required for the expression of sexuality online. Users may become, and often feel, vulnerable to online threats of a sexual nature. But protection devices are often designed to restrict, rather than protect, the exercise of sexuality. Online sexual content has become a prime target of censorship, monitoring and restrictions based on moral anxieties. Bans, filtering and data log capturing devices also generate restrictions which directly interfere with user access to content and online activity which could otherwise improve their thriving online experience.

The Association for Progressive Communications (APC) Women's Rights Programme and a team of researchers from Brazil, India, Lebanon, South Africa and the United States recently completed the first phase of EROTICS, an exploratory research project into sexuality and the internet.[3] Team researchers Melissa Ditmore and Kevicha Echols reported on the use of search filters set up to protect children and youth accessing the internet at US

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1   Foucault, M. (1978) *The History of Sexuality. Volume I: An Introduction,* Vintage, New York.

2   Rubin, G. (1984) Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality, in Vance, C. (ed.), *Pleasure and Danger: Exploring Female Sexuality*, Routledge, New York.

3   www.apc.org/en/system/files/Erotics_Exec_Summary.pdf

public libraries, where 77 million people regularly access the internet, 25% of them aged 14 to 24 years old. Blocks are triggered by keyword searches including, for example, "anal", "abortion", "homosexuality", "breast" and "penis", denying access to adult content, but also, inadvertently, to information on issues such as breast cancer or anal warts, and to websites run by sexual minority groups and organisations.[4] Terms such as "gay" or "sex" are also often intentionally blocked. The researchers reported:

> In the United States, minors who use computers in public libraries and school libraries may be restricted from accessing content deemed "harmful to minors". This harm is not clearly defined or located, but what is typically restricted is information about sexuality. There are a range of concerns about the dangers of sexuality and technology. Moral panics about children and the availability of and exposure to pornography and paedophiles in cyberspace have been behind several efforts to control and/or censor the internet.[5]

Risks and promises

Interactivity and anonymity online are defining features of many forms of online sociability, promising precious opportunities to elaborate ideas and identities – in particular, for stigmatised and marginalised subjects, including women and sexual minorities. Since physical co-presence is not a requirement for online interaction, alternative self-representations may be chosen in response to multiple contextual possibilities, restrictions and aspirations. One consequence of this is the possibility for anonymous engagement, enabling interactions otherwise unlikely to take place, or only possible under the most strenuous circumstances. Online exchanges often provide a sort of safe haven for sexual experiences banned from the reality of users' everyday exchanges in the offline world. In other words, the internet is a space propitious to non-normative expressions. Furthermore, online activity is crucial for the articulation and negotiation of public issues that are barred, tabooed, restricted or subject to regulation offline.

Online interaction takes on a particularly meaningful role for sexual expression. Online forums have, for example, provided a "safe" environment for gender dissidents to experiment with their gender identity even before starting to consider engaging in a transition process. But these qualities

expose users to a variety of risks regarding their safety and privacy. A person's transgender identity can be disclosed as a consequence of an online privacy breach, before they are ready, and without their consent. Although often lived as private, online interaction is part of a public domain – potentially vulnerable to unwanted interference, open to public scrutiny, and subject to regulation and surveillance. Like sexuality, the internet promises pleasure and represents danger; it may be appropriated by actors with different moral engagements.

Sexuality online

Interactivity has become vital to the consumption of cultural goods. Rather than passive receptors, individuals and collectives are involved as active participants of communication processes. Media segmentation is inherent to a consumerist model and logic, vigorously expressed by internet communications, which are primarily oriented to the satisfaction of social groups' specific wishes and needs. Such groups are often defined by particular "lifestyles", associated with collectively shared inclinations and sensibilities involving consumption, aesthetics and habits but, more importantly, engendering collective identities – sexual identities in particular. Virtual interaction opens a number of possibilities for exchanges which can be classified as sexual, meaning both actual sexual behaviour, as well as issues related to sexuality, such as sexual identities, sexual politics or sexual knowledge. In this broad sense, online "sexual" exchanges can be classified among different – often overlapping – interaction dynamics.

One mode of online interaction comprises exchange networks that can be characterised as "sexual markets". These include, on the one hand, commercial virtual marketplaces, for interactions understood as services with money value, such as both female and male escort services, in a myriad of formats available online. On the other hand, sexual markets also include non-commercial exchanges, not mediated by money, such as those that take place on online services for dating, matchmaking and casual encounters, and social networking platforms. However, from their users' perspective, the boundaries between commercial and non-commercial exchanges are fluid, regardless of their declared purpose. Some matchmaking websites may facilitate exchanges of paid sexual services, while one might find a lifelong partner at a platform designed for casual encounters. Money, goods and services, on the one hand, and consensual sex or romantic involvement, on the other, are not mutu-

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4 www.apc.org/en/pubs/erotics-research

5 Ibid.

ally exclusive. Commercial sex is also not restricted to online spaces primarily designed for that purpose, but also occurs on social networks and dating platforms.

Another form of internet use linked to sexuality is the exchange of sexual knowledge, which includes information on sexual rights and sexual health, as well as issues of sexual expression. Note that online information exchange is not limited to pedagogies or political activism, but takes place under various formats, responding to a diversity of interests and logics. Pornographic content, for example, while also classified as a market commodity, is a source of sexual knowledge to many internet users.

Under a third logic of classification, many forms of online exchange can be understood as a means of empowerment, via blogs, social networks and websites where sexual identities are performed and strengthened. Platforms such as Twitter, Facebook and Tumblr, as well as blogs in general, have become a privileged means of communication for the lesbian, gay, bisexual and transgender (LGBT) public, particularly among young people, who make novel, meaningful appropriations of virtual spaces. The internet has allowed people whose sexual orientations, experiences or identities are marginalised to meet online and interact, creating new forms of sociability and organisation, or recreating old ones.

Sexual empowerment online

The online socialisation of BDSM (sadomasochism) adepts and advocates is an example of the internet as a tool of empowerment for a marginalised sexual category. By disseminating a non-pathological, decriminalised characterisation of their practices, and providing support for individuals, online BDSM networks (forums, mailing lists, blogs and other websites) facilitate the formation of a collective identity, and reinforce a feeling of belonging through the acquisition of information on techniques, concepts and definitions regarded as essential to legitimate BDSM practice.[6]

South African transgender individuals interviewed by EROTICS researchers Jeanne Prinsloo, Relebohile Moletsane and Nicolene McLean found online forums essential to their lives. Torn by the contradictions between their country's progressive constitution, on the one hand, and censorship, everyday violence and policies restricting sexual

expression on the internet, on the other, the South African transgender community has turned to the blogosphere as a space for information exchange, emotional support and community building.[7] Lebanese EROTICS researchers Nadine Moawad and Tamara Qiblawi documented how the internet benefited the growth of their country's queer rights movement, as well as the sophistication of its strategies. Issues of anonymity, pseudonymity, community building and self-expression were recurrent themes in their interviews with members of an internet-based group of queer women focused on personal empowerment and building a network of support.[8]

In EROTICS coordinator Jac sm Kee's words:

> [South African] transgendered women and men converge at a popular transgender site to share their struggles in transitioning, including treatment options, celebration of achieved milestones and exchange of experiences in discrimination faced. In Lebanon, the current visibility and dynamism of its queer activism was directly attributed to the emergence and availability of the internet. The registration of www.gaylebanon.com – also the only known website to face legal prosecution in the country – was recognised as marking the beginning of an organised movement.[9]

Internet control, safety and self-regulation

Countering threats to online safety, such as hacking, spamming, blocking, privacy breaches and identity theft, always require a relatively high level of technical skill. The technical means to threaten an online community or an individual are readily available to the computer-savvy internet user. Governments and service provider companies may also generate sophisticated technical means of interference, spurred by broad security concerns, by moral panics, or by both. These often target internet users based on negative perceptions of their sexual dissidence. Under an adverse political climate, the websites of sexual minority groups can be blocked, as can any online activity deemed "sexual".

One aspect of surveillance technologies, such as data log recording and analysis, is their capacity to track and incriminate those responsible for illegal sexual activity. When perceptions about

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6   Zilli, B. (2013) BDSM from A to Z: Consent as a tool against pathologization in internet BDSM "handbooks", in Latin American Center on Sexuality and Human Rights, *Sexuality, Culture and Politics - A South American Reader*, CEPESC, Rio de Janeiro. Available at: www.clam.org.br

7   www.apc.org/en/pubs/erotics-research

8   Ibid.

9   Ibid.

harmful activity are generalised, as in the case of child pornography, official agencies are expected to act in response. As documented by EROTICS researchers Sonia Correa, Marina Maria and Jandira Queiroz, the Brazilian Attorney General's Office, with the support of the civil society Internet Steering Committee (CGI), negotiated a binding agreement with Google to ensure Federal Police access to the data logs of their popular social network, Orkut, in order to aid investigations aimed at prosecuting paedophiles.[10]

Official internet regulation is expected to protect users from one another, although that may not always be the case when attacks come in the form of hate speech, sexual violence or discrimination. Queer users in many parts of the world, and sex workers everywhere, are emblematic examples of the lack of technical or legal support against internet threats that sexual dissidents suffer. Not only are they seldom protected, but they are also often subject to censorship, filtering and blocking.

However, some forms of violence amongst users require minimal technical skill – usually knowing how to access the internet is enough to engage in trolling, hate speech and other forms of harassment. This form of negative interaction poses direct threats to both networks and individuals, sometimes causing users to leave an online network or interactive space, or to remain silent, often traumatised. Whole virtual communities may in turn just dissolve or disappear. But in response to trolling, hate speech and harassment, at times users also take charge and speak out in response, which may in turn lead to the strengthening of their identities.

Communities can and often do overcome the challenge and profit from the experience of being under attack. This makes them stronger and more capable to strategically resist violence and prejudice.[11] EROTICS researchers Bruno Zilli and Horacio Sívori reported on a female-only Brazilian online community for lesbian and bisexual women for whom addressing perceived threats was a concrete form of empowerment. The group developed rules and mechanisms of self-regulation, which included the censorship of explicit sexual content; the exclusion of disruptive members, particularly those suspected of being males posing as females; and the screening of prospective members.[12] The flipside of the coin is that such measures challenge the prized internet ideals of freedom of ex-

pression, deregulation, and resistance to any form of authority.

State-sponsored responses to hate speech, trolling, harassment and other forms of online violence and privacy breaches have mostly been limited to reporting, investigation and prosecution mechanisms. One outcome is the – usually ineffective – banning or taking down of offensive content. This sort of "final solution" has the virtue of eliminating a particular threat altogether. However, social perceptions and opinions on issues of sexual morality are hardly settled. Offences motivated by sexual or other types of prejudice have the capacity to generate debate, which reflects a lack of an offline consensus on their offensive nature. Banning and censorship are a way to avoid that debate, while the internet is often regarded, precisely, as propitious for debate. Moreover, individuals and collectives exercising their sexuality online have come up with their own answers to deal with online attacks.

Zilli and Sívori observed online forum interactions on a social network platform popular in Brazil, where lesbophobic content was regularly posted under the guise of teasing and joking comments. Under Brazilian internet regulation and network policy, hate speech can be reported, often resulting in content removal and banning. Despite that, lesbophobic puns and jokes remained posted and generated long strings of comments, both celebratory and accusatory. Most interestingly, LGBT or pro-LGBT members of that social network often engaged with the bigots, contesting their views and defending the sexual rights of lesbians, at times making fun and calling them on their ignorance and narrow-mindedness. While not necessarily conceived or experienced as "activism", as defined by established conventions of offline sexual rights politics, this response represents a meaningful form of sexual affirmation and struggle against hate speech and violence based on sexual prejudice.[13]

Meanwhile, other online dangers linger beyond. EROTICS researchers Maya Ganesh and Manjima Bhattacharjya,[14] from India, write that although "the internet undoubtedly allows women to find voice, agency and self-expression through the internet, securing their sexuality rights and communication rights," they still have to negotiate offline threats.[15] The women they interviewed reported that:

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10 Ibid.

11 *The Information Society*

12 www.apc.org/en/pubs/erotics-research

13 Ibid.

14 Ibid.

15 www.apc.org/en/pubs/issue/erotics-exploratory-research-sexuality-and-interne

Sometimes, strangers they meet online and have either casual, flirtatious or intimate friendships with threaten to blackmail them if they do not take these relationships further. Other forms of online harm women experience are when their email or social networking profiles are hacked into, phished and manipulated. Women are also extremely concerned about how their personal images on social networking sites can be used and manipulated. Often, male friends and acquaintances are responsible for this; when women post pictures that are "too sexy" online, their friends want to rein them in "for their own good".[16]

The variety of risks that women, youth and sexual minorities need to negotiate in their everyday internet use, particularly when it comes to exploring their sexual desires, shows how important it is to reflect, from a feminist point of view, affirmative sexual rights in the context of the regulation of sexuality on the internet. The EROTICS case studies showed that while increasing online activity exposes users to certain risks and threats, individuals and collectives are successful in developing means of self-protection, self-regulation and empowerment. Internet regulation (broadly defined, including state and market, but also community and self-regulation) is a form of discipline, made of social rules and control mechanisms, but also individually or group-generated risk management devices. One might ask to what extent technical skill contributes to a fuller exercise of sexuality or, put differently, whether access to technology is a sexual right. ■

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16 Ibid