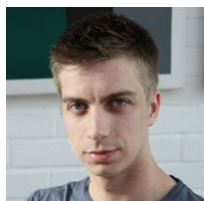
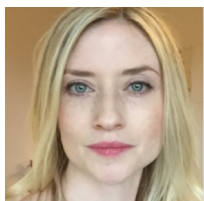


The case for criminalising revenge porn consumption



Helen Frowe and **Jonathan Parry** explain why it is appropriate to criminalise the consumption of revenge porn, which inflicts a serious moral wrong on its victims.

Alongside the COVID-19 crisis, the world is also facing a pandemic of ‘image-based’ sexual abuse. Most notorious are cases of so-called ‘revenge porn’, in which intimate images of a person (typically women) are shared without their consent (typically by men). The scale of this abuse is vast. A [recent article](#) reports research which found that one in three study participants had experienced this form of abuse (with one in five experiencing threats to share images). Moreover, reports of abuse have increased dramatically since the beginning of the COVID-19 pandemic, with calls to the Revenge Porn Helpline doubling in 2020.

Though often inadequate, there are a variety of legal mechanisms [in place](#) and [in preparation](#) that aim to curb this abuse. These tend to focus on criminalising the non-consensual *creation* or *dissemination* of intimate images. While these moves are welcome, we have [recently argued](#) that existing discussions overlook a crucial player in the revenge porn eco-system: the vast number of people who seek out and *consume* these images – in full knowledge of their provenance – often paying for the ‘privilege’. Without these willing participants, many forms of image-based abuse would not be possible. We argue that revenge porn consumption inflicts a serious moral wrong on its victims and that criminalisation is therefore appropriate.

We anticipate that many will find this view counter-intuitive. After all, one might object: how can ‘just looking’ at images constitute wrongdoing? However, the case for criminalisation can be supported by reflecting on other cases.

To start, consider an existing crime of observation: laws criminalising the consumption of child pornography. Persons caught in possession of such images face hefty fines and prison terms in many jurisdictions. In addition, under [US law](#), persons convicted of possessing child pornography are liable to pay restitution to the specific victims depicted. There are calls to introduce similar laws in the UK. If we think these laws are appropriate, this is a clear counter-example to the idea that merely looking at images cannot be a source of criminal wrongdoing.

Perhaps one might object that viewing images of child abuse is a special case. But further examples show that observation-based crimes are no one-off. Consider the following: Beth consents to her boyfriend taking some intimate photos of her. Unbeknownst to Beth, her boyfriend invites men in the neighbourhood to watch the photo session through a hole that he has secretly drilled in the wall. Existing [laws](#) prohibiting voyeurism straightforwardly cover the observers’ conduct in this case. It seems uncontroversial that the observers commit a serious moral wrong against Beth and that this wrong renders criminalisation appropriate. The fact that Beth consents to creating the intimate images is irrelevant. What matters is that she does not consent to third-party observation. Again, this case reveals that we already accept the idea that ‘just looking’ can form the basis of a criminal wrong.

Now consider a further example: Beth consents to her boyfriend taking some intimate photos of her. Later, after their relationship ends, her boyfriend posts the photos on a revenge porn website so other men can view them. We find it hard to identify any significant moral difference between the behaviour of the observers in the two examples. If it is appropriate to criminalise the behaviour of ‘in real-life’ voyeurs, we see no reason to treat online revenge porn consumers any differently. Making the parallels between these cases explicit helps us see why revenge porn consumption is not merely a stain on one’s character, but a wrong done to the victim.

But how, exactly, can ‘mere’ observation constitute a moral wrong? In our [published research](#), we argue that revenge porn consumption can manifest (at least) three distinct types of wrong.

First, by observing, revenge porn consumers *compound* the wrong done to the victim, by making the effects of non-consensual image-sharing more harmful for them. One of the aims of revenge pornographers is to humiliate their victims. And humiliation increases as more and more people view the images. Moreover, [the effects of revenge porn](#) are not limited to humiliation. They also include the [fear of physical attack](#), [loss of employment](#) and [risks of suicide](#) and self-harm. Each additional viewer adds to the harm done to the victim.

Second, revenge pornography not only harms its victim, but is also a means of *degrading* them. As we understand it, to degrade someone is to treat them as less than a person. To illustrate, consider the following passage from [Anita's Allen's seminal discussion](#) of the degrading nature of sexual harassment:

For a victim of sexual harassment whose face, body, and gender subject her to lewd attention, there is an intense awareness of self as a *mere* social object. She is a mere sexual object, not a person worthy of respect as a unique subject of experience, but a mere object for others; not an individual with feelings and sensibilities that matter, but an instance of a type that counts for naught.

We want to emphasise the role that *audiences* can play in degradation As [Judith M. Hill puts it](#):

An agent who treats his victim as less than a person in public places, for the whole world to observe, demonstrates a conviction that her worthlessness is so extreme that all the world can be counted upon to regard him as treating her accordingly. In short, the more public the display of contempt, the stronger is the imputation of moral worthlessness.

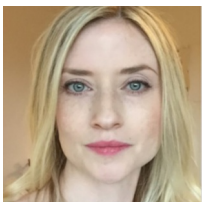
As applied to the case of revenge porn, we argue that both distributors *and consumers* subject victims to degrading treatment. By choosing to view the images, consumers thereby endorse and amplify the victim's purported worthlessness, conveying the message that 'all the world' views the victim 'as an instance of a type that counts for naught'. And, the larger the audience, the more the victim is wronged, since each consumer treats the victim in this degrading way.

Third, we argue that consumers act wrongly by *enabling* revenge porn distributors to wrong their victims. The wrong of enabling others' wrongdoing should be familiar: if I know that you intend to bludgeon your business rival, it is morally wrong for me to enable you to do so by lending you my hammer. We believe that revenge porn consumption plays an analogous enabling role. The initial wrong of non-consensual image sharing can only succeed if others choose to view the images. If no one views, then no sharing takes place. So, by choosing to watch, revenge porn consumers thereby contribute to the success of the initial distributors' wrongful goals.

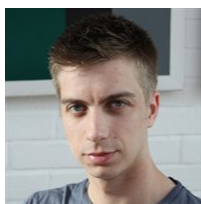
In our view, reflection on the wrongs of revenge porn consumption sheds light on a wider class of what we call 'wrongful observation'. Consider, for example, the smiling and laughing crowds present at lynchings of African Americans in the US South. Or the widespread circulation of videos of rape and sexual assault (such as the infamous [Steubenville High School](#) case). Or the sharing of videos of terrorist beheadings and attacks (the terrorist behind the 2019 attacks on two mosques in Christchurch, New Zealand, [livedreamed the shootings on Facebook](#)). In all these cases, we contend, audiences may potentially render themselves complicit in these wrongs via their spectatorship. Sometimes justice requires that we look away.

Note: the above draws on the authors' [published paper](#) in Philosophy and Public Affairs and on a *New Statesman* [article](#).

About the Authors



[Helen Frowe](#) is Professor of Practical Philosophy and Knut and Alice Wallenberg Scholar at Stockholm University, where she directs the [Stockholm Centre for the Ethics of War and Peace](#).



[Jonathan Parry](#) is Assistant Professor in the Department of Philosophy Logic and Scientific Method at the LSE.

Photo by [Batu Gezer](#) on [Unsplash](#).