

Intimate Image Abuse and “Wrongful Observation”

LSE Research Briefing

Summary

- As the Government introduces a range of new criminal offences to tackle the creation and sharing of intimate images without consent in the Criminal Justice Bill, Dr Jonathan Parry (LSE) and Prof Helen Frowe (University of Stockholm) argue that we **must also consider the role of individuals who *consume* these images.**
- They explain why the consumption of so-called “**revenge porn**” – private sexual photos or videos shared without a person’s consent – inflicts a serious moral wrong on victims.
- Their research suggests that there are grounds for **criminalising the consumption of these images**, in addition to targeting those who create and share this material.

Background

- The Online Safety Act 2023 amended the Sexual Offences Act 2003 to introduce several new offences to target those who share, or threaten to share, intimate images without consent.
- The new Criminal Justice Bill creates a range of complementary offences to tackle the intentional “taking or recording” of such images or installing equipment to enable this. It will broaden the scope of the offences in the Online Safety Act so that all instances of intentionally taking or sharing intimate images without consent are criminalised, **regardless of motivation.**
- However, there is still more to do to address the wrongs done to victims of these crimes.
- Campaigners such as Georgia Harrison – herself a victim of revenge porn – have spoken about the distress caused to victims, as well as the impact on their personal and professional lives, and have called for **more to be done to remove such content from online platforms.**

Key Findings

- Dr Jonathan Parry, Assistant Professor in the Department of Philosophy, Logic and Scientific Method at LSE, and Prof Helen Frowe, Professor of Practical Philosophy at Stockholm University, welcome recent legislative developments (such as the new offences in the Online Safety Act 2023).
- However, they argue that debates about revenge porn typically ignore the **thousands of people who visit websites to view such images, often paying to do so.**
- In cases of traditional voyeurism, or “peeping Toms”, there is agreement that **it is wrong to watch a person in an intimate state without their consent**, and that perpetrators should face criminal penalties for doing so. Frowe and Parry point out that

revenge porn consumption is a technologically mediated version of “in real life” voyeurism.

- They identify **three clear wrongs** of consuming revenge porn.
 - First, **the more people who look at the images, the greater the pain, humiliation and degradation suffered by the victim**. Feelings of humiliation are not the only factor to consider – revenge porn can lead to fear of physical attack, risk of suicide and loss of employment. All these harms are exacerbated by greater numbers of people viewing these images.
 - Secondly, consumption sends and amplifies the message that the victim is not worthy of respect and deserves to be treated this way. While some consumers may genuinely stumble across such images by accident, websites hosting this material typically **advertise themselves as revenge porn sites. Consumers who intentionally visit these maintain a community that endorses and celebrates the humiliation and degradation of victims**.
 - Thirdly, consumption enables those who share revenge porn to criminally wrong their victims. These perpetrators aim to publicly humiliate the victim – **but there is no sharing or public humiliation without an audience**. Consumption is thus a **form of participation in the crime of sharing intimate images**.
- Objections to criminalising revenge porn consumption based on the large number of consumers are **inconsistent with our response to other observation-based crimes**. There is consensus that possessing images of child abuse or indecent images of a minor should be a criminal offence, **regardless of how many people “just look” at these images**. There is no “safety in numbers” defence.

Implications for Policy

- Revenge porn consumption is a serious interpersonal wrong that should in principle **fall within the scope of the criminal law**.
- This conclusion is **consistent with our existing practices** regarding other forms of “wrongful observation”. If the criminal prohibition on voyeurism is justified, there is no principled reason to exclude consumption of revenge porn (and other forms of image-based abuse).
- The more difficult discussion concerns are:
 - (i) identifying the specific behaviours that should be criminalised; and
 - (ii) the sanctions that should be attached to the behaviour.
- For context, the sentencing guidelines for voyeurism range from two-year jail sentences to fines and community service.
- Criminalising consumption will clearly signal its wrongness, **countering the idea that merely looking at these images is harmless**. This signalling could deter a significant amount of consumption, thus **reducing the harm to victims**.