

Violence against Women via Cyberspace

ANITA GURUMURTHY, NIVEDITHA MENON

A report on a consultation on women and the use of information technologies that addressed how policy choices need to avoid narratives of fear around new technologies, narratives that can effectively constrain women's freedom to use digital spaces.

In order to open up a dialogue around the emerging narratives of information and communications technologies (ICTs) and gender-based violence, Jagori (Delhi) and Sakhi (Thiruvananthapuram), two women's organisations, along with the Society for Promotion of Alternate Computing and Employment (SPACE), Thiruvananthapuram, a non-governmental organisation (NGO) promoting the use of alternate technologies, held a consultation in March 2009 in Thiruvananthapuram on the "Misuse of Communication Technology and Its Linkages with Violence against Women".

The consultation was, in part, motivated by the suicides by women victims of online harassment in Kerala, but was also a timely, and perhaps, the first significant, public forum in the state to address gender-based violence and abuse through ICTs¹ and the wider social and policy context underpinning the same. The consultation brought together feminist activists, local women's groups, educators, government departments implementing programmes for women, lawyers groups and bureaucrats. This note builds on the issues raised at the consultation, with a view to broaden the parameters defining the gender and ICT debate.

Cyber Identities and Images

An important theme at the consultation was the construction of identities in cyberspace, and the ways in which they are implicated in the perpetration of violence against women. New technologies enable a transgression of the boundaries of "physical" or "real" identities, and in these fluid spaces, individuals forge new relationships and networks, navigating new, and often times, multiple identities. These identities become essential to understand social relationships in cyberspace, and consequently, the relationships that can become abusive and violent. The anonymity and forays into new self-expression

and selfhood inherent in new ICTs comprise new spaces for information access, empowerment, and solidarity. At the same time, these very characteristics associated with online spaces allow perpetrators of violence against women to get away. Since cyber identities and physical identities may not necessarily overlap, the former are not necessarily bound to the same social context or rules that the latter might operate under.

Another prominent theme of discussion was the use of images in the harassment of women. Images, especially of women, have enormous currency in digital spaces, thanks to their widespread and easy access. The porn industry, in this context, has unprecedented reach, both in terms of audience and exploitation, sustained mostly through the images of willing and unwilling women. In the Indian context, images on the internet or through mobile telephones have often been used by stalkers to denigrate, intimidate and harass women on- and off-line. For example, women who are raped are often revictimised when the images of their rape are recorded and used against them to perpetuate the cycle of violence.² Similarly, images of rape are often released online as a tool to further intimidate and silence women victims. The sophistication of new technologies enables morphing and the construction of fake images or videos which are often perceived to be "real" and "authentic". In this context, participants at the consultation also examined why and in what ways the internet is seen as a masculine space (used primarily by and for heterosexual males). This has several implications for the participation of women in cyberspace. For example, in the case of morphed images posted on extremely violent pornographic sites, the violence would not just be contained within digital spaces, but actually extend to a loss of the freedoms that the internet offers to women.

The consultation drew attention to how the Information Technology Act of 2000 (henceforth referred to as ITA 2000) primarily aims to provide a legal infrastructure to promote e-commerce in India. Given that it has little to do with individual and personal citizen rights, it is silent around the notion of cyber rights

Anita Gurumurthy (anita@itforchange.net) and Niveditha Menon (niveditha@itforchange.net) are with IT for Change, Bangalore.

and individual protection under the law. For example, the ITA 2000 does not address consent and free will. Therefore, if women engage online in sexual acts of their own volition, they can still be booked under the ITA 2000, because the consent of the parties involved is not considered. The only provision that considers consent is the matter of images taken via phone. The lacunae in the law also relate to the ownership of images. For example, if a woman has consented to her pictures being taken, but does not want them to be publicised, what are the rules of ownership involved in these debates, and how can these rules of ownership be legislated and enforced? Such issues are especially relevant in the context of the queer movement in India, where the Internet has provided a visible and vibrant space for sexual minorities to communicate and network.

One of the primary objectives of the consultation was to discuss how policy choices need to avoid narratives of fear around new technologies that can effectively constrain women's freedom to use digital spaces. The consultation debated the tendency to characterise women victims of cybercrime as "emotionally weak or unstable" and the paternalism prevalent in policies, implementing institutions, and the justice system that imposes restrictions on women's freedoms online in the name of safety and security. The consultation also emphasised the urgency to build a wider dialogue around the interface of technology with culture, institutions of family and marriage, sexuality, body, privacy and freedom of expression.

Changing Public Sphere

This commentary uses the Sakhi-Jagori consultation for a broader reflection around ICTs and women's rights. The discourse of technology abuse to perpetrate violence against women is no doubt a useful point of departure for a feminist unpacking of technologies, but it is only a partial and hence, inadequate strategy to grasp the totality of the relationship between new ICTs, gender and development. Feminist constructs need a wider kaleidoscope that problematises "digital personhood", and the ways in which such

personhood is gendered in digital spaces. This not only has implications for debates around women's privacy and anonymity on the Internet, but also for the examination of ontological shifts in digital spaces that are empowering. Feminist interpretations of new ICTs also call for a rigorous unravelling of the normative structures and processes through which paternalism and patriarchal discourses are reproduced, and also, challenged in digital spaces – how, for instance, notions of womanhood, modesty, shame, honour are reconstructed in the relationship architectures of digital spaces and how these given categories may also be subverted. Essentially, an institutional-relational analysis is of foundational value in framing a gender and ICT discourse. Such an analysis, using an "information society" lens, would underscore a new techno-social reality where relationships and institutions are being reconfigured.

Gender and development theory, by and large, looks at ICTs as tools that can be used or misused. But the transformatory social paradigm of the information society needs to be understood distinctly from the technological artefacts that represent this radical transformation. The meaning of social change in the contemporary context lies in the changing public sphere, analysing the various phenomena that can provide new avenues for feminist inquiry. The slippages between the private and the public that have come to fundamentally reconfigure the spatialities of social transactions and communications characterising contemporary life dislodge the basic conceptions of feminist thought around the public and private. For example, private communication on the Internet actually occurs on platforms that are essentially public (such as chat rooms or Facebook). On one hand, concerns about digital dangers are born as a result of the nebulous nature of spatial boundaries in defining relationships in the information society. And on the other hand, it is precisely the transformatory nature of these slippages that allow for new kinds of publics to assemble momentarily, which in turn, can redefine the meaning of social protest (as we saw in the sms-based protest against the court verdict in the Jessica Lal murder case) and for building global communities of

solidarity. So how do we grasp the changing public sphere?

Furthermore, corporatised governance regimes in digital spaces – such as of Facebook Inc, which defines the rules and norms of the Facebook social networking space – not only represent the paradoxes of what we know to be an egalitarian internet, but has also recast social and legal discourse in emphatic ways. As an example of this growing trend of the influence, recently, Google disallowed advertisements for abortion clinics in several nations, some of which *do not* prohibit abortions.³ A more grounded, southern information society perspective would lead us to a crucial insight: that "non-users" of new ICTs are impacted by the changing institutional order as much as "users". In the emerging institutional order that is scaffolded by ICTs, the network society creates new exclusions that can exacerbate the structural disadvantages of those on the peripheries, while strengthening the power of local elites, totalitarian states, and the transnational hold of corporate capitalism. Women's access to ICTs is thus not only a question about access to tools that can be appropriated for individual change, rather, more importantly, their disenfranchisement in the new global polity where voice and participation and the very enjoyment of many rights depends on their digital citizenship.

A Feminist Response

How can a feminist analysis shape policy frameworks in respect of ICTs? New ICTs provide radical choices for empowerment and new pathways to citizenship, especially for marginalised women. For instance, in respect of the Right to Information Act (RTI) or the National Rural Employment Guarantee Act (NREGA), information architectures supported by ICTs catalyse a push for institutional transparency and accountability. Yet, as development interventions increasingly adopt ICTs to democratise information, the technological architectures supporting these processes also have to provide safeguards for privacy. Information society-related policies to protect and further women's rights must address both negative and positive rights, protecting

individual privacy, while enabling highest transparency in government. At the same time, the protection of women's rights to information and communication emphasises the need to balance concerns of self-expression with concerns of protection from exploitation. While there is no doubt that policies are needed to address online violence, the boundaries of state involvement in effecting such protection becomes critical. While the government should be able to prosecute those engaged in violence against women, a right to surveillance in general, without adequate basis is likely to infringe on women's privacy. The state's duty to intervene and prosecute violence when it happens online should not become an excuse for surveillance over the Internet. Thus, policy approaches need to recognise both women's "public", political rights as well as "private", individual rights, especially in the context of violence against women.

Neoliberal View

By and large, ICT policies in developing countries, including India, have adopted a neoliberal, market view of ICTs and their default definition as market infrastructure and have thus marginalised the larger social significance of ICTs. Therefore, what we find is that existing legal and policy frameworks usually address the ICT "economy". As was flagged earlier from the proceedings of the consultation, an attack against the image or private life of a person is still not viewed as a form of cyber crime⁴ in many countries, including India. Since most violations involving sexual content online are directed against women, the gaps in policy and law implicitly compromise women's rights.

Additionally, newer technologies are being employed by the sex industry not only to create more violent forms of pornographic material, but they are also used actively to circumvent the law; companies simply locate servers in countries where they will not be prosecuted.⁵ The absence of a global governance framework in relation to ICTs (and as discussed, the usurpation of technology governance by corporates) often works to the disadvantage of developing countries. In the background of poor institutional maturity of legal and

policy processes in respect of information society realities, the implications of such governance deficits are obvious. The lack of territorial jurisdiction over the Internet makes it difficult for countries in the developing world to identify the abusers and prosecute the guilty. For example, lack of cooperation from foreign-based web sites is one of many hindrances to the resolution of cyber crime cases.

Among the greatest challenges to a strong feminist response to issues of violence against women and ICTs is the fact that feminist analytical frameworks have to coherently address the changing realities restructuring gender relations in response to the advent of new information and communication technologies. Piecemeal efforts to tinker with policy domains like employment, education or crime may fail to add up to a cogent national response to the opportunities and challenges presented by new technologies, especially for transformatory change that privileges the marginalised. Also, feminist engagement with policies needs to approach rights from the vantage of an alternative ICT discourse. Policies are needed to promote appropriate technologies that can create secure and empowering online spaces. Feminist engagement with such policies is part of the imperative that can and should shape the emerging technological paradigm. By far the most urgent feminist response that is required is to stop seeing digital and online spaces as a different realm confined to technology users, but an important site of power that requires a feminist intervention.

Feminist thought about technology binds together some distinct lines of inquiry – explorations of identity, subjectivity, and the complex representations of the self; critiques of technology and globalisation, and the relationship between gender identity, body and desire. From theoretical forays that have examined the ways in which new technologies reshape dominant taxonomies and categories of gender and sexuality (Stanley 1995), and identity (Haraway 1990) to critiques of capitalism that problematise the embodied and embedded experiences of women in the context of globalisation and the information society (Braidotti 1994), newer arenas of enquiry (or rather, new

expositions of a contemporary feminist grand theory) have urged a disruption of thinking that can bring the symbolic and material together in interpretations of present realities. These evolutions are no doubt exciting but also beseech a grounding in third world feminist practice. In the emerging techno-social milieu of the third world, the "troubling" of given categories is especially significant to discourses of resistance, agency and empowerment. Southern feminist interpretations – a reimagining of the female techno-social subject – are, therefore, critical both for appropriating the emancipatory content of the emerging technological paradigm and to interrogate its patriarchal and capitalist systems, institutions and representations.

NOTES

- 1 Including cyber-stalking, cyber-defamation, cyber-pornography, and harassment via emails, morphing of images, and email spoofing, among others.
- 2 Recently, a woman who was raped by two police constables in Andhra Pradesh was also forced to perform sexual favours to other individuals on the threat that an MMS of her rape would be disclosed widely throughout the community.
- 3 <http://www.cathnews.com/article.aspx?aeid=14968>
- 4 <http://www.genderit.org/en/index.shtml?apc=a--e96159-1>
- 5 http://www.uri.edu/artsci/wms/hughes/new_tech.pdf

REFERENCES

- Braidotti, Rosi (1994): *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* (New York, USA: Columbia University Press).
- Haraway, Donna J (1990): *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York, USA: Routledge).
- Stanley, Autumn (1995): *Mothers and Daughters of Invention: Notes for a Revised History of Technology* (New Brunswick, USA: Rutgers University Press).

Permission for Reproduction of Articles Published in EPW

No article published in EPW or part thereof should be reproduced in any form without prior permission of the author(s).

A soft/hard copy of the author(s)'s approval should be sent to EPW.

In cases where the email address of the author has not been published along with the articles EPW, can be contacted for help.