

FEMINISM AND INTERNET: ROLE OF FEMINISM IN FIGHTING GENDER BASED CYBER VIOLENCE

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ABSTRACT

As the global community is spreading its wings dramatically to attain the highest possible flight of benefits, the emancipative concepts of the worldly affairs are also reshaping simultaneously. Feminism as a concept is rekindling the analysis of the gender roles to purport and recognise the women as an identity. The inception of internet and information technology and communications sets a new stage for feminist analysis. The internet, since its birth had been attributed to the male oriented domain who have regulated, controlled and abused it. The information, technology and communications were a far-sighted thought for women due to a preconceived notion of lack of interest of all of these developments by women which is nurtured by the world community. Women were distanced from the technology and internet for use but brought at the very core of internet for abuse and misuse. This new foreground brings with itself elements detrimental to the interests of feminists ranging from cybercrimes, cyber violence, misogynist tendencies and harassment in forms of trolling, conversational dominance, textual harassment or merely propagating patriarchal ideologies. The present paper studies and analysis the discussion by various feminists, scholars and writers on the relation and interconnection between the feminism and the internet. The paper also provides an understanding of the concept of cyber feminism and the causes and effects of cyber violence on women. Furthermore, the researcher points out the role of feminism in fighting and curbing the cyber violence. The paper sums up with the findings, conclusion and suggestions for raising awareness about the cyber consciousness and condemn the cyber violence against both women and men.

INTRODUCTION

“A Feminist is anyone who recognises the equality and full humanity of women and men.”

Gloria Steinem²⁷³

The internet to the world was conceived on 1969 and from that monumental day onwards the entire globe reshaped.²⁷⁴ There will not be any disagreement if the researcher puts forth that the globalisation in its modern and relevant sense launched for the utopian community. With a single click, a Pandora of miracles opened which redefined everything that existed till date of its inception and brought into this world a new theory which furthered debates and discussions, that is, cyber feminism. From the history itself the domain of internet has been male oriented. The information, technology and communications were created by man for their own use and exploitation.²⁷⁵ The dialogue which began as a tease converged its forms into harassment and exploitation of women. The usage of internet was not an evil necessity back then when it was conceived and was mainly used for military and research. It transcended into a bane after the growth of users and their inquisitiveness and motivation to defy it. The hackers back then were less inclined to financial or monetary gain and more for discovery of this new oblivion of internet. The result was such that a basket of viruses and worms were spilled inside the Internet to corrupt and destroy everything that came on its way. From the early nineteenth century a damaging system was in existence that violated the computer and network programming. Earlier cyber crime was committed directly on the computer system through sabotaging the system and network wiring. However, this took the shape of attacking the computer centres and big players like the US Military and NASA were made the target of such attacks.²⁷⁶ Subsequently it became user oriented from man being the sole operators was also expanded to female users from where the concept and need for development of cyber feminism began.

²⁷³ Bridget Berry, *Gloria Steinem FABLE*, 2017 <<https://faculty.wagner.edu/lori-weintrob/gloria-steinem-2?>>

²⁷⁴ John Naughton, *The evolution of the Internet: from military experiment to General Purpose Technology*, 1:1 JOURNAL OF CYBER POLICY 5-28 (2016).

²⁷⁵ Dr Mulyaningrum, *Cyber Feminism: Changing Gender Inequality via Information Technology* July 30, 2020, <<https://www.researchgate.net/publication/312329564>>

²⁷⁶ A Brief History of Cyber Crime, <<https://www.floridatechonline.com/blog/information-technology/a-brief-history-of-cyber-crime/>>

The propounders of Feminist Jurisprudence have contributed to this branch of law as the gender differences were growing and becoming palpably apparent and were reflected in the domains of professional and domestic worlds. While feminism is reflected from the works of Plato and Aristotle in the Ancient Greece and Rome and works of Picasso in his paintings and also expounded in the economic ideologies of Karl Marx apart from renewed feminists like Katherine O'Donovan, Catherine McKinnon, Friedrich Engels and so on and so forth.²⁷⁷ Even the Victorian age and the Renaissance have contributed to the development of the feminism.²⁷⁸

However, the cyber feminism is a very up and emerging trend for which has its own applications and implications with data and the law and discussed hereinafter in this paper. On this hypothesis that the cyber violence is gendered in nature and aimed and directed at women, the researcher puts forth this paper.

1.1 OBJECTIVES OF STUDY

The following objective reflect the aim and the scope of study -

- To analyse the aspect of cyber feminism and gendered nature of cyber violence.
- To find out the role of cyber feminism to counter various violations of women on internet.
- To find out the solutions and measures for prevention of cyber violence.

1.2 REVIEW OF LITERATURE

Hillaire Barnett, in her work 'An Introduction to Feminism' has attributed feminism to more than one field and discipline and drew lateral understanding of feminism with issues of pornography, domestic violence and patriarchal set up.²⁷⁹ Dr. Mulyaningrum has defined the terminological aspects of cyber feminism and provided a defined and conclusive definition of cyber feminism in "Cyber feminism: Changing Gender Inequality via Information Technology" and stated that

²⁷⁷Hillaire Barnett, Introduction to Feminist Jurisprudence121 (Cavendish Publishing Limited, London, 1998).

²⁷⁸Ibid note 5

²⁷⁹Ibid

difference of power between man and woman in digital sources is what makes up the domain of cyber feminism.²⁸⁰ The attribution of man to internet his dominance and further exploitation by him.²⁸¹ Donna Haraway in her work ‘ A Manifesto for Cyborgs’ also ravel and discovers a new linkage between the feminist philosophies in the world of technology and informational development.

1.3 RESEARCH METHODOLOGY

The researcher has employed the doctrinal research methodology wherein the data from secondary literature is studied and analysed to delve into a deeper understanding of the concept of cyber feminism. There are various acts which are prohibited by laws of various countries that condemn the cyber crimes. The cyber abuse, cyber harassment, cyber voyeurism, cyber stalking, phishing and botnet activities, cyber pornography and many more that affect the women specifically whereas the theft of identity online, cyber terrorism, cyber drug and narcotic activities, etc., that affects both men and women are being dealt under the Information Technology Act, 2000 and the Indian Penal Code, 1860. The researcher analysis these laws and literature of renowned feminists and jurists.

THE CYBER FEMINISM DEBATE

The cyber feminism debate becomes relevant to understand the origin of cyber feminism that brought forward a stance from a feminist perspective to fight against the cyber irrational behaviour. Undeniably, the cyber world is the reflection of the real world. The women, as a parallel moving spirit of the society, have time and again voiced up against the cyber intolerance and took a stance against the cyber inequality. Cynthia Cockburn, an English feminist, has enunciated upon the debate on cyber feminism and stated that the evolution of technology needs reshaping that the role of women is not just confined to victim. The concept of ‘phone sex’ was exhaustively explored by

²⁸⁰Dr Mulyaningrum, *Cyber Feminism: Changing Gender Inequality via Information Technology* Aug 1, 2020, 4<<https://www.researchgate.net/publication/312329564>>

²⁸¹Supra note 8

liberal feminists who considered it as a way of as cross expressionism.²⁸² The electronic mail that is email was considered during its initial stage as a more emotional rather female oriented mode of communication.²⁸³ Later on, as advanced by Linguist Susan Herring, a conversational dominance occurred wherein men exercised their dominating nature on the dialogue exchange on internet. Though it gets really difficult to adduce the tendency of men or women to engage in communications and discussions on the threads on internet since the personal preferences and the ideologies are subjective and in fact the idea of privacy is so much expanded that what is privacy for one human being could be exercise of his or her fundamental right of the another. The trend of 'hetero-sexes' discussion groups, a homophobic community of people who condemned the homosexuality also contributed for seeking attention of feminists on cyber feminist debate.²⁸⁴ As the communications advanced, the women started facing the cyber bullying in many forms. As women have equal rights as that of men such as equality, freedoms and duties but due to the existence of these rights, a paradox has emerged wherein certain rights are delimiting the other rights. For example, education and information access is mandate for the ICCPR, however, the underdeveloped and poor countries do not have resources to avail internet to the women and where there is an access, due to lack of guiding policy and control, the internet is misused horrifically in the underdeveloped countries for doing acts of cyber violence and sexuality, and other economic related offences on internet such as cyber frauds and illicit drug trafficking. But since the paradox exist, the same technology could also be used for 'appropriate use' of these aggravating consequences by education through videos, articles and online lectures to put a stop to cyber violence.

AGGRAVATING MISOGYNISTS AND TROLLING ON SOCIAL MEDIA

From the point of view of a misogynist, that is, a woman hater, the world is unipolar to him. Everything he sees around is aimed at confining the world to his own gender that is man and manliness. The reasons for misogyny can attract a separate research however the major one is the subjugation of women. Now imagining presence of such entities on the internet could have such a

²⁸²Susan C. Herring, *Computer-Mediated Communication* (John Benjamins Publishing Company Amsterdam, Philadelphia 1996).

²⁸³Ibid

²⁸⁴Supra note 10

devastating effect on the presence of the women users. The vastness and extent of cyber violence is emerging in realm of cyber stalking, bullying, morphing, sexually abusing, electronic black mailing, and defaming, and matters connection with the victimisation of women are endless. What is at stake is not just the physical or psychological well being but the intellectual property, the digital identity, the reputation and everything that a woman is and everything that a woman can become so as beautifully remarked by Raphael Cohen-Almagro, “cyber-pen is mightier than the sword”.²⁸⁵ The dimensions of cyber space are such that, in the presence of the dark web and even the deep web, no one can possibly ascertain the extent of this. The vastness of cyber space has created the worrisome and sorry state of affairs. The internet is globalised and largely anonymous and therefore victims in most cases do not tend to rely on the legal remedies, if available to them apart from being inaccessible and super expensive.²⁸⁶ This gift of globalisation and technological advancement has become an unsolicited benevolence of the twenty first century.²⁸⁷

Conversational dominance and textual harassment have caused trolling of women on social media. A disability or lack of skill of one woman is uploaded in form of text and video for public entertainment and humiliation of that woman. For example, if a woman causes a pronunciation error or misspells certain words, she is called out on internet as uneducated, illiterate or even savage. The trolling on social media is not only limited to the women in particular, but also the LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer community is often being targeted on social media platforms for being themselves or behaving in an unapologetic feminine way which goes against the rudimentary mindset of the trolls. These abuses are called “identity based abuses” and the perpetrators of such trolls goes beyond the shackles of decency and involves name calling and threats of violence.²⁸⁸ The namesake trolling have been, even emulsified into death threats and rape threats on social media.²⁸⁹ The cyber bullying has also been experience by

²⁸⁵Raphael Cohen-Almagro, *Responsibility of the Net Users*, 2 The Handbook of Global Communication and Media Ethics 415, 419 (2011).

²⁸⁶Jacqueline D. Lipton, *Combating Cyber Victimisation*, 26 Berkeley Technology Law Journal 26 1103-1155, (2011).

²⁸⁷Christie D, Viner R., *Adolescent development* 330 THE BMJ 301-4 (2005).

²⁸⁸*Toxic Twitter - Women's Experiences of Violence and Abuse on Twitter*, amnesty international Aug 10, 2020 <<https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-3/>>

²⁸⁹Smita Singh, *Why is rape used as threat to silence women, even on social media?*, National Herald Aug 8, 2020 <<https://www.nationalheraldindia.com/opinion/why-is-rape-used-as-threat-to-silence-women-even-on-social-media.>>

men as as a recent incident unfolds how a storyteller and a poet was threatened of rape and of abatement to suicide for sharing his content on pare culture and nationalism.²⁹⁰

Doxing, a terminology attributed for sharing a document or data of someone else's without their consent on social media has also caused severe repercussions to the women and girls who face various facets of harassment and abuses due to the reason that a person has disclosed their address or phone number or personal email address over social media. This form of activity, though not inappropriate or abusive in its manifest, has tendency of causing widespread chaos and privacy infringement of the social media users.²⁹¹

There are several ways of reporting the cyber trolling, bullying and harassment online which is available to one and all. The misfortune lies in its implementation in instances wherein the threat is made in a language other than English, even misspelled, meaning of which could be understood making it next to impossible for the social media platforms like Facebook, Instagram, Twitter, to name a few to identify such threats and misdeeds and mark them as 'inappropriate' or filter out such types of comments from the public and private domain. Secondly, the cyber crime portal in India in a digital platform with no human interaction at the initial stage of complain making it very difficult for the individuals who are not very literate to follow up with the same.

ROLE OF FEMINISM IN FIGHTING CYBER VIOLENCE

Internet instead of being used as an arena of subjugation and harassment of women through the vitals of feminism has been at the verge of forming into a domain or 'territory of women' to explore their manifestations, motivations and capabilities. The discussion and discourse that began from 'www.feminist.com' emerged as the largest standalone platform for cyber feminist.²⁹² The website is an open forum for discussion, donation and motivation for anyone who wants to contribute

²⁹⁰NH Web Desk, *Sonakshi Sinha says "Ab Bas" to cyber bullying, calls for action to support a poet getting rape threats*, National Herald Aug 8, 2020 <<https://www.nationalheraldindia.com/india/sonakshi-sinha-says-ab-bas-to-cyber-bullying-calls-for-action-to-support-a-poet-getting-rape-threats>>

²⁹¹ Schneier, Bruce, *The Security of Our Election Systems*, Schneieron Security(Aug 09, 2020, 11:00 AM), <https://www.schneier.com/blog/archives/2016/07/the_security_of_11.html>

²⁹²Feminist website, Aug 10, 2020, <https://www.feminist.com>.

towards building a world wide feminist movement online directing towards ideas of “men and women as allies”, youth oriented feminism and most recently, ‘feminism towards peace’.²⁹³

When we talk of the global scenario, we need to construct uniform norms constructed for global cyber security. What is needed in the present time is an enunciated paradigm based on the understanding of the current incidents concerning contravention of cyber laws, henceforth inculcating the law enforcement responses and reposing faiths in justice systems. We need to understand what measures are being adopted around the globe and their impact and effectiveness in the information technology regime as well as victim support and rehabilitation system to counter this facet of technological manifest. For instance, a transnational aid system in terms of rehabilitation, digital literacy, investigation and logistics should be introduced for helping women who are victims of cybercrime. As far as rehabilitation is concerned, going “off the internet” is rather an extreme which is the most sought after mode for any victim of cyber crime who is suggested even by authorities to discontinue the use of an online presence on internet. However, a feminist movement which transgressed into a gender neutral movement called “Hash-tag Me Too” has changed this tendency wherein several people have raised their voice on the social media about the harassment they have been subjected to, online and offline.²⁹⁴

FINDINGS, CONCLUSION AND SUGGESTIONS

A growing realisation of a need is to be understood that as a human being there is no difference of persons on the basis of their sexuality, sexual preferences, race, religion, nationality, caste, creed, colour and so on and on forth which has been time and again made reiterated by International Bill of Rights²⁹⁵, the Constitution of India, 1950 and several other domestic legislations and the Hon’ble Apex court of the country. Similarly, behaving like a misogynist or a bully on internet is neither wise or advisable. All genders should respect the presence of each other on the internet. The researcher finds that the trends of cyber violence against women have been caused due to the

²⁹³Ibid

²⁹⁴Kazmi, Zehra, *#MeToo: Does it take a Twitter trend to know women are harassed every day?* Hindustan Times Aug 2, 2020 <<https://www.hindustantimes.com/analysis/metoo-does-it-take-a-twitter-trend-for-men-to-know-women-are-harassed-every-day/story-c8InKAyvFnBALNxejogTEL.html>>

²⁹⁵Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, International Covenant on Economic, Social and Cultural Rights, 1966 and Additional Protocols.

male identification of women as weak and defenceless. There were no substantive or procedural laws in place in the past to deal with the perpetrators of violators.

Just for a second, if we step out as a layman, without engaging in shambles of encryption, protection or anti viruses. The mere fact that we are being watched, at all times, without our knowledge, without our consent, being traced for every step for every movement, seems scary. Now imagine just the women going through the same. This is the need of the hour. As the internet emerged, there were no provisions for defining and punishing the cybercrimes. However, in 2000, the Information Technology Act, 2000 (herein referred to as IT Act) was passed which is mainly based on the UNCITRAL Model Law on International Commercial Arbitration with the two fold purpose of dealing with the alarming incidents of cybercrimes in India and to navigate the electronic commerce. It punishes the crime of hacking, cheating, misrepresenting, publishing sexual content and other related crimes committed on the computer or computer source or network. Cyber hacking is punishable with imprisonment up to 3 years and one lakh rupees fine under Section 66C of the IT Act. Likewise, violation of privacy²⁹⁶, for transmitting sexual and obscene content is also punishable with 3 years of imprisonment and a subsequent conviction of 5 years.²⁹⁷ Punishment for sharing sexual explicit content of women²⁹⁸ and children is also punishment for 5 years for first conviction and 7 years for second conviction.²⁹⁹ The Indecent Representation of Women Bill also seeks to introduce the 'audio and visual indecent representation into its ambit to give a stringent punishment to the offenders.³⁰⁰

Stating that there is no proper set arranged for countering cybercrime against women would be wrong since an initiative of Government of India is already flourishing in place known as the National Cyber Crime Reporting Portal. Therefore, it is a portal which helps an aggrieved person or complainant to report a case of cybercrime online with special focus on cybercrimes against women and children and is dealt respectively with the police or other law enforcement agency as per the nature and gravity of the crime prerequisite being the accuracy of the report submitted³⁰¹.

²⁹⁶ The Information technology Act 2000 section 66E.

²⁹⁷ The Information technology Act 2000 Section 67.

²⁹⁸ The Information technology Act 2000 Section 67A.

²⁹⁹ The Information technology Act 2000 Section 67B.

³⁰⁰ The Indecent Representation Of Women (Prohibition) Bill 2012.

³⁰¹ National Cyber Crime Reporting Portal, Aug 10, 2020 <<https://cybercrime.gov.in/>>

Once the complaint on this portal is registered, the same is obtained by the nodal officer of the state of the victim which will then be forwarded to the Superintendent of Police based on whose investigation, a case is made out.³⁰²

As a suggestive guideline, an interpersonal approach shall be inculcated amongst the children from the young age to respect humans of all genders in person and on the internet so that the teenagers do not engage in committing cyber offences against the women, especially girls of teenage. The ethics in form of morals and education discipline must be mandatorily taught in curriculum at all levels of education that are junior, secondary and higher. Informational camps for understanding, identifying, and reporting against cyber violations should be arranged for women of rural and backward areas so that an end to their victimisation could be achieved. Not only an understanding for respecting women, but also a general respect of all indentures and acceptance of the other gender identities of LGBTQ must be taught and conditioned for children to be equally humanised to all other fellow human beings. The investigative agencies of cybercrimes should also be made more accountable for speedier and tactful approach towards investigation to achieve higher rates of conviction based on the evidence. Feminism is equality of sexes and not the predomination of women over men or glorification of misandry, that is, hatred of men. Therefore, this cyber feminism doesn't promote the practice of retaliation of the women of all the practices that were committed against them but cyber feminism, promotes the same equality of sexes in the cyber world. It means complete condemnation of all the practices and making the internet devoid of anything which disturbs the equilibrium of equality of sexes. Both the National and international instruments have been regulating the same to give this equality a universally accepted meaning and horizon. As the meaning of equality is expanding, the cyber feminism continues to put its foot down.

A basic recognition by international community at a multifold level that manifestations of all cybercrimes against anyone is wrong. Henceforth, the irony remains intact as balancing the counter measures mostly limiting in colour and contrast with the rights of the women is inevitable. What is imperative to understand is that the Convention on Elimination of all forms of Discrimination against Women in its Preamble state that women are in fact entitled to equality, dignity, respect

³⁰² Government of India Ministry of Home Affairs Delhi Cyber Crime prevention against Women and Children, Press Information Bureau Aug 5, 2020, <<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1559115>>

special safeguards, care and assistance, necessary protection and extended particular care³⁰³ to provide an environment that flourishes the equality of both men and women now and in the future of human race.



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³⁰³the Convention on the Elimination of All Forms of Discrimination Against Women, 1981, Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and Additional Protocols.

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