

## Online sexual activities (OSA): a definitional issue

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### Abstract

Studies on *Online Sexual Activities* (OSA) are numerous, while information on the distinctive and comparative elements tends to be scattered in the literature. In which have been found definitional, conceptual, and overlapping issues. To fill this gap, this opinion paper attempts to describe, differentiate, and define three of the best-known OSA, namely *revenge porn*, *sextortion*, and *sexting*. In order to promote a better understanding of the phenomenon and to emphasise the importance of using clear and unambiguous language, the authors additionally propose two new definitions for *sextortion* and *sexting* and a label change for *revenge porn*.

**Keywords:** Image-based sexual abuse, Non-consensual image sharing, online sexual violence, online sexual abuse, online sexual harassment.

### Practice impact statement

This study has implications for promoting the importance of language and the fallout that its misuse may entail in a public health context. To understand the phenomenological divergences between OSA, we sought to bridge the conceptual overlap by proposing new definitions and a change of label. The novelty of the present work is to compare generally confused categories, starting with the adoption of a language that is as inclusive as possible.

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## Online sexual activities (OSA): a definitional issue

### Introduction

The Internet has become an extremely popular tool for interpersonal communication, and sexuality, as an integral part of the human being's psychic life, has also found its manifestation through this channel. The wider and wider of sexual content online has fostered the emergence of OSA<sup>1</sup>, which if resulting in the dissemination of intimate material, could lead to a criminal offence, such as the now notorious *revenge porn*. With respect to this the authors will later explain how the best-known term, *revenge porn*, is itself an inappropriate and problematic locution from a semantic and linguistic point of view. The intention of this paper is to clarify the phenomenological divergences between the disparate existing categories of OSA, to overcome the conceptual overlapping problem found in the literature. To facilitate future work on the topic, it was also decided to propose the abandonment of the term *revenge porn* in favour of the more inclusive label *Image-based sexual abuse* (IBSA) and to share a proposal for a definition of *sextortion* and *sexting*, as the best-known (and most confusing) categories, which would consider the existing plurality of definitions.

### Revenge porn, Sextortion and Sexting: a short brief

The non-consensual dissemination of sexual content has caused growing social concern following several cases in which victims have suffered psychological harm (e.g., distress, depressive symptoms, anxiety, suicidal ideation, attempted suicide, and suicide), reputational damage (based on sex-negative cultural beliefs), economic damage and/or indirect damage related to the use of images as a tool for forms of bullying and harassment (Dodge & Lockhart 2021).

**Revenge porn** (as it is currently defined, although contrary to the thinking of the authors) is a social and heterogeneous phenomenon, generically defined as the non-consensual sharing of sexually explicit images. Although it is a relatively new phenomenon in popular culture, which developed with the advent of photography, the first instance of it can be traced back to the 1950s (Fallik et al., 2022), while the first definition of the term

seems to date back to 2007, when the online Urban Dictionary defined the phenomenon as: «*amateur pornography uploaded by ex-girlfriends or (usually) ex-boyfriends after a particularly aggressive break-up as a means of humiliating the ex or just for fun*». Subsequently, the term was included in the Cambridge Dictionary, which refers to the practice with: «*private sexual images or films showing a specific person being put on the Internet by an ex-partner of that person in an attempt to punish or harm that person*». Both definitions do not mention the absence of consensuality to the sharing, but rather the purpose of the sharing, namely humiliation, personal entertainment or punishment, rather than the harm perpetrated. Over time, some authors have suggested that the extent of harm perceived by victims of revenge porn is comparable to that suffered by victims of physical sexual violence (Nemesi, 2021; Perrone, 2021). Psychological research on the perception of victims and perpetrators is limited to date; however, parallels can be drawn between the two forms of violence as a form of sexual abuse, according to Zvi (2022). In fact, both represent intrusive forms of crime that induce emotional trauma, increase the victim's susceptibility to further negative experiences and finally respond to the same *victim-blaming*<sup>2</sup> dynamics. Such behaviour constitutes a specific form of *delegitimising doxing*<sup>3</sup>, that is the disclosure of personal and intimate information with the intent to damage the credibility or reputation of a specific individual (Pavan & Lavorgna, 2021). Although *revenge porn* often starts out as a romantic communication between consenting partners, the decision to break off the relationship, if not shared, can generate a willingness to publicly distribute previously received intimate pictures of one's ex as a form of punishment for the break-up suffered (Fallik et al., 2022). In this regard, Campagnoli (2021) distinguishes *revenge porn in the strict sense*, which is aimed at avenging the break-up of a relationship, from the more general *extended revenge porn*, which is aimed at harming the victim, discrediting

1 OSA is defined as «*use of the internet for any activity (text, audio, graphics) than involves sexuality*» (Cooper, Delmonico, Griffin-Shelley, & Mathy, 2004, p. 131).

2 Term for the psychological process of victim blaming itself (Caletti, 2019).

3 In the case of merit, it consists of detailed documentation concerning the victim often attached to the photographic material (e.g., name, home address, mobile phone number, e-mail contact and social network references) (Pavano, 2020). When the material disclosed is of an intimate or sexual nature, such doxing presents characteristics that make it comparable to offline forms of sexual violence and abuse (Pavan & Lavorgna, 2021). *Delegitimising doxing* is not always linked to crimes of a sexual nature, but more to the dissemination of videos aimed at public ridicule in a bullying context (Pavan & Lavorgna, 2021).

them and damaging their public image, regardless of whether or not there was a previous emotional relationship. According to what we have been able to ascertain, most experts agree in considering the phenomenon only *in the strict sense*, identifying the following elements as essential for its configuration:

- ✓ the consensual creation of intimate material within a couple;
- ✓ non-consensual dissemination of material, carried out by one partner to the detriment of the other (generally perpetrated by male gender persons);
- ✓ the vengeful purpose of the irreversible action of revenge porn, an element that contradicts it from “normal” pornography, as indicated in the literature.

In cases of distribution, publication, or threats to distribute or publish nude or sexual images, we speak more generically of *non-consensual intimate image distribution* (NCIID), the most typical forms of which (and sometimes prodromal to *revenge porn*<sup>4</sup>) are *sextortion* and *sexting* (Gámez Guadix et al., 2022; Ricci et al., 2022).

**Sextortion** represents a worrying form of NCIID, whose term, still largely unknown and deriving from the union of *sex* and *extortion* (Eldén, Calvo, Bjarnegård, Lundgren & Jonsson, 2020), is representative of a new declination of the extortion phenomenon: it refers to various types of multimedia contents of an intimate nature, used to obtain sexual favours from the victim, through the threat of their online diffusion, even if it never occurs (Gámez-Guadix et al., 2022; Greco & Greco, 2020). In particular, the way in which such content is obtained can vary, and two different types can be identified. The first, where images are the result of a hacking activity<sup>5</sup>, namely unauthorised access to the computer system in use by the victim (the computer’s webcam or other devices or cloud storage<sup>6</sup> services intimate or sexually explicit images or videos produced consensually and for their own purposes)<sup>7</sup>. Therefore, there is no previous contact with the victim. On the other hand, it may happen that *sextortion* develops according to a more complex process that aims

at a greater involvement of the victim. Privileged places of contact are virtual spaces such as chats or sites, mostly linked to online dating services, a reservoir of possible vulnerable users, attracted by a false and ad hoc created profile, as in the case of *romance fraud*<sup>8</sup>, a phenomenon that can be in some respects compared to *catfishing*<sup>9</sup> (Carlton, 2019). The sexual content involved in *sextortion* could initially be sent voluntarily by the person who created it (e.g., sexting), but later be used by the recipient to threaten the victim to obtain other content, participate in *cybersex*<sup>10</sup> or force them to have sexual intercourse in person (Gámez-Guadix et al., 2022). Finally, some scholars have distinguished *sextortion* into two categories: *oppressive*, which takes place in a situation where a person in authority refuses to provide a service unless a sexual favour is provided, and *opportunistic*, which occurs when someone uses their authority to exploit vulnerabilities arising from inequalities and structural relations of power and marginalisation (Eldén et al., 2020). The relative newness of *sextortion*, non-consensual sharing and *sexting* has meant that international law has struggled to keep up with their evolution, sometimes appearing as a confusing dispenser of legal responses.

Quayle (2022), for instance, suggests that appropriately situating **sexting** within the legal system is difficult due to the varied forms it can take (e.g., purely consensual sexting, consensual but forced/unwanted sexting, non-consensual sexting). It is a phenomenon that has developed over the last decade as a result of the widespread use of telematic media and consists of the production and sharing of sexual content (Gámez-Guadix et al., 2022). Starting from the work of Morelli, Bianchi, Baiocco, Pezzuti and Chirumbolo (2016), it was possible to re-examine the first definition of *sexting*, given by Chalfen in 2009: the term sexting, deriving from the union of *sex* and *text-messaging* (Pontani, 2019), means «*the exchange of provocative or sexually explicit content such as text messages, photos and/or videos via smartphones, the internet and social networks*» (p. 163). Originally, it was only used to describe text messages with sexual content, however, with the new mobile device cameras and instant chat applications, the term has also been applied to the exchange of personal images with sexual content (Gómez & Ayala, 2014), relating to the sender, the recipient, or both, when engaged in reciprocal sexting activities (Bradley, Gilea, Overton, & O’Neill, 2020). *Active sexting* refers to the creation, display, publication, sending or forwarding of sexually explicit material to third parties; conversely, *passive sexting* refers to the request or receipt of the same (Barrense-Dias, Berch-

4 Approximately 80% of non-consensual pornography images come from *sexting* activities (Perrone, 2021).

5 Term by which is meant the set of operations and activities aimed at impairing the functioning of digital devices (e.g., smartphones, tablets, PCs) or computer system hardware or software.

6 Term used to describe the activity of storing and preserving computer data on dedicated external servers.

7 Email phishing schemes and malware are methods commonly used to hack into a victim’s webcam, computer files or social media accounts; the recipient of a phishing email is tricked into revealing personal information, such as account numbers or passwords, or into unknowingly downloading infectious malware, which allows the sender to access personal files from Google to obtain passwords from its victims, used to hack into accounts and steal sensitive photos or other personal information (Carlton, 2019).

8 Equivalent term to *romance scam*, Infra footnote 17.

9 *Catfishing* is a method used to induce victims to voluntarily send sexual material or secretly record them performing sexual acts; victims are targeted via fake profiles on social media such as Facebook or dating apps such as Tinder and OkCupid (Carlton, 2019).

10 Infra.

told, Surís, & Akre, 2017). Calvert (2009) distinguished *primary sexting* from *secondary sexting*: the former is consensual and «occurs when someone sends a sexual image or video depicting themselves» in the context of a private relationship or for pure consensual entertainment (Morelli et al., 2016, p. 163), while the latter concerns the unauthorised transfer or dissemination to third parties of intimate or sexual content received from others (Caletti, 2019). It is therefore imperative to establish that *sexting* per se, unlike the categories described above (i.e., *revenge porn* and *sextortion*), does not constitute criminal offences. Ruvalcaba and Eaton (2019) pointed out that the main characteristic of non-consensual *sexting* lies in the unauthorised distribution of *sexually* explicit images of a victim and not in the receipt or production of this content. However, it does not include pressure or coercion to send sexual images<sup>11</sup> and receiving unsolicited sexual content (e.g., *dick pics*<sup>12</sup>), which would instead take the form of online sexual harassment or unwanted sexual attention. *Sexting* can serve positive functions, such as increasing the level of intimacy with one's partner, bringing greater psycho-physical well-being, and fostering the exploration of sexual identity: in such cases, Wolak, Finkelhor, and Mitchell (2012) speak of *experimental sexting*, a practice related to the increasingly common flirting of adolescents in cyberspace where *sexting* becomes a tool of cyber seduction (Gómez & Ayala, 2014). In this circumstance, the production of photos of oneself is exclusively intended one or more significant recipients, with the intention of creating romantic interest or receiving attention<sup>13</sup>. When, the sending of sexual content has the exclusive and improper purpose of causing harm, we speak of *aggravated sexting* (Wolak et al., 2012). This typology is characterised by criminal or abusive elements such as sexual abuse, extortion, threats; malicious conduct stemming from interpersonal conflicts; and the creation or sending or projection of images without the knowledge or against the will of the subject being portrayed (Quayle, 2022). Similarly, to what has been said above, this locution appears redundant. *Sexting* is thus a dual phenomenon that is distinguished by whether it is consensual or non-consensual. It could develop contrary to the initial premises, into the crime of *revenge porn*, precisely because the content shared with any recipient that is trusted, could expose the sender to further dissemination of the image (Caletti, 2019). In conclusion, *sexting* might be considered a lawful social

phenomenon, not deserving of punitive treatment if carried out in its ordinary form: a virtual and consensual correspondence between two or more subjects of an erotic nature (Campagnoli, 2021).

### A label change: from revenge porn to IBSA

Current literature agrees that the non-consensual dissemination of intimate or sexual images encompasses a wide range of criminal behaviour. In the common imagination, this set of practices is colloquially referred to as *revenge porn* and thus reduced to the stereotypical one-off case in which content created and/or shared within an emotional relationship is disseminated by an ex-partner with a vengeful intent. In this regard, some lexicological specifications are in order. Mere non-consensual sharing of sexually oriented content is defined as the distribution of sexually explicit photographs or videos without the consent of the victim, where the motivation triggering the act is not defined (Gámez-Guadix et al., 2022). The term *revenge* appears misleading in some cases, as the purpose behind the offending conduct is not always represented by the revenge triggered by the severing of the emotional bond with the former partner. Sometimes, the motivations that trigger the act enacted are the search for social reinforcement, notoriety, sexual gratification, financial gain, or more commonly, the desire to damage the victim's image and to prevaricate them by exposing them to the disapproval of the society in which they lives, thus damaging their freedom of self-determination (Gámez-Guadix et al., 2022; Pavano, 2020)<sup>14</sup>. Moreover, such a locution implicitly assumes that the victim has done something to deserve the aggressor's punishment, which fuels the phenomenon of *victim-blaming*<sup>15</sup>. There is a belief that victims are responsible for the misuse of their intimate images, having presumably consented to their creation (Haynes, 2018). This approach misrepresents victims' sexual autonomy, does not consider consent when provided in the context of a relationship built on trust, and assumes that consent to production implies consent to dissemination<sup>16</sup>. In any case, even if the acted action implied a malevolent response to victim's intent on leaving a relationship, the revenge carried out cannot, from any moral or ethical point of view, be justified. Legitimising the phenomenon by focusing solely on the action of the victim, rather than that of the perpetrator with the term *revenge*, contributes to

11 Dake, Price, Maziarz and Ward (2012); Tobin and Drouin (2013) called it *consensual but unwanted sexting*, a form of abuse mostly suffered by women, forced by their partners to please them in sexual intimacy (Morelli et al., 2016).

12 *Infra cyber flashing*.

13 In this sense, sexting within an affective relationship is understood as a form of self-disclosure: this term refers to a process in which, through the sharing of personal information, one reveals one's own way of being to the other, which is essential for the birth and development of greater affective intimacy between partners (Sprecher & Hendrick 2004).

14 According to Pontani (2019), if the act of revenge porn is not sustained by a feeling of revenge but rather by the will to cause harm to the person (i.e., prevaricating or exposing they to social dissent), the act could be traced back to a form of cyberbullying, codified in Article 2(2) of Law No. 7 of 29 May 2017.

15 *Supra* footnote 3.

16 This bias has a number of negative implications for victims, especially in the way they are treated by the law, law enforcement officials, victim assistance personnel and the community at large (Haynes, 2018).



representing the victim and their body as an object, whose consent is not necessary (Uhl, Rhyner, Terrance, & Lugo, 2018). Sometimes even the term *porn*, diminutive of *pornography*, appears inappropriate in terms of both creation and dissemination of content. In fact, this term alludes to the dissemination of content for sexual gratification, characteristic of pornographic material, implying a sense of voluntariness and legitimacy, without emphasising the private and non-consensual nature of the content shared. More often than not, sexual content is created outside of the pornographic industry (which would otherwise require consent to the performance), although the non-consensual circulation of the same could become profitable (Pavan & Lavorgna, 2021). On the other hand, images and videos could be illegally found without the protagonist being aware of it, or individuals could have been forced to share them (Pavan & Lavorgna, 2021). In such cases, their dissemination hardly conceals a vindictive purpose, but rather the intention to blackmail the victim or to exert control over them (Pavan & Lavorgna, 2021). The label *revenge porn* is therefore, in the opinion of the authors, contestable as it fails to comprehensively communicate the extent and severity of the harm attached and facilitates an attitude of *victim blaming*<sup>17</sup>. For this reason, focusing on the non-consensual nature of the images rather than the vindictive nature might be conceptually and terminologically more appropriate. In the wake of criticism of the anachronistic use of the term *revenge porn*, the adoption of more appropriate terminological references has been advocated in recent years. In the United States, the expression *non-consensual pornography* (NCP) is used to describe the phenomenon more broadly. This expression emphasises the absence of consensuality and opens up connections between NCP and other non-consensual acts, including material obtained through the use of hidden cameras, or consensually exchanged within a relationship, or stolen photos and recordings of sexual assaults (Franks, 2015). Other authors suggest instead to speak of *involuntary pornography*, emphasising the intentional creation of this content, as well as the non-consensual nature of its disclosure (Barmore, 2015). Although the expressions *non-consensual pornography* and *involuntary pornography* describe a broader range of practices than the term *revenge*, focusing on the lack of consensuality in the dissemination of content, they do not overcome the limitations of the term *porn*, as listed above (Cricchio, 2020). Another terminological term that would seem to obviate the limitations of the syntagma *porn*, while maintaining the focus on consent, is *non-consensual intimate image distribution* (NCIID). However, according to other authors, the more correct expression to talk about the phenomenon should be IBSA, a term coined by McGlynn and Rackley in 2016, as it is capable of encapsulating the magnitude and breadth of a practice that consists of various forms that

transcend revenge and whose disseminated content is not identifiable as pornography (Cricchio, 2020). The umbrella term IBSA denotes a heterogeneous spectrum of criminal and deviant behaviour, consisting of the non-consensual dissemination of sexual and intimate content or the dissemination of illegally found content of the same nature (Pavan & Lavorgna, 2021), and would seem to most aptly and comprehensively describe and encompass all forms of violence suffered online (e.g., upskirting, downblousing, sextortion and photography photoshopping<sup>18</sup>)<sup>19</sup> through private and sexually explicit content. With this explicitation, the focus is placed on the harm, caused to the victim, so that while in the case of *revenge porn* the person may be aware of the production of content, but not of its subsequent dissemination, in other cases the person may not be (as in the case of upskirting, photography photoshopping or *revenge porn* itself). A further reflection must also be made on a purely semantic level. In fact, in the common imagination and according to an increasing number of authors (e.g., Caletti, 2019) the phenomenon of IBSA is to be contextualised exclusively within a relational or couple context. This assumption is definitely limiting since such practices can also occur in situations where the actors involved are unaware (e.g., in circumstances where the victim's computer is hacked, and the contents disclosed without consent). Although most of the IBSA cases are based on self-produced photos that are later shared with one's partner, sometimes this is not the case. Moreover, it is erroneous to assume that cases of IBSA necessarily occur via the Internet or telematic channels<sup>20</sup>. In this regard, one recalls the case of Chesterfield (2007) in which David Feltmeyer disclosed intimate videos of himself performing sexual acts with their ex-girlfriend through the distribution of DVDs left on the windscreen wipers of cars parked in the town in question. The DVD cover was accompanied by the name, telephone number and address of the woman, who, a few weeks earlier, had ended their relationship (Caletti, 2019). Taking into account the perplexities shared above, IBSA, in the writer's opinion, is the most inclusive and respectful term for the situational diversity that could serve as a backdrop for the wide range of so-called OSA that share common features, such as the sexual nature of images, the gender distinction between abused and abuser, the sexualised nature of abuse, and harms conceived as violations of fundamental rights to dignity, autonomy and sexual expression.

17 Supra footnote 3.

18 Term equivalent to *deepfake pornography*, *Infra*.

19 *Infra*.

20 By *technology enhanced sexual harassment* we mean that specific category in which all non-consensual sexual images sent via digital means fall (Freeman, 2020).

## Moving towards a solution: a new proposed definition for sextortion and sexting

However, the line between the categories discussed above is not always so marked. In fact, although it is a widely shared concern of organisations, researchers and scholars, there does not seem to be unanimity on the appropriateness of the terminology to be used for such practices at certain junctures. Language, through symbols and meanings, comes to transform human consciousness, provoking new forms of thought and, consequently, changes in the social imaginary. We therefore feel it is important to delve into the meaning of the various terms used to define sextortion and sexting, while at the same time developing an approach to the concept. Even if these expressions have now become part of common language and are widely discussed by experts, they appear to be characterised by border lability and sometimes by conceptual overlap. The scientific literature review shows that although there are aspects in common between the two categories (e.g., content of a sexual nature, sharing, dissemination, self-production, and the couple as the context of implementation), specific key concepts could be identified for each of them. In the *sexting* category, the most frequent elements are the sharing of sexual content and the use of telematic tools (Kim, Martin-Storey, Drossos, Barbosa & Georgiades, 2020; Lee & Darcy, 2021; Osterday, 2015; Parti, Sanders & Englander, 2023). Few, however, are the authors who highlight the aspect of self-production of sexual content (Harris, Davidson, Letourneau, Paternite & Miofsky, 2013; Judge, 2012). Finally, regarding the category *sextortion*, the key concepts most used in the definitions collected were the threat of exposure of sexual content and the quid pro quo (O'Malley, 2023; Patchin & Hinduja, 2020; Suryosumpeno, 2020; Syauket & Wijanarko, 2022). Another significant aspect was found to be the abuse of power exercised by the offender (Bernstein, 2010; Carna, 2012; Feigenblatt, 2020; Forsyth & Copes, 2014).

Based on the evidence, the following two definitions are then proposed, representative of the theoretical interpretation shared by most experts:

*Sextortion: «a form of extortion consisting of the threat to disseminate content of a sexual nature without prior consent in the absence of submission to certain conditions».* The extortionate and non-consensual nature of this form of violence has been emphasised in accordance with most of the definitions considered, without specifying the purpose of the exchange between the actors, in keeping with its variety. Furthermore, the inclusion of the element *abuse of power* was omitted as it is only present in certain professional relationships.

*Sexting: «the consensual sharing and/or reception of self-produced content of a sexual nature through telematic means».* The writers deemed it appropriate to emphasise the consensual nature of the exchange underlying *sexting*, as an essential and distinctive element of this practice, unlike the other category considered, which constitute a

criminal offence liable to prosecution. Secondly, we wanted to make it explicit that both the sharing and the consensual receipt of sexual material are representative of the category under consideration. Lastly, it was considered important to specify that the content shared is self-produced by the actors involved.

We could conclude that only the inclusion and normalisation of such locutions in our vocabulary, as well as the recognition or the possible disavowal of them as forms of gender-based violence, would allow us to start highlighting the different violent situations towards victims and thus start a path towards their resolution. Language matters and has significant repercussions on several levels, especially the legal one. In this regard, it is therefore crucial to frame the phenomenon using clear and unemotional terms, focusing on the behaviour and not on the motivations or intentions of the agents. Unfortunately, the mere definition and differentiation of such practices, although a *conditio sine qua non* in forensic practice, is not sufficient to understand their phenomenological roots and thus work towards their eradication (where necessary), even though initiating a linguistic revolution that facilitates an awareness of the harmfulness related to the phenomenon in question seems to be urgent.

## Conclusion

Although the phenomenon of OSA is not new and specific to the digital era, the characteristics of virtual technology, in combination with networked technology, have certainly influenced the ease and scope of many instances of non-consensual sharing. The current literature has made it difficult for us to adequately recognise and define the plurality of existing OSA. Thus, the present work has attempted to consider the best-known practices (i.e., *sextortion* and *sexting*) in an original manner, to clarify their phenomenology and to propose a definition that is as inclusive and respectful of the situational plurality found. An exquisitely linguistic reflection made it possible to identify in IBSA the term that best describes all the forms that virtual sexual violence can take, including what is known as *revenge porn*. The need to foster a better understanding of the phenomenon related to the panorama of online sexual practices stems from the awareness that the ambiguity of conceptual and linguistic boundaries also implies significant legal implications.

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