

Our Photos, Ourselves: Who “Owns” a Woman’s Body When
She is Seen by the Public?

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This presentation focuses on the idea of who “owns” a woman’s body when she is seen by the public, even if it is not by her own choice. New technology has increased the ways in which a woman’s body can be made available to the public and the law has struggled to keep up. “Revenge porn” – websites where people (overwhelmingly men) can upload sexual images or videos along with their former lover’s identifying information – have become increasingly common. Several states have scrambled to create criminal laws to deal with revenge porn, with varying success, but the websites themselves are protected by federal law. Similarly, several female celebrities (such as Vanessa Hudgens or Jennifer Lawrence), have had private nude photos of them stolen and made public by hackers. Although the hacker can certainly be prosecuted for the cyber-invasion, currently no criminal culpability attaches to those who forward or post links to the stolen photos.

Public perception clearly undermines the woman’s ability to control her own body once it is forced into public view. Indeed, public response to these photos and videos is often that the woman “deserved” it because she took the nude photo or video in the first place. Women are also shunned and disparaged (and may even lose employment or social status) even though their images were made public without their consent and the public has chosen to view them. This presentation seeks to unravel this knot of public perception and discover what culpability should attach to those who share or comment on these photos and videos, which were clearly made public with malicious intent.