

REVENGE PORN LEGISLATION ACTIVISTS AND THE
LESSONS FROM SEXUAL HARASSMENT
JURISPRUDENCE: GENDER NEUTRALITY, PUBLIC
PERCEPTIONS, AND IMPLICATIONS

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I. REVENGE PORN GENDER-NEUTRAL LEGISLATION AND GENDER-FOCUSED
ADVOCACIES 54
II. WHAT ANTI-REVENGE PORN ACTIVISTS CAN LEARN FROM GENDER
NEUTRALITY AND SEXUAL HARASSMENT JURISPRUDENCE..... 56
III. GENDER-NEUTRAL ADVOCACIES AND THEIR POTENTIALS 59
IV. CONCLUSION 61

To date, twenty-six states have laws that expressly criminalize revenge porn, and twelve states have proposed bills pending.¹ In early 2015, California Congresswoman Jackie Speier announced plans to introduce a federal bill making revenge porn a federal crime.² As Speier explained, “If you’re Jennifer Lawrence, you can pay a high-priced lawyer to demand that websites take your picture down, but for an average person, the current system offers almost no recourse.”³ Regardless of whether this bill will become law, it is as important to examine advocacy strategies as it is to review the substance of proposed revenge porn statutes, because advocacy can begin to reframe this issue as a problem that affects all of society rather than a specific gender. Whereas a number of scholars have researched revenge porn legislation, no scholars have yet published on revenge porn advocacy strategies.⁴

Describing revenge porn as “a treacherous form of online harassment,” legal scholar Danielle Citron explains how the efforts to stop or punish revenge porn have been frustrated by the inaction by law enforcement and the public, which is

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1. *26 States have Revenge Porn Laws*, END REVENGE PORN, <http://www.endrevengeporn.org/revenge-porn-laws/> (last visited Oct. 30, 2015).

2. As of early November 2015, this bill had not yet been introduced and there have been no updates.

3. See Williams Pelegrin, *Revenge Porn Could Soon Become a Federal Crime in the United States*, DIGITAL TRENDS (Feb. 25, 2015), <http://www.digitaltrends.com/computing/national-revenge-porn-bill-could-be-a-law/>.

4. For legislative advocacies, see, e.g., Danielle K. Citron, *Advocacy*, DANIELLE KEATS CITRON, <http://www.daniellecitron.com/advocacy.html> (last visited Mar. 10, 2015).

reminiscent of the dismissive attitudes towards sexual harassment in the workplace prevalent forty years ago.⁵ Viewing revenge porn as a form of sexual harassment, this article compares the gender-neutral language in existing revenge porn statutes and the gender-specific language used by advocates in support of these laws. It then argues that anti-revenge porn activists can learn from sexual harassment jurisprudence by considering gender neutrality in their advocacy strategies. Gender-neutral language will facilitate the public's understanding of revenge porn as a societal problem that affects all genders and increase public receptiveness toward revenge porn legislation.

I. REVENGE PORN GENDER-NEUTRAL LEGISLATION AND GENDER-FOCUSED ADVOCACIES

All existing revenge porn law guidelines and statutes use gender-neutral language. Legal scholar and anti-revenge porn advocate Mary Anne Franks' "model revenge porn law" does not specify the genders of the offender and the victim, referring to them only as "person," "discloser," and "actor."⁶ The same goes for all state revenge porn statutes. Colorado law, which criminalizes revenge porn, indicates through its lack of gender specificity that the "actor," the "identified" or "identifiable person" in the image, and the "individual" whose image was posted, can be a he or a she.⁷ Likewise, California's disorderly conduct law, amended not long ago to criminalize some forms of revenge porn, targets "any person" who photographs or otherwise takes private, nude photos of "another, identifiable person" without that person's consent or knowledge.⁸ Illinois' revenge porn law, recently passed in December 2014 and making the "non-consensual dissemination of private sexual images" a Class 4 Felony, is also unspecific about the genders of the "person" committing the crime and the "person" whose images are disseminated.⁹

Despite the gender-neutral text in revenge porn legislation, advocates and scholars have described and promoted revenge porn statutes as laws that protect

5. *See id.*

6. The law, according to Franks, should set out the "knowing disclosure of sexually explicit photographs and videos of an identifiable person when the discloser knows or should have known that the depicted person has not consented to such disclosure." Mary Anne Franks, *Drafting an Effective 'Revenge Porn' Law: A Guide for Legislators* 5 (Aug. 17, 2015), <http://ssrn.com/abstract=2468823>. Moreover, an "actor may not knowingly disclose an image of another, identifiable person whose intimate parts are exposed or who is engaged in a sexual act." *Id.* at 9. Four of the five illustrative case studies offered in Franks' guidelines have female victims. The remaining one has a male victim, Adam Kuhn, who was the chief of staff to Rep. Steve Stivers of Ohio and who resigned in June 2014 after an upset ex-girlfriend tweeted an intimate picture of his to Rep. Stivers' account. *Id.* at 13.

7. *See* COLO. REV. STAT. § 18-7-107 (2014).

8. CAL. PENAL CODE § 647 (West 2015).

9. *See* 720 ILL. COMP. STAT. 5/11-23.5 (2012).

women rather than serve all people regardless of gender.¹⁰ When lobbying for revenge porn laws, supporters have emphasized the oppression and marginalization of women on the Internet, leaving the impression that such experiences are unique to women, hence the need to protect women's safety and autonomy through new legislation.¹¹ For example, Citron's 2014 book *Hate Crimes in Cyberspace* seeks to persuade readers that online harassment has done real damage to women and women alone and that driving such conduct from the Internet is therefore a major 21st-century civil rights initiative.¹² Similarly, Franks and Citron reiterate in interviews the disproportionate impact of revenge porn upon women: "[L]ike domestic violence, sexual assault, and sexual harassment, nonconsensual pornography disproportionately affects women and girls."¹³ Certainly, women are harassed more frequently in cyberspace than men and make up the majority of revenge porn victims. According to the Cyber Civil Rights Initiative survey, ninety percent of revenge porn victims were women and fifty-seven percent of victims reported that they were victimized by their ex-boyfriends.¹⁴ Nevertheless, such emphases—as truthful and well-intentioned as they are—have led the media to interpret and frame revenge porn as a battle between men and women, such that women need revenge porn-specific statutes to serve as their shield, or weapon, in this battle.

Examples abound of how the media have interpreted and portrayed the Internet as the battleground, revenge porn as a manifestation of the eternal battle between genders, and women as a vulnerable group that needs special protection.¹⁵ Feminist writer Amanda Marcotte, for instance, describes the revenge porn issue as the struggle between women striving to be the masters of their own bodies and men attempting to control and oppress them through revenge porn websites.¹⁶ Women's

10. See, e.g., CITRON, *supra* note 4.

11. See, e.g., DANIELLE CITRON, *HATE CRIMES IN CYBERSPACE* (2014).

12. See *id.*

13. Franks & Citron, *It's Simple: Criminalize Revenge Porn, or Let Men Punish Women They Don't Like*, THE GUARDIAN, Apr. 17, 2014, <http://www.theguardian.com/commentisfree/2014/apr/17/revenge-porn-must-be-criminalized-laws>; see also Haley Fox, *Why Revenge Porn Laws May Not Protect Women*, TAKE PART, Dec., 2014, <http://www.takepart.com/article/2014/12/02/revenge-porn-protections>.

14. Franks, *supra* note 6, at 8–9.

15. See e.g., Polly Neate, *Hacking, Spying and Revenge Porn: Violence against Women Has a New Battleground*, TELEGRAPH (June 5, 2015), <http://www.telegraph.co.uk/women/womens-life/11698583/Violence-against-women-Domestic-abuse-is-now-online-too.html> (describing the Internet as an extended platform for domestic violence against women); see also Julia Vanian, *What Does "Revenge Porn" Mean to You?*, RE: GENDER, <http://regender.org/public-forum/real-deal-blog/what-does-%E2%80%9Crevenge-porn%E2%80%9D-mean-you> (last visited Sept. 9, 2015) (describing the phenomenon as one in which "private photos are being used to silence, control, and oppress women on an immense public stage"—the Internet—which "replicates deep offline social inequalities, including the marginalization of women.").

16. Amanda Marcotte, *"Men's Rights" and "Revenge Porn" Sites Seethe with Anger over Women's Autonomy*, TRUTHOUT (Dec. 18, 2013), <http://www.truth-out.org/opinion/item/20701>.

rights activists Lauren Hersh and Aimee Lagos dramatize the battle in more explicit terms, referring to revenge porn as one of the “most insidious and damaging” aspects of the war on women, whose bodies are “weaponized” through the nonconsensual dissemination of their personal images.¹⁷ Similarly, lawyer Reut Amit describes revenge porn as men’s “weapon” to “terrorize” women by humiliating them and destroying their reputations and livelihoods.¹⁸ Amit goes further than Hersh and Lagos, by pointing out that the victims are not merely those whose images are distributed for public consumption, but rather all women who live in fear that they will become targets and victims of “revenge porn terrorism.”¹⁹ By dramatizing female victims’ suffering at the hands of their male perpetrators (or, in Amit’s view, women as a whole suffering at the hands of men), the media pits men and women against each other. Rather than framing revenge porn statutes as tools to maintain justice and order, the statutes are portrayed as women’s weapons against men—their enemies—in the eternal battlefield.

II. WHAT ANTI-REVENGE PORN ACTIVISTS CAN LEARN FROM GENDER NEUTRALITY AND SEXUAL HARASSMENT JURISPRUDENCE

Given that revenge porn can be considered a form of sexual harassment, anti-revenge porn activists can learn from proponents of gender neutrality and sexual harassment jurisprudence by considering the use of gender neutral terms when advocating. As a strategy, this may help promote wider public reception of new revenge porn legislation.

Proponents of gender neutrality aim to break out of the long history of gendered views that depict women as both different and subordinate by nature, by arguing that men and women are different only with regard to their reproductive capacities, which are not significant enough to require different standards in the law.²⁰ Hence, equality means that the same standards apply to both men and women.²¹ One prominent proponent of gender neutrality is legal scholar Wendy Williams, who casts pregnancy benefits as disability benefits available as needed to all employees.²² Scholars such as Sylvia Law and Herma Hill Kay advocate for gender neutrality in most circumstances, but make exceptions for laws relating

17. Laura Hersh & Aimee Lagos, *Women's Bodies Are Being Weaponized*, CNN (Nov. 10, 2014), <http://www.cnn.com/2014/11/10/opinion/hersh-lagos-women-threats/>.

18. Reut Amit, *Revenge Porn Terrorism*, HUFFINGTON POST (Oct. 15, 2014), http://www.huffingtonpost.com/reut-amit/revenge-porn-terrorism_b_5955830.html.

19. *See id.*

20. *See, e.g.*, Wendy W. Williams, *Equality's Riddle: Pregnancy and the Equal Treatment Special Treatment Debate*, 13 N.Y.U. REV. L. & SOC. CHANGE 325 (1985).

21. *See, e.g., id.*

22. *Id.* at 351–53.

directly to reproduction due to the biological reproductive differences between men and women.²³

While framing an issue in a gender-neutral way may overlook differences between the sexes, gender-specific language risks putting women in a special category and, consequently, subordinating them. What framework should be used to combat sexual harassment? Because sexual harassment is a manifestation of power relations, women have more frequently fallen victims in patriarchal societies.²⁴ Unsurprisingly, as women's statuses have improved over the decades, sexual harassment jurisprudence has evolved from gender-specific to gender-neutral.

The term "sexual harassment" was coined by a female²⁵ and the early sexual harassment lawsuits were brought by female victims against their male perpetrators.²⁶ In a typical sexual harassment case, brought under Title VII of the Civil Rights Act, a male supervisor subjects a female employee in the workplace to unwelcome sexual advances or demands, conduct that unquestionably has the potential to alter the "compensation, terms, conditions, or privileges of [the

23. See Herma Hill Kay, *Equality and Difference: The Case of Pregnancy*, 1 BERKELEY J. GENDER L. & JUST. 1, 21–28 (1985) (offering a new analytical approach to conceptualizing the legal significance of biological reproductive conduct, and advocating for the accommodation of pregnancy within a legal and philosophical framework that affirms the equality of women and men); Sylvia A. Law, *Sex Discrimination and Insurance for Contraception*, 73 WASH. L. REV. 363, 374–76 (1998) (arguing that the exclusion and limitation of coverage for contraceptive services in employment-based insurance programs violates the Pregnancy Discrimination Act prohibiting discrimination in the provision of employee health benefits "on the basis of pregnancy, childbirth, and related medical conditions").

24. See e.g., *Stop Violence against Women: Sexual Harassment*, MINNESOTA ADVOCATES FOR HUMAN RIGHTS (2003), <http://www1.umn.edu/humanrts/svaw/harassment/explore/3causes.htm> (last accessed Mar. 10, 2015).

25. The term "sexual harassment" first appeared in Mary Rowe's "The Progress of Women in Educational Institutions: The Saturn's Rings Phenomenon," a report submitted to the then-President and Chancellor of the Massachusetts Institute of Technology in 1973 describing sexism in corporations and non-profit institutions. See Mary Rowe, *The Progress of Women in Educational Institutions: The Saturn's Rings Phenomenon*, Graduate and Professional Education of Women 1–9 (1974) (unpublished manuscript) (on file with MIT Sloan Management).

26. See e.g., *Williams v. Saxbe*, 413 F. Supp. 654, 657-61 (D.D.C. 1976) (holding that the retaliatory actions of a male supervisor, taken because a female employee declined his sexual advances, constituted sex discrimination within the definitional parameters of Title VII of the Civil Rights Act of 1964); *Alexander v. Yale Univ.*, 631 F. 2d 178, 183-86 (2d Cir. 1980) (affirming the district court's holding, namely, its dismissal of the claims by four female students against the university on the ground that none of them presented a justiciable case or controversy, and that one female plaintiff's failure to prove sexual harassment by the university's male professor foreclosed her argument that the court erred in refusing to certify her suit as a class action); *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 63-73 (1986) (remanding the case to the district court by recognizing that a violation of Title VII may be predicated on either of two types of sexual harassment and that the female employee's grievance against her male supervisor was of the second type - harassment involving the conditioning of employment benefits on sexual favors – and that the court had not considered whether a violation of this type had occurred).

victim's] employment," either by conditioning the benefits of employment on compliance with demands for sexual favors, or by creating an "abusive working environment."²⁷ Given that Title VII prohibits all forms of discrimination "because of" sex, it affords both men and women the opportunity to state a Title VII claim of sexual harassment. However, Congress failed to define what exactly was intended by the word "sex" in its legislative history, thus leaving much ambiguity as to the intended scope of Title VII's coverage.²⁸ For a long time, federal courts across the country were "deeply divided" on whether the victim may have an actionable claim under Title VII in the same-gender sexual harassment context, and such indeterminacy thus leaves open the question whether sexual harassment law is gender-neutral.²⁹

Finally, in 1998, the Supreme Court in *Oncale v. Sundowner Offshore Services, Inc.* held that Title VII's "because of . . . sex" provision applied to harassment in the workplace between members of the same sex, and that sexual harassment could occur even without motivation of "sexual desire," thus establishing the gender neutrality of sexual harassment law.³⁰ Hence, harassment of any kind that meets the statutory requirements is actionable so long as it places the victim in an objectively disadvantageous working condition, regardless of the victim's or the harasser's gender.³¹ After *Oncale*, which set the precedent for same-sex harassment and sexual harassment in the absence of the motivation of "sexual desire," courts have recognized numerous claims filed by male employees against female bosses³² and by females against females,³³ recognizing that sexual harassment can be inflicted and experienced by any gender.

27. 42 U.S.C. § 2000e-2(a)(1); *Vinson*, 477 U.S. at 67; *Henson v. City of Dundee*, 682 F.2d 897, 904 (11th Cir. 1982).

28. See 110 Cong. Rec. 2,577-84 (1964); *Miller v. Bank of Am.*, 418 F. Supp. 418 233, 234-35 (N.D. Cal. 1976) (stating that "[l]ittle can be gleaned from the legislative history of the specific prohibition against sex discrimination").

29. *Hopkins v. Baltimore Gas and Elec. Co.*, 77 F.3d 745, 751 (4th Cir. 1996) (holding same-gender sexual harassment is an actionable claim in some circumstances); *Garcia v. Elf Atochem N. Am.*, 28 F.3d 446, 451-52 (5th Cir. 1994) (holding same-gender sexual harassment is not an actionable claim).

30. See *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998).

31. *Id.* at 79-80.

32. For instance, in *E.E.O.C. v. Prospect Airport Services, Inc.*, the Equal Employment Opportunity Commission brought a Title VII action against a former employer on behalf of a male former employee, alleging sexual harassment by a female employee. 621 F.3d 991 (9th Cir. 2010). More recently, James Gist, former Deputy Constable of Texas' Galveston County, sued the county alleging that ex-Constable Pam Matranga repeatedly sexually harassed him from May 2011 to October 2011. Gist won the suit and was awarded damages in 2014. See Howard Koplowitz, *Texas Man Wins Sexual Harassment Case Against Female Boss: Jury Awards James Gist \$567K in Pam Matranga Case*, INT'L BUS. TIMES (Mar. 24, 2014), <http://www.ibtimes.com/texas-man-wins-sexual-harassment-case-against-female-boss-jury-awards-james-gist-567k-pam-matranga>.

33. More recently, Nan Shi, a former Yahoo engineer, sued her direct supervisor, Maria Zhang, a senior engineering director for the company, for sexual harassment and wrongful termination. See

III. GENDER-NEUTRAL ADVOCACIES AND THEIR POTENTIALS

Although women are still more likely than men to be sexually harassed, sexual harassment is no longer considered a gender-specific issue; both men and women can fall victim. But is revenge porn different than sexual harassment, such that it requires a gender-specific focus? Sociologist Jordan Fairbairn, for instance, contends that revenge porn “is not gender neutral,” on the ground that double standards are widely applied to women’s and men’s sexual activity in society. Hence revenge porn creates more severe consequences for women than for men.³⁴ At a feminist conference in Finland, several European scholars warned against framing revenge porn as a “gender neutral” problem, arguing that this view puts women, who are predominantly victims, at risk of not receiving the protection that they deserve.³⁵ The problem, they argued, is that the current war is not between women and men: revenge porn laws do not shield women against men, but rather, against revenge porn and the “rape” culture that has produced it. Women are the vulnerable group who need special protection, not from men, but from this culture.

This article endorses these scholars’ view that any gender-specificity that exists should take the form of women versus the current state of society. Indeed, scholars concerned with social gender inequality contend that the legal system should accommodate for those differences.³⁶ Christine A. Littleton, a professor of law and women’s studies, posits the “acceptance theory,” which aims to eliminate the unequal *consequences* of sexual differences, rather than debating whether such sexual differences are real.³⁷ Some of them also emphasize the importance for the criminal justice system to identify and accommodate women’s differences from men. Law professor Susan Estrich’s discussion of rape, for example, argues that the force criterion in many rape laws is understood from a patriarchal perspective, defining force as the straightforward use of physical strength or violence, while ignoring psychological coercion faced by female rape victims.³⁸ Another law professor, Robin West, argues along similar lines by identifying different socializations of men and women: while the former value separation and will resort to physical force to safeguard their autonomy, the latter treasure connection and find it difficult to respond to physical violence with violence of their own.³⁹ Courts

Laurie Segall, *Female Yahoo Exec Sued for Sexual Harassment*, CNN (July 12, 2014), <http://money.cnn.com/2014/07/12/technology/yahoo-lawsuit/>.

34. Jordan Fairbairn, *Rape Threats and Revenge Porn: Defining Sexual Violence in Digital Age*, in *eGIRLS, eCITIZENS: PUTTING TECHNOLOGY, THEORY AND POLICY INTO DIALOGUE WITH GIRLS’ AND YOUNG WOMEN’S VOICES* 242 (Jane Bailey & Valerie Steeves eds., 2005).

35. I am referring to the 9th European Feminist Research Conference held at Lapland University, Rovaniemi, Finland, from June 3–6, 2015, at which I gave a presentation on this topic. I owe my gratitude especially to Professor Rebecca Pates of Leipzig University, Germany.

36. *See, e.g.*, Christine Littleton, *Reconstructing Sexual Equality*, 75 *CAL. L. REV.* 1179 (1987).

37. *Id.* at 1296.

38. Susan Estrich, *Rape*, 95 *YALE L. J.* 1087 (1987).

39. *See* Robin West, *Jurisprudence and Gender*, 55 *U. CHICAGO L. REV.* 1 (1988).

that expect women to resist coercions like men do, may therefore impose an unreasonable expectation on the “reasonable” woman.⁴⁰

Nevertheless, this is not how many have perceived the revenge porn issue and the function of revenge porn legislation. Media writers like Marcotte have continued to emphasize the victimization of women by their male perpetrators, and lawyers such as Amit have even generalized it as women’s suffering at the hands of men. Thus, it is no surprise when people mistake the fight against revenge porn to be a war against men but not against an atrocious act, and accordingly criticize advocates’ attempts to legislate against such an act.

Indeed, advocates that focus on, or even promote the gender specificity of revenge porn and its related statutes, have had some successes over the past few years, as shown by the increasing number of states enacting new statutes targeting this problem. Yet such successes have not been without backlash. Advocates who have gained significant media exposure have been the target of attack and harassment. Franks, for example, revealed the stalking and harassment she encountered, which she interpreted as a misogynist attempt to silence women who dare to speak up.⁴¹ Charlotte Laws recalled her fight against revenge porn, of which her daughter was victim, and the “creepy emails, backlash on Twitter, and three death threats” that she received which she thought were testimonies to the “misogyny” in society.⁴²

Further, it is among this wave of backlash that the issue of “women’s privilege” often comes up, which compels one to ponder and discover how advocacy strategies can be improved. Laws described the “victim-blaming surrounding revenge porn” as “simply a by-product of women-hating.”⁴³ Even those people who sympathize with female victims see revenge porn legislation as reinforcement of women’s privilege at men’s expense.⁴⁴ One blogger, for instance, argues that so long as the victims voluntarily gave the pictures to the perpetrators, the recipients are entitled to share them with whomever they like, even if done in a malicious way. Hence, revenge porn laws have “women playing men two ways,” by demanding equality in pay and work opportunities while requesting that the law

40. *See id.*

41. *See, e.g.,* Kevin Collier, *Meet Mary Anne Franks, The Lawyer Behind U.S. Revenge Porn Laws*, DAILY DOT (Apr. 15, 2014), <http://www.dailydot.com/politics/mary-anne-franks-revenge-porn/>. Franks revealed that one of the first threats she got after she began to gain publicity for the law was, “I’m going to rape you and take pictures of it and put it up all over the Internet.” *Id.*

42. Charlotte Laws, *I’ve Been Called the “Erin Brockovich” of Revenge Porn, and For the First Time Ever, Here is My Entire Uncensored Story of Death Threats, Anonymous and the FBI*, XOJANE (Nov. 21, 2013), <http://www.xojane.com/it-happened-to-me/charlotte-laws-hunter-moore-erin-brockovich-revenge-porn> (last visited Sep. 10, 2015).

43. *See e.g.,* Charlotte Laws, *Reddit AMA*, INTERVIEWLY (Mar. 2014), <http://interviewly.com/i/dr-charlotte-laws-mar-2014-reddit> (last visited Sep. 22, 2015).

44. *See, e.g.,* “Revenge Porn” Law Sees Man Sentenced to One Year in Jail, SABOTEUR360 (Dec. 3, 2014), <https://saboteur365.wordpress.com/2014/12/03/revenge-porn-law-sees-man-sentenced-to-one-year-in-jail/> (last visited Mar. 10, 2015).

protect them from the consequences of their own irresponsible acts.⁴⁵ Remarks as such urge us to rethink whether the amount gained by gender specific advocacy is worth the negative implications it carries.

IV. CONCLUSION

Even though the current gender-specific strategy has been effective in getting good laws passed that protect women and men, the cultural backlash could further impede legal progress. It is therefore imperative for activists to consider modifying their advocacy strategy. If the public recognizes that revenge porn affects all genders, and that all genders may potentially benefit from revenge porn-specific statutes, people may be inclined to regard revenge porn laws with less hostility—as women’s “weapon” against men—and to appreciate the likelihood that a well-crafted law will be compatible with the public’s right to free speech. Not only will new statutes get passed more easily, but the public will also be more receptive toward these new laws and their enforcement.

A new advocacy strategy that emphasizes the gender-neutrality of revenge porn law may help combat the problem in ways other than making the public more accepting of new legislation. Although a fuller understanding of revenge porn and its prevalence will not likely have an impact on operators of revenge porn sites that were set up with the intention to humiliate victims and/or make money, it may encourage operators of social media sites and even regular porn sites to voluntarily take down offensive materials upon receiving complaints. In addition, social media operators, apart from removing offensive materials on a case-by-case basis, may decide to set up more stringent policies, so as to avoid becoming platforms that promote something so damaging. Although Reddit had long adopted a *laissez-faire* policy regarding the problem of stolen nude images, it adopted a new policy in March 2015, which promised to “expedite” the removal of any nude or sexually explicit photograph, video, or digital image of victims “as quickly as possible.” Reddit’s new policy was a response to the posting of stolen celebrity nude pictures on its platform in 2014.⁴⁶ In the same month, Twitter also set out explicit rules prohibiting the posting of “intimate photos or videos that were taken or distributed without the subject’s consent.”⁴⁷ Most recently, Google enacted a new policy to remove nude or sexually explicit images posted on the Internet from its search

45. *Id.*

46. Abby Ohlheiser, *Reddit’s New Privacy Policy Bans Sharing Nude Images Without Consent*, WASH. POST (Feb. 24, 2015), <http://www.washingtonpost.com/news/the-intersect/wp/2015/02/24/reddits-new-privacy-policy-bans-sharing-nude-images-without-consent/>.

47. *The Twitter Rules*, TWITTER, <https://support.twitter.com/articles/18311> (last visited Mar. 10, 2015); see also Hayley Tsukayama, *Twitter Updates Its Rules to Specifically Ban “Revenge Porn,”* WASH. POST (Mar. 11, 2015), <http://www.washingtonpost.com/blogs/the-switch/wp/2015/03/11/twitter-updates-its-rules-to-specifically-ban-revenge-porn/>.

results at victims' requests.⁴⁸ The eagerness with which social media operators have addressed incidents of revenge porn suggests that increased awareness regarding its prevalence, and the harm that it inflicts regardless of gender, can function as an impetus for operators to review their current policies, to monitor contents posted by users in ways that balance free speech and privacy, and to swiftly take down offensive content upon receiving reports from victims.

Although the actions of social media operators are merely suggestive of the advantages of gender-neutral advocacy strategies, what remains certain is that the use of gender-specific advocacy has been depicted as a war between men and women and resulted in cultural backlash, as seen in the violent threats against female advocates of the revenge porn movement. In contrast, the success of the gender-neutral approach in the sexual harassment context presents strong support for the necessity of gender-neutral language in revenge porn advocacy. If the problem is presented as an issue that we, as a society, have to combat together, it may be more well-received and lead to more effective enforcement.

48. Jason Lee, *Google Agrees to Remove Revenge Porn Pix from Search Results*, REUTERS (June 20, 2015), <http://rt.com/news/268570-google-revenge-porn-block/>.