://EROTICS

Sex, rights and the internet

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AN EXPLORATORY RESEARCH STUDY

20 APC

apc WNSP
women's
networking
support program

EROTICS: Sex, rights and the internet
An exploratory research study

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Emerging threads and common gaps: A synthesis

Jac sm Kee
EROTICS editor and coordinator

Introduction

Indeed, the Internet has become a key means by which individuals can exercise their right to freedom of opinion and expression, as guaranteed by article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. (para. 20)

The right to freedom of opinion and expression is as much a fundamental right on its own accord as it is an "enabler" of other rights, including economic, social and cultural rights, such as the right to education and the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications, as well as civil and political rights, such as the rights to freedom of association and assembly. Thus, by acting as a catalyst for individuals to exercise their right to freedom of opinion and expression, the Internet also facilitates the realization of a range of other human rights. (para. 22)

REPORT OF THE SPECIAL RAPPORTEUR
ON THE PROMOTION AND PROTECTION OF THE RIGHT
TO FREEDOM OF OPINION AND EXPRESSION,
FRANK LA RUE, 16 MAY 2011, A/HRC/17/27

What is the value of the internet in the fulfilment of rights? The rapid development and growth of internet access and services in the past two decades indicate its central role in many aspects of our lives. Much more than a tool, we have formed relationships, gained new knowledge, engaged in debate, sought income, participated in culture and more in online spaces. The internet's potential to revitalise democratic deliberation[1] and to transform hierarchical power structures lies in its unique characteristics that allow immediate transmission of communication and information across geographical boundaries at relatively low cost. Its networked nature also facilitates interaction and participation, especially with recent development of web applications and platforms that prioritise users' content creation and engagement.

The significance of this is that the internet creates a space where diverse individuals with different needs and priorities are able to express their realities and perspectives without being confined by the sifting powers of institutions such as broadcasting media. "Truth" becomes a dialogic negotiation between multiple speakers, where active participation in contested and collective meaning-making is made possible. This means that different kinds of discourses are able to proliferate and norms that discriminate against or silence marginalised sections of society can be challenged and dismantled. It provides an environment where people with shared interests and concerns are able to overcome geographical and other limitations to come together and share ideas, provide mutual support, exchange information and organise for change. In this way, the internet has become an increasingly critical public sphere for the claiming of citizenship rights and civil liberties. For those who have little access to other kinds of "publics"[2] due to the multiple forms of discrimination faced – including based on gender, age, economic status and sexual identity – it can be a particularly important space for the negotiation and fulfillment of their rights.

However, this landscape is rapidly changing. The internet is subjected to increasing forms of regulation by both state and non-state actors, with existing unequal power structures inflecting the deliberation. From managing critical internet resources, to intergovernmental cooperation in cyber crime issues, the question of who governs the internet, under what principles, and to whose interests becomes a shared critical concern. Central to this is the debate on internet content regulation. The free flow of information and communication that acts as the cornerstone to the potentially liberatory impact of the internet has become a subject of intense scrutiny and intervention.[3] Multiple interests and discourses intersect in this debate, including state sovereignty on the

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1 See the EROTICS Brazil report for a comprehensive analysis on the potential of the internet to address democratic deficits, analysed through the concept of "communicative action" by Jürgen Habermas.

2 "Publics" indicates a multiplicity of sites of engagement by civil society in their participation in democratic debates and processes to challenge and organise against discrimination and exclusion, as opposed to a singular "public sphere" such as the media. See the EROTICS South Africa report for a discussion of this concept in relation to its research on lesbian and transgender sites.

3 There is a growing body of work that documents the extent and forms of internet censorship and surveillance practices in different countries. A good overview can be found on the OpenNet Initiative's Global Filtering Map (available online at map.opennet. net). The movement to increase internet content regulation can also be seen from the legal and policy analysis of the EROTICS country reports.

question of legal jurisdiction, national security and cyber warfare, commercial protection, public morals and civil liberties.[4]

Sexuality traverses the debate on content regulation in key, though invisible ways. Often, efforts to regulate the free flow of information, expression and practices online are accompanied by the mobilisation of anxieties and "dangers" around sexual content and interaction – the most familiar being the need to regulate or prohibit "pornography" and increasingly, content or activities that are "harmful to children". Woven between and within these terms, however, are complex concepts, multiple interests and diverse realities that cannot, and should not, be conflated into unproblematic assumptions. This is especially true when laws and policy that regulate internet content have the potential (and in many cases, real) impact of limiting the fundamental rights and freedoms of a diversity of people. For example, the right to education, health, self-determination, bodily integrity, freedom of association, participation in public and cultural life, privacy, and not least, freedom of information and expression. This is compounded by legal provisions that remain broad and vaguely defined, making them vulnerable to normative prejudices.

A further consideration is on the existing gender bias and assumption of heteronormativity[5] in the regulation of sexual speech and conduct. The disparity in decision-making power in public institutions including politics, media and religion that privileges particular perspectives and construction of gender order, identity and relations can result in discussions that negate or deprioritise marginalised perspectives. It is precisely at this point where the internet can provide an important space for the negotiation of sexual citizenship[6] that is under threat. As noted in the International Council on Human Rights Policy discussion paper, "members of society need to contribute to the meanings their society gives to sexual activity. It is through participation in making meaning, including through rights of expression, association and assembly that 'citizens' – including marginalised people and members of minorities – can influence and enrich law and policy."[7]

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4 See for example the debates at the Internet Governance Forums under the thematic area of security, privacy and openness, available at www.intgovforum.org

5 "Heteronormativity" refers to the privileging of heterosexuality through institutions, structures of understanding and practical orientations. See Lauren Berlant and Michael Warner "Sex in Public" *Critical Inquiry* 24, 2 (1998): 548

6 "Sexual citizenship" refers to the extent to which individuals can participate in public and political life due to their conformity to or difference from sexual norms. See Alice M. Miller *Sexuality and Human Rights: Discussion Paper* (Versoix: International Council on Human Rights Policy, 2009)

7 Ibid. 24

To ensure the continued vibrancy of the internet in enabling a broad range of rights, feminist analysis and the engagement of women's rights, gender equality and sexual rights advocates are critically needed to inform and shape this debate. More importantly, and resonating with the participatory nature of the internet, the perspectives of users themselves on how they are using the internet in the exercise of their sexual rights and the possible implications of online content regulation measures on this ability are vital. However, both are rarely present and considered in policy and legislative processes related to internet content regulation. Reasons for this muted participation are numerous and varied, from the fragmentation of civil society advocacy in this issue area, the pace and processes in which decision making takes place, and the biases as mentioned earlier, to the technical language that requires some level of familiarity and politicisation.

The EROTICS (Exploratory Research on Sexuality and the Internet) research project was initiated in 2008 as an exploratory step to meet this need and bridge the gap between policy and legislative measures that regulate content and practice on the internet, and the actual lived practices, experiences and concerns of internet users in the exercise of their sexual rights. It aims to promote evidence-based policy making by engaging in on-the-ground research with a range of internet users – especially those most affected by internet regulation measures, including young women and people of diverse sexualities – to inform and guide policy making for a more accountable process of decision making. The project was coordinated by the Association for Progressive Communications (APC) and conducted with local partners comprising feminist academics and activists in five countries, namely Brazil, India, Lebanon, South Africa and the United States.

This paper presents an overview of the project and draws out some of the emerging issues that are threaded between the five country papers, with an aim to stimulate further research and discussion. The first section summarises the overall goal, approach and methodological issues of the research. The second and third sections look at the current landscape of sexual and internet rights, and the value of the internet in the exercise of rights by people of diverse sexualities that were surfaced in the country research. The fourth section outlines the different forms of challenges, threats and restrictions to the free flow of information and engagement online that emerged, and the key actors involved. The final section raises aspects that are missing from the debates, with recommendations for further research and ways forward.

Scope and methodology

The EROTICS project took place between June 2008 and June 2011. The primary research goal was to respond to the question:

- How may emerging debates and the growing practice of online content regulation either impede or facilitate the different ways women use the internet and the impact on their sexual expression, sexualities and sexual health practices, and the assertion of their sexual rights?

Or expressed differently:

- How does the internet facilitate the exercise of sexual rights and the expression of sexualities, particularly of women living in different socio-political, economic and cultural contexts?

- How does emerging regulation online affect this ability?

The first stage of the research encompassed a policy review and a literature review to map the current landscape of the issue. Amongst its findings, the literature review revealed a scarcity of research that directly connects sexuality and internet censorship, content policy and regulation, while the policy review noted the relative absence of active engagement by women's rights, gender equality and sexual rights movements in related policy debates and processes.[8] This gave a positive indication on the timeliness and need for the EROTICS research subject. It also helped provide a global context of the issue, and a starting point to focus the country-level investigation.

The five research countries were identified from the policy review, and demonstrated conditions that the project wanted to investigate, including reasonable and/or growing rates of internet access, extent of internet filtering practices, the availability of research partners and the prevalence of public debates on sexual rights and internet regulation issues. Except for the United States,[9] developing countries were chosen in line with the project's intention to privilege lesser heard perspectives in these debates. Country partners were selected from an open call based on their experience and knowledge in either research on sexuality or on internet rights issues from a feminist or gendered analysis. The EROTICS research was also conceived as an advocacy platform to initiate discussions and linkages with related rights-based actors through the research process. As such, country partners were also selected based on their networking with local rights-based organisations or advocates. The country research team members are:

- Brazil: Sonia Corrêa, Marina Maria and Jandira Queiroz (Sexuality Policy Watch) and Bruno Zilli and Horacio Sívori (Latin American Center on Sexuality and Human Rights, CLAM)

- India: Manjima Bhattacharjya and Maya Indira Ganesh (independent researchers)

- Lebanon: Nadine Moawad and Tamara Qiblawi (Nasawiya)

- South Africa: Jeanne Prinsloo and Nicolene McLean (Rhodes University) and Relebohile Moletsane (University of KwaZulu-Natal)

- United States: Melissa Ditmore and Kevicha Echols (Sex Work Awareness)

From the outset, the scoping of the research universe proved to be a challenge. Through a participatory and collaborative approach, the EROTICS team outlined the potential areas of enquiry at the first workshop, and explored concepts and frameworks that were necessary to guide the project. Throughout the project, peer discussions and feedback were central to the research development and resource persons in particular areas were consulted to provide key insights to the study.[10] This included a second workshop where initial findings and methodological challenges were discussed, and first drafts of the research papers being sent to external reviewers for comments.

Due to the diversity of the countries, including social, political and legislative contexts, access and infrastructure, historical development of related rights-based movements and the in/visibility of sexuality and sexual rights discourse, we decided to conduct in-depth analysis in each of the countries based on local priorities and realities as opposed to a strictly comparative study. This included who to interview and speak with as key stakeholders in the issue, whether as user or advocate, particular online

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8   Mabel Bianco and Andrea Mariño *EROTICS: An Exploratory Research on Sexuality & The Internet - Policy Review* APC, 2009 www.genderit.org/content/erotics-exploratory-research-sexuality-internet-policy-review; Manjima Bhattacharjya and Maya Indira Ganesh *EROTICS: An Exploratory Research on Sexuality & The Internet - Literature Review* APC, 2009 www.genderit.org/content/erotics-exploratory-research-sexuality-internet-literature-review

9   The United States was also identified based on the Ford Foundation's area of focus in this country, which related directly to the research question considering that many influential and popular online companies are based there.

10 In particular, Professor Chan Lean Heng (University Sains Malaysia) on gender research and participatory research methodology, Bobby Soriano on the technical layer of internet content regulation and surveillance, Professor Katharine Sarikakis (Leeds University, UK) on international media policy and its impact on women, Pramada Menon (CREA, India) on sexuality research and advocacy, Dr. Clarissa Smith (Onscenity network) on media and cultural studies focusing on audience engagement with pornography, Dr. Gus Hosein (Privacy International) on privacy policy and analysis, and Dr. Heike Jensen (Humboldt University, Berlin) on a gender research framework on internet censorship and surveillance.

sites, and direction of focus. The main research goal acted as a common framework to guide the specific country studies, and each report included a detailed look at user experience and perspectives as well as an analysis of the legal and policy context. From there, common threads and emerging issues are to be drawn up through this synthesis paper.

This approach resulted in a rich body of work that provided a deep engagement with diverse sections of society and communities, including young women (India), library users and particularly young people among them (US), transgender people (South Africa), lesbian women (Lebanon, India and Brazil), sexual rights advocates (Lebanon and Brazil), social networking users (all countries) and men who advocate for intergenerational relationships (Brazil). It also brought forward a range of methodological approaches that were specific to each context and area of study. This included critical analysis of laws, policy and literature, quantitative surveys, in-depth interviews, critical textual analysis, auto-ethnography, online ethnography, onsite technical tests and crowdsourcing.

The research is informed by feminist analysis, epistemology and research methodology. As such, the research was guided through the following shared principles:

- Critical awareness and analysis of unequal power structures and relations, including on the basis of gender, sexuality, age, economic status and other axes of socially constructed position or identity.

- Privileging socially and/or politically marginalised perspectives and voices.

- Reflexivity and location of the researcher as relevant and key components in approach and analysis.

- Participatory in approach, where "informants" are located as key partners and stakeholders in the research.

- Ethical consideration of safety where focused efforts are made to minimise harm when participating in the research.

- Research as a political endeavour with an aim towards social justice and to challenge discrimination, i.e. not "research for research's sake".

Considering the complex and often intimately bound characteristic of sexuality as a knowledge-building subject, some methodological challenges were faced during the research project. Two main points raised in this regard were:

Hidden population

The subject of the research aims to centre sections of community who are socially and politically excluded, and face discrimination or violence due to their sexual identity, beliefs or practices. This is also probably the reason they turn to the internet as a "safer" space due to its ability to provide relative anonymity and control over moments of interaction. However, this presented difficulty for researchers who were not themselves "insiders" of the community, or did not share the same identity. In particular, both efforts to reach out to online lesbian communities in Brazil and South Africa failed to yield much response despite efforts to connect through "insiders" who were allies of the EROTICS initiative. This itself is noteworthy and compels further discussion of the particular (and gendered) concerns that lesbians might have over online interaction and community building, and the strategies necessary to maintain the safety of their spaces. The EROTICS India research provides a glimpse into the detailed process that is undertaken by a lesbian mailing list in this regard. It is also worth noting that the Lebanon research focused on lesbians who use the internet for queer advocacy, but faced lesser challenges due to their key positions within some of the communities and employment of auto-ethnography as part of their research methodology. Nonetheless, both the Brazil and South Africa research teams evolved their approach to generate equally important analysis by examining online discourses that defended lesbophobic speech and mapping the lesbian web sphere, respectively, and exploring their significance to the advancement of the rights of lesbians.

Young people and sexuality

The prominence of child pornography arguments in internet content regulation debates meant that children were key stakeholders in this issue. However, research with children, particularly on the area of sexuality, is a contentious issue. Children's right to participate in research is often subjected to a protectionist approach, with conflicted positions on their competency and vulnerability in meeting the criteria of informed consent by their adult gatekeepers, ethics committees and researchers themselves.[11] The EROTICS team discussed the ethical and methodological dimensions of this issue extensively at the first workshop. One established way of mitigating the concerns (although not without facing similar problems of protectionist assumptions) is to submit the research proposal through an ethics committee

11 Mary Ann Powell and Anne B. Smith "Children's Participation Rights in Research" *Childhood* 16,1 (2009): 124-142

at an academic institution for review.[12] However, this was not a viable option since not all EROTICS team members are based in universities and due to the limitations of time and resources. As such, the research was not able to directly speak with children or young people about their use of the internet in the exercise of their sexual rights, but instead, looked at how policies that target young people might affect them, as in the case of the EROTICS research in the US. Nonetheless, it is stressed that this is an existing gap in knowledge and an important area of research that needs to be undertaken to recognise the right of children and young people to have a say in issues that affect them directly, and to recognise their right to participation. The category of "children" as a social construction that differs in meaning across cultural, legal and political contexts needs to be taken into consideration, moving beyond an overarching protectionist approach to an approach that recognises the fulfilment of their rights.

Sexuality and the internet: Evolving a rights framework

It is only relatively recently that both "sexual rights" and "internet rights" gained currency as a way to frame and analyse the significant ways that sexuality and internet access, development and application affect multiple aspects of human life. The term "sexual rights" emerged as a broad unifying term in the last decade to encapsulate the diverse issues related to sexuality and rights, including violence against women, sexual and reproductive health, HIV/AIDS, and queer activism, amongst others. Unravelling and clarifying the principles and concepts behind this term is an ongoing process.[13]

The most commonly cited definition of sexual rights stems from the World Health Organization (WHO), which states:[14]

Sexual rights embrace human rights that are already recognized in national laws, international human rights documents and other consensus statements. They include the right of all persons, free of coercion, discrimination and violence, to:

- the highest attainable standard of sexual health, including access to sexual and reproductive health care services;
- seek, receive and impart information related to sexuality;
- sexuality education;

- respect for bodily integrity;
- choose their partner;
- decide to be sexually active or not;
- consensual sexual relations;
- consensual marriage;
- decide whether or not, and when, to have children; and
- pursue a satisfying, safe and pleasurable sexual life.

The responsible exercise of human rights requires that all persons respect the rights of others.

The claim to sexual rights is not a call for a new set of rights that relate to sexuality, but rather for applying existing standards and principles to how constructions of sexuality and gender act as determining factors in the enjoyment and fulfilment of fundamental human rights. The development of the Yogyakarta Principles by a group of international human rights experts who analysed and applied binding international legal instruments and standards to sexual orientation and gender identity is an important contribution to this effort, and covers a range of issues including extrajudicial executions, violence and torture, non-discrimination, privacy, access to justice, health, employment, education, public participation and more.[15]

On 14 June 2011, the UN Human Rights Council adopted its first resolution on the human rights of people of diverse sexualities and gender identity, and called for an end to discriminatory laws and violence.[16] This is a significant and historical moment in the recognition of sexuality issues from the framework of rights. At the same 17th Human Rights Council session, the UN Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, focused on the internet in his report.[17] It was the first time that the internet was being examined on the right to freedom of expression and information at this forum, and constitutes a major step forward in centring both the key role of the internet in enabling these rights, as well as the framing of human rights principles in addressing internet governance in this area.

Similar to the struggle for sexual rights, advocacy on rights related to the internet looked to the application of existing human rights principles to the internet's sphere of influence. The APC Internet

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12 Ibid.

13 See Miller Sexuality and Human Rights

14 www.who.int/reproductivehealth/topics/gender_rights/sexual_health/en

15 www.yogyakartaprinciples.org

16 United Nations General Assembly Human rights, sexual orientation and gender identity A/HRC/RES/17/19, 14 July 2011 ap.ohchr.org/documents/alldocs.aspx

17 United Nations General Assembly Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression A/HRC/17/27, 16 May 2011 www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

Rights Charter[18] is one of the earliest expressions of the way human rights relate to internet issues, focusing on seven broad thematic areas which were seen as particularly key to developing countries.[19] It was also partly aimed to circumvent potentially polarising debates that raised the question of whether the huge impact of the internet brought with it new forms of rights such as the right to internet access – an issue which still resonates in current communications policy movements.[20] In that way, it became a valuable strategy and platform to directly engage the rights language and framework into advocacy work on the internet, and enable continuous analysis of the rapidly changing internet landscape. The APC Internet Rights Charter laid the groundwork for the more recent formulation of the Charter of Human Rights and Principles for the Internet[21] in 2010, by the Internet Rights and Principles (IRP) Dynamic Coalition of the Internet Governance Forum process. The IRP charter is also envisaged as a continuously evolving document, and lists an expanded twenty areas of rights.

The first World Summit on the Information Society (WSIS) was convened by the United Nations (UN) in 2003, with participation by governments, civil society and the private sector. Unlike most global policy processes, those related to internet governance developed open and multi-stakeholder participatory models and processes, where different actors with a stake in the issue are able to come together and dialogue on important policy issues on relatively equal grounds. This is in part due to the historical development of the internet, where its open architecture fostered innovation and resisted singular ownership and control at the most basic level. The multiplicity of actors involved in the internet's development through time, including members of the technical community, academia, civil society actors, governments and the private sector, created a setting where no single party is able to conclusively decide on how the internet should be governed.[22]

The WSIS Declaration of Principles affirms human rights in the common vision for the information society:[23]

> We, the representatives of the peoples of the world, assembled in Geneva from 10-12 December 2003 for the first phase of the World Summit on the Information Society, declare our common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights. (Article 1)

The negotiation and process undertaken to achieve consensus and its adoption by the 175 participating states make it an important first step towards commitment to human rights on internet-related issues. At the second WSIS in Tunisia in 2005, the Internet Governance Forum (IGF) was established under the auspices of the UN Secretary General.[24] The IGF, which takes place yearly, has functioned as a robust multi-stakeholder platform that provides a critical process for different actors to converge on a relatively equal platform to dialogue and share best practices on emerging key internet governance policy issues, and has been an influential space in informing policy development by the private sector and intergovernmental bodies as well as governments.[25] The IGF is organised around five to six main thematic areas, including "openness", a topic which is wide ranging and encompasses issues including privacy, security, network neutrality and content regulation. Despite the WSIS Declaration of Principles, discussions on human rights and the internet are primarily limited to this thematic area, and rarely feature as a central issue at the IGF.

18 The APC Internet Rights Charter was collectively developed in 2001, building from the People's Communication Charter that was part of the Communication Rights in the Information Society (CRIS) campaign. It is intended to provide a baseline for information and communications technology (ICT) policy advocacy, and functions as a "living document" that undergoes changes and review as the ICT landscape changes. The APC Internet Rights Charter can be found at www.apc.org/en/node/5677 and the People's Communication Charter at web.archive.org/web/20060208112147/www.pccharter.net/charteren.html

19 Natasha Primo "APC Internet Rights Charter, 2002+: An overview" APC, 2002 www.slideshare.net/natashaprimo/apc-internet-rights-charter-an-overview-presented-by-natasha-primo

20 For an overview of the debate on new rights for the internet see Max Senges and Lisa Horner *Values, principles and rights in internet governance: Paper for the Freedom of Expression Project* (Freedom of Expression Project, 2009), Annex A

21 Charter of Human Rights and Principles for the Internet: Beta Version 1.1 (2010) internetrightsandprinciples.org/node/367

22 Jovan Kurbalija *An introduction to internet governance* (Msida & Geneva: DiploFoundation, 2010)

23 Declaration of Principles. Building the Information Society: a global challenge in the new Millennium, Document WSIS-03/GENEVA/DOC/4-E www.itu.int/wsis/docs/geneva/official/dop.html

24 See "About the Internet Governance Forum" www.intgovforum.org/cms/aboutigf

25 For example, Lee Hibbard from the Council of Europe was quoted as stating, "Without the Internet Governance Forum over the last years, I don't think that the Council of Europe would have been able to be as reactive in developing many tools and guidelines in the field of human rights, for example, as it has been." In Monika Ermert "One (Almost) Happy Multi-stakeholder Family At The Annual Internet Governance Forum" *Intellectual Property Watch* 24 November 2009 www.ip-watch.org/weblog/2009/11/24/one-almost-happy-multi-stakeholder-family-at-the-annual-internet-governance-forum

The EROTICS project was founded through APC's engagement in the "openness" thematic area. The IGF has been a challenging space for both women's rights advocates and for broader constituencies engaged in advocacy for gender equality and sexuality-related rights for reasons mentioned above. Participation in numbers is low, with little visibility of debates that included gendered perspectives and a framing of sexuality-related issues under human rights principles.[26]

Sexuality figures primarily within a discourse of "danger", especially in relation to children, with numerous workshops and presentations organised around best practices and strategies to protect minors from sexual exploitation and the potential harm of sexually inappropriate content. The sensitivity of discussing (and arguably, lack of familiarity with) the issue of young people's sexuality meant that it was difficult for the majority of IGF participants to navigate the debate from a framework of rights, except in situations of competing rights and interests in measures that may limit the broader population's right to information and expression. The perspective of young people's rights to health, education, participation, expression, information, privacy and sexual autonomy, bearing in mind their evolving capacities with parental rights to guidance, was critically missing in these debates.

Also absent is discussion on the sexual rights of women and of marginalised sections of society, and the internet's key enabling role in transforming unequal gender relations and discriminatory norms and practices. Debates on internet content regulation, surveillance and privacy are rarely informed by the hard lessons learnt from feminist movements, such as the conceptual complexities of private/public in the criminalisation of domestic violence[27] and the policing of sexual behaviour and identity on the basis of public morality and national order. There is a need for these insights and perspectives to inform the debates on clarifying limits to contesting rights and interests, and what principles they are decided upon. This is especially relevant when current approaches to content regulation in relation to sexuality are from a protectionist standpoint on the basis of "harm" to either private individuals or public morals. How is "harm" measured, on what value system, and how does this empower or further constrain already marginalised sections of society? In what ways can we approach internet regulation to instead create the conditions necessary to provide for the protection and fulfilment of the rights of a diversity of people, towards inclusion and equality?

The politics of sexual speech/act

Examining the issue of content regulation from the perspective of sexuality and sexual rights is important for two related reasons: 1) the recurrence and centrality of sexual regulation in arguments for internet regulation, whether in the form of moral arguments or protection from actual or potential harm; 2) sexuality and the way it is constructed and valued in society plays a determining role in the extent to which an individual is able to participate as a full member of her/his society.

The regulation of sexual speech and actions through internet regulation measures contributes to defining what is permissible or "legitimate" sexuality and what is prohibited or "illegitimate" sexuality. This in turn contributes to the construction of "sexual hierarchies", explained by Gay Rubin as the way in which sexual identities, communities, practices and expressions are organised.[28] Sexual hierarchies are intimately bound with other forms of social stratification, including gender, class, age, ethnicity, able-bodiedness and so on, and carry with them accompanying privileges, resources and censure (for example, through laws and policies related to marriage, inheritance, social welfare, rape and abortion). As such, the constitution of sexual hierarchies or differentiation between citizen-subjects on the basis of sexuality is politically linked to how a nation-state or society is organised and imagined,[29] and solidified through the exchange of symbolism, culture, discourse and norms through institutions such as the family, schools, law enforcement and the media.

The internet, because of its unique characteristics, has provided a critical space for the proliferation of multiple discourses that can act to challenge and rupture normative ideals of sexual hierarchies. It has become an important avenue to interrogate existing standards of sexual legitimacy, and to raise broader questions around justice, equality and non-discrimination. Due to its relatively low barriers to access and dissemination (as compared to, for example, traditional mainstream media), the internet enables perspectives and voices from the margins to infuse and trouble dominant discourses that anchor normative sexual hierarchies. The in-depth research with

26 Jac sm Kee, Namita Malhotra and EROTICS team *Internet Governance Issues on Sexuality and Women's Rights* (APC WNSP, Alternative Law Forum and APC EROTICS Project, 2010) www.genderit.org/articles/internet-governance-issues-sexuality-and-womens-rights

27 For example, see Martha Nussbaum "Is privacy bad for women?" *Boston Review* April/May 2000 bostonreview.net/BR25.2/nussbaum.html

28 Gayle Rubin "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality", in *Pleasure and Danger: Exploring Female Sexuality* ed. Carole S. Vance (Boston: Routledge, 1984)

29 See Anne McClintock *Imperial Leather: Race, Gender, and Sexuality in the Colonial Conquest* (New York: Routledge, 1995)

diverse communities and individuals who use the internet in the expression, articulation, exploration and realisation of their sexualities in the five EROTICS countries demonstrates the key function of the internet in the exercise of sexual citizenship and the advancement of sexual rights.

Right to public participation, association and assembly

Both the Brazil and South Africa reports refer to the internet as an important "public sphere" for political contestation where different actors, struggles and concerns are able to converge to inform or transform norms, public opinion and in turn, policy. It is a site where transitional or long-term alliances are forged in the form of informal social groupings, communities of shared interests or communication spaces for action. The internet is an especially vital "public" for individuals and communities who face multiple forms of barriers to access more traditional forms of publics like the media or political representation, due to their sexual identity or gender orientation.

The South Africa research notes that "websites can serve as spheres for different 'publics' or counter-publics and so enable those whose voices tend to be dismissed or marginalised generally to engage and act."[30] It examines in detail how transgendered women and men converge at a popular transgender site to share their struggles in transitioning, including treatment options, celebration of achieved milestones and exchange of experiences in discrimination faced. In Lebanon, the current visibility and dynamism of its queer activism was directly attributed to the emergence and availability of the internet in the country. The registration of www.gaylebanon.com – also the only known website to face legal prosecution in the country – was recognised as marking the beginning of an organised movement.

The ability to form communities and discuss shared concerns and issues is a core facilitating component to the right to public participation. In contexts where particular issues have little recognition or are fraught with risks to personal safety, such as the issue of lesbian, gay, bisexual and transgender (LGBT) rights in Lebanon, the internet becomes a space where communities can be forged towards a shared identity, vision or struggle. As highlighted by the coordinator of Helem Girls, one of the oldest queer women's movements in the country, "Lesbians back then and still right now are scared to have a face-to-face meeting right away with someone from the community. So to have a person on your [online messenger] contacts list who you can talk to and express your fears to and someone who can convince you to come to the meetings – I think it was a very powerful tool. This was the tool used to gather all the girls and get the numbers."[31]

The Brazilian experience of the "Mega No" online campaign against a proposed law that could significantly hamper the free flow of information online demonstrates the potency of civil society engagement and mass mobilisation of support through the internet. The first part of the campaign canvassed 13,000 signatures within a month, while the second gained more than 150,000 signatures. It contributed significantly to a series of events that led towards a halting of the problematic bill to be replaced by a civil law framework that is grounded in human rights principles, and importantly, enabled a protectionist and criminal justice approach to be successfully challenged.

However, it is important to note that access alone is not sufficient to enable meaningful participation. The success in Brazil, for example, is also due in large part to the already existing and hard-fought history and mechanisms in place for public debate and input into legislative processes. In Lebanon and South Africa, the ability for internet users to feel safe in their online interaction through the anonymity and social codes provided is a significant factor that contributes to its meaningful use. The question for public policy raised here is, what kind of conditions and processes are necessary to provide for meaningful participation in public and political life by diverse sections of society, including those most affected or at risk, to maximise the democratising potential of the internet?

Right to freedom of expression, opinion and information

As noted by La Rue in his report to the HRC, the right to freedom of opinion and expression is critically facilitated by the internet, and is both a fundamental right on its own as well as an enabler of a broad range of human rights. In terms of the heavily regulated realm of sexual speech, the internet at present provides a relatively more open space for non-normative expressions, subaltern histories and less readily accessible information to proliferate. This can have an important impact of participating in the shaping of culture, to make informed decisions including consent and to exercise self-autonomy.

In India, the research uncovers the complex ways in which young women engage with self-expression, identity and risk management, and the formation of relationships through dating, matrimonial and social networking sites. Through this, they are able to push the boundaries of cultural and social barriers

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30 See page 147

31 See page 124

that place intense scrutiny on the sexuality of women and girls. Young women experiment with ideas of "sexy" through self-representation online, while mothers create popular blog sites that provide peer support, information and commentary on contemporary issues, challenging the traditional discourse in India that holds motherhood in a sacred and moral position.

The Brazil research examined a community of men on Orkut, a popular social networking platform, who argue for the legitimisation of intergenerational relationships. Despite its discomfiting topic, it enables a rare counter-discourse to emerge and debate on the deeply emotive subject of online paedophilia, especially given its dominance in internet content regulation discussions in the country. Through the conversations, community members deconstruct the often conflated idea of paedophilia, and discuss the differences between adolescents and children, child sexual abuse and emotional and sexual attraction to adolescents, and raise the possibility of informed consent and sexual agency by young people. Apart from civil rights activists, it was also the only online community that publicly addressed the proposed internet regulation bill that catalysed the "Mega No" campaign mentioned above.

In Lebanon, an important strategy of the queer feminist movement is in writing, documenting and analysing personal and political accounts of their activism and sexuality. This serves to infuse a queer perspective into issues that affect the Arab region, to provide a living archive of evolving strategies on LGBT organising, as well as, importantly, to resist colonisation of perspectives and knowledge. As put by one of the members of Meem, a queer feminist network in Lebanon, "The documentation of history bears significance not only for posterity but also serves as a current useful guide for LGBTs continuing to organise in different ways in other Arab countries. It also fosters the habit of writing one's own history, rather than leaving it to researchers, historians and professionals."[32]

The internet has also become a controversial site for sex education on a range of topics, including HIV/AIDS, contraception, menopause, sexual pleasure and experiential accounts of medical procedures on pregnancy and gender transitioning. It meets an important information gap faced by young people in schools, where sex education is being regarded with alarm and moralistic terms, with India banning sex education in twelve states and the US emphasising abstinence-only sex education. It also helps individuals to mitigate the social costs of searching for and accessing information on sexuality. As shared by Punita, one of the respondents in the India research, "There are some things they don't teach you about and which you need to find out about. Like one of my friends, for example, did some stuff with her boyfriend and she wanted to know how to use emergency contraception – you know those ads you see for the i-pill. So we went to the internet and looked for it, found out what are the effects of it, that it has some bad side effects, and should avoid it. A lot of people look online for these things, where else will they go? You can't ask friends, as they will spread it around. You don't trust anybody in these things, and you have to think thousand times before asking. You don't want others to know you want to know about these things."[33]

The unruly wealth of content related to sexuality online means that one of the major sources of information is pornographic sites. The common response towards pornography is its harmful impact, rendering it immediately subject to circumscription. However, in analysis and policy advocacy and formulation, the assumptions of harm need to be questioned, particularly when it also meets an information gap albeit in uncomfortable terms. Is it the exploitative dimensions of the pornographic industry that is problematic, or is there something inherently harmful in the explicit depiction of sexualised bodies? How then do we draw the line between, for example, artistic expression (which has a long history of censorship), fantasy (the Children's Internet Protection Act in the US also prohibits illustrations and animation), and potentially harmful representation? Should the approach shift from limiting sexual content, including pornography, to increasing education and literacy so that people of all ages are able to critically engage with the information they access? As an important first step of analysis, Miller raises the need "to examine the extent to which existing national regulation of material with sexual content draws on conservative, historical notions of gender roles, chastity and morality. If sex is not intrinsically harmful but abuse of power is, a rights-based analysis would carefully articulate a notion of harm that would not only rely upon or revive gendered or chastity-based criteria for protection."[34]

Right to self-determination, bodily integrity and security of the person

Sexuality is a universal and fundamental aspect of human beings. Every person, regardless of differences, has the right to exercise autonomy and decision making about their own bodies, including on health, social and cultural development, employment and

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32 See page 130

33 See page 83

34 Miller *Sexuality and Human Rights*, 42

sexual and interpersonal relations. However, the reality of sexual hierarchies means that people who occupy different axes of social subjectivity face different forms of barriers in the exercise of these rights.

Overwhelmingly, young people and children are presumed incapable of making informed decisions about their own bodies and sexuality. In the US, young people under the age of seventeen are unable to access unfiltered content in publicly funded libraries. Added to the lack of comprehensive sex education in schools, this has an impact of significantly limiting their right and capacity to exercise agency and decision making about a critical component of their development, especially when the law does not distinguish between different categories of young people and their evolving capacities. Further, as highlighted by the report, such a policy can act to disproportionately affect poorer sections of society who rely on public access points such as libraries for their internet access.

Meaningful access to the internet and engagement with online spaces and communities can greatly enable the capacity of individuals who face discrimination and inequality to exercise their right to self-determination and bodily integrity. The South Africa report demonstrates how transgender people turn to the online forum space not only to share information and support, but also as a safe site to rehearse or inhabit gender codes and identities in the process of transitioning. In India, where arranged marriages are commonly practised, young women are able to gain greater control over their choices of life partners through a range of online matrimonial sites, a booming industry that is expected to reach more than 20 million users in 2011. The careful construction of personal profiles – sometimes with participation from the entire family – and capacity to assess and select prospective partners through their online profiles provide them with a greater sense of autonomy and empowerment in this important life decision. Online chatting also narrows the social and cultural distances that exist in other spaces for interpersonal interaction, and enables young women to overcome the restrictions to their physical mobility, explore their own ideas of intimacy and desire, and manage strategies for taking the relationship to the next step on their own terms. Central to the value of online spaces in this regard is their ability to create a communicative and interactive environment that is relatively safe and secure. Privacy and anonymity are important components to this.

Nussbaum's capabilities approach and her list of ten areas of human life are a useful framework to guide public policy on human development in the area of sexual justice, and to assess and develop strategies that are necessary to create conditions where all human beings are able to meaningfully exercise decision making about one's own life. They include i) life, ii) bodily health, iii) bodily integrity, including safety iv) senses, imagination and thought, v) emotions and emotional relations, vi) practical reason and critical reflection, vii) affiliation, including social interaction, compassion and dignified treatment, viii) living in concern with other species and the world of nature, ix) having the ability to play, and x) having control over one's political and material environment.[35]

Control and regulation of the internet

It is without question that the internet is increasingly subjected to different forms of regulation in all parts of the world. As we become more reliant on the internet for multiple aspects of our everyday life, questions of rights, duties and obligations arise in terms of how the internet should be governed, by whom, and on what grounds or principles. The EROTICS research examined the rapidly changing landscape of online content regulation in each of the five countries, and the different ways in which access and expression in online spaces are being limited, regulated and threatened. They demonstrate that regulation measures are complex and not always straightforward, and are enacted and forwarded by a range of actors, both state and non-state, in formal and informal ways. From the research, internet content regulation is being enforced in four different layers: i) access and infrastructure, ii) law and policy, iii) markets and economic forces, and iv) culture and social norms.

Access and infrastructure

At the most basic level, there is a persistent gender digital divide.[36] Despite rapidly increasing levels of internet penetration in all countries studied, particularly through the use of mobile phones, literacy levels in terms of language (such as the lack of content in Arabic) and technical skills and cost are still significant determining factors in internet access. Given the gendered dimension of technology, economic empowerment and control over resources, these act as barriers to equal access and engagement with internet technologies. It is notable that in all the countries examined, and in the statistics collected by the International Telecommunication Union,[37] few gender-disaggregated data on internet penetration

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35 Martha C. Nussbaum *Sex and Social Justice* (Oxford: Oxford University Press, 1999)

36 See for example Nancy J. Hafkin "Some thoughts on gender and telecommunications/ICT statistics and indicators" (International Telecommunications Union Document WGGI-2/7-E, 2003) www.itu.int/ITU-D/pdf/5196-007-en.pdf

37 International Telecommunication Union "The World in 2010: ICT Facts and Figures" www.itu.int/ITU-D/ict/material/FactsFigures2010.pdf

were available. This in itself indicates a troubling lack of consideration of the gendered dimension of internet access in national and international policy development.

Notably in Lebanon, otherwise unfiltered access to internet content was being significantly hampered by expensive and slow internet connections. This was seen as due to the state's monopoly on internet architecture, and a lack of political will to respond to claims for affordable bandwidth and connectivity. Measures to improve infrastructure are also encumbered with the threat of surveillance, and the importation of policy concerns. In February 2009, USAID funded the Lebanese Telecommunications Regulatory Authority with USD 3 million to improve its spectrum management system and service. However, this came with recommended programmes and filtering technologies for the protection of children online, which, as noted by the research authors, "stand in strong contrast to the situation on the ground, where there are no intentions or measures to limit access to harmful content online, nor to assess what harmful content entails."[38]

Shared or public internet access points such as schools, libraries or cybercafés present a limited solution to access. As mentioned earlier, the only law that mandates restrictions to internet content in the US applies to publicly funded libraries, which affects approximately 77 million users.[39] In India, cybercafés are dominated by men and the culture of masculinities, with increasing state regulation placed on their operation, including collection and storing of users' personal data and restrictions on their physical arrangement and locality, in part for reasons of controlling consumption of pornography. Women are more likely to access the internet from their homes. Shared internet access points also inevitably mean a trade-off with privacy, which has a significant impact on the use of online spaces for sexual expression and engagement.

Law and policy

In each of the five countries, new laws were passed or introduced in a bid to regulate the free flow of information on the internet. In South Africa, existing laws that limited speech and expression on traditional forms of media were increasingly extended to include the internet within their ambit, following the rationale that whatever applies offline similarly applies online. This logic is similar to the approach in India, as the state grapples with convergence of multimedia technologies in expanding the category of "obscenity". Such an approach understandably compromises the value of the internet in providing an avenue for non-normative and counter-discourses, especially when it comes to sexuality.

Another notable feature is the speed with which new laws are passed or introduced, often with little consultation with civil society. The Film and Publications Act in South Africa was amended four times between 1996 and 2009, to include sexual content and child pornography on the internet. In Lebanon, an outdated bill on internet regulation drafted in 2003 was suddenly pulled out and presented for a vote in Parliament (without comment allowed) in 2010, but was halted through an alert cyber activist community who voiced their concerns and scepticism over its content and process. Cybercafés in India face increasing proposals for regulation, resulting in a rapid drop in users between 2003 and 2009. From 1996, three different versions of legislation to regulate internet content that is deemed harmful to minors were forwarded in the US before the Children's Internet Protection Act was finally passed in Congress in 2000. In Brazil, amendments to an existing law to include child pornography were passed in record time in 2008, while another proposed law with wide-ranging impact on internet privacy, surveillance and open access was paused only through a mass mobilisation of protest by communication rights advocates.

There are several points of concern about this trend. First, laws are proposed with little research and study on the actual area of harm that is meant to be regulated, and to understand their impact and limitations on a broad range of rights. Second, except in the case of Brazil where there is an existing practice and mechanism for public participation, there is little consultation with civil society on the proposed laws which on the whole have great implications for privacy and communication rights. The lack of transparency behind discussions compounded by the speed of proposed laws can obfuscate invested parties and stakeholders in the proposal of internet regulation laws. For example, even in the case of Brazil, the initial bill proposed was intended to address electronic fraud concerns of the banking industry, which saw little public support. The contents of the bill were subsequently morphed and adapted into the new law that canvassed a more emotive support through the discourse of paedophilia and child protection. Third, there appears to be a borrowing or importation of principles and premises for the enactment of new laws, particularly the Council of Europe's Convention on Cybercrime and on the issue of child pornography. The question

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38 See page 118

39 Samantha Becker et al. *Opportunity for All: How the American Public Benefits from Internet Access at US Libraries* (University of Washington Information School and the Institute of Museum and Library Services, 2010) tascha.uw.edu/usimpact/documents/OPP4ALL_FinalReport.pdf

needs to be raised in terms of their applicability and relevance in addressing an actual concern or issue faced in the country, and if these measures that focus on the internet are in fact distracting resources and prioritisation from addressing the material reality of child sexual abuse that takes place offline. Fourth, accompanying the laws are the creation of new enforcement and investigation agencies that include private-public and international cooperation. This creates new structures and institutions of power that compel interrogation in terms of clarifying duties and obligations and the protection of rights by the different actors involved. And finally, the predominant approach to internet content regulation measures takes the form of criminalisation and punitive measures, instead of addressing the issue from the framework of the protection of rights. This can act to further disempower citizens by positioning them as vulnerable subjects in need of patriarchal state protection, instead of a recognition of the state's duty and obligation to ensure the fulfilment of fundamental civil liberties.

Markets and economic forces

The private sector holds immense power in internet regulation measures. They are often invited by the state as key stakeholders to provide input on internet regulatory measures, and sit as influential actors in national multi-stakeholder forums. In particular, the concerns of the entertainment and music industry inform the strengthening of intellectual property rights laws and copyright protection in India and Brazil. In many countries, privacy and data protection laws are either unavailable or inadequate. This provides little protection against data collection and market profiling practices by internet corporate giants like Facebook and Google, as examined in the US report.

These companies are also able to restrict access to specific types of content through their corporate policies, which can differ across countries. For example, Google prohibits advertisements for abortion-related information and services in fifteen countries on its Google Adwords service,[40] while Microsoft Bing filters out sex-related keywords in four Arab countries.[41] This is in large part due to internet content legislation in some countries that renders internet service and content providers liable for illegal content. This creates a "chilling effect", where companies err on the side of caution and too readily

remove potentially suspect content to avoid legal liability. For this reason, La Rue's report to the HRC recommends that internet intermediaries should not be held liable for content posted by third parties. Nonetheless, there is a need to clarify the principles behind addressing the issue of intermediary liability, and the development of mechanisms and processes to inform private sector terms of use and corporate policy that can have wide-ranging effects on the large population of internet users, guided by the framework of rights.

The mapping of the lesbian web sphere in South Africa and Brazil also indicated a stronger visibility of sites that had a commercial and entertainment emphasis, as compared to more established forms of activism. This raises questions about the possibility of slippage from communities into consumerism, and from political engagement into consumption. The research in Brazil and India, however, indicates that lesbian communities online are much more guarded in terms of their privacy and criteria for access and inclusion, with strong attention given to security measures, which may be a potential reason for their relative invisibility. Further, as seen through the paid use of matrimonial sites by young women in India, economic engagement with particular sites also carries with it political and transformative potential. The multiplicity of sites and communicative spaces online means that activism is not always contained within the conventional models and methods of working, as can be seen through the strategies employed by the queer movement in Lebanon, and the study of discursive resistance by diverse individuals against lesbophobic speech on Orkut in Brazil.

Culture and social norms

The proposal and normative acceptance of internet regulatory measures are often accompanied by the mobilisation of anxieties around sexual dangers to "others". For male respondents in the India research, the "others" were the women within their circle of care (sisters, girlfriends, cousins), and for the female respondents, they were children. In content regulation debates, the state positions itself as the protector of public morals, ethical or cultural values and vulnerable groups. Arguments of morality are often backed up by religious or conservative groups who hold great influence and power within the nation, as can be seen in the case of Brazil, Lebanon and the US, and whose roles and investment in the regulation of sexual speech and publics need to be held up for critical feminist interrogation. In particular, how they rely on and act to reinforce discriminatory or unequal ideas of gendered norms and hierarchies.

The dominance and influence of the discourse on child protection in this area, as seen above, needs

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40 Women on Waves "Letter to Google concerning Restricting Advertisements that Promote Abortion Services" 30 June 2009 www.womenonwaves.org/set-2015-en.html

41 Helmi Noman *Sex, Social Mores, and Keyword Filtering: Microsoft Bing in the "Arabian Countries"* (OpenNet Initiative, 2010) opennet.net/sex-social-mores-and-keyword-filtering-microsoft-bing-arabian-countries

close examination and research to comprehensively understand the scale of the issue, the actors involved and the different dimensions that technology brings to the issue. The tendency for emotive conflation of sexualised monstrosity to build moral outrage in the mobilisation of support for punitive and wide-ranging measures needs to be critically questioned, and to link emerging efforts, actors and resources to protect the rights of children with existing work, advocacy and movements, including alliances with women's rights movements.

It bears reminding that even with the liberatory potential of the internet, many women and girls still need to negotiate existing cultural and social barriers in their ability to fully and meaningfully engage with online spaces. The research in India demonstrates how the young women interviewed had to develop strategies to avoid surveillance of their activities by their social network and to manage the real risks and dangers that they can face online, including that of harassment, manipulation of photographs, and violations of their right to privacy.

The Brazil report also raised the impact of "trolling" – discursive strategies aimed to disrupt spaces and rules for engagement by luring others into time-consuming and pointless debates through provocative, insulting and personalised attacks – on the exercise of the right to freedom of speech in online communication spaces. Such strategies especially affect more inexperienced internet users, including those who are young, female or are members of minority groups. Hate speech or violent and abusive comments and postings by other users can also result in the creation of unsafe environments and self-censorship by the subject of the attacks. Education and literacy in developing clear online communication rules and terms of engagement are raised as effective strategies to respond to these threats, and to create secure and respectful online spaces.

What's missing? Ways forward

This chapter provides only a fragment of the rich and insightful findings in the five country research studies, and is an attempt to draw together some commonalities and connections between the diverse contexts. What they clearly demonstrate as a whole is the key value and potential impact of the internet in the advancement of sexual rights and sexual citizenship. The research raises important insights into patterns in the movement towards greater regulation of online expression, content and interaction, and draws important connections and analysis of how the regulation of sexualities is intertwined at the heart of this process.

Some areas for further research and analysis also emerge through this study. A central concern and key value is in the need to ensure greater protection of the right to privacy and security. Content regulation is almost always accompanied by surveillance measures, and in the face of missing privacy protection, this raises serious questions about the vitality of online spaces in advancing social justice. The trend towards punishment and criminalisation anchored by protectionist and moralistic approaches needs to be shifted and transformed to a framework that is grounded instead in human rights principles. The important lesson here is that it is the *rights* of people that need protection, not individual subjects who are constituted as vulnerable and limited in capacity.

The concept and reality of harm is another area that compels deeper interrogation, and to widen the current limited scope on child protection to also include the material and gendered forms of risks and violence that are faced by a diversity of internet users. This includes measures to address technology-related violence against women, such as cyber stalking, online harassment and sexualised violations of privacy. The research also surfaces the numerous strategies that are already being employed by different users and civil society actors in managing, addressing and navigating complex risks and issues. These are valuable practices that can inform and guide development of strategies for internet governance and regulation. Finally, the research compellingly demonstrates the need for greater literacy, education and capacity building in both the area of technology as well as in the issue of sexuality, to engender a robust internet governance, social justice, and a rights-based political movement that is inclusive of diversity, and affirming of equality. ∎

Internet regulation and sexual politics in Brazil

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Introduction

This report provides a synthesis of findings and analytical insights emerging from the Brazilian case study that is part of the EROTICS exploratory research project. The Brazil case study was conducted by a joint team of researchers from Sexuality Policy Watch (SPW) and the Latin American Center on Sexuality and Human Rights (CLAM). The research, carried out between May 2009 and June 2010, combined two components: a mapping of recent policy debates on internet regulation, and an ethnographic study of internet practices by members of web-based social networks engaged with sexuality issues.[1]

The study examined the background, dynamics of political mobilisation, and policy debates triggered by the partial approval, in 2008, of a cyber crime bill (known as the Azeredo Bill, after the federal senator who was its rapporteur). This legislative debate and ensuing political mobilisation against the bill resulted in the drafting of a Civil Rights Framework to guide internet regulation. Since the fight against web-based child sexual abuse (generally referred to as "child pornography") has been widely brought up in these debates as a key argument justifying stricter state control over the internet, the research also examined the intersections between the regulatory debate and this other policy domain.[2] Information was gathered on the First National Conference on Communication Policies, which discussed, among other topics, media monopoly, media control, freedom of expression and internet regulation itself. The study also scanned perceptions about internet regulation among feminist and lesbian, gay, bisexual and transgender (LGBT) rights activists.

This policy component, therefore, identified and analysed key trends and actors at play, main arenas of deliberation, the content of legal proposals being tabled, controversies, consensus, and the location of sexuality within this complex maze of discourses and realities. In total, the study talked to 26 strategic actors (individuals involved with internet debates, child protection, law enforcement, policy design, and feminism and LGBT rights); fourteen in-depth interviews were conducted; and 62 persons responded to a survey on internet practices and perceptions on regulation.

The online ethnography focused on Orkut communities. This online social networking site, run by Google, is the most popular social networking site in the country. It had been the focus of a major legal controversy involving the disclosure of users' data for the investigation of child pornography cases. After mapping and classifying a wide range of ways sexuality is performed on the internet, online spaces were located – so-called Orkut "communities" – where issues connecting with the policy regulation debates were addressed by users. This strategy was based on the assumption that web exchanges and performances have the virtue of forming and reshaping not only subjectivities, but also public opinion. Two specific groups were selected and their discursive dynamics more closely examined: a) an Orkut community that openly advocates for the defence of sexual relationships between adults and adolescents, while contesting the category "paedophilia" as the descriptor of their preferences; and b) the online activity of women who, not yet necessarily organised under an activist banner, actively and effectively contest offensive anti-lesbian remarks, especially within male-oriented Orkut communities.

Theoretical remarks on sexuality, cyber politics and the public sphere

The data collected, although not yet fully processed, provides a rich empirical basis to examine and analyse both Brazilian policy dynamics and the live world of web-based online communities. This section introduces the two conceptual frameworks informing the analysis of the meanings and directions of cyber politics, the ready emergence of sexuality in different debates around regulation, and the ways in which web-based communication has provided a space and medium for multiple sexual performances and expressions, both legitimising and destabilising gender and sexual identities.

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1   The SPW team was responsible for the policy debates on internet regulation. CLAM researchers conducted the online ethnography.

2   We thank Laura Lowenkron, whose doctoral research on legal and law enforcement measures and debates on child pornography on the internet was one of the main sources for our analysis.

Public spheres and democratic deliberation

The forces and trends observed in the intricate internet regulatory debates evolving in Brazil since the 1990s can be situated in relation to conceptual perspectives that address the reconfiguration of the public sphere under the impact of the so-called information and communications technology (ICT) revolution and the related potential of the internet to fill contemporary democratic deficits.[3] The vast literature on the subject is quite heterogeneous and there are disagreements amongst authors coming from different theoretical traditions. Even so, conceptual and analytical insights concerning the intersections between cyber information and communication technologies, democracy and the public sphere in particular are shared by many, in particular, the overarching analysis, developed by Hannah Arendt[4] and by Jürgen Habermas,[5] that in modern societies, the public sphere – where public opinion is generated and strength to contest the state is gathered – has lost vitality and political meaning. These authors interpret this political void as the result of ongoing privatisation (or marketisation) of social relations and the increasing control of the public debate agenda by powerful economic groups. Such conditions explain the democratic deficit of contemporary politics.

Habermas' conceptual frame, a core reference in cyber politics, can be portrayed as a continuous effort to move beyond this pessimistic assessment of contemporary politics. In Habermas' view, under specific normative and procedural conditions, the reconstruction of communication (communicative action) can revitalise the public spheres and reinvigorate democratic deliberation, thus reducing the democratic deficit. His first conceptual frame projected a unified, centralised and homogeneous vision of the public sphere.[6] It also emphasised the normative dimensions (the rule of procedures of democratic deliberation) and assumed a clear and sharp division between public and private. In his later writings, however, and in the analyses developed by others who were inspired by his thinking, his classic original frame was recast.

Revised perspectives on public spheres take into account that their configuration is not merely normative, but traversed by power fluxes.[7] They also recognise that public opinion and transformative politics are also generated in other spaces, located at the intersection between public and private, such as cafés, street markets, academic circles, or the arenas conformed by unions, as well as professional and community associations. This expanded and complexified public sphere comprises not only the zone condensed around the state – whose dynamics are determined mostly by the effects of mainstream media and their distortions – but also a multiplicity of fragmented yet connected spaces of conversation and debate that irradiate discourses and claims in multiple directions.

While this fragmentation may expose the participants of ongoing conversations and exchanges to power effects, in terms of exclusion or distorted communication, it also enhances communicative action in spaces or arenas that are less prone to coercion. In these multiple loci, discourse on "new" issues, problems, identities and needs circulate and get legitimised. As these streams of communicative action intensify and circulate, the perceptions and ideas they produce may coalesce into public opinion and policy propositions aimed at transforming existing norms, and force the state to respond to citizens' demands. A number of authors who analyse the processes underway in this multiplied public sphere identify the reconstruction of

3   While acknowledging the profuse international literature on this subject, we have privileged Brazilian or Portuguese-speaking authors whose views are informed by current international debates on ICTs and the public sphere. Bruce Bimber *Information and American Democracy: Technology in the Evolution of Political Power* (Cambridge: Cambridge University Press, 2003); Manuel Castells *The Power of Identity* (Oxford: Blackwell, 1997); Manuel Castells *A era da informação: economia, sociedade e cultura. Vol. I A sociedade em rede*, 5th ed. (São Paulo: Paz e Terra, 2001); Jia-Lu Cheng "On Control Societies: A Deleuzian Postscript" (paper presented at The Unthinkable – Thinking Beyond the Limits of Culture, Institute of Ethnology, Academia Sinica, Taiwan, China, 13-14 December 2008) www.ioe.sinica.edu.tw/chinese/seminar/081213/qcheng2_Jia-Lu%20Cheng.pdf; João C. Correia "Novos media e esfera pública: as profecias cyber-democráticas no contexto da democracia deliberativa" *Estudos em Comunicação* 4 (2008): 81-100 www.ec.ubi.pt/ec/04/pdf/06-correia-novos-media-esfera-publica.pdf; Peter Dahlgren "The Public Sphere and the Net", in *Mediated Politics: Communication in the Future of Democracy* ed. Lance Bennett and Robert Entman, 33-55 (Cambridge: Cambridge University Press, 2001); Jodi Dean "Why the Net is not a Public Sphere" *Constellations* P 20

10 (2003): 95-112; Wilson Gomes "Esfera pública politica e media: con Habermas, contra Habermas", in *Comunicação e sociabilidade nas culturas contemporâneas* ed. Antônio Canelas, Ione Ghislene and Milton Pinto (Petrópolis: Editora Vozes, 1998); Wilson Gomes "Internet e participação política em sociedades democráticas" V ENLEPICC (n.d.) www.gepicc.ufba.br/enlepicc/pdf/WilsonGomes. pdf; Mark Poster "Cyberdemocracy: The Internet and the Public Sphere", in *Internet Culture* ed. David Porter, 201-18 (New York/London: Routledge, 1997) www.humanities.uci.edu/mposter/writings/democ.html; Mark Poster "The Information Empire" *Comparative Literature Studies* 41, 3 (2004); Roza Tsagarousianou "Electronic Democracy and the Public Sphere: Opportunities and Challenges", in *Cyberdemocracy: Technology, Cities and Civic Networks* ed. Roza Tsagarousianou, Damian Tambini and Cathy Bryan, 167-178 (London: Routledge, 1998)

4   Hannah Arendt *The Human Condition* (Chicago: Chicago University Press, 1986)

5   Jürgen Habermas *The Structural Transformation of the Public Sphere* (Cambridge: MIT Press, 1989); Jürgen Habermas "O caos da esfera pública" *Folha de São Paulo* 13 August 2006 www. acessa.com/gramsci/?page=visualizar&id=561; Jürgen Habermas "Further Reflections on the Public Sphere", in *Habermas and the Public Sphere* ed. Craig Calhoun (Cambridge: MIT Press, 1993)

6   Many authors underline how deeply the ideal image of the Greek agora, as the public sphere par excellence, informs Arendt's and Habermas' thinking.

7   Poster "Cyberdemocracy"; Kevin A. Hill and John E. Hughes "Web Sites, Interest Groups and Politics", in *Cyberpolitics: Citizen Activism in the Age of the Internet*, 133-178 (Lanham, MD: Rowman & Littlefield, 1998); Leonardo Avritzer "Teoria crítica e teoria democrática: do diagnóstico da impossibilidade da democracia ao conceito de esfera pública" *Novos Estudos Cebrap* 57 (1999) es.scribd.com/doc/53190338/Avritzer-Leonardo-Teoria-critica-e-teoria-democratica

gender and sexuality discourses and identities – and related claims for rights – as compelling signs that the public sphere and democratic deliberation can, in fact, be invigorated and transformed.[8]

The centrality of communication in Habermas' political theory and the multiple loci of deliberation of revised frames on public spheres constitute a horizon that converges with conceptualisations and research on the meanings and effects of information technology, most particularly after the establishment of the World Wide Web in the early 1990s. A wide range of these theorists, researchers and activists developed and explored conceptual links between the "cyber revolutions" underway and the potential reconfiguration of public spheres and transformation of democracy.

The features of the internet usually listed as potentially invigorating public spheres and democracy comprise: a) the free flow of information from all sources; b) its characteristics as an open forum where free citizens can discuss their lives and the world without fear of coercion or control by sovereign authorities; c) horizontal and vertical interactivity; d) the possibility the internet opens for citizens to engage in public conversation not as passive recipients of "received wisdom", but as active participants; e) the breaking through borders and institutions of the nation state; and f) the contestation of proprietary logic (copyright and intellectual property rights) that restricts access to knowledge, information and cultural goods.

The first waves of these streams of thought were markedly optimistic, not to say radically utopian. In the words of Correia:[9]

> The new media, especially the internet, appeared as a light at the end of the tunnel, i.e. as a space, an opportunity to recreate the ideal conditions of the public sphere and deepen democracy. […] [The myth informing this vision was that] democracy is a noble but imperfect idea whose limits can be overcome through communication and information and therefore the internet could be thought as an ideal instrument to overcome the so-called democratic deficit. […] In other words the promise of a global, social and anti-sovereign space submerged in intellectual freedom that could undo all the powers of the earth.

Later research and theory crafted more balanced, not to say sober, views on the transformative political effects of the internet. Among the various critiques or cautionary notes found in this later literature, a key one is the

critique of technological determinism (or technophilia) characterising much of the first wave of cyber political thinking and still alive in activism. Today, a number of authors consider that the positive effects of the cyber prosthesis on the decaying body of democracy are not automatic as predicted.[10] Benkler's analysis portrays the utopian imagination of so-called cyber technophiles as a sort of mirror image of the technophobia of those who see the internet as a sombre source of cyber porn, cyber crime, or cyber terrorism.[11]

This bulk of literature stresses that the political, cultural and institutional tissues in which cyber communication is grafted must be brought back into the picture as enabling (or disabling) factors that may (or not) enhance the reconfiguration of the public spheres and deepen democracy. Public spheres, even when totally modified by technology, are not constituted by tools, but rather by institutions and social practices which may or may not be transformed by technology.[12] Poster,[13] quite early in time, explored the complexities at play at these novel intersections in ways that are particularly productive to explore the interplay of gender and sexuality with potentially transformed public spheres. He emphasises how the internet de-materialises communicative flows, transforms subject positions and installs new regimes of relations between humans, and between technology and culture:

> It is not just that the classical notions of active and passive subjects of communication have been left behind, it is also that individuals and groups reconstruct or fix their identities in the context of relationality, of ongoing conversations and not anymore as acts of pure consciousness.

Another effect of these ongoing transformations, as identified by Poster and other authors,[14] is that face-to-face communication – which constituted a cornerstone of democratic deliberation in its classical formats – is now being reconfigured by the use of digital technology and internet communication. Questions must therefore be asked about how to ensure that, under

8   Seyla Benhabib "Toward a Deliberative Model of Democratic Legitimacy", in *Democracy and Difference: Contesting the Boundaries of the Political* ed. Seyla Benhabib (Princeton: Princeton University Press, 1996); Nancy Fraser "Rethinking Public Sphere" *Social Text* 25/26 (Durham: Duke University Press, 1990)

9   Correia "Novos media e esfera pública" (translated by the authors)

10   Yochai Benkler *The Wealth of Networks: How Social Production Transform Markets and Freedom* (New Haven/London: Yale University Press, 2006); Correia "Novos media e esfera pública"; Gomes "Internet e participação política"

11   Benkler *The Wealth of Networks*

12   Ibid.

13   Poster "Cyberdemocracy"

14   Correia "Novos media e esfera pública"; Erotilde H. Silva and Juliano C. Oliveira "Esfera pública e internet: limites e possibilidades para as deliberações políticas na rede" (paper presented at the 5th National Meeting of Researchers on Journalism, Federal University of Sergipe, Maceió, Brazil, 15-17 November 2007) sbpjor.kamotini.kinghost.net/sbpjor/admjor/arquivos/ind_._erotilde_hon%BErio_silva.pdf; Rousiley C. M. Maia "Democracia e a internet como esfera pública virtual: aproximando as condições do discurso e da deliberação" (paper presented at the Congresso Internacional Internet, Democracia e Bens públicos - FAFICH/UFMG, Belo Horizonte, Brazil, 6-9 November 2000) vsites.unb.br/fac/comunicacaoepolitica/Rousiley2001.pdf

these new conditions, the public sphere can be expanded and improved as the space where citizens deliberate about their public affairs. What preconditions are required to enable increasingly fragmented online conversations to coalesce into denser clusters of public opinion? Is it or is it not possible to ground egalitarian access to spaces where relevant democratic deliberation evolves, which are not the same and can be more dispersed than they have been in the past? What language is to be used in these exchanges to prevent distortions of communication? How do the new cyber loci of the public sphere connect (or not) with the conventional arenas of political deliberation (parliaments, judicial systems, existing mechanisms of direct participation in policy design and monitoring)?

A related caveat or challenge explored by some of these analysts is that meaningful democratic deliberation supposes that a large number of citizens are subjectively and politically motivated to engage in the conversation. Empirical observation suggests, however, that information technology *per se* does not infuse this motivation in large groups of people. Cyber politics has intensified and amplified the motivation and impact of individuals and groups already engaged in public debates and rights claims, and has facilitated political mobilising in specific circumstances. But the impact of new information technologies in politics does not always translate into a major leap forward in terms of the massive engagement of citizens in a reinvigorated public sphere. On the other hand the web, with its plethora of cyber niches, is deeply traversed by market forces and private interests.

This more recent literature also examines the proliferation, since the late 1990s, of legal initiatives aimed at the surveillance and disciplining of internet information flows. The cyber crime bill debated in Brazil is just one illustration in a much longer list of efforts aimed at controlling the internet. The mainstream press and cyber activism have given, in recent years, high visibility to internet control implemented by authoritarian political regimes like China or Iran. But the reality is that Northern liberal democracies were the first to adopt restrictive norms to regulate communication flows and particularly the internet, as exemplified by the US Digital Millennium Copyright Act (DMCA) of 1998, telecommunication norms adopted in Europe in the same period, and the later European Convention on Cybercrime, adopted in 2001.[15]

Benkler[16] assessed this first wave of legislation as mainly reactive and fundamentally concerned with ownership rights. But it is worth noting that these early regulatory frames aimed at protecting copyright and other intellectual property rights already included criminalisation of conducts. In addition, the global climate of "insecurity" that pervasively expanded throughout the 1990s would crystallise after 11 September 2001, installing a wider and deeper logic of public security, a pre-emptive logic of state action, control and criminalisation. This would inevitably impact on subsequent debates and on internet regulatory initiatives, as well as on the development of technological devices for content and conduct control, culminating in current debates and proposals of stringent regulation propelled by the 2010 Wikileaks episodes.

Intersections between these global trends in the domain of legal reform and public security and the dynamics at play in Brazilian cyber politics are quite palpable. They encompass the subtle influence of the European Convention on Cybercrime – which covers much broader criminal grounds than the protection of property rights, including a detailed chapter on child pornography – on Brazilian legislators and other actors; pressure from the US and European countries in relation to pirating and copyright; as well as the consolidation and expansion of partnerships between law enforcement agencies in efforts to fight cyber crime.[17]

Eruption and disruption: Sexuality and regulation in shifting landscapes

The internet and the virtualisation processes it engenders can be characterised as mechanisms intrinsically related to capitalist society and relations. The internet materialised as part of the series of individualising processes that transformed power relations with the advent of modernity, as described by Foucault.[18] This report highlights the role of this technology as a technique for the incitement to discourse about the self, which Foucault identified with the operation of the sexuality device. The internet becomes a source for the production of truth about the self, and for the production of true discourses on sex. This approach is correlated to the characterisation of the internet as a paradigm of free expression – as an anarchic realm, resistant to regulation. Both sexuality and the internet promise pleasure and represent danger, as appropriated by actors with

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15   In Benkler's words: "Between 1995 and 1998, the United States completely overhauled its telecommunications law for the first time in sixty years. […] [It] revolutionized the scope and focus of trademark law, lengthened the term of copyright, criminalized individual user infringement, and created new para-copyright powers for rights holders. […] Europe covered similar ground on telecommunications. […] Both the United States and the European Union drove for internationalization of the norms they adopted, through the new World Intellectual Property Organization (WIPO) treaties."

16   Benkler *The Wealth of Networks*

17   As examined below, the restructuring and upgrading of a Federal Police Cyber Crime Division and Brazil's new ambitions as a global player have positioned the country and its initiatives high in these processes of reconfiguration.

18   Michel Foucault *The History of Sexuality Vol. 1: The Will to Knowledge* (London: Penguin, 1990)

different moral engagements. In other words, the internet is a space propitious to non-(hetero)normative expressions

The cultural impact of online social networking may be assessed by looking at its effects on the symbolic and social exchanges that take place by means of innovative information technologies. The virtual and the "real" cannot be separated, from the actor's point of view, as discrete spheres of social activity, dialectically related. Online and offline interactions and experiences are seamless. However, virtual communication lends itself to unique uses, indicating new directions and possibilities of self- and collective representation.

Online events and interactions produce substantive social effects. There is a correlation between virtual experience and rules of offline sociability. The latter are reproduced or enhanced according to new virtual possibilities. Virtual communities have thus become privileged sites of sexual expression, where sexual messages, interactions and subjects take form, circulate, are legitimated or contested, generating and becoming targets of conventions. Sexual messages, interactions and expressions are iteratively stimulated, become regulated, and are banned or facilitated in the virtual environment.

The virtual takes a particularly meaningful role in the convergence of (sexual) expressions, as the internet brings a potential for the emergence of new forms of sociability and personhood. A person earns new existence by transferring their self-representation to specific identities for the virtual environment. Since co-presence is not a requirement for online interaction, self-representations may be chosen in response to multiple contextual possibilities, restrictions and desires. Thus, anonymity and interactivity are defining features of certain types of online sociability, facilitating meaningful engagements and generating precious opportunities for marginalised subjects, such as youth, women and sexual minorities, to elaborate ideas and identities. The internet has become a privileged site for the expression, construction and subversion of hegemonic and subaltern, established and emergent discourses. Furthermore, online activity is crucial for the articulation and negotiation of public issues that are barred, tabooed, restricted, or subject to regulation offline.

In concluding these introductory remarks, it is worth mentioning a theoretical point for further elaboration in the light of the contexts and findings shown. An epistemological caveat is often expressed about the possibilities of dialogue between sexuality scholarship grounded in Foucaultian conceptions of governamentality and biopower, on the one hand, and theories of democracy on the other, as both have been deployed for the analysis of intersections and paradoxes in the field of sexuality, politics and the internet. Our analysis of internet discursive sociability does not involve a full incorporation of Foucault's whole theoretical apparatus, but relies exclusively on his insights on the productive nature of the sexuality device, as a form of "incitement for discourses" on sex and the self. However, based on further theoretical concerns on power and resistance, some of his commentators are sceptical about the Habermasian approach to "democracy". The combination of both approaches remains a challenge not only to this research project, but to any research investment aimed at examining the intersection of sexuality, politics and communication. This case study is also a contribution to a possible dialogue between those two approaches.

Sexual and cyber politics in the Brazilian democratic trajectory: Legacies and challenges

To grasp the complexities of internet regulation debates, and the multiple layers of their intersection with sexualities, it is worth briefly recapturing recent Brazilian political history. The country was governed by a military dictatorship between 1965 and 1985, when a civilian government was elected indirectly through an electoral college. While the first direct presidential elections had to wait until 1989, the public sphere had experienced reinvigoration even before 1985. This continued after the indirect election, and in 1988 a new constitution was adopted. This experience differs somewhat from the realities of established liberal democracies, as conceptualised by theorists of democracy, because not far back the public sphere had been completely void. Its reopening also meant its revitalisation.[19]

In Brazil, as informal circles and communities started mobilising against the military regime – from the late 1970s into the 1980s – spaces blossomed where public affairs were discussed and new issues became public. The majority of these initiatives called for political rights, basic needs, workers' and peasants' rights. But groups also mobilised around dimensions of the live world and issues that had not been politicised before they gained legitimacy, such as children's rights, disability issues, the environment, race, ethnicity and, not surprisingly, gender and sexuality. In the 1980s, these dispersed and fragmented conversations and demands started interacting with the new emerging political parties and were inevitably drawn into the 1988 constitutional reform.[20]

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19   Similar processes took place in Spain, Portugal and Greece, therefore this type of trajectory should not be portrayed as typical of Latin America, or of developing countries.

20   As democracy expanded, civil society initiatives would meet, dispute or align with the agendas of broader and more powerful constituencies and lobbies, as in the case of the Catholic Church, trade unions and the private sector.

Despite challenges, the constitutional reform delivered a consistent, up-to-date bill of rights, solidly grounded in human rights and democratic principles of non-discrimination, freedom, equality and equity, rights to privacy, and fair prosecutorial and justice treatment. A paragraph included in the Preamble of the Constitution states that all international treaties ratified by Brazil are automatically implementable. The text has established robust norms of gender equality and enshrined a wide spectrum of specific rights in the case of children, indigenous people, and persons living with disabilities.[21]

It also defined precise rules for constitutional control that, as elsewhere, are the main jurisdiction of the Supreme Court and the Supreme Tribunal of Justice. But it should be noted that constitutional control responsibilities are also granted to the Public Prosecutors' Office (*Ministério Público* – MP). Today in addition to conventional prosecutorial responsibilities in the domain of criminal justice, this Office has a broad array of roles in the defence of society's collective interests, including the rights of children, of consumers, environmental protection, as well as the consistent implementation of international norms ratified by Brazil.[22] As democracy evolves, the relevance and meaning of constitutional premises as the main reference for granting new rights claims and solving conflicts of social regulation keep gaining legitimacy and density.

Another key legacy of democratisation is a complex architecture enabling citizens' participation. Starting in the 1980s in the domains of health, children's and women's rights, accountability mechanisms in the form of councils and periodical public consultations – in the form of national conferences involving state and civil society – have spread through the Brazilian policy machinery. Today "participation" in various modalities is part of the policy routine in practically all sectors of the federal, state and municipal administration.[23] This ongoing trend has intensified since 2003 after the victory of the Workers' Party in the 2002 presidential election. In 2009 and 2010, participatory consultations occurred, for the first time, in relation to two policy areas at the focus of this case study: the First National Conference on LGBT Public Policies (June 2009) and the First National Conference on Communication Policies (CONFECOM, December 2009).[24] This architecture enhances face-to-face conversations, debates and conflicts around policy issues. The conference processes involve thousands of citizens.[25] These features of the Brazilian political environment must be taken into account when assessing the meanings and impact of new information technologies on the re-invigoration of the public sphere and the renewal of the democratic fabric.

Sexual politics: Multiple engagements at play in the public sphere

As mentioned above, gender and sexuality issues have been moulded into political issues since the early days of democratisation. Women's and homosexual rights claims started to be discussed in informal groups in the 1970s. Feminist groups were mainly concerned with gender-based violence, unequal wages and women's health, including abortion, while homosexual groups challenged discrimination and stigma. These initiatives gained political visibility in the 1980s, and acquired political legitimacy in the 1990s and 2000s. But the pace was different in each case.

The feminist agenda and advocacy for gender equality experienced a first wave of institutionalisation in the 1980s, when the first women's rights NGOs were created, a National Council on Women's Rights was established, and systematic interactions between civil society and the state began, which influenced the outcomes of the constitutional reform process as well. Since then, states and municipalities have also gradually established women's rights councils and programmes. This trend kept its pace into the 1990s, when intersections between national and international debates blossomed under the impact of the UN conferences, particularly Cairo and Beijing. Brazil dropped its reservations in relation to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), strongly supported the adoption of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, and played

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21 Despite a strong mobilisation in favour of the call for inclusion of a clause of non-discrimination on the basis of sexual orientation, led by a gay organisation, it was not adopted in the text of the constitution. This failure remained an open challenge to the protection of LGBT rights. Since then, they have been claimed by means of specific bills at the federal, state and municipal level, as well as numerous court cases, and public policies executed by mayors', governors' and the president's offices.

22 The role of the Ministério Público (MP) is highlighted here because it is a key institutional actor in the current discussions around internet regulation and human rights-related abuses.

23 The exception is finance and planning. However, the Lula administration (2003-2011) established a high-level council on social and economic development, directly attached to the president's office, where macroeconomic and infrastructure issues are systematically debated.

24 Participatory models, although already existing in various areas, have become the trademark of the Workers' Party administration at municipal and state levels, and were transported to the federal administration during the eight years of the Lula administration.

25 Just as examples, the last Conference on Women's Public Policies (2007) involved more than 20,000 participants, from the preparatory process to the end. In the cases of the LGBT rights conference and the CONFECOM, figures are similar: it is estimated that 30,000 people participated in all phases of the CONFECOM, resulting in 1,684 elected delegates from all over the country; the national LGBT conference had 1,100 elected delegates participating in the final stage of the process.

a very progressive role in other related global negotiations. The institutional framework for gender equality was further strengthened after the establishment of the National Secretariat for Women's Public Policy (2003). Concurrently, the feminist and women's movement greatly diversified in terms of class, race, ethnicity, sexual orientation, location and political profiles.[26]

Sexuality and abortion had since the early days featured high on the feminist agenda. As time passed, however, while the call for abortion rights remained a priority, the focus on sexuality lost ground until recently, when it started to be flared by lesbian feminist groups. The latest phase of gender mainstreaming in law and policy has made domestic violence its flagship. In 2006, the Maria da Penha Bill to prevent gender-based and domestic violence was approved (Law 11340 of 7 August 2006) and a broad institutional network was established at multiple levels to ensure its implementation. Today, in Brazil, a wide consensus has coalesced both in society and state institutions around the unacceptability of all forms of gender violence.

Despite these cumulative gains, a number of gender equality issues addressed in public debates for many years have not yet received sufficient policy response, as in the case of women's sexual rights, particularly non-reproductive ones, wage gaps, and the economic implications and effects on gender relations of patterns of social reproduction and the sexual division of labour.[27] Abortion remains criminalised (except in the case of rape and when the pregnancy represents a risk to the woman's life). Between the 1970s and late 1990s, gradual gains have been made in legislative debates and in terms of the guarantee of access to abortion in cases permitted by the law, as well as jurisprudence authorising abortion in the case of grave foetal abnormalities. But in recent years major setbacks have been observed in the legislative agenda, public policy, and the public debate itself.[28]

LGBT rights claims also surfaced in the late 1970s but expanded and gained legitimacy later under

the paradoxical impact of the HIV/AIDS epidemic.[29] In the 2000s, the visibility of the movement skyrocketed, as can be measured by the size and number of LGBT Pride Parades around the country.[30] In 2004, the federal government launched the Brazil Without Homophobia Programme, whose guidelines cover a wide array of policy areas: education, health, labour and, most principally, human rights. The programme is hosted at the National Secretary for Human Rights and in 2010 a Council for LGBT Policy was created. Despite these evident gains in terms of cultural change and public policy at federal and other levels, since the constitutional debates (see footnote 21), legislative achievements in relation to LGBT rights have been meagre and currently face a deadlock. The two flagship bills promoted by the LGBT movement, one for same-sex civil unions (PL 1151/1995) and the other criminalising homophobia (PLC 122/2006), are paralysed in Congress.[31]

However, in order to properly map the background elements that can illuminate the conflicts at play at the intersections of sexual and cyber politics, the trajectory of children's and adolescents' rights laws and policies should also be reviewed. The 1988 Constitution gave high priority to the protection of children's rights.[32] This was further stressed after the

26 Adriana Vianna "Os sujeitos do perigo e os perigos do sujeito: considerações sobre a trajetória dos direitos sexuais" (paper presented at the XXIV Reunião Brasileira de Antropologia, UFPE, 2004)

27 José E. Alves and Sônia Corrêa "Igualdade e desigualdade de gênero no Brasil. Um panorama preliminar, 15 anos depois do Cairo", in *Brasil, 15 anos após a Conferência do Cairo* (Campinas: ABEP, 2009) www.abep.org.br/usuario/GerenciaNavegacao.php?texto_id=4538&

28 Washington Castilhos *The Pope's visit to Brazil: Context and effects* (Rio de Janeiro: Sexuality Policy Watch, 2008) www.sxpolitics.org/wp-content/uploads/2009/03/wp_2008_ing-final.pdf; Sônia Corrêa, Richard Parker and Rosalind Petchesky *Sexuality, Health and Human Rights* (New York/London: Routledge, 2008)

29 The Brazilian response to HIV/AIDS was designed under a participatory policy framework, solidly grounded in anti-discrimination and human rights premises. This opened the space for the gay and, later, the travesti movement to act in prevention work, interacting systematically with the state, and participating in accountability mechanisms.

30 By 12 July 2010, the Brazilian Lesbian, Gay, Bisexual, Travesti and Transgender Association (ABGLT) reported 201 LGBT pride parades and pride-related events in 2010 alone. Since 2006, the São Paulo LGBT Pride Parade is mentioned in the Guinness Book of Records as the largest in the world. In 2010 it attracted 3.2 million people. Wikipedia "São Paulo Gay Pride Parade" accessed 11 August 2010 en.wikipedia.org/wiki/S%C3%A3o_Paulo_Gay_Pride_Parade; ABGLT website www.abglt.org.br/port/paradas2010.php

31 This deadlock has pushed the LGBT movement and its allies to shift their advocacy focus to the judiciary, arguing that the denial of rights to LGBTs constitutes a violation of constitutional premises. A decision regarding a constitutional challenge on the basis of the equal right to marry is pending at the Supreme Court. Adriana Vianna and Sérgio Carrara "Sexual Politics and Sexual Rights in Brazil: A Case Study", in *SexPolitics: Reports from the Front Line* ed. Richard Parker, Rosalind Petchesky and Robert Sember, 27-51 (Sexuality Policy Watch, n.d.) www.sxpolitics.org/frontlines/book/index.php; Vianna "Os sujeitos do perigo"; Magaly Pazello "Internet: campo de batalha dos direitos sexuais e da liberdade de expressão" (paper presented at the 2010 Congress of the Latin American Studies Association, Toronto, Canada, 6-9 October 2010) www.genderit.org/sites/default/upload/internet._campo_de_batalha_dos_direitos_sexuais_e_da_liberdade_de_expressao.pdf

32 Article 227 reads as follows: "It is the duty of the family, of society and the State, to ensure children and adolescents, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom, family, and community life, as well as to guard them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression." The 1988 Federal Constitution is available in English at: pdba.georgetown.edu/Constitutions/Brazil/english96.html#mozTocId89810

ratification of the UN Convention on the Rights of the Child (1989). The premises of both the constitution and the convention were rapidly translated into specific legislation: the Child and Adolescent Statute (ECA/1990). A broad and diverse constituency was behind this strong push for the protection of children's and adolescents' rights. As feminists and LGBT activists, many of these groups were originally informal and dispersed, and included acknowledged civil society leaders from the democratisation period.[33] But unlike calls for gender equality and LGBT rights, which have always faced cultural resistance, child protection rights have historically been supported by a wide social consensus. As is the case with the broader field of human rights, this particular policy area has been and remains strongly influenced by the Catholic Church.[34]

At the Congress level, the sexual abuse and exploitation of children and adolescents started to receive special attention when the first Parliamentary Inquiry Commission on Child Prostitution was established (1993-1994), and gained greater leverage later, with the work of a Joint Parliamentary Inquiry Commission on Sexual Exploitation of Children and Adolescents,[35] led by the Parliamentary Front for Children and Adolescents (2003-2004). In parallel, since the late 1990s, sexual abuse and exploitation of children and adolescents on the internet has also become visible as a policy and criminal problem. A number of factors enhanced this visibility: a) the growing expansion of internet access in Brazil, which also implied the expansion of "child pornography" networks; b) a series of law enforcement operations performed in collaboration with Interpol and European police forces to investigate these networks in Brazil; c) the ratification, in 2004, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which contains a specific provision on web-based child pornography.

While offline "child pornography" was already defined as a crime by the ECA, after 2004, a number of efforts were implemented to increase media and social visibility of web-based child pornography, promoting the reform of existing legislation. A spiral ensued, combining public speeches, law enforcement operations, legal suits, influence by international advocacy groups, legislative debates, and projects monitoring child pornography in the internet, all of which had a deep impact on public debate. This resulted as well in a reform of the ECA, approved in November 2008, which added a precise definition of online child pornography. Among other elements, under Brazilian law today, possession of child pornography is considered a criminal offence. This later wave of policy debates on the sexual abuse of children and adolescents traversed and overlapped in complex ways with emerging internet regulation debates, and with ongoing transformations and tensions in the domain of sexuality and sexual rights.[36]

Although three currents of contemporary sexual politics in Brazil – women's/feminist, LGBT and child protection – intersect in relation to child pornography, as well as to other controversies, dialogue across them has been scarce and dispersed. Few concrete connections exist between feminist organisations and children's rights groups in relation to sexual violence and abuse. Conversations between feminist and LGBT activists have increased in recent years, particularly in the domains of lesbian issues and abortion, while occasional intersections between these two constituencies and children's rights groups have also evolved, for example, for communication strategies and sexuality education. But, by and large, fragmentation prevails in terms of agendas and policy frameworks, which makes it difficult for feminists, LGBT activists and child protection groups to engage in systematic dialogue on issues that might trigger conflicts amongst them. Such is the case with their engagement to regulate consent and, most particularly, the age of consent, as well as the control of "abusive" language and messages and images deployed by the media and advertising.

The cyberpolitics landscape

In December 2009, 67.5 million people in Brazil had internet access. In recent years usage has increased mainly among women, teenagers and children.[37] Among Brazilians, participation in social networking platforms such as Orkut is particularly significant. In 2008, roughly 50% of Orkut's worldwide membership was Brazilian (around 23 million people), according Orkut's demographic site. The internet

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33 One example is Hebert de Souza, known as Betinho, who was also a key leader of the movement for a progressive response to HIV in Brazil.

34 Until the late 1980s, this influence had a progressive content, as the Catholic Church was committed to the cause of social and economic justice, although reluctant with regard to gender and sexuality. However, as the 1980s elapsed, Brazilian progressive Catholic leadership was systematically eroded by the Vatican. Since then, Catholic influence means strong moral views on gender, sexuality and abortion.

35 Joint Parliamentary Commissions are composed by members of both the Senate (upper house) and Chamber of Deputies (lower house).

36 Laura Lowenkron "Abuso sexual infantil, exploração sexual de crianças, pedofilia: diferentes nomes, diferentes problemas?" *Sexualidad, Salud y Sociedad - Revista Latinoamericana* 5 (2010): 9-29 www.e-publicacoes.uerj.br/index.php/SexualidadSaludySociedad/article/view/394/804

37 Brazilian Institute of Public Opinion and Statistics (IBOPE) "Número de usuários ativos da internet cresceu 1,8% em maio" 18 June 2010 www.ibope.com.br/calandraWeb/servlet/Calandra Redirect?temp=6&proj=PortalIBOPE&pub=T&db=caldb&comp= pesquisa_leitura&nivel=null&docid=17CCD8DF3C83101C832577 460057D746

today has a structural significance and role for finance, commerce and trade, science and technology, and governance, but also politics. As said before, the internet has multiplied and amplified the capacity of the most diverse groups to get information, engage in exchanges, politically mobilise and overcome the passive mode of reception that characterised the past logic of public sphere dynamics. Brazil shows a remarkable trend in connectivity. In 2010, 29 million new mobile phone lines raised the total number of mobile lines to 202.9 million (which is greater than the total population of the country, according to the 2010 census). By the end of the year, sixteen Brazilian states already had more than one mobile phone line per person, and there was an increase of 138% in 3G mobile internet connections (reaching a total of 20.6 million 3G connections in 2010).[38]

As in other countries, the introduction and expansion of internet was the outcome of the convergence of investments made by a heterogeneous – at times contradictory – gamut of actors and interests: activists, academics, state institutions and private companies from all sectors. In any case, civil society groups engaged with democratisation have played a palpable and relevant role in the early stages of internet development in the country.[39] They contributed to shape a "public good" framework, which presently guides internet governance policies, and have also influenced the wider and more complex landscape of cyber activism which developed after the World Wide Web became a reality in the mid-1990s.

Today, a myriad of organisations, individual researchers and collective academic projects have materialised and are engaged with a wide range of issues relevant for democratising access to information, improving state accountability, and further revitalising the public sphere. The advocacy and policy areas of cyber activism include debates and projects around the digital divide, free and open source software and open access to knowledge and cultural goods; interventions to improve public sector transparency and accountability (including hacking); systematic contestation of the information provided by mainstream media (through blogs, alternative media and other means); and mobilisation against censorship and surveillance, in relation to both national and international norms.[40] Within this broad spectrum of activism, attention and action have primarily focused on three domains in recent years: democratisation of information; free and open source software and open access; and opposition to censorship, surveillance and vigilantism. Between 2008 and 2010, constituencies strongly mobilised and resisted the cyber crime bill, and intensively and productively engaged with the discussions around the Civil Rights Framework for Internet Regulation.

Although additional information would be required to fully construct the profile of Brazilian cyber activism, it is safe to say that it differs from the political culture prevailing in feminist and LGBT rights communities, not merely in relation to the use of technology, but also in their conceptions about the law, regulation, and state-society relations. A sketchy profile of the activist communities mobilising around these issues indicates that they are mostly composed of a young generation, whose political experience and activism has matured and evolved from the late 1990s onward, when the country was already experiencing well-established democratic conditions. These groups and individuals engage in public deliberation through novel modalities of mobilisation and activism. Many of them were strongly inspired by cyber utopian views and, even today, are extremely critical of existing institutional rules and suspicious of "the state".

Struggles around information and communication technologies also led to the establishment of new governance and regulatory institutions and government programmes.[41] From the point of view of topics and dynamics analysed in this case study, one key institution is the Brazilian Internet Steering Committee, known as CGI.br, which is the main national internet governance body. CGI.br was created by Inter-ministerial Ordinance N° 147 (of 31 May 1995), and modified by Presidential Ordinance N° 4,829 (of 3 September 2003). It is a multi-stakeholder organisation, composed of 21 representatives from government, the private sector, civil society organisations and the academic community. In this sense, it is fully in line with the participatory model that has matured in Brazil since the 1980s. Unlike other similar bodies, CGI.br is not placed within, but outside the state framework. In order to perform its

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38   ANATEL website www.anatel.gov.br

39   The projects conducted by IBASE and Alternex – in partnership with the APC network – were pioneering not only in investing to make new information technology widely available to Brazilian society, particularly to civil society organisations, but also in building partnerships with academic and state actors. Those investments would establish the initial conditions for the expansion of the internet at the country level.

40   Brazilian activists oppose the Anti-Counterfeiting Trade Agreement (ACTA) and other international regulatory proposals under negotiation.

41   Some aspects of internet service regulation are under the responsibility of the National Telecommunication Agency. Over the past eight years, the Ministry of Culture has invested substantially in free access to cultural goods; the Ministry of Education has initiated projects to overcome the digital divide in the educational system; and the Ministry of Communications is now in charge of a publicly funded macro programme for the expansion of internet infrastructure.

activities and to implement its decisions and projects the CGI.br created a non-profit civil organisation, the Brazilian Network Information Center (NIC.br), a feature that allows for greater autonomy from political injunctions and influences. Its core mandates are the managing and administration of .br domains, and the promotion of technical quality, innovation and dissemination of the internet. But its mission potentially encompasses a soft regulatory function concerning content.

Brazilian democratic paradoxes

Despite the reinvigoration of the public sphere and the normative and institutional reconstruction experienced in Brazil since the late 1970s, democratic deficits persist. According to the 2010 edition of the Latinobarómetro annual survey on the experience and quality of democracy in Latin America,[42] challenges to democracy include sharp socioeconomic inequalities, corruption, crime and public insecurity.[43] In Brazil, as in the whole region, praise for democracy is increasing steadily. In 2010, 54% of respondents preferred democracy above any other system of government. This rate evolved from 20% in 1996 and 30% in 2007. In addition, between 2009 and 2010, confidence in the parliament and the judiciary increased from 32% to 44% and 42% to 51% respectively. However, the degree of overall satisfaction with the political system is a bit lower, at just over 49%, while roughly 50% do not fully trust the system and its institutions. In addition, for many years, more than 70% of Brazilians have declared not to trust political parties and, in 2010, about 43% said that democracy can survive without parties and parliaments.

Trust in "people in general" is low, at 10%, below the regional average.[44] This indicator implies a compromise of the potential for democratic deliberation and consensus building. In terms of sources of political information, 78% mention TV as their main source, but 53% rely on their family, just above the radio, at 48%, and three times more than the internet, at 18%. Lastly, Latinobarómetro data illuminate sharp ambivalences about democratic principles and procedures: 55% declared that, in a difficult political situation, the law can be violated by those in power. Moreover, while 72% fully support the freedom of the press, 44% would agree if a president decided to control the press "in case that is needed".

Since the 1980s, media concentration and media monopolies have been identified as key obstacles to the improvement of Brazilian democracy. This issue remains high on the agenda in public debates and policy discussions. Contestation and proposals concerning media concentration and monopolies, cross-ownership and control of communication companies, the rules regarding public concessions, and their implications in relation to media convergence, are highly visible and key hot topics of Brazilian political debates today. These debates also include aspects concerning the right to information, social monitoring of media content, community radio and internet expansion and regulation. The spectrum of constituencies engaged range from large media conglomerates and telecom companies, to unions and political parties, cyber and community activists, but also the Afro-Brazilian movement, indigenous communities, persons with disabilities, and feminist and LGBT organisations concerned with distorted images and discriminatory and degrading content being circulated by the mainstream media. These complex, often conflicting interests, heterogeneous constituencies, and heavy economic interests were drawn into the First National Conference on Communication Policies, observed for this case study, where the newly proposed legal framework for internet regulation was discussed and approved.

Political culture: Recurrences and shifts

A few other aspects of the Brazilian political culture must also be borne in mind when the data collected by the case studies are more closely examined. One of them is the placement and role of the state in both the political imagination and policy-making realities. In Brazil, as in other Latin American countries that experienced relatively robust welfare state experiences over the 20th century, instead of plain suspicion, the views and expectations about the state are less negative and more complex. While citizens contest draconian state control and violations of rights such as those perpetrated by dictatorships, the state is also perceived as a protector, benefactor, provider of security and granter of rights.

According to Latinobarómetro 2010, 82% of Brazilians believe the state has the necessary means to resolve society's problems, but just 20% think it can effectively resolve all of them. Despite distrust of state administration, throughout the democratisation process, social demands have predominantly been framed in terms of claims to the state (benefits, social and public security and rights). This implies a strong appraisal of

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42 Corporación Latinobarometro (www.latinobarometro.org) is a not-for-profit organisation based in Santiago, Chile. The 2010 survey had 20,204 respondents. Interviews were conducted between 4 September and 6 October in eighteen countries. Consistent socio-demographically stratified samples were constructed, with a margin of error of approximately 3%.

43 In 2010, 80% of Brazilian respondents considered the current distribution of wealth to be unjust, and 66% said that government actions benefited mainly "a few". In 2009, 34% of Brazilian interviewees declared they were aware of corruption cases, as compared to a 10% regional average. Only 7% said that they expected never to become the victim of a crime, while 21% praise existing public security policy.

44 The regional average is 20%. In a few countries, such as Uruguay, it rises to over 40%.

welfare models, in contrast to political cultures whose dominant discourses privilege private solutions to social problems. On the other hand, these expectations tend to restrict the space for systemic critiques in relation to state devices of control and disciplining.[45]

This positive appraisal of state protection is not disconnected from the high level of personal distrust detected by Latinobarómetro. It has increased as democracy consolidated, not necessarily because rights and benefits have been granted, but also because criminality rates have skyrocketed and public discourses have taken hold claiming that security conditions have deteriorated.[46] Thus, for instance, while rejecting the return of a military regime, 79% of Brazilians polled in a 2008 national survey highly trust and appraise the armed forces, probably because they retained an image of being able to provide security. In the same poll, 70% of respondents declared to fully trust the Federal Police.[47] The Federal Police was fully reformed after the 1988 constitution. Having been technically upgraded, it has achieved a great deal of positive visibility over the past decade, as one key agency in charge of the fight against crime and political corruption.[48]

Not surprisingly, a strong emphasis on the protective role of the state is also found in the discourse and practice of state institutions and actors. Arantes,[49] who analysed operations performed by the Federal Police and the *Ministério Público* (MP) to investigate and punish political corruption, identifies a high level of voluntarism among officials involved, a sentiment that seems to be sanctioned by the general acceptance of state power to control and protect. Particularly in respect to the MP, his assessment is that its

members are more than often pessimistic in respect to the ability of society to defend itself and idealise the institution as the best defender of a "weak society" (when compared to inept politicians and bureaucracies that fail to enforce the law).

The culture of state protective powers also relates with paradoxical perspectives on criminal law. The power to punish, as a pillar of state formation, is a strong legacy of the Brazilian colonial experience. From the 19th century on, however, as in most of Latin America, the absorption of liberal political and legal ideas led to the early abolition of colonial criminal laws, as in the case of sodomy (1830) and capital punishment (1889). Later on, 20th century sequential experiences of authoritarianism and democratisation contributed to build, in some circles, a critique of state control and policing. However, in society at large, there has been continued support for draconian criminal law as a social pedagogic tool, which has also gained greater appeal under the impact of dominant discourses on personal insecurity. In the last twenty years, support for capital punishment and the reduction of the age at which minors can be charged as adults has expanded. Social movements have also called for the use of criminal justice to respond to violence and discrimination based on gender, race and sexual orientation.

Finally, one major development to be highlighted in Brazilian society and political institutions in the course of the past three decades is the rapid expansion and "politicisation" of religious conservative forces. Since the establishment of the Republic in the late 19th century, rules of *laicité* and religious freedom have been included in all democratic constitutional reforms (1934, 1946, 1988).[50] Despite these secular norms, the Catholic Church had a wide range of means to influence politics and the state. Priests could be elected to legislative bodies and the Church hierarchy had direct access and influence on politicians and high-level state officials, and intervened in politics on many occasions. For instance, during the military regime, progressive Catholic priests and grassroots communities, as well as Protestants, were key actors in the struggle for political rights and basic needs. They often collaborated with feminist organisations.[51]

By the mid-1980s, when the conservative shift of the Vatican was already deeply felt in the Brazilian Church, sharp conflicts between feminists and Catholic conservatives started to erupt. In the

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45 Important exceptions include longstanding criticism and distrust of regular police forces (under the responsibility of individual states) and contestation against signs of censorship. More subtly, since the 1980s, a wealth of research, theory and advocacy has evolved in relation to the effects of biomedical discourses and practices in the overall domain of public health. However, this has not been transported to other domains or spelled out more explicitly and publicly as a contestation of state control per se.

46 Data published by the National Census Bureau in 2010 reveal that, between 2000 and 2007, 50,000 people were murdered in Brazil (5% of the victims were women). Latinobarómetro 2010 reports that 25% of respondents have been victims of criminal offences.

47 The poll was sponsored by the Brazilian Association of Magistrates to assess perceptions regarding the judiciary in relation to other state and society institutions.

48 In the words of the Minister of Justice, between 2003 and 2007, "The Federal Police I found was an institution that no longer deserved respect. It was ill-equipped, hugely understaffed and under-equipped. Within four years, almost 400 operations were carried out to fight organised crime. [We have] equipped it to use modern techniques, such as telephone monitoring, intensive intelligence, strategic planning, temporary arrests."

49 Information on the Federal Prosecutors' Office and the Federal Police was synthesised from the paper "The Brazilian Feds", written by Rogério Arantes, included in the book by Timothy J. Power and Matthew M. Taylor, eds. *Corruption and Democracy in Brazil: The Struggle for Accountability* (Notre Dame, IL: Notre Dame University Press, 2011)

50 The term laicité is favoured due to the influence of French models on Brazilian and Latin American secular traditions.

51 Despite the strong commitments to citizens' rights and social justice that create convergences between progressive Catholic communities and feminist groups, tensions and conflicts have occurred with regard to abortion, which in some cases fractured the women's movement itself.

constitutional reform process, the Catholic Church proposed the inclusion of a legally binding right to life as of conception, which was defeated as a result of feminist mobilisation in alliance with other sectors. Subsequently a series of battles ensued between Catholic Church officials, the state and civil society groups, about issues such as contraception and condoms and, most particularly, abortion. Brazil has received the Pope in 1979, 1980, 1991, 1997 and 2007. In the latter two papal visits, sexuality and abortion were openly spelled out as the Vatican's main concerns with regard to Brazilian society and public policy.[52] Most importantly, in 2009, for the first time in history, Brazil signed an agreement with the Holy See, crafted in near secrecy, without any public participation or debate with society at large.[53]

Concurrently, the country has experienced the rapid growth of Protestant evangelical churches, whose members now comprise 26% of respondents self-identified as religious in the 2000 census.[54] While the Catholic and evangelical churches presently compete for the Brazilian spiritual market, dogmatic Catholics and evangelical Protestants converge in their repudiation of same-sex relations and abortion. Both groups have also strongly invested in media control.[55] According to a survey by the National Film Agency (Ancine), in 2009, 24.1% of open TV programming in Brazil was dedicated to teleshopping and religion.[56] Both Catholic and evangelical Protestant regressive forces have invested in influencing electoral results through the recruitment of voters and blacklisting based on issues such as abortion, homosexuality, drug use, prostitution and paedophilia. Evangelicals have also systematically struggled for and achieved large representation in federal, state and municipal legislative bodies. Today a large number of pastors occupy government seats where they propose and approve bills. Since the early 2000s, conservative Catholics and evangelical Protestants have joined forces in the National Congress to fight virulently against the legalisation of abortion, same-sex relations, and family and education bills not aligned with their dogmatic views.

The political strength gained by religious conservatism over the past ten years was evident in the 2010 general elections, when "moral" issues – mainly abortion and same-sex relations – took over a significant portion of the leading candidates' presidential campaigns. Religious conservatives have also openly aligned themselves with candidates. A number of evangelical Protestant pastors drummed up votes for presidential candidate Marina Silva, herself an evangelical Christian, while a sector of Catholic bishops publicly expressed their support for candidate José Serra. Other religious leaders called on then candidate Dilma Rousseff to make a stand for their moral agenda.[57] These conservative religious forces have also elected large numbers of representatives at all levels. In the newly elected federal Congress, the evangelical caucus is the "third force" in the lower house (the Chamber of Deputies). Brazilian electoral and congressional politics have become increasingly similar to what has been witnessed in the US since the 1970s.[58] These forces were active in the recent debates and controversies around internet regulation, and nothing indicates that they will abandon the stage in the next rounds. Their moral positions, discourses and interests interweave and overlap with issues of sexuality, communication and information regulatory frameworks, and freedom of expression.

Internet regulation: Shifting the terms of the debate

Brazil privatised its telecommunications system in 1995, therefore adopting a full new regulatory framework for the sector. However, internet regulation was left aside from those measures. More intense discussions on the matter started in Brazil in the second half of the 1990s, when the issue of how .br domains would be administered emerged. Calls for democratisation of

52   The Vatican's moral conservative agenda was radicalised after the 2005 consecration of Cardinal Ratzinger as Pope. Washington Castilhos *The Pope's visit to Brazil: Context and effects* (Rio de Janeiro: Sexuality Policy Watch, 2008) www.sxpolitics.org/wp-content/uploads/2009/03/wp_2008_ing-final.pdf

53   See the debate session on TV Cultura and TV Brasil, at www.concordatwatch.eu/showtopic.php?org_id=15311&kb_header_id=37851, accessed 24 January 2011

54   Cecília L. Mariz and Maria D. Machado "Mudanças recentes no campo religioso brasileiro" *Antropolítica* 5 (1998): 21-43; Paula Montero "Religião, pluralismo e esfera pública no Brasil" *Novos Estudos - CEBRAP* 74 (2006): 47-65; Paula Montero "Jürgen Habermas: religião, diversidade cultural e publicidade" *Novos Estudos - CEBRAP* 84 (2009); Paula Montero "Secularização e espaço público: a reinvenção do pluralismo religioso no Brasil" *Etnográfica* 13, 1 (2009); Marcelo Natividade and Leandro Oliveira "Religião e intolerância à homossexualidade: tendências contemporâneas no Brasil", in *Impactos do neopentecostalismo no campo religioso afro-brasileiro* ed. Vagner G. Silva (São Paulo: Edusp, 2007); Antônio F. Pierucci "Religião e liberdade, religiões e liberdades" *Revista São Paulo em Perspectiva* 8, 3 (1994): 29-36

55   In recent years, the Vatican became strongly involved in communication policy debates at the global level, including a strong presence at WSIS negotiations. Magaly Pazello "Internet: campo de batalha dos direitos sexuais e da liberdade de expressão" (paper presented at the 2010 Congress of the Latin American Studies Association, Toronto, Canada, 6-9 October 2010) www.genderit.org/sites/default/upload/internet._campo_de_batalha_dos_direitos_sexuais_e_da_liberdade_de_expressao.pdf

56   Available at oglobo.globo.com/tecnologia/mat/2010/12/16/mais-de-24-da-programacao-das-tvs-abertas-sao-de-compras-religiao-923301975.asp, accessed 24 January 2011

57   Sônia Corrêa "Abortion and Human Rights: Will Brazil be the next Nicaragua?" *RH Reality Check* 15 June 2010 www.rhrealitycheck.org/blog/2010/06/13/abortion-human-rights-current-controversy-brazil; Collective text "Manifesto against the way abortion was treated during the last electoral period in Brazil 2010" Sexuality Policy Watch, 13 January 2011 www.sxpolitics.org/?p=5726

58   Corrêa "Abortion and Human Rights"

internet access were becoming more visible, and bills were drafted and debated in the press and among civil society actors, who addressed issues such as privacy, service provider responsibility, and consumer protection.[59] Among other measures, the Brazilian Internet Steering Committee (CGI.br) was created in 1995, to fill the mandate of domain administration, a function that would take full effect only after 2003, when the body was granted complete autonomy and an institutional infrastructure, and gained the strength to engage in other aspects of internet regulation.

Between these two moments, calls for stricter internet legal regulation had intensified worldwide, motivated by the growing evidence of conduct labelled as unlawful, such as the breaching of copyright and other intellectual property rights (pirating), financial fraud, virus spreading and hacking, trafficking of persons and child pornography. These calls led to the adoption of new legislation in the US and Europe: the DMCA approved in 1998 and the European Convention on Cybercrime (Budapest Convention) approved in 2001, normative frameworks that had been framed as criminal justice instruments. The European Convention, in particular, includes a detailed article on web-based child pornography.[60]

Inevitably, similar concerns would rapidly reach Brazil, among other reasons, because European legislators have been quite proactive in disseminating their new legal approaches and calling for adhesion from other countries.[61] Lemos et al.,[62] who analysed

Brazilian regulatory debate in the mid-2000s, underline how the civil law proposals that had been drafted in the 1990s in relation to internet regulation were progressively abandoned in favour of a normative agenda exclusively informed by criminal law. Although, until mid-2010, Brazil had refused to join the Budapest Convention, between 1999 and 2000 three bills were submitted to Congress (one to the lower house and two to the Senate), which were clearly inspired by the Convention, as they opted for a criminal approach to regulation and aimed at criminalising a number of conducts that in general lines coincided with the content of the European law.[63]

These various bills would become the basis of a new draft processed at Senate level in 2003, nicknamed after its rapporteur Senator Eduardo Azeredo. The debates around it evolved slowly and were fraught with controversies, but finally, in July 2008, the new bill was approved by the Senate and sent back to the Chamber of Deputies for final clearance. The new law altered existing legislation on a wide range of areas in order to more precisely define a long list of cyber crimes – such as fraud, unauthorised access, use and dissemination of data, illicit conduct in the domain of military equipment and national security, child pornography, but also racist speech and images.[64] When the processing of the bill was reaching its last stage, similar initiatives were also proliferating at the global level. In particular, the French bill which became known as the HADOPI Law gained high visibility in the Brazilian public debate.

In Brazil, as in France, the pressures of the music industry and other sectors concerned with intellectual property rights were one key factor behind the legislative initiatives. However, as the bill was being discussed, innovative proposals in the domains of free and open source software and open access to cultural goods were gradually incorporated in the policy agenda of the Ministry of Culture. This move seems to have restricted the manoeuvring space

59   Ronaldo Lemos et al. *Proposta de Alteração do PLC 84/99/ PLC 89/03 (Crimes Digitais) e estudo sobre história legislativa e marco regulatório da Internet no Brasil* (Rio de Janeiro: Escola de Direito da Fundação Getulio Vargas, 2005) www.researchgate.net/publication/36409068_Proposta_de_alterao_ao_PLC_8499__PLC_8903_%28Crimes_Digitais%29

60   Article 9 of the Budapest Convention on Cybercrime – Offences related to child pornography: "(1) Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: a. producing child pornography for the purpose of its distribution through a computer system; b. offering or making available child pornography through a computer system; c. distributing or transmitting child pornography through a computer system; d. procuring child pornography through a computer system for oneself or for another person; e. possessing child pornography in a computer system or on a computer-data storage medium. (2) For the purpose of paragraph 1 above, the term 'child pornography' shall include pornographic material that visually depicts: a. a minor engaged in sexually explicit conduct; b. a person appearing to be a minor engaged in sexually explicit conduct; c. realistic images representing a minor engaged in sexually explicit conduct. (3) For the purpose of paragraph 2 above, the term 'minor' shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years. (4) Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c."

61   Mabel Bianco and Andrea Mariño *EROTICS: An Exploratory Research on Sexuality and the Internet. Policy Review* (Association for Progressive Communications Women's Networking Support Program, 2008) www.genderit.org/content/erotics-exploratory-research-sexuality-internet-policy-review

62   Lemos et al. *Proposta de Alteração*

63   Chamber of Deputies PL 89/1999, Senate PL 137/2000 and PL 76/2000. PL 76/2000 differs slightly from the Convention text in that it does not mention child pornography specifically, but uses the notion of crime against public morality. Web-based attacks against the sexual orientation of individuals are also considered a crime.

64   In more detail, the topics contained in the law are as follows: a) unauthorised access to computer networks; b) unauthorised access to or delivery of data and information; c) to make public or undue use of personal data; d) introduction of malicious codes in communications, information and computer networks; e) cyber fraud; f) attacks against public services; f) interruption or disturbance of telecommunication, computer and cyber networks; g) falsification of data or private documents; h) a series of provisions regarding unauthorised access, interruption, disturbance or attack on military data banks, equipment and systems of information; i) treason; j) suspension of publication or transmission of images and discourses implying the crime of racism; k) web-based child pornography; l) a series of rules regarding the responsibility of service providers, including the retentions of users' data (logs) for three years.

of actors more directly connected with the phono-graphic industry. In the perception of most actors closely involved in the discussions around the cyber crime law, the main trigger for it to be tabled and approved was financial fraud. In 2001, a state-of-the-art secure system of digital certification was adopted to protect financial transactions in Brazil, but this did not totally eradicate issues of bank fraud, iden-tity theft, phishing and credit card cloning. Under Brazilian law, financial institutions are liable for losses experienced by clients who fall victim to these frauds, and must pay back the costs they imply. Con-sequently the banks started to pressure legislators to find ways to reduce their liability costs.

The final text of the bill suggests that the military also supported the legislation on the basis of national security rationales. In the later stages of the debate, the Afro-Brazilian movement was also engaged, call-ing for the inclusion of an anti-racism clause. Last but not least, a diverse group of actors engaged in anti-paedophilia campaigning and child protection against online exploitation – including well-known religious conservative leaders – were also key actors in the legislative and public debate processes.

In the perception of many interviewees, the strong call for criminalisation of web-based child pornography, which spiralled around the Azeredo Bill and related policy initiatives, had a catalysing effect on the overlapping undercurrent of compet-ing interests that led to the approval of the law. The reason is that while neither the banks' demands over financial losses nor anti-pirating interests could easily gather political support, child pornography is an acknowledged crime with a strong moral and public appeal. The documentation examined in the case study supports this interpretation, as it shows that the specific provision against child pornogra-phy had been included in and excluded from the draft text several times. It was left out of the final draft presented by the rapporteur in late June 2009, to be reintroduced later in the last text debated by senators.

Sexuality erupts

In Brazil, child protection concerns did not emerge as a policy issue as an effect of internet expansion. Since the early 1990s laws and policies have been adopted addressing the sexual abuse of children and adolescents and the issue achieved increasing social and political visibility. From 1999 on, the Federal Po-lice became directly engaged in the investigation of offline cases. In 2003-2004, in connection with the second Parliamentary Inquiry Commission on the subject, the agency performed a national mapping of child prostitution (Operation Tamar). That same year the National Secretary on Human Rights and the

Federal Police signed a joint protocol to investigate and punish online child pornography and CGI.br was invited to collaborate. In 2003, before the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was ratified, special units to fight cyber crime were created both at the Federal Prosecutors' Office (MPF) and Federal Police.[65]

The first operations performed by the Federal Police in relation to web-based "child pornography" took place in 2005-2006, at the request of the Span-ish police, when three investigations on peer-to-peer file sharing were conducted.[66] In 2007, a criminal ex-pert from the Federal Police in São Paulo developed a tool for tracking IP addresses to identify this type of file sharing.[67] The tool would be used, that same year, in the first round of international investiga-tions directly coordinated by the Brazilian agency: Operations Carrossel I and II, which issued 215 search warrants across the country.

In May 2009, when EROTICS Brazil was in its early stages, an investigation of child pornography in Orkut was launched in ten different states: the Turko "mega operation".[68] In preparing for it, 92 criminal warrants had been issued to allow for the search of computers and at its end ten individuals were indicted. In a radio interview in the aftermath of the operation, three people talked to the press: Dr. Sérgio Suiama, representing the MPF Special Unit from São Paulo; Senator Magno Malta, who pre-sided over a Parliamentarian Inquiry Commission on Paedophilia; and Thiago Tavares, the director of Saf-erNet Brasil, an NGO engaged in the protection and promotion of human rights on the web. A female journalist asked if a person could be indicted when child pornography was found on his or her spam or email system. Dr. Suiama responded affirmatively, and explained that possession of child pornography had been a crime in Brazil since November 2008.[69]

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65 The MPF unit is named Grupo de Combate aos Crimes Cibernéticos (Combat Unit Against Cybernetic Crimes) na Procuradoria da República do Estado de São Paulo. The Federal Police unit that was originally named Núcleo de Combate a Pedofilia na Internet (Unit to Fight Pedophilia on the Internet) is now called the Special Group to Fight Hate Crimes and Child Pornography on the Internet.

66 The operations were named Anjo da Guarda ("Guardian Angel") I and II (2005) and Azahar (2006).

67 CETS, the Child Exploitation and Tracking System, has also been tested at the Brazilian Federal Police headquarters in Brasília. However, it could not be incorporated by all units of the agency because of some technical gaps. One of them is that all commands in the current version of CETS are in English, while only a few federal agents are fluent in that language.

68 When the data collection was being finalised in May 2010, another mega operation was conducted by the Federal Police (Operation Ossorico).

69 As established in the ECA, the penalty for possession of child pornography ranges from one to four years of imprisonment and a fine – softened if the amount is small.

The approval of the new law was the last event in a year during which a series of interconnected events and forces had raised the visibility of the fight against web-based sexual abuse and exploitation of minors in Brazil significantly.

Many factors and the role played by a wide gamut of actors explain this intensification. One of them is the presence and growing influence of conservative religious forces on the political system, legal norms and policies. Another is the strong appeal of criminal justice as a pedagogic instrument, as previously described. But in this particular context of analysis it is also worth connecting national policy initiatives in this area with the overall global feeling of insecurity analysed by Karam in the following terms:

> New technical possibilities now break through time and space boundaries, facilitating the perception of risks in a frightening globalised way. Risk is not simply perceived as a possible result of any action, but in negative ways, as a threat that makes central the search for an ideal of security. [70]

On the other hand, developments observed in 2008 are also directly related to the adoption of a new advocacy model to address human rights abuses and criminal conduct on the internet. In 2003, a new project was started at the Federal University of Bahia (UFBA), designed to use state-of-the-art legal and technological tools to improve web safety.[71] Two years later, the project was transformed into an NGO, SaferNet Brasil. Its first initiative was a hotline to report sexual abuse of minors on the internet, which was established in partnership with CEDECA, a children's rights organisation.[72] The website "denuncie.org.br" was then established to collect these reports. Later in time the scope of violation tracked by SaferNet would expand to also encompass events related to racism, neo-Nazism, xenophobia, defence or incitement of violence, hate speech, crimes against life, and homophobia.

The model is similar to frameworks adopted by European and Canadian hotlines for child protection. Its operation involves high-level technical expertise to track reports and gather the necessary evidence for investigations.[73] In 2007, SaferNet was contracted by CGI.br to provide systematic and documented information on violations of human rights on the Brazilian internet. Although homophobia has not been legally defined as hate crime – as is the case with racism, Nazism and xenophobia – reports of homophobia are also received, registered and followed up by SaferNet, as mentioned above.

According to SaferNet,[74] in 2009, 52% of all reports filed through the hotline concerned "child pornography" (69,963); 24% referred to "defence or incitement of crimes against life" (35,566); and 28% corresponded to events related to "racism", "neo-Nazi content", "xenophobia" and "religious intolerance", evenly distributed (28,534 in all). "Homophobia" accounted for 3% of reports (3,543). The following year, "child pornography" fell slightly to 47% of reports (32,255); "incitement of crimes against life" to 19% (13,085); and "racism", "neo-Nazi content", "xenophobia" and "religious intolerance" to 24% (16,411); while reports of "homophobia" doubled, rising to 10% (6,568). The SaferNet web hotline is today the main source of data on web-based sexual abuse and exploitation of children, which provides background to legal actions and public policy at the country level. It was initially associated to INHOPE, but now it responds to the Human Rights Secretary, among other branches of the Brazilian judiciary.

2008: Intensification and overlapping

One immediate political effect of the late 2007 Operation Carrossel II was the creation of a Joint Parliamentary Inquiry Commission (in Portuguese, CPI, *Comissão Parlamentar de Inquérito*) in March 2008 to investigate paedophilia on the internet. The evidence justifying the establishment of the commission was based mainly on press releases about police operations against web-based child pornography. It included pornographic images that had been seized, aimed at "sensitising" the legislators.[75] The issue was

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70 Lúcia Karam "Para conter e superar a expansão do poder punitivo" *Veredas do Direito: Direito Ambiental e Desenvolvimento Sustentável* 3, 5 (2006): 96 www.domhelder.edu.br/veredas_direito/pdf/23_122.pdf

71 SaferNet Brasil was founded by lawyer and long-time internet activist Thiago Tavares, who is currently its president. www.safernet.org.br

72 The Yves de Roussan Defence Center for Children and Adolescents, CEDECA-BA www.cedeca.org.br/inst_quemsomos_eng.php

73 Reports can be filed by any user by accessing "Denuncie" ("report abuse") tools available in popular websites. The initial project was funded by the Canadian International Development Agency (CIDA). When the NGO was established the team decided to continue the work on a self-financed basis, in order to remain exempt from any political influence. But this proved not to be sustainable. In 2007, CGI.br hired SaferNet Brasil to prepare technical reports and indicators on child pornography and hate crimes on the Brazilian web. In 2010, in addition to CGI.br's support, the other sources of funding were the Brazilian branch of the World Childhood Foundation (WCF) of Sweden and the Petrobras Citizenship Development Programme.

74 SaferNet Brasil, Indicadores, Central Nacional de Denúncias www.safernet.org.br/site/indicadores

75 Senate request No. 200 of 2008 www.senado.gov.br/atividade/Materia/detalhes.asp?p_cod_mate=84094 As reported by interviewees and confirmed by fellow researcher Lowenkron, whenever Senator Malta, promoter of this initiative, discussed the CPI, he showed shocking images attributed to web porn rings to his interlocutors, including President Lula da Silva.

addressed and conveyed by commission members as a moral scandal, while poorly framed in legal terms. This approach was coherent with the profile of the main promoter and leader of the inquiry, Senator Magno Malta, a well-known evangelical pastor, who leads the opposition to the legalisation of abortion, same-sex marriage and, in particular, Bill PL 122/2006, also being processed in the Senate, for the penalisation of homophobic speech, when it results in injury or incitement to violence, or typifies homophobic hate crimes.[76] Conservative evangelicals in Brazil, like in the US, hold that paedophilia is intimately linked to homosexuality, fanning the flames of a commonly held misconception. Although this allegation causes discomfort among moderate and progressive religious sectors, their voices are silenced by the powerful religious conservative-controlled mass media in Brazil.[77]

Lowenkron,[78] in her analysis of the discourses deployed by the commission, underlines how its members portrayed themselves as "good citizens" engaged in a crusade, in which "the paedophile" – who corrupts children and threatens society as well as family values – is the "common enemy". Commission leaders called for cohesion across party lines and managed to engage representatives of all parties and tendencies. The CPI immediately achieved great media visibility. Although initially set to work for 120 days, its term was successively extended, until January 2011. The formal mission of the inquiry was to investigate the use of the internet for the exchange, sale and purchase of child pornography. But the scope of the cases it examined extrapolated this initial mandate and commission members have also investigated a number of reports of offline sexual child abuse, giving high priority to cases involving politicians and religious authorities, such as Catholic priests. Such cases always catch media attention.

As the CPI started its work, its agenda overlapped with SaferNet Brasil's stream of advocacy and policy initiatives. Since 2005, SaferNet hotline records had identified a high incidence of reports regarding the share and sale of child pornography in Orkut communities. In 2006, this database was shared with the Federal Prosecutors' Office in São Paulo and a suit was filed against Google, requesting the company to provide information on internet traffic data related to, and the identities of, users suspected of involvement with child pornography. The company

rebutted, alleging that the Orkut server was based in the US and, therefore, access to the users' log files would be beyond the jurisdiction of Brazilian law.

Google Brazil was subpoenaed several times, but as it failed to respond SaferNet developed a new line of advocacy. As is well known, Google sells advertisements that appear, at random, in search results and community pages. As these ads also pop up in web spaces where sexual abuse against children was reportedly taking place, SaferNet mapped and documented these events. This empirical evidence supported a complaint made to the Brazilian Council of Advertising Self-Regulation (CONAR), which requested a more comprehensive investigation. SaferNet also recommended that advertisers be informed whenever their products were reportedly shown side by side with child pornography, and that Google should be called to comply with ethical standards set by the body.[79] A request was also filed with the MPF/São Paulo to investigate whether Google, advertently or not, was receiving financial gains from ads posted on "criminal pages". The national and international media reported on data collected by SaferNet and the legal and ethical measures being enacted. This caused Google stocks to go down in Nasdaq, and the company decided to respond.[80]

On 23 April 2008, at a session of the CPI on Paedophilia, Google directors delivered access of users' logs to the Brazilian authorities. This act of compliance achieved high media visibility in the international press, boosting the prestige of Brazilian public authorities and other actors, including the CPI members. The next step was the signing of a Conduct Adjustment Agreement (*Termo de Ajustamento de Conduta* – TAC) by Google, SaferNet and the São Paulo State Attorney's Office,[81] which ended the litigation started in 2006. In signing the TAC, Google committed itself to receive and acknowledge civil and criminal notifications regarding child pornography and hate speech in Orkut, and to respond promptly to all subpoenas received. The TAC also stipulates that, in order to be able to operate in the country, the company must comply with Brazilian legislation (in the case of cyber crimes committed

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76   Other key participants of the commission were Senator Romeu Tuma, who is a police officer, and Senator Demóstenes Torres, who is a member of the Attorney General's Office of the State of Goiás.

77   Pazello "Internet: campo de batalha"

78   Laura Lowenkron *Sexualidade e (Menor)idade: estratégias de controle social em diferentes escalas* Masters dissertation (Rio de Janeiro: PPGAS/Museu Nacional/UFRJ, 2008); Lowenkron "Abuso sexual infantil"

79   CONAR's inquiries and requests can be summarised as follows: first, questions were raised about whether advertisers and advertising agencies were aware that their campaigns were being published on pages showing sexual abuse and violence against children and adolescents, and whether they agreed with that. Second, at each click CONAR should ask Google if the company agreed with the profit generated by this practice.

80   Guilherme Gatis "Orkut: sociedade cobra punições" *Folha de Pernambuco* 16 March 2006 www.safernet.org.br/site/noticias/orkut-sociedade-cobra-puni%C3%A7%C3%B5es

81   A TAC is an instrument typically adopted by the MPF in criminal or civil cases where the interests of a diversity of public and private actors are involved. The signing of a TAC implies periodical assessments of its implementation by the various parties involved. Non-compliance leads to civil and criminal sanctions.

by Brazilians or by access originated in Brazil) and determines deadlines and obligations to be followed by Google before Brazilian public authorities. Among other provisions, the TAC determines that all users' log files must be kept for 180 days and made available whenever requested by the judiciary.[82]

Differences are quite stark between SaferNet's and CPI members' vision, language, methods, strategies and discourses. While SaferNet used the terminology of sexual abuse and exploitation, emphasising the human rights framework inside which they operate, the CPI's dominant trope was paedophilia. While SaferNet data collection work included homophobia as a hate crime, more often than not commission members in general, and Senator Malta in particular, conflated paedophilia and homosexuality.[83] However, since 2008 the two approaches have overlapped. A CPI Advisory Working Group was created to provide technical advice to the members of the commission, which included officers from the Federal Police, the Federal and State Prosecutors' Offices, and the director of SaferNet Brasil. The working group discussed technical definitions, such as the differentiation between sexual abuse and exploitation of minors, child pornography and paedophilia. Legal reform was also discussed, and thirteen bills and amendments were submitted by the CPI between early 2008 and mid-2010. These significant outcomes have not diluted tensions, however. The differences in language and agenda between members of the working group and Senator Magno Malta led to numerous conflicts and, in order to avoid a split, an informal agreement had to be reached. The agreement required Senator Malta to avoid using discriminatory language with a religious tone in public events where all partners participated. However, this has not prevented him from expressing his opinions freely under other circumstances.[84]

Among the draft bills submitted to Congress, one aims at making the contents of the TAC signed by Google federal law, in order to ensure that all internet providers comply with deadlines, preservation and transfer of users' data to public authorities (PLS 494/2008). But the legal initiatives most praised by law enforcement agencies were the amendments of Articles 240 and 241 of the ECA (Law 11.829/2008).[85] They define child pornography, typifying the practices of networks engaged in the production and distribution of juvenile pornographic material, and establishing that possession of child pornography is a crime. The bill was approved in record time by both legislative chambers and signed by President Luiz Inácio Lula da Silva on 5 November 2008, during the Third World Congress against Sexual Exploitation of Children, organised by ECPAT,[86] in Rio de Janeiro.

Concomitantly, between the start of the CPI (March 2008) and the presidential approval of PLS494/2008 (November 2008), the Azeredo Bill was passed by the Senate and sent to the Chamber of Deputies for approval. In contrast to the considerable debate generated both in the Congress and among civil society actors by a number of the provisions of the bill, such as users' log retention, the criminalisation of possession of child pornography was not widely or openly questioned. This does not mean that critiques were not articulated. Omar Kaminsky of the Brazilian Institute of Informatics Policy and Legislation (IBDI), for instance, observes that possession cannot be discussed without taking into account the complexities of internet data storage, and the risk of error in log attribution. In his view, even state-of-the-art storage and identification tools used by providers lack total accuracy. A one-minute gap in captured data may wrongly trigger an investigation of an entirely different user than the person who has in fact perpetrated a criminal act. Another risk mentioned is fraud, as user data may be wrongly attributed to a person. Sidow,[87] in a detailed analysis of law 11.829/08, adopted after the international conference in Rio de Janeiro, raises a substantial juridical critique about the crime typifying child pornography possession. However, these views have not reached an audience beyond limited circles, nor have they been addressed at higher levels of public deliberation.

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82 The TAC also determines that, by court order, data must be supplied to prosecutors and the police; Google is to submit bi-monthly reports to the State of São Paulo MP, informing about user and community profiles removed for involvement with child pornography, as defined by the ECA, or else for the crime of racism, as defined by specific legislation (Law 7716/1989). Filters are to be created to prevent the uploading and downloading of child pornography. Educational campaigns are to be developed for the safe and non-criminal use of the internet. A breach of TAC terms is penalised with a USD 25,000 fine to be paid by Google.

83 Pazello "Internet: campo de batalha"

84 Interview with Thiago Tavares on 10 August 2010

85 Articles 240 and 241 of the ECA refer to the production and dissemination of child and teen pornography. The new law increased the penalties, included other verbal offences, and added items that typify the behaviour of possession and storage of pornography; harassment and grooming of children online; and photo or video editing that simulate the participation of underage persons in sex scenes. The law also stipulates an objective condition of criminality of the providers that make possible the publication of material on the internet, specifying the time of consummation of the crime, when the provider does not disable access to illegal content. (See § 2 of art. 241-A of ECA/1990)

86 ECPAT International is a global network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes. www.ecpat.net/EI/index.asp

87 Spencer T. Sidow "Pedofília virtual e considerações críticas sobre a Lei 11.829/08" *Revista Liberdades* 1, May-September (2009)

Recent normative changes: Outcomes and looking forward

In October 2009, in assessing the progress made after the signing of the TAC, Ms. Priscila Schreiner, a public prosecutor and member of the Special Group to Fight Cyber Crimes, informed the researchers that the installation of filters requested by the TAC had not yet been implemented, despite the company's "good will". According to Schreiner, Google was keeping images and communicating with the MP and SaferNet Brasil, but there were still obstacles to be overcome. On 23 April 2010, a public hearing was held by the CPI on Paedophilia to evaluate the implementation of the TAC. On the occasion, Ivo Correa, director of Public Policy and Government Relations of Google Brazil, expressed the company's satisfaction with the results of TAC implementation and the partnership established between the company, the MP/SP, the CPI and SaferNet. At that time he stated that, since the agreement, the monthly average of reports had decreased from 9,000 to 2,000.

In the area of law enforcement, the Federal Police report that about 380 search warrants were issued between 2005 and May 2010, resulting in 45 arrests (in flagrante), four convictions and sentences, and the rescue of 70 children that had been exposed to situations in which child pornography images were being produced. In 2009 and 2010, six "mega operations" were deployed to fight against child pornography on the internet and the agency expected to double the number of these operations in 2011. This degree of success is attributed to, among other things, the recent legal reforms. But even so, law enforcement officials are not completely satisfied. In their view, the court process to authorise access to crime evidence is still slow (it can take up to six months). They strongly call for the TAC (which determines a three-year minimum for IP retention and six months for data retention) to be transformed into law as, in their view, this would help speed up investigations. Federal Police officers and public prosecutors strongly contest the view that retention of user data (IP address, time, date, time zone, etc.) is a violation of privacy. In their perception, if somebody has posted child pornography on the web his/her privacy is automatically compromised. They also recall that these data are already being used and made available by the telecommunications companies with commercial ends.

Mr. Stenio Santos,[*] a high-ranking Federal Police officer, also stressed the sharp contrast between Brazil and partner countries in relation to child pornography investigations, because in their case access to data related to a complaint of web-based sexual abuse or exploitation of children may be granted in less than 24 hours. Santos also raises concerns regarding the age of sexual consent. In his view, the ideal standard is European and US legislation, which defines it as eighteen. In Brazil, it is defined by multiple parameters. The ECA defines the rights of children and adolescents as those applying to persons under eighteen. Norms recently adopted set the age of the victim (fourteen to eighteen) as aggravating crimes such as rape, prostitution and the production of pornographic material. But long-established jurisprudence sets the age of sexual consent at fourteen. Santos claims that unless sexual consent is set at eighteen, Brazil might become a "haven" for the production of child pornography over the coming years.

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* Interview with the authors, 12 May 2010

Resisting vigilantism

The Senate debates on the Azeredo Bill were not confined to closed chambers. Academics and civil society organisations were either called or offered their views on the text of the bill. In the end, however, the balance of power was not in their favour, and their perspectives on the distortions that criminal regulation might cause – on the right to privacy, anonymity, open access, among other concerns – did not make their way into the final proposal. Consequently, right after the partial approval of the law in the Senate, cyber activists and those engaged in calls for democratisation of communications publicly contested the contents of the bill by starting a national campaign against it called "Against the Digital AI-5". The name of the campaign echoed the sombre memory of Decree AI-5, which in 1968 signalled a hardening of political control by the military dictatorship at that time, through the imposition of draconian media censorship and surveillance.

A range of organisations were involved in the campaign, especially the free and open source software and digital culture movements, organisations engaged in struggles for communication rights, human rights organisations and academics who had an earlier engagement resisting the bill while it was still being processed in the Senate. The ones with higher visibility were the Brazilian Institute of Informatics Policy and Legislation (IBDI), the Intervozes Brazilian Social Communication Collective, the Center for Technology and Society at the Getúlio Vargas Foundation (CTS/FGV), the Brazilian Free Software Association, the Information Network for the Third Sector (RITS) and SaferNet Brasil. The coalition launched an online petition against the bill, which laid out a series of arguments with regard to its social, economic,

political, legal, technological and scientific impact. Within a month, 13,000 people had signed the online petition.

As the text of the bill was sent back to the lower house for final clearance, the coalition put pressure on friendly legislators and, in November 2008, the Committee on Science, Technology and Communication called a public hearing to discuss the contents of the bill. The hearing was attended by the Ministry of Justice, the Federal Police, academics and activists.[88] On the occasion, Sérgio Amadeu, a sociologist engaged in the Free Software movement, criticised the Azeredo Bill for creating tools to "block open networks, criminalise conducts that are commonplace on the internet, and define quite unclear regulations."[89] Representative Paulo Teixeira (from the Workers' Party), one of the lawmakers who had requested the public hearing, raised many concerns that, if approved, the bill would "restrict network utilisation, increase web control and transform the internet, which is a place of democracy, into a universe restricted by legal mechanisms."[90]

In April 2009, a second online petition titled "Rejecting the cyber crime bill – In defence of freedom and the advancement of knowledge on the Brazilian internet" was launched. It obtained some 150,000 signatures.[91] The main argument it raised was that the Azeredo Bill, as written, would curtail all types of activities and flows on the internet, as one of its articles stipulated that it is crime to obtain or transfer data of information available on a computer or information or communication network without authorisation. The petition called for a presidential veto of the bill and triggered a series of public events that became known as the "Mega No" campaign to give visibility to the call and broaden its political support.[92] The core message of the mobilisation was a strong repudiation of censorship and a call for freedom of expression. This wide, diverse and intense "e-agitprop" was successful in enhancing the direct dialogue between civil society and powerful state actors, which would favour a radical shift in the terms of the debate.

From a state-related institutional angle, three moments are to be highlighted in relation to this period. In March 2009, CGI.br launched a Decalogue of Principles for Internet Usage and Governance in Brazil. This document contributed to shift the terms of the debate on regulation from criminal law towards a human rights framework. The text recommends that internet regulation must be guided by freedom of expression, respect for privacy and human rights, and governed in a transparent, multilateral and democratic way. With regard to illicit activities, the Decalogue stresses that liability should be attributed exclusively to those who knowingly and willingly performed the breach of conduct and not against those indirectly involved.[93]

Then, during the International Free Software Forum in Porto Alegre, June 2009, the critiques against the Azeredo Bill were presented to President Lula. At that time he declared himself fully against any form of censorship, and therefore committed to find ways to address the problems of the bill. Right after the event, the Office of the President requested the Secretary of Legislative Affairs at the Ministry of Justice (SAL-MJ) to explore a legal alternative to the Azeredo Bill. A narrow window of opportunity was made possible because the bill had been sent back to the lower house, which was more favourable to shift the terms of the debate.

In order to fulfil its mandate, SAL-MJ established a partnership with the Law School at the Getúlio Vargas Foundation in Rio de Janeiro, a prestigious academic institution with long research experience on internet regulation, to craft an online public consultation aimed at building the foundations of a Civil Rights Framework for Internet Regulation (*Marco Civil da Internet*).

The third moment was the launching of the public consultation on the Civil Rights Framework. The event, held in October 2009, in Rio de Janeiro, was attended by the Minister of Justice. The consultation was opened to the public in the same month as a blog on the "Cultura Digital" website, supported by the Ministry of Culture. The SAL-MJ team was responsible for the moderation and the consultation

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88 Thiago Tavares (SaferNet Brasil), who participated in this first mobilisation, commented that opening this space at the Chamber of Deputies was not an easy task. Finding support among legislators was a challenge because of common strong resistance to re-open the approved text of a bill.

89 Câmara dos Deputados "Projeto sobre crimes praticados pela internet recebe críticas" *Agência Câmara de Notícias* 13 November 2008 www2.camara.gov.br/internet/homeagencia/materias.html?pk=128469

90 Ibid.

91 This online petition is available at www.petitiononline.com/veto2008/petition.html

92 Mega No campaign blog meganao.wordpress.com

93 The summary of the text reads as follows: a) internet use must be guided by freedom of expression, respect for privacy and human rights; b) internet governance shall be exercised in a transparent, multilateral and democratic way, counting on the collaboration of various sectors of society; c) internet governance must promote continuous development and wide dissemination of technologies and models of usage and access; d) universal access to internet as a means for social and human development must be ensured. The document also strongly advocates for network neutrality in filtering and traffic shaping, which shall be defined by strict ethical and technical criteria, avoiding political, commercial and religious criteria of regulation as well as any other kind of discriminatory grounds. In regard to illicit activities the Decalogue stresses that prosecution must target exclusively those who are directly responsible for these acts and not the means they may have used to access and transport information, and that criminal justice measures must comply with principles of freedom, privacy and human rights.

was designed to evolve in two stages.[94] The first stage was aimed at discussing the overarching premises of the new framework. It coincided in time with the final preparations for the First National Conference on Communication Policies (CONFECOM). At that conference, a working group was set up to specifically discuss the principles of the new legal framework. Participants were mainly government officials, academics and activists, and the general ideas proposed by the SAL-MJ team were consensually approved. In a second stage, a draft bill prepared by SAL-MJ was made available online for comments in April and May 2010.

The draft which prompted the first round of debates was based fundamentally on core principles of the Brazilian Constitution. It also included proposals contained in the CGI.br Decalogue and other documents developed by the campaigns against the Azeredo Bill. Roughly 900 comments were posted by individuals and organisations during this first phase of the consultation. Then, in the course of the 50 days during which the draft bill elaborated by SAL-MJ was available for critiques, it received more than a 1,200 comments. While the consultation was still open, other public debates took place, such as a meeting held by the Chamber of Deputies Committee on Science, Technology and Communication; another meeting was organised by the Rio de Janeiro Legislative Assembly Commission on Culture. Both meetings were held in April 2010. Most importantly, the processing of the Azeredo Bill in the lower house was stalled to wait for the new draft to be tabled as well. The debates around the Civil Rights Framework achieved reasonable coverage by both online and offline media between 2009 and 2010.

However, in April 2011, when this report was being finalised, the draft text resulting from the online consultation had not yet been made public or tabled in Congress. In part this delay is related to the 2010 general elections, as the proposal had to wait for the new federal administration and legislature to start. But most principally it derives from the fact that the later stages of all policy or legal formulation are necessarily done through conventional bureaucratic procedures. Since January, the draft is being revised by relevant ministries – Justice, Culture, Communications, Science and Technology, Planning, Foreign Policy – and the National Telecommunications Regulatory Agency (ANATEL), and only after it is cleared by these various bodies will it be tabled.

The Civil Rights Framework: Contents and meanings

The elements of the new draft bill that are most relevant for the case study can be summarised as follows:

- In Chapter I, addressing general principles, Article 2 reads: "The regulation of the internet in Brazil shall be grounded on the recognition of the international nature of the internet; the rights of citizenship into the digital environment; the human rights; the values of plurality, diversity, openness, and collaboration; the freedom of entrepreneurship and the freedom of competition, considering the following principles: I - the guaranteed freedom of speech, communication and expression of thought; II - protection of privacy; III - protection of personal data in accordance to the law; IV - preservation and guarantee of net neutrality; V - preservation of stability, security and functionality of the network, ensuring means of technical measures compatible with international standards and incentives to best practices; VI - preservation of the participatory nature of the internet."[95]

- Chapter II defines user's rights and obligations. Article 6 states: "The access to internet is a civil right, essential for the exercise of citizenship, of the freedoms of expression, speech and thought, and to guarantee the access to information."

- Chapter III addresses internet connection services. Article 9 states that providers are required to store users' connection logs, but not the internet service access logs, defined in Article 4 as "the set of information referring to the date and time of use of a particular internet service by a determined IP number." It also defines that providers shall not "monitor, filter and analyze the content of data packs, except for technical administration of traffic, according to Article 12."

- Article 14 of the same chapter defines a timeframe of six months for connection logs to be stored, to allow for criminal investigations.[96] Article 20 proposes as a solution for the removal of content that infringes fundamental rights of a person, such as in cases of defamation, a voluntary mechanism that eliminates judicial interventions.

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95   The full English version of the draft is available at docs.google.com/Doc?docid=0Aea4T5El0jxuZGRzY21kbnFfNTFkdzR2ODhjeg&hl=pt_BR

96   The article reads: "The provision of Internet connection imposes to the administrator of an autonomous system the obligation to keep records on connection logs confidentially, in a secured controlled environment, for the maximum term of 6 (six) months, as provided by further administrative regulation. Sole Paragraph. The obligation to maintain records on connection logs cannot be transferred."

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94   The public consultation is available at www.culturadigital.br/marcocivil

- Finally, Chapter IV addresses the role of government authorities. Article 31 states: "Public initiatives to promote digital literacy and the usage of internet as a social tool must: I - seek to minimize inequality in access to information, especially between regions; II - promote digital inclusion of all population, especially low-income individuals."

Bearing in mind the discussions introduced earlier, the trajectory described above illustrates how deeply cyber regulation debates are embedded in democratic politics. The issues involved attract an ample, heterogeneous and contradictory spectrum of actors and powerful interests. The Brazilian experience indicates that, under specific conditions, advocacy and mobilisation enhanced by cyber activism can have an impact on critical normative debates. In this case, the effect was a radical shift from a public security and criminal law approach, which was put on hold. A new bill found its way into the legislative arena, a civil law framework grounded on human rights – a perspective different actors have struggled for since the 1990s. This move was crucial from the point of view of the internet regulation debate specifically because, among other things, it challenged the tendency to penalise the means, instead of keeping the focus of criminal law on conducts and perpetrators.[97] But, in addition, it interrogates assumptions ingrained in Brazilian political culture, which favour the easy recourse to criminal law. In other words, this process challenged the persistence of authoritarianism, public security concerns, and growing religious dogmatism.

On the other hand, some features of the process as a whole and the consultation specifically point towards the persisting relevance of public spheres as an offline phenomenon. The new information and communication technologies issues and cyber activism were at the centre of this political process. The strategic use of the internet through calls, blogs, bulletins, online petitions and Twitter among other web tools alongside the online consultation were critical factors beneath and behind the major policy shift achieved. However, novel modalities of exchange, deliberation and mobilisation co-existed and interplayed with well-established public arenas, such as congressional debates and public hearings. Moreover, a series of face-to-face debates and agitprops were also vital to raise public awareness and engage state actors directly, as in the case of the dialogue with President Lula and Porto Alegre. The expanded public sphere, with its multiplicity of online and offline spaces, was therefore activated, connected and catalysed simultaneously so as to reconstruct social and public consensus. Another aspect to be highlighted relates to the traction power of state actors and institutions, which was evident particularly at the later critical stages of policy shift. In other words, it seems productive to ask if the policy outcomes would be the same if powerful actors from the federal executive branch – such as the president himself, SAL-MJ, and governmental members of CGI.br – had not been persuaded that this was the direction to go.

Democratic deliberation and participation: Gains and deficits

If participation and equal access to deliberative arenas are key indicators of democratic vitality, or of its deficit, one significant outcome of the Civil Rights Framework consultation is that it has set a stage of a level playing field for equal access by interested actors in the deliberation. In the second stage of the consultation, a number of internet service providers and other internet and mass media enterprises, including Google, made proposals to amend the text. TV stations and representatives of the audiovisual and music industry, including foreign organisations from Argentina, Mexico, Chile and the United States, also expressed their views in relation to author copyrights and "piracy".[98]

Three major state institutions also made explicit their views on how the internet should be regulated: the Ministry of Finance, the Foreign Ministry and the Federal Police, which presented a long and dense document calling for amendments to the draft.[99] The format and nature of the deliberation sharply differ from "business as usual", when usually these powerful actors meet behind closed doors to exchange ideas and take decisions. In the case of the Civil Rights Framework draft bill, their positions have been made quite transparent, are accessible on the web and had, at least in the consultation stage, the same value as the contribution of any other participant in the debate. This is certainly a key democratic quality of the political process to be underlined, which sets an important precedent in terms of procedures to guide democratic deliberations to be applied to other subjects and normative areas.[100]

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97   Castells *A era da informação*

98   These included the International Federation of the Phonographic Industry (IFPI) and the Mexican Association of Phonogram Producers. The IFPI contribution to the Civil Rights Framework for Internet Regulation is available at culturadigital.br/marcocivil/2010/05/26/contribuicao-do-ifpi-para-o-marco-civil-da-internet

99   The Federal Police memo was signed by the cyber crime and computer expertise divisions. The Foreign Ministry contribution was made through reports submitted by Brazilian embassies from 24 different countries that provided information on how local legislations addressed internet regulation.

100   Omar Kaminski from IBDI suggested for example that the internet may become an important tool to expand participation if and when constitutional amendments or reforms are debated.

Another aspect to be highlighted is that the process triggered by the Civil Rights Framework has also reframed the terms and conditions of the debate within the cyber activism field itself. The first moments of the Digital AI-5 and Mega No mobilisation were strongly imprinted by anti-vigilantism slogans, which projected an image of resistance to and repudiation of not only the Azeredo Bill but any form of internet content regulation. As the process evolved, although this unconditional defence of full freedom in cyberspace did not disappear, the views defending a regulatory framework based on civil/human rights became more visible and vocal. In the observation of meetings and debates that followed the launching of the Civil Rights Framework these two positions coexisted and eventually triggered tensions. If sharp resistances and reactions against the Azeredo Bill were raised, critical positions in respect to the Civil Rights Framework were also articulated.

For instance, when the Civil Rights Framework was discussed in the Brazilian Digital Culture Forum (November 2009), important actors highlighted the risks of any form of internet regulation, defending the creation of laws to guarantee internet use without any type of vigilantism. In the online consultation, a number of comments also emphasised that no new law was needed, since existing norms, such as the constitution or the civil code, provide enough rules to guide web-based conduct. As the process of deliberation matured, however, a stronger, even if provisional, consensus seemed to have emerged around the meaning and legitimacy of the normative perspective proposed by the Civil Rights Framework. In April 2010, Sérgio Amadeu, who at earlier stages had raised criticisms in relation to the proposal, published an online article where he openly praised the initiative:

> The proposal of the Ministry of Justice is definitely a breakthrough, even when it still contains some points that need to be changed. If we include the inalienable right of navigation without identification and take away the mechanism of private censorship we will have an extremely advanced and exemplary Civil Rights Framework, in times of the HADOPI Law."[101]

Despite the unequivocal merits of the political process here described, caveats and limitations can be identified. For instance, as previously mentioned, since June 2010 the draft bill is being processed through conventional bureaucratic procedures: the debate has gone back behind closed doors. This suggests that even in the best circumstances new modalities of doing politics coexist with longstanding methods and processes of decision making and this is one important aspect to be taken into account in any cyber politics analysis.

When the focus of the analysis is turned towards horizontal participation in terms of involvement of citizens at large or of other constituencies beyond cyber activists, limitations can be identified. The figures concerning people directly involved in the Digital AI-5 and Mega No campaigns were high in comparison to other streams of public demand and engagement with policy debates in Brazil,[102] and the number of signatories of the second online petition (150,000) is quite impressive. However, the direct participation in the consultation itself was limited to roughly 1,000 individuals, organisations and institutions, which either belong to the free and open source software, digital culture and communication rights movements and academic institutions engaged with these, or were, as described above, the voices of powerful private or state actors who have vested interests in the regulatory debate.

Technical and semantic factors may explain the low figure of broad citizenship participation. The timeframe of the consultation was very short, the blog was not user friendly, and the content of the discussions were, quite often, excessively technical. But it does not seem excessive to suggest that these low numbers may also reflect deficits and distortions of contemporary politics, in terms of dispersion and differentiation of roles and spaces. As noted by various authors, one effect of cyber politics is that today, while more people can adhere to certain causes by signing a petition with the click of a mouse or posting a statement on their blog or social network profile, this does not mean that they will spend time and energy engaging with the conflicts and complexities of legal reforms or other policy debates. Consequently, even when a mobilisation is highly successful – as was the case in the struggle against the Azeredo Bill – only those who are deeply committed or are "the experts" remain engaged in the later stages of full democratic deliberation. Among other reasons, engagement at that level is also dependent on motivation.[103]

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101 An article published in the blog Trezentos, which recognised the merit of the Civil Rights Framework and particularly highlighted the public consultation on the new draft bill as proof that online collaborative practices and participation may improve understanding of the issues and raise the quality of democratic decisions.

102 Suffice to recall that LGBT pride parades bring millions of people to the streets. Similar numbers are mobilised by evangelical Protestant and Catholic gatherings. Hundreds of thousands of participants are engaged with councils and periodical conferences.

103 The Latinobarómetro data also confirm this hypothesis, as more than 60% of Brazilians use the internet to search for information broadly speaking, but just 18% search for political information on the web. In other words, the internet is used as a source of information, but political motivation seems to be low.

The engagement of ordinary citizens in policy debates is always a challenge. Yet, one could have imagined that – given the profile and density of participatory politics in Brazil – the Civil Rights Framework could have captured the imagination of other organised constituencies whose advocacy work or even personal lives have been deeply transformed by the internet. But this has not been the case either. The study has examined more closely the engagement (or non-engagement) of the feminist and LGBT communities in the various debates regarding internet regulation that are analysed in this report. Initially, in the study a hypothesis was raised that, in Brazil, no organic connection existed between the realms of sexual and cyber politics. The field observations confirmed this hypothesis, as neither feminists nor LGBT activists got involved in the Civil Rights Framework consultation, even when information regarding its important meaning and procedures was disseminated by the research team amongst these groups.

In order to explore further the reasons behind this gap a survey was conducted with LGBT activists during the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Latin America and Caribbean Conference (January 2010) and with feminists leaders participating in a discussion about abortion and media (April 2010). The results of the survey are compelling in indicating that these communities were not informed of or engaged with the ongoing debates. One question asked if they have heard of discussions around internet regulation. More than 40% of respondents did not even answer it, 25% said they had heard of CGI.br, 14% knew about the Azeredo Bill, and a mere 8% had any awareness of the Digital AI-5 and Mega No campaigns.[104]

To summarise, the Civil Rights Framework political process implied major gains and meanings in terms of democratic deliberation, as it shifted the terms of the debate both within the cyber politics field and at a higher policy level. It has also created a level playing field that allowed a heterogeneous gamut of forces and actors to be virtually seated around the same table. But even so, it was not exempt from deficits and caveats that, as described in literature, are typical of contemporary politics in terms of a broader horizontal participation and systematic engagements with democratic deliberation of legal and policy frameworks.

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104 Though the sample was not big (62 people) it is quite representative as respondents are engaged activists, many of them involved in debates around communication issues and policies.

The Civil Rights Framework debates: Trends, controversies and deadlocks

The online discussions triggered by the Civil Rights Framework were quite often technical and complex. But they comprise a rich archive to be examined in relation to distinctive perspectives informing the Brazilian cyber politics field, positions amongst participants in the consultation with respect to norms regarding privacy and freedom of expression, and, at a later stage, the positions of key state and private actors regarding the premises of internet regulation. In addition, offline debates regarding the same issues shed light on distinct perspectives of particular state actors. This section offers a panoramic view of their discourses and the political dynamics in which they are involved.

Online discussions during both stages of the Civil Rights Framework public consultation often referred to fundamental rights, and political and technical aspects, particularly with regard to data retention. During the first stage many participants emphasised the relevance of existing laws, particularly in reference to constitutional rights. Some proposed that in addition to the bill, public policies should be adopted to raise awareness about the right to privacy and the need to respect it. During the second stage, the language with regard to "the guarantee of freedom of speech, communication and thought" received 30 comments and triggered a heated debate about confidentiality and anonymity. Some commentators, for instance, suggested that the text should make explicit that freedom of expression, as defined by the Federal Constitution, does not grant full anonymity in all circumstances. A number of contributors identified a contradiction between the expressed commitments to the principle of privacy and the possibility opened by the text that anonymity could be breached and logs stored, suggesting that the Federal Constitution indeed guaranteed anonymity.

As the above discussion indicates, however, the most controversial issue throughout the consultation referred to the retention of users' log records by internet providers to allow for police and court investigation. In the first stage, many commentators argued in favour of full net neutrality, claiming that neither the state nor private providers should monitor what users do on the internet, both because these actions are fully private, and because net neutrality is a prerequisite for innovation, pluralism and democracy. Few participants, in fact, expressed the view that each user is responsible for selecting and filtering content they access. In the second stage, controversies concentrated around Articles 4 and 14 of Chapter III, which spelled out the definition of "log" and the rule concerning data retention by authorities to allow police and court investigation. In

relation to these contents, a number of participants raised the issue of potential violation of privacy and contested the use of connection logs in investigations and court processes, because, in their view, these type of data lack absolute reliability to be used in criminal law procedures, as the information can be invalid, frail and subject to fraud.

These controversies continued offline debates that had evolved long before the Civil Rights Framework materialised. Some of our interviewees, although fully agreeing that a new bill should be adopted, also recommend great caution regarding the legal debate around the retention of log files, as in their view it should not be easily framed in binary terms: either in favour or against data retention. Some of them, for instance, pointed out that log files are already being stored by internet service providers (ISPs) for advertising and marketing purposes and that, consequently, the debate should focus on the reasons and conditions of data retention. Carlos Afonso, a well-known internet expert, APC member, founder and director of the Center of Research, Studies and Learning (Nupef – Núcleo de Pesquisas, Estudos e Formação) and member of the CGI.br board, argues that court orders and warrants for user data records should be accompanied by an audit on how those data would be kept, recorded and protected. He also highlights that the main concern in this particular domain should not be about log or user data retention, but about how these data are already being used for commercial purposes, in order to safeguard users' rights to privacy. In his words, "This discussion needs to be very refined. And the centre of this debate is the right to privacy. The use made of these users' data."[105]

Another important aspect to be highlighted refers to the content of the new bill in relation to providers' responsibilities. Various actors who supported the Civil Rights Framework and praised the online consultation model and its outcome, remained concerned that the definitions in this particular area can favour the economic interests of internet providers to the detriment of users' rights. Thiago Tavares, from SaferNet Brasil, in his analysis of Chapter III of the draft bill, considers that the economic interests of providers may be easily favoured, because the text does not include a clear statement calling for the legal and financial liability of providers with regard to criminal and abusive contents posted on their products and platforms by third parties:

> When the Civil Rights Framework addresses legal aspects in relation to this topic it loses a bit of its direction because, in my view, it is a text strongly influenced by the economic interests

of the internet providers, especially Google. There is no possibility to detach the article that addresses providers' civil liability from Google's economic interests. No wonder Google, this big company, supports the text as is, this particular article specifically.[106]

Lastly, the participation of major state agencies, in the final moments of the consultation, is relevant to this discussion. The Foreign Ministry contributed with information on legislation on internet regulation in other countries. The Ministry of Finance indicated that the Civil Rights Framework should favour a competitive environment, calling for network neutrality as a fundamental principle.[107]

On the other hand, it should be noted that, despite its catalysing effect on the political and public debate, sexuality broadly speaking, and child pornography specifically, were not issues systematically addressed at either the first or the second stage of the consultation on the internet Civil Rights Framework, except, indirectly, in proposals submitted by the Federal Police. The agency posted an eight-page memo, stating that the Civil Rights Framework draft, as written, "affects or will significantly affect the power of the state in its duty to ensure the preservation of public order, the security of people and property."[108] Based on the text of the Federal Constitution, the memo emphasises that the internet "must be preserved, be safe, reliable and keep its users safe from illicit and malicious actions."

In order to ensure internet security, the memo proposes thirteen amendments to the Civil Rights Framework draft, including new language emphasising the constitutional principles related to the preservation of public order and safety of persons, property and legal security; the clarification that the right to privacy and freedom of speech does not guarantee anonymity in all circumstances; permission for filtering, monitoring and analysing user data by internet providers, whenever necessary for the purposes of criminal investigation or criminal procedure, with prior court authorisation; and a three-year minimum timeframe for log storage, as recommended by the Terms of Technical Cooperation signed between major Brazilian ISPs and the CPI on Paedophilia, the Senate, CGI.br, MPF and other institutions.

The relative absence of stronger debate on child pornography was somehow intriguing. Could

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105 Interview with the authors at CONFECON, December 2009

106 Interview with the authors, 27 July 2010

107 The Ministry of Finance contribution is available at culturadigital.br/marcocivil/2010/05/27/contribuicao-do-ministerio-da-fazenda

108 The Federal Police memo is available at culturadigital.br/marcocivil/2010/05/31/contribuicao-da-policia-federal-para-o-marco-civil-da-internet

it mean that child pornography had suddenly become a non-issue? Or did it simply imply that actors engaged in the fight against paedophilia and child pornography were totally unaware of the process? The data collected suggest that in fact some of these actors had decided not to engage with the process of debate as it has been defined by SAL-MJ, but rather to use their own spaces and means to eventually raise concerns about the content emerging from the online consultations, as discussed below.

Steps forward, persisting tensions, challenges ahead

In April 2010, as the second stage of the consultation on the Civil Rights Framework was starting, the CPI on Paedophilia requested a public hearing to discuss the proposal and the process it had triggered. Present at the meeting, held in June 2010, were CPI chair Senator Magno Malta; Guilherme Almeida (SAL-MJ); Carlos Eduardo Miguel Sobral and Stenio Sousa Santos, high-ranking officers in the Federal Police; State Prosecutor Priscila Costa Schreiner, coordinator of the cyber crime unit at the State of São Paulo Federal Prosecutors' Office; and Demi Getschko, president of the Brazilian Network Information Center (NIC.br) and member of CGI.br. Senator Azeredo and Thiago Tavares, president of SaferNet Brasil, were scheduled to appear, but failed to attend. When calling for the hearing, in April 2010, Senator Magno Malta expressed the view that CPI members had been excluded from the debate on the Civil Rights Framework, saying:

> This is a very important issue, which has not been widely discussed. This Civil Rights Framework for Internet Regulation is being discussed by a handful of persons. We are therefore calling this public hearing because those who elaborated the draft proposal of the Civil Rights Framework have not invited the contribution of the CPI on Paedophilia.[109]

The very first round of discussions at the hearing was devoted to contest the view conveyed by Malta. Guilherme Almeida spent some time clarifying that it was not at all correct to say that the CPI members had not being invited to contribute to the debate of the Civil Rights Framework, since the call for participation was addressed to society and state institutions as a whole. Subsequently, Almeida provided an overview of how the Civil Rights Framework had been constructed, highlighting the problems experienced in the process but also expressing forward-looking strategies and proposing

the next steps. He emphasised that the Civil Rights Framework was conceived as an exercise to construct a "constitutional bill for the internet" comprising principles of fundamental rights for users, providers and the government itself, as well as rules of functioning and procedure. In his own words, "its main feature is that it has been designed as a civil rights-based normative framework, and not as a criminal justice statute."[110]

As expected, the law enforcement actors present – the Federal Police and Federal Prosecutors' Office representatives – reacted to Almeida's speech. They raised a long list of security concerns and insisted that it was urgent to adopt robust, up-to-date and quickly enforceable legislation to facilitate the criminal investigation and prosecution of criminal conduct on the internet. In his response, Almeida reiterated that the main objective of the Civil Rights Framework was precisely to move the internet regulation debate away from the logic of criminal justice that informed previous bills discussed in the Congress. He acknowledged the relevance of problems and obstacles to investigations raised by the law enforcement agencies, but also expressed the view that, in the analysis of SAL-MJ, the barriers fundamentally derive from the slowness of the judiciary, a structural problem that affects many other areas of justice implementation, which cannot be resolved by a cyber crime law.

The MPF and the Federal Police representatives present at the hearing were not easily persuaded. Prosecutor Priscila Schreiner raised the controversial question of log storage, suggesting that the ideal timeframe for retention should be three years, as already prescribed by the TAC signed with Google, and not the six months stipulated by the new draft bill. Reacting to this proposal, Demi Getschko made it clear that that CGI.br does not consider the retention of connection logs a problem in itself. In fact, logs are already retained by ISPs for commercial purposes. CGI.br recommends that the Civil Rights Framework should further clarify the very concept of log, in order to avoid unnecessary confusion.

Getschko also spelled out a perspective on internet regulation that goes beyond the core idea, manifested by other speakers, that the main objective of the draft is to set a distance from a criminal law approach to regulation. In his view, even when the Civil Rights Framework is a normative instrument aimed at ensuring the rights of internet users and rules to be followed by providers, it should not be portrayed as a regulatory instrument because "the internet is immaterial, users are its main actors, and the internet should be protected, not controlled."

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109 From the minutes of CPI on Paedophilia session number 70, 28 April 2010

110 From the minutes of CPI on Paedophilia session number 73, 9 June 2010

This line of thinking converges with the conceptual frame informing the CGI.br's Decalogue of Principles and, in a subtle way, interrogates the very possibility of strict regulation of the internet.

This tense debate illustrates how – in spite of the open, participatory and meaningful democratic deliberation that delivered the new draft provision – structural divergences among state actors, as well as between them and civil society perspectives, have not been entirely diluted. Moreover, the possible tabling of the new draft bill in the lower house suspended the quarantine to which the Azeredo Bill was submitted. In October 2010, right after the end of the first round, the text was quickly processed and approved by two house commissions (on the Constitution and Justice and Public Security and Combat against Organised Crime). This spurred cyber activists to organise another "Mega No" event in Brasília in November. In January 2011, as soon as the new cabinet was appointed, the Creative Commons label was deleted from the Ministry of Culture's website. Since then, cyber activist blogs and the national media have explored the reasons behind this move, interpreting it as the effect of greater power achieved by copyright advocates in the new federal administration.[111]

Cyber politics intersect with sexual rights

The eruption of child pornography and paedophilia as a national public issue, along with ongoing debates about the Azeredo Bill, has also intersected with sexual rights controversies. In June 2008, as those debates were intensifying, the federal government-sponsored First National Conference on LGBT Policies took place in Brasília. Concurrently, lobbying and visibility for the bill aimed at typifying homophobia as an aggravating circumstance for violent crimes and penalising homophobic hate speech (PL122/2006) was also stepped up. Religious and other conservative sectors, including those involved in the CPI on Pedophilia, were at the forefront of resistance to that bill.

One discursive strategy mobilised against LGBT rights was evoking the conflation of homosexuality and paedophilia commonly promoted by religious conservatives. But the opposition to PL 122/2006 elaborated an effective line of argumentation crafted in legal terms, based on ethical grounds. Lawmakers affiliated to the religious caucus argued that, if approved, the bill would infringe the principles of freedom of expression and freedom of religion, since it would prevent priests and pastors from preaching based on their belief and the doctrine that holds that homosexuality is a sin.[112] The 2005-2008 period was also a time of regress for women's sexual rights, particularly with regard to abortion, both in the Congress and in terms of public policy,[113] due to the efforts of the same religious political forces.

Unlike cyber activists, who were closely following the various initiatives described above, neither the LGBT nor feminist movements have paid attention to or engaged with the processes related to internet regulation. Although in the early days of the internet, child sexual exploitation and abuse had been discussed to some extent by gay organisations and leaders, particularly by those involved with alternative LBGT media, by 2008 the issue had essentially disappeared from the movement's public agenda. A review of both preparatory and outcome documents of the First National Conference on LGBT Policies identifies numerous demands against discriminatory treatment in the media at large, as well as recommendations for media and educational actions against homophobia targeted at youth and children. But no mention is made regarding sexual abuse and exploitation, either offline or online.

Feminists, for their part, have always taken a strong anti-criminalisation stand when advocating for abortion rights. This stand against criminalisation would be a potential point of entry for feminist organisations to engage internet regulation debates, at least in relation to the detrimental effects of criminal justice approaches. But this connection has not been made. Moreover, it is to be expected that many feminist groups would not have major problems with strong appeals for anti-web-based child pornography criminal laws, as they also call for strong media control in relation to abusive images of women.

This configuration is not a Brazilian peculiarity, but reflects the structural tension between protection and freedom as the two main dimensions articulating sexuality issues within a human rights framework. This tension is particularly visible in the definitions of sexual rights adopted by the final document of the Beijing Conference on Women – which has become lingua franca in the feminist movement – and later on in LGBT communities.[114]

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111 Minister Ana Buarque de Hollanda, when inquired about the subject, did not provide a clear or direct explanation.

112 This line if argumentation has been reiterated since then, gaining renewed visibility at the end of the 2010 presidential campaign. It was subtly acknowledged by the "Letter to the People of God", issued by then candidate Dilma Rousseff.

113 Washington Castilhos *The Pope's Visit to Brazil: Context and effects* (Rio de Janeiro: Sexuality Policy Watch, 2008) www.sxpolitics.org/wp-content/uploads/2009/03/wp_2008_ing-final.pdf; Sônia Corrêa ed. *Interlinking Policies, Politics and Women's Reproductive Rights* (DAWN, 2006) www.repem.org.uy/files/globalinterlinking.pdf

114 Corrêa, Parker, Petchesky *Sexuality, Health and Human Rights*; Alice M. Miller *Sexuality and Human Rights: Discussion Paper* (Versoix: International Council on Human Rights Policy, 2009) www.ichrp.org

At the core of this tension lurks the difficulty to recognise – symbolically and politically – the autonomy and freedom of subjects who have been traditionally subordinated within a male-dominant system or else are yet to be considered full persons. On the one hand, women have been acknowledged as subjects of rights, but, on the other hand, they remain caught in the webs of gender domination. By the same token, children and adolescents, also accounted for as subjects of rights, are treated as not yet fully developed persons, subjected to tutelage. In other words, the structural tensions between agency and subordination, or between consent and coercion – where feminist activism has tended to favour narratives that highlight the latter term of the pair – provide a better description of how mainstream sexual politics tend to operate.

Another issue worth bringing to this analysis is the globalised nature of both child protection rights and sexual rights discourses, norms and advocacy. The assimilation of definitions and norms by Brazilian legal frameworks and policy guidelines emerging from these two streams has not been coherent or balanced, as needed. Child protection measures are enshrined in binding norms, such as the Additional Protocol to the CRC, which are immediately translated into national laws, usually as criminal justice statutes. But definitions in the realm of sexual rights are mostly soft international law (conference definitions and recommendations of surveillance committees). Moreover, they remain subject to much controversy at both the global and national levels. Last but not least, under the current climate of "insecurity", national states find it easier to pass and ratify norms to curtail and punish than those that emphasise freedom and autonomy. When examined from the point of view of civil society actors, the international child protection agenda has been translated into legal and emotional idioms more rapidly and consistently than revised sexual frames, as exemplified by the Optional Protocol to the CRC, which is more widely recognised as legal than other human rights legal instruments.

In terms of democratic deliberation, the absence of dialogue between child protection advocates working within a consistent human rights framework, feminists,

LGBT rights advocates and cyber activists has allowed the discourse on protection, abuse and sexuality to be captured and controlled by religious and other conservative voices. Progressive constituencies have let various opportunities pass to share their visions on key dimensions of internet policy controversies. Feminists and LGBT activists have not engaged with the lively and enriching discussion on the distinction between paedophilia, a psychiatric term, child pornography, a typified criminal conduct, and sexual abuse and exploitation of children and adolescents, ingrained in human rights discourse. By not engaging in these debates, each constituency tends to use these terms in an undifferentiated manner. Child protection advocates and cyber activists would benefit from exposure to up-to-date arguments on sexuality and human rights discourse.

Above all, Brazilian democracy would benefit enormously from a more systematic and balanced dialogue between these constituencies and society at large on the various perspectives and tensions cross-cutting internet regulation debates, such as internal tensions within human rights discourse; the legal and social shortcomings of criminalisation; issues of freedom of expression and the right to privacy in the domain of sexuality; and the sensitive question of consent and, particularly, the age of consent. The potential for these aspects to enter public discourse in relation to child pornography and internet debates has so far been obliterated, under the effects of a semantic overflow and political barrier constructed around paedophilia, which makes it difficult for the terms of the debate to be shifted back to a human rights framework, and has enhanced a negative articulation between sexual abuse, exploitation of minors, and sexual rights.

In September 2010, a researcher from the SPW EROTICS team coordinated a workshop on sexual rights with HIV-positive women in Rio de Janeiro. Notably, in the discussions, one participant expressed that great caution was required in relation to sexual rights, because they might open the doors for paedophiles to take over. This is one anecdotal illustration of how the spiralling politics of the paedophilia and child pornography scare is intersecting with sexual politics at many levels. It is permeating the social fabric, thereby creating an effect of capillary resistance to discourses and practices that seek freedom and promote self-reflecting agency and the exercise of sexual rights.

The live world of sexuality on Orkut

As mentioned in the introduction to this report, online practices by internet users were observed using an ethnographic approach, which meant accessing virtual spaces for direct observation of virtual sociability. As a contribution to the consolidation of a new research field, developing at the crossroads of internet, sexual rights and gender studies, this section explores

the results of observation on how and in what capacities sexual discourses are elaborated, sexuality is performed, and sexual communities are built on the internet as sites for expression and contestation.

Two online social domains were examined. The first involved online spaces where anti-lesbian prejudice was expressed, including forms of verbal harassment and abuse. Special attention was placed on how anti-lesbian expressions were contested and struggled against. The second domain was a virtual community of individuals engaged in an effort to legitimise romantic relationships between adults and adolescents, while contesting the term "paedophilia" to characterise their interest.

While, as noted in previous sections, sexual rights activism was absent from the policy debates that surrounded the Azeredo Bill and Civil Rights Framework, the everyday investments[115] of individuals in the two online spaces observed make them interesting sites to examine and foreground a different kind of mobilisation – political nonetheless – and engagement with the exercise of internet rights and freedoms. Both cases serve as counterpoint to the observation that Brazilian feminist and LGBT activists and organisations have invested neither in the internet regulation debate, nor in the controversies around child pornography that contaminated that debate. In contrast with the apparently low level of engagement by sexual rights activists with these debates, the description of online spaces where sexuality is at the same time performed and addressed as a controversial issue is aimed at exploring investments in sexual expression, online safety, and modalities of struggle against sexual discrimination and violence based on sexual prejudice, while couched in terms different from conventional forms of offline activism.

Mapping sexuality online

In a preliminary mapping of online practices as a stage for sexual self-expression, performance and communication, virtual networks and online activity were classified into three broad types. The first consists of online spaces and networking activities where sexual identities are performed (ritually executed, therefore iteratively affirmed), empowered or contested.[116] It includes web portals, blogs, social networking sites and dating websites. In Brazil, some platforms, in particular Orkut, have become a privileged means

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115 By investment we mean a strategic deployment of social resources of material or symbolic value.

116 For a discussion on the notion of performance and ritual, see the works of Victor Turner, especially *From Ritual to Theatre: The Human Seriousness of Play* (1982) and *The Anthropology of Performance* (1986), as well as the seminal work of Erving Goffman, *The Presentation of Self in Everyday Life* (1959). On the "performative" efficacy of speech, see John L. Austin, *How to Do Things with Words* (1962). On the "performativity" of gender, see Judith Butler, *Gender Trouble* (1990).

of communication for the LGBT public, particularly among youths, who make novel, meaningful appropriations of those spaces. The internet has allowed people whose sexual orientation, experiences or identities are marginalised to meet online and interact, creating new forms of sociability and organisation, or re-creating old ones.

The second set of networks consists of online sexual "markets", meaning sites of exchange which may be characterised as sexual. Among these, a distinction is made between commercial online marketplaces, where interactions are primarily understood as sexual "services" and involve the exchange of money; and non-commercial circuits where exchanges are based on sexual interest and are not monetised. The boundaries between these two types of circuits are fluid. Money, goods and services, on the one hand, and consensual sex or romantic involvement, on the other, are not mutually exclusive. However, moral conventions do impact and organise these online interactions.

Non-commercial markets include online dating services and social networking platforms. Both have expanded as a means for seeking and initiating sexual and romantic liaisons. Conversely, commercial markets include male, female and transgender escort services in a myriad of formats available online. In this milieu, the client is a subject category as relevant as the performer of sex services. Moreover, commercial sex trade is not restricted to spaces primarily designed for that purpose, but also occurs on social networking and dating platforms.

The third category of online activity where sexuality is at play is the flow and exchange of sexual knowledge, involving issues of sexual expression, and information on sexual rights and sexual health. Online information exchanges are not limited to those produced by political actors, or to the pedagogies traditionally associated with sex education, but take place under various formats, responding to a diversity of interests and logics. In this classification, pornography, while often involving commercial interest, is also a source of sexual knowledge.

Contesting gender and sexual hierarchies in Orkut

As a major online phenomenon in Brazil, Orkut was the primary ethnographic focus of this case study. The platform was launched in 2004 and has since become the most widely known online social network in Brazil, with the greatest number of users, although more recently Facebook and Twitter have also become popular.[117] In September 2010 the basic

screen layout changed to incorporate many features similar to Facebook settings and appearance.

To have access to Orkut, one needs to become a member of the social network. This is formally restricted to persons eighteen and older. All that is required to enter Orkut is a login identity, which can be created free of charge and gives access to most contents inside the platform. This means that all Orkut contents that are not deliberately "blocked" by users are understood to be public.[118] This assumption, however, requires some qualification. Firstly, Orkut definitions of content privacy, as stated in the User Agreement, require members to comply with constantly changing regulations. Secondly, as relevant as normative definitions of "private" or "public" are users' understandings of how personal data circulate. Users are not always aware of potential uses of the information they post.[119]

Orkut communities

The Orkut platform offers its users the possibility of creating and joining any number of "communities". Orkut communities are the primary locus of online interaction within the platform, where users can develop a sense of belonging, which ultimately leads to the formation of an online community.[120] Communities have their own area of virtual interaction: a "community profile", with a description of the aim, interest, preference, identity or theme shared in common by members; an illustrative image; a list of members; and a "forum" section, where discussion threads called "topics" can be created. Each topic encompasses one individual discussion thread within an Orkut community forum. Each individual topic is made of "posts". "Posting" means either introducing a new topic, or "replying" to an existing one. In order to post or reply to a topic in a community forum, an Orkut user must become a community member. The process of becoming a community member can be as simple as clicking on a link called "join" on the community profile. That is the case for non-moderated communities.

117 According to its Wikipedia page, as of April 2010, 48.0% of Orkut's users were from Brazil, followed by India with 39.2% and the United States with 2.2%, out of more than 100 million active users worldwide. Data collected in October 2010.

118 In Orkut jargon, "blocked" contents are set as private, only available to other authorised users, or Orkut "friends".

119 Since most internet users can hardly make an informed evaluation of the ways in which the data they publish online will be used, from an ethical perspective, research committed to respect users' privacy must not take advantage of users misrepresentations of their online security and privacy. In collecting data for the case study, Orkut users' privacy has always been respected as a basic rule. The data presented below were collected in Orkut, but never from spaces set as private by users. Names and contents shown were in all cases "unblocked", openly accessible to all Orkut users.

120 In this report, "community/ies" refers, in most cases, to "Orkut community/ies", a social category, as used by subjects in the field. On the other hand, "online community" is an analytical category, denoting specific forms of social interaction that take place on virtual spaces fostering a sense of belonging among the people involved.

Otherwise, in the case of moderated communities, approval is needed. A community's "moderator" is a person or group of people that define and regulate who may participate, and what contents are allowed to be posted in the community forum. Usually the moderator function is performed by the person who created the community – its "owner" – or a member who volunteered for and was given the position by the creator. Moderators have the power to deny entry to prospective members seeking approval, thus barring them from contributing to topics on the community forum. Moderators may also expel community members. Moderation powers also allow the person in charge to delete individual posts on a particular topic, or a whole topic, from the community forum. Thus, an active community moderator can have a significant influence on the kind of interactions that take place in the forum, as well as with regard to contents displayed. For instance, offensive or otherwise explicit language can be forbidden, the same applying to arguments or discussions that depart from the community themes.

Some communities are simply a slogan to be "worn" on one's individual profile (e.g. "I like dogs"), while many operate as actual debate forums, where members discuss topics, usually related to the community theme. Slogan-type communities prevail in Orkut and active forums of discussion, which survive over a long period of time, are not a common occurrence. Both types of Orkut communities were observed for this study.

Communities can have as many as over a thousand members, but in most cases no more than a dozen are active forum participants. Hence, the best way to assert if a community has become an active online forum is to verify the intensity of its interactions. The number of topics inside a forum and/or the number of posts triggered by a specific topic provide key signs of the intensity of engagement of community members. Forum topics were also considered as interactive units in their own right. In other words, "topics" are another level of Orkut interaction within an Orkut community and therefore part of the larger Orkut network.[121]

Two particular foci of Orkut community activity were selected for observation. One comprised interactions across several communities prompted by lesbophobic remarks, including the threads of responses to them. The other focus was a community that openly addresses the controversial issue of inter-age sexual relationships, including critiques of the CPI on Paedophilia. By addressing Orkut dynamics and current regulation as related to the semantic fields around the terms "paedophilia" and "lesbian", the description below offers a window into issues of censorship, privacy, sexual expression, violence, and online political mobilisation, from the perspective of lay users' expressivity.

Is the internet for lesbians?

After examining a broad range of sexuality-related online spaces, networks, debates and contents, a Ning-based member-only community for lesbian and bisexual women, called Leskut (a contraction of lesbian and Orkut), was initially selected as a unit of online sociability where issues under examination by this research component could be observed, namely sexual expression, community building, online safety, and forms of debate and struggle against sexual discrimination and violence based on sexual prejudice.[122] Although not Orkut-based, Leskut makes explicit reference to Orkut, owing to the popularity of the latter as a social networking platform. Leskut's online activity is not restricted to the Ning platform, as Leskut members regularly access and contact other members through other internet channels.[123] Leskut emerged as an interesting place of observation because it presents itself as a safe online space for homosexual and bisexual women, where men are not allowed to participate and explicit sexual content is strictly forbidden. These rules are enforced by a particularly active moderation team. The moderators analyse membership requests in order to certify that they are indeed submitted by women. Moderators also patrol forums and chat rooms, looking for abusive (i.e. explicit) sexual content, and banning members who break community rules. Its stress on online safety, as guaranteed by a community-driven and administered patrolling device, made Leskut a suitable case to examine how self-regulation rules are established by online communities, and the effects they produce. However, Leskut's moderation style became a major obstacle to observation. Contacts were made with moderators presenting the research objectives and requesting access to the community. After various attempts in that direction

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121 Attending to the reach and time limitations of this research exercise, a strategic decision was made to restrict the transcription of postings to a minimum. Taking into account that the target audience of this report is mainly non-Portuguese-speaking, the report demanded an effort in translation from Portuguese, especially considering the colloquial style and frequent presence of double meaning and innuendo found in many verbal exchanges. The unfortunate downside is that the description does not show many instances of direct speech by individuals, although people's voices are ever present in the analysis. We still feel that social representations regarding the topics addressed have been successfully laid out.

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122 Ning is an online platform specifically designed for users to create their own social networks. www.ning.com

123 Contents available on those other networks, however, are either restricted to members of the Ning community, or are not very extensive, leading to insufficient data regarding social interaction online and self-regulation community initiatives.

no response was obtained. Without this approval, a thorough analysis of Leskut activity could not be performed.[124] Nevertheless, Leskut's owners' stress on online safety and moderation may as well be read as a reflection of their struggle to build a "safe" online space, protecting themselves and platform members from what they consider harmful content and behaviour.

At this juncture, other online spaces were explored to observe the ways in which Brazilian women engage with sexuality issues online. The research team identified several Orkut communities where anti-lesbian contents are deployed.[125] Either "seriously", as a purportedly objective statement, or "teasingly", as mocking remarks, these groups uphold the argument that that lesbians' sexual orientation is the result of "not having met a real man." Further observation of these communities showed that a substantive number of female Orkut members respond to these offensive postings, arguing directly with members of these communities to contest their lesbophobic remarks.[126]

This finding highlights a capillary lesbian or pro-lesbian mobilisation taking place on Orkut. While not necessarily conceived or experienced as "activism", as defined by established conventions of offline sexual rights politics, this is a meaningful engagement in sexual affirmation and with the struggle against hate speech and violence based on sexual prejudice. The description below, by focusing on lesbophobia across different Orkut communities, captures ways in which the internet is used as a medium to air homophobic discourse, as well as how LGBT or pro-LGBT women (and men) react to those expressions. Such uses introduce evidence leading to an analysis of how representations around female sexuality (and sexuality in general) are negotiated online.

Orkut lesbophobia

Forum activity was observed at ten Orkut communities where members deployed lesbophobic speech. They were located when one of these communities was reported to an LGBT activist mailing list one EROTICS Brazil team member belonged to. The community name was "She's a lesbian because she never saw my cock". Since the community was located based on references obtained though an activist network, an alternative methodological procedure was followed in order to characterise its background in Orkut terms, i.e. as related to uses and perceptions of the word "lesbian" and representations of female sexuality within Orkut. An Orkut search using "lesbian" as keyword provided a panorama of representations of women's homosexuality across the platform. Consecutively a sample of four Orkut communities from the search results was selected and analysed. They addressed expressions of women's (homo)sexuality and lesbian empowerment.

It should be noted that the remaining six lesbophobic communities show no activity on their forums, suggesting they are mainly slogan communities. Three of these communities are also closed to non-members, probably to prevent their contents from being tagged as harmful. The analysis of closed communities only takes into account their profiles' public features, e.g. description, images, number of members.

However, the community originally referred to by activists – "She's a lesbian because she never saw my cock" – had an active forum.[127] All forum activity observed consisted of 22 discussion topics, averaging fifteen to 30 single posts per topic.[128] One single topic elicited 200 comments, while another one triggered 60 posts. Close examination of the topics generating the most debate – the ones generating the greatest number of replies – allowed for an analysis of the dynamics at play when mocking remarks are construed as lesbophobic by Orkut users who react to them as offensive speech or expressions of intolerance. Particular attention was paid to the more systematic engagement of users who responded to this sort of virtual harassment regularly.

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124 EROTICS researchers tried different ways to get permission to study Leskut. Although one researcher had been a long-time Leskut member (her primary use is for activist purposes, mainly posting announcements), it would have been unethical to enter Leskut and observe the community without the moderators' approval. We used her contact to try to reach the moderators, but could not elicit their response this or any other way.

125 See the following section for a description of how the communities were accessed.

126 Given the fact that Orkut, as described above, provides a tool to report harmful content, some of these women might also be using that channel to file complaints about the abusive nature of content posted on these communities. The research team did not have access to reports of those complaints.

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127 "Cock" in English might sound more offensive than the Portuguese original, "pinto". A young boy would refer to his penis as "pinto" – the same word for cockerel. "Cock" was chosen because it plays out the irony also present in the image of an armed and "ready for battle" cockerel provided as an illustration in the community profile.

128 Data collection took place mostly between July 2010 and August 2010, and continued during write-up, until November 2010.

Community name: She's a lesbian because she never saw my cock[*]

Community image:

Link: www.orkut.com.br/
Main#Community?cmm=4726593

Description:

This community exists to show all the women who opted out to be lesbians that they did so because they never had a cock like mine!!!!!!!!!!!!!!!!!!!!

So that no misunderstanding happens, we clarify:

The community does not endorse prejudice.

Some members and even some lesbians didn't get the joke!!! Your bad xD

Language: Portuguese (Brazil)

_____

*   See footnote 127

Category: Gay, Lesbian & Bi

Owner: Paulo

Type: public

Content privacy: open to non-members

Location: 35521, Brazil

Created: September 3, 2005

Members: 1,248

The chart below lists all "She's a lesbian because she never saw my cock" community forum topics in reverse chronological order considering the last reply to the topic, i.e. from the most recent to the one with the oldest reply. Chart headings include the first poster/creator of the topic ("author"), and the number of replies it received ("posts"). The "topic" column gives a panoramic view of the themes debated on the community (last access in November 2010).

Topic	Author	Posts	last post
Bigoted idiot community!	Antoniio	219	Sep 26
Corrective penetration for lesbians	Ministro Claudio	8	Sep 22
PREJUDICE	Lucky	2	Aug 20
Have you ever fucked a lesbian???	Paulo	65	Apr 27
This is not a homophobic community!!	Ricardo	2	Mar 28
My cock is a CUM SPURTING machine!!!	PULSEN	4	Mar 27
homophobes around!	ŴΞĹŤŐП	0	Mar 11
homophobes	Ricardo	1	Feb 28
beautiful message	Israel_Almeida-	4	7/31/09
THE LOVE THAT STICKS IS LOVE OF DICKS!!!	Felipe	15	5/24/09
Men	anonymous	22	5/16/09
Fucking cool new community here...LOL	CLEITON	1	5/11/09
It's here???	Gi	35	4/29/09
I'm tired of being sexy	Juliana	10	4/16/09
She's a lesbian because she's grossed out by your dick	Nayla	4	3/12/09
Expression Rights and Sexuality Rights	CLEITON	1	2/17/09
I fucked a lesbian	julio	1	10/28/08
I'm gonna talk...	Laura	30	10/14/08
BEING A LESBIAN	neelu	1	10/12/08
Freedom of Expression Community	Liberdade	1	8/6/08
MY PENIS	ħ• •¢•K•э•Я	7	7/12/08
Hello People	Paulo	2	5/22/08

Of the 22 topics analysed, six were created by members who agreed with the community theme, and can therefore be classified as homophobic and/or misogynistic. Since they a,re mainly teasing remarks, members' replies express support by expressions or symbols indicating laughter. In such topics female homosexuality is made fun of and ridiculed, especially through the argument that, in order to become "normal" again, all a lesbian needs is to have sex with a man, and that the poster is ready to give it to her.

> Homophobic/misogynistic topics: 1) Corrective penetration for lesbians 2) PREJUDICE 3) Have you ever fucked a lesbian??? 4) My cock is a CUM SPURTING machine!!! 5) THE LOVE THAT STICKS IS LOVE OF DICKS!!! 6) I fucked a lesbian

On the other hand, seven topics were created by people who find the community offensive. They were created by women or men who disapprove of the community and its affirmations. In order to be able to post on the community forum these Orkut members needed to join the community themselves. The pattern of replies generated is as follows: if a female is writing, community members just tease back, implying that all these women need to shut them up is receiving "their cocks inside them". The women in turn deploy a series of dismissals, claims and accusations against the aggressors, such as pointing at their stupidity, homophobia, hatefulness, criminal tendency, or the fact that they are obsessed with their own penises, implying that they are probably (closeted) homosexuals, since penises seem to be "the only thing they can talk about." This is configured as an offensive remark. It could be argued that using the accusation of homosexuality as an insult is in itself a form of homophobia, but this issue is not discussed on these topics. Some replies are also made by men disapproving of this attack on female homosexuality. The members defending the community only reply to these men by calling them gay, faggots and other derisive terms for male homosexuality.

The seven posts criticising the community were created by male or female lesbian sympathisers. They are usually focused on the affirmation that sexual orientation is not an option. This is a direct response to arguments deployed on the forum that refer to homosexuality as a "sexual option", a notion quite widespread in Brazil in the early 1980s, which was subsequently replaced with "sexual orientation" by the gay movement. "Sexual option" is today often used to imply that homosexuality is an arbitrary lifestyle choice. LGBT movements in Brazil actively contest that implication, promoting an understanding of homosexuality as a natural, unavoidable "orientation", in order to dissociate non-heterosexual identities and behaviour from ideas of perversion and immorality, as well as from biological determinism. However, both categories are still used indistinctively in everyday speech. The most usual occurrence on the community forum of such arguments is that of a member correcting the wrong usage of the term, arguing there is no choice in sexuality.

> Topics created by people who find the community offensive: 1) Bigoted idiot community! 2) Beautiful message 3) Men 4) It's here??? 5) She's lesbian because she's grossed out by your dick 6) I'm gonna talk... 7) BEING LESBIAN

Four topics elaborate on the claim that the community is not to be taken seriously. They were posted by members of the community trying to avoid engaging in arguments, exchanging insults, and the name calling that usually takes place under the first two topic classifications. They nonetheless stand for the community, by stating that there is nothing offensive about it, that they are just teasing and should not be taken seriously. Three other topics advertise other communities with similar homophobic themes.

> Topics saying that the community is not to be taken seriously: 1) This is not a homophobic community!! 2) I'm tired of being sexy 3) Expression Rights and Sexuality Rights 4) Hello People
>
> Topics advertising other communities with similar homophobic themes: 1) Corrective penetration for lesbians, homophobes (the community this topic refers to has been deleted by Orkut) 2) Fucking cool new community here...LOL ("My feminine side is lesbian" community) 3) Freedom of Expression Community (not a homophobic community, but one discussing freedom of expression)

There are almost as many topics which contest the community's convictions as there are homophobic topics (seven and six topics, respectively). But if one looks at the number of replies each topic has

At the time this report was written, the forum topic with the most recent reply post contesting the community was called "Bigoted idiot community!" This was also the topic with the greatest number of replies (219), although many had been deleted. The topic was started on 29 January 2008, the oldest post being by "'Antoniio", the topic creator, calling the community bigoted and idiotic, claiming that they should not comment on a girl's sex life, and that the premise that showing a lesbian their cocks would lead her to become straight is dumb. He also says homophobia is a crime and that it is because of brainless people like these that Brazil is so underdeveloped as a country [sic]. The next reply on the topic thread is from 3 March 2008. The post was made by "Kyo". However, this is not the original order of conversation, as a message from Orkut at the bottom of the page reports that a number of posts have been deleted by Orkut. "Kyo's" post mentions other replies that agreed with "Antoniio", showing that some replies are not available anymore. From "Kyo's" remark it can be implied that some of the deleted posts were from people criticising the community, so it is possible they were deleted by the community creator or moderator. It is still nevertheless possible to follow up on the conversation thread.

Defending the community, "Kyo" claims that some people do not understand a teasing joke, and that most community members have only joined because of the funny picture of a cockerel illustrating the community profile. He then adds, "THE FAGGOTS THAT ARE ARGUING ABOUT THESE THINGS ARE RETARDED." He is followed by "Frank Lampard" on 19 March. His comment simply reads "blah blah blah blah", meaning that this whole conversation is worthless to him.

The next post, from 20 March, is the first one still available made by a woman, "Bárbara". She says that a man showing his penis to a lesbian would be meaningless, and that the most handsome man means nothing to a lesbian girl compared to her girlfriend. She says that the affirmation that a man's penis would make a lesbian straight may even be said jokingly, but a girl can be rightfully angry about that. She is followed by "Paula", on 21 March, whose post just says "Stupid Jerks", with the emoticon "¬¬'", which means she is giving them a serious look.

The next post is from "G иг т яя º º". He says: "Everybody can grab my dickie, a dickie on your butts. DON'T LIKE THE FUCKING COMMUNITY? THINK IT'S BIGOTED? GRAB MY BALLS AND LEAVE THE COMMUNITY!!! No one wants to know if it's bigoted, if you like it, or if you disagree with the community, I want you all to fuck yourselves and leave the fucking community… Why did you become a member? Besides being gay, you're a moron, a jerk and a retard!" He is followed by other members' posts that either agree with the idea that such teasing should not be taken seriously and is not subject to critique, or show disapproval. Complaints about the crass tone the debate has derailed to is also a characteristic of many posts.

This short sample of posts gives an idea of the kind of discussions, name calling and verbal quarrelling that take place on the community and the prevailing mocking, virulent tone of the homophobic attacks.

produced, the topics which receive the greatest number of replies are those contesting the community's legitimacy, which gives an idea of the amount of disapproving posts the community receives and also demonstrates that this is the most common form of interaction taking place within.

However, some of these topics have been subjected to moderation, either by the community's moderators or by Orkut managers acting after some report of improper content. Members can also delete their own posts, so not all absent posts were necessarily deleted by Orkut or a moderator. On the forum pages where some posts have been deleted and are no longer available this message from Orkut appears on the bottom of that topic page: "Some replies on this page have been deleted or are under review." Some of the deleted topics are from those contesting the community, and they were probably deleted by community moderators. In this instance, the community moderation is against those who contest the community. However, Orkut does count deleted posts when showing how many replies a topic received. For instance the topic "My cock is a CUM SPURTING machine!!!" has four posts listed, but actually only two are still available.

Mockery?

Members of the communities observed tend to portray themselves as harmless, claiming that their attitude and speech "should not be taken seriously." They say that what they post are jokes, simple teasing. They act surprised by the accusations of homophobia levelled against their posts, saying that they do not understand why their posts are considered offensive. This apparent misunderstanding or gap in communication suggests that the very meaning of mockery must be critically interrogated. What do these jokes mean? Does a mocking tone make a homophobic remark less homophobic? Paradoxically, perhaps the most harmful aspect of mockery is precisely the pretence that the expression of prejudice be justified as harmless.

The sarcastic tone in the samples of speech collected from the communities observed makes them more pungent, but also makes them rather diffuse and therefore more difficult to be contested. Such expressions can be examined through the lens of "joking relationships" studied by the anthropologist Radcliffe-Brown,[129] who, in his analysis of African traditional political systems, argued that the use of ritualised jokes and mocking patterns of speech and demeanour has the main function of softening potentially antagonistic relationships. In these joking games Radcliffe-Brown identified two kinds of relationships: *asymmetrical*, where only one party can offend the other through banter, without expecting retaliation; and *symmetrical*, where both parties can mock or tease each other without causing offence.

The speech patterns observed in Orkut lesbophobic communities fit the category of asymmetrical joking relationships, as those who deploy the jokes do so from a position of hierarchical superiority towards their female audience, thus restricting the possibilities of their banter being socially recognised as offensive. The hierarchy at play in these web-based communicative interactions is a direct effect of gender roles, i.e. men have the authority of determining "what those women's problem is." The authority of their statements about lesbians and lesbianism is informed by and reinforces the dominant heteronormative bias that "women are made women by the sexual ability of men." In the same manner, both in the community description and forum topics, members claim that their mockery should not be regarded as offensive. This protective language is aimed at rendering utterers of demeaning speech unaccountable for it, while at the same time allowing them to describe women as unreasonable or irrational when the latter react to the former's offensive speech and contest the views that support it. The gender bias, needless to say, is further intensified by this characterisation of women as crazy or hysterical.

Virtual interactions involving discriminatory mocking remarks closely resemble offline experiences. In Brazil, as elsewhere, it is a socially accepted practice for a man to take offence and react to verbal abuse, as a legitimate defence of his honour. The same type of reaction in the case of a woman is considered a mere acting out or else an expression of lack of reason and excessive emotionality. In plain language, it is regarded as a woman playing "bitch". Gender hierarchies, as well as the free use of public space by men, including the right to legitimately speak in the name of others, make men less accountable for such behaviour. While they can speak their minds, women's complaints are generally deemed inappropriate or excessive. This is clearly illustrated by the argument used by online lesbophobic bullies that "we're only kidding and have the right to do it." As an example, the description on the community profile reads:

THIS COMMUNITY EXISTS TO SHOW ALL THE WOMEN WHO OPTED OUT TO BE LESBIANS THAT THEY DID SO BECAUSE THEY NEVER HAD A COCK LIKE MINE!!!!!!!!!!!!!!!!!!!!!

So that no misunderstanding happens, we clarify:

The community does not endorse prejudice. Some members and even some lesbians didn't get the joke!!! Your bad xD

In their responses to online anti-lesbian bullying, some women post comments claiming that the authors of such homophobic speech acts are in fact "closet cases". By joining the jocular tone of the lesbophobic remarks, they highlight how the bullies' discourse reflects their own "obsession with penises". The women question the masculinity of their opponents resorting to the same type of rhetoric used by the latter: ambiguity and mockery. In doing so, these women make the potentially serious – threatening to homophobes, in any case – claim, based on popularised psychological theories, that excessive display of masculinity and obsession with the penis are clear signs of a repressed homosexual inclination. At the same time, by claiming the right to contest men's authority to determine the truth about women's sexuality, they contest the hierarchy that presumably authorised men to air their views in the first place, thus establishing a symmetrical position from which women's claims can be made and debate can be engaged. While this type of engagement may be read as operating within the heteronormative matrix, the reversal of mockery, as a form of parody, may as well shake the foundations of a supposedly stable straight identity.

Don't feed the trolls

The lesbophobic claims and name calling displayed in Orkut communities can eventually be regarded as genuinely naïve, caused by ignorance, or the effect of dogmatic religious doctrines or other conservative world views. However, the mocking tone that prevails in these communities should also be examined as an illustration of "trolling".[130] Herring et al.[131]

129 Alfred R. Radcliffe-Brown "On Joking Relationships" *Africa: Journal of the International African Institute* 13, 3 (1940): 195-210

130 Trolling is a fishing technique, where a baited line is dragged behind a boat. Trolls are also brute creatures from Norse mythology, nightmarish monsters that attack people. On the internet, a troll is an attention seeker who deliberately disrupts a community by causing controversy using provocative messages.

131 Susan Herring et al. "Searching for Safety Online: Managing 'Trolling' in a Feminist Forum" *The Information Society* 18, 5 (2002): 371-384 www.slis.indiana.edu/CSI/WP/herring.pdf

analysed some aspects of online trolling through the observation of how members of an online community they researched, a feminist web-based discussion forum, responded to an individual's systematic attempt to disrupt their space and rules of discussion. Trolls is the term used to describe those that make use of trolling, which means luring others into pointless and time-consuming discussions.

Can the behaviour observed in Orkut communities described above be described as trolling? Orkut trolls are not always active provocateurs and do not focus on a single, specific online space (a specific community). While they may have homosexual women as clear targets, they are a diffuse, almost random presence in Orkut, inciting women who feel offended to engage in pointless debates. The case examined is different in that the lesbophobic dynamics identified is mostly passive behaviour, in the sense that the bullies simply post their comments; they do not chase their victims, but rather eventually engage them. On the other hand, although veiled behind jokes, their provocations represent actual aggressions.

For Herring et al., the boundaries between flaming, ostensive insults directed towards all members of a virtual community, and trolling – veiled attacks through the use of an argumentative but futile rhetoric, which render naïve readers more vulnerable – are blurred. The authors observe, however, that the most vulnerable internet users are later-comers, who are more likely to be young, females, or members of minorities.[132] According to them, the study of online trolling can help improve the access and quality of use by social groups that are just becoming internet users.

Trolls tend to be attention seekers and career provocateurs. The best way to deal with them is to leave them alone, along the lines of the internet adage "Don't feed the trolls". However, Herring et al. also note that to ignore trolling requires a great deal of self-control, because trolls use rhetoric and arguments that directly attack and hurt people's sense of self. And as mentioned before, online spaces whose members are more concerned about building a feeling of safety are usually those whose members are part of some marginalised group. These spaces are especially vulnerable to troll attacks, because they must balance the ideal of openness and freedom of speech (which would, in the end, allow anyone to express themselves, even trolls) and ways to prevent

ghettoisation of the community. If rules are adopted to block out trolls, the community risks becoming isolated from communication and debates that can be potentially empowering.

The most effective proactive measure against trolls, according to Herring et al., is to educate minority online community members about trolling, informing them about trolling patterns, and helping them to recognise such attacks. The authors also suggest developing stricter and clearer rules of participation and debate, in order to rightfully expel trolls from their communities; as well as more centralised content control through (more) active moderation. However, the latter two measures are at odds with three praised internet ideals: no content control, complete freedom of expression, and resistance to authority. Trolling is an instigating phenomenon, as analyser of the boundaries of freedom of speech on the web.

Herring et al.'s study also shows at least one positive "side effect" of troll attacks on certain communities: the strengthening of the group's identity. The controversial and confrontational nature of troll activity may prompt community members to engage in debates, even if only because they are arguing with the troll. Group camaraderie can also be enhanced as a response to trolling, especially after the troll is expelled from the community. However, this is not the only possible outcome of trolling attacks. In certain cases, community members can either choose to leave the online community or stop engaging in community debates. The community as a whole may vanish because of trolls, especially if it was originally a "safe" space for its members and trolls made them feel that the space was not safe anymore.

Assessing constructions of online safety is a complex task. Ideas concerning what a safe environment is are based on perceptions and understanding of virtual mechanisms as subjective processes. One might feel safe in an online space if one can express oneself freely, without being attacked for who one is. Feelings of online safety are akin to a person's feeling of being welcome in a place just the way they are. The assessment of Orkut members' feeling of safety regarding the platform as a place where marginalised ideas, opinions and identities can be expressed is a complex task, even when such expressions are indeed available in Orkut. In some communities, for instance, non-heterosexual women can come together and share their opinions and beliefs without being harassed, while in others they are immediately threatened. Taken as a whole, Orkut is as safe a space as each single member feels it is. By and large, it is perceptions of safety that will, at the end of the day, determine a person's decision of making information available or engaging in certain interactions

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132 The concern about minorities also implies, particularly in the North American context addressed by Herring et al., attention to class. This connection is relevant in the Brazilian context as well, since economic inequalities are more likely to determine access to the internet than being a member of a social minority would. Also in Brazil, because of market trends and social inclusion policies, youths and some LGBT people, regardless of class, might be more familiar with internet technology than the average within their social strata.

in Orkut. This is especially true if the information or interaction is of a sexual nature.

Another key question to be asked is if this subjective perception of safety has or not any influence on the decision of women to respond to lesbophobic remarks in or by an Orkut community. The interactions observed suggest that quite probably women engage and interact with lesbophobic communities because they regard their existence as making Orkut less safe for them. Fighting back against the bullies is a way of chasing homophobia away. The engagement of lesbians and their sympathisers against Orkut bullies and potential trolls is a sign of LGBT identity affirmation and strengthening of the self-esteem of individuals involved in these battles. It is a meaningful political engagement, as a "semantic struggle" (a dispute over linguistic and discursive means of control over political meanings) which could as well feed into debates and conflicts playing out in the public sphere regarding claims for rights by sexual minorities.

While Brazilian LGBT organisations bet on the pedagogic effect of a punitive approach to homophobic violence, educational campaigns, and assistance to victims, insidious forms of everyday patronising and often non-judiciable forms of harassment and bullying proliferate, particularly online, especially on social networking platforms. If not resisted, they can instil fear, self-loathing and censorship. Informal, witty, spontaneous forms of resistance to the banalising of homophobic speech are means of generating solidarity and community. It is also a positive way of responding to injurious acts, by refuting their logic, instead of imposing a rule of silence on them (which paradoxically mirrors the homosexuality taboo).

Pedophilia in Orkut?

Orkut was also explored in search of discourses, debates, and other contents related to the term "paedophilia", defined in the study as one key semantic field to be explored. Rather than focusing on criminal or security aspects of activities linked to child abuse or child pornography, the case study delved into effects and developments deriving from the notion of "harmful content" and initiatives to control it. The guiding parameter in this exploration was the general premise of freedom of expression. The Orkut community in this case is the "Against Inter-Age Prejudice" community, celebrating love between adults and "adolescents".[133]

The analysis of its dynamics provides insights into both the effects of sexuality regulation, and incitement to sexual discourse, as it further illustrates connections made earlier in this report about the Foucaultian notion of sexuality as the paramount disciplinary device of modern individualism, and the internet as a milieu where the incitement of discourses on sex and the self reaches fruition. The modern individual is compelled to elaborate and express the "inner truth" of their sexuality, as defined by the discourses of religion, criminology, medicine, psychology and psychiatry, which have the authority to determine what each individual's sexuality is worth. An effect of such "incitement to discourses" about sex and the self is the emergence of sexual identities and collectives (such as Orkut users of the "Against Inter-Age Prejudice" community), who have developed counter-discourses stating rightful claims for recognition and protection from discrimination, criminalisation and psychiatrisation. The internet and contemporary forms of online sociability are but the most recent manifestations of what Foucault described as the process of individualisation by the application of technologies of biopower.

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133 The Portuguese word "adolescente" has been translated as "adolescent", rather than "teenager" or "teen", to highlight the original resonances of the category as used by the subjects whose discourses are analysed.

Community Name: Against Inter-Age Prejudice

Community Image:

Link: http://www.orkut.com.br/ Main#Community?cmm=92120418

Description:

There is a kind of bias that is growing in Brazil, yet few people realise it: the prejudice against inter-agers (those that are in a relationship with someone much older or much younger).

In Brazil adolescents and adults have always had sexual and affectionate relationships by their own free will, however because of the ignorance of certain politicians and the opportunism of non-specialised media, today consenting relationships between adolescents and adults are regarded as suspicious, being confused with paedophilia and becoming the object of reports in a rude and criminal manner.

This community is open to everyone who wishes to put an end to this bias.

Adolescents and adults have the right to be in a relationship.

Only the parents (legal guardians) may approve or not of an adult-adolescent relationship and regard it as adequate or not to the minor's well-being (except in cases of prostitution or family abuse).

Age prejudice is forbidden according to the Brazilian Constitution of 1988 (Article 3, IV).

Language: Portuguese (Brazil)

Category: Romance & Relationships

Owner: Andrei   Blues Boy

Moderators: Verinha Ro-Rath, Music, Caliman, Carlos

Type: moderated

Content privacy: open to non-members

Location: Babilônia, Brazil

Created: July 16, 2009

Members: 150

The community was created on 16 July 2009, one year after the TAC between Google and the São Paulo State Attorney's Office regarding the handling of harmful content had been signed. A year later, the community had 150 members, a large number, considering its theme and purpose. Its forum activity is quite intense; therefore it cannot be portrayed as a label community. It is a moderated community, but open to non-members, which means its forum topics can be viewed by anyone with Orkut access. The "Against Inter-Age Prejudice" community presents itself – both on the community profile and on the forum topic's discussions – as advocating for adult-adolescent relationships, while a sharp distinction is explicitly made between adult-adolescent relationships and child sexual exploitation and/or child sexual abuse.

The community profile is illustrated by a photo of a famous Brazilian couple, musicians Marcelo Camelo, born 1978, and Mallu Magalhães, born 1992. When they became a couple in mid-2008, she was sixteen and he was 30, which was met with public scorn and received some media coverage. The location chosen for designating the geographical area where the community is based is "Babylon, Brazil". The country

is selected as default by Orkut, but the name of the city is provided by the community creator. In this case, as the community creator is from São Paulo state, where no city by that name is found, he might have chosen "Babylon" as a reference to the ancient city in Mesopotamia, a place associated with sin and depravity in the Christian Bible – a curious choice for such a community, probably a provocation to religious conservatives who are referred to as some of the community's main interlocutors and antagonists.

Semantic struggles

In the psychiatric literature, the terms ephebophilia and hebephilia have been suggested as possible labels and/or diagnoses for subjects who manifest this inclination.[134] Neither the ICD-10,[135] nor the DSM-IV-TR,[136] the

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134 Ray Blanchard et al. "Pedophilia, Hebephilia, and the DSM-V" *Health San Francisco* 38 (2009): 335-350

135 International Statistical Classification of Diseases and Related Health Problems - 10th Revision (ICD-10), published by the World Health Organization (WHO).

136 Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), the current edition of the influential textbook published by the American Psychiatric Association (APA).

most influential and widely used manuals in psychiatry to define sexual deviation, lists specific ephebophilia diagnostic criteria.[137] In contrast, in legal terms, sex with adolescents is generally classified as a crime, although the age of consent varies from country to country. As mentioned in earlier sections of this report, current public debates around paedophilia, child abuse, child pornography and related issues seem to lead towards raising the sexual age of consent from fourteen to eighteen, as is the case in the US and most European countries.

The "Against Inter-Age Prejudice" community openly discloses members' convictions about inter-age love and sexual attraction and can be said to advocate for the practice of such liaisons. This is somehow surprising, given the level of social and political consensus against paedophilia or, more precisely, child pornography. In doing so the group's pledge may be linked to the "boylovers movement", although the community explicitly rejects any association with either "boylovers" or "paedophiles". While the proposals of both the boylovers movement and the "Against Inter-Age Prejudice" Orkut community fall within a strict-sense understanding of paedophilia, some distinctions are to be made.

Self-declared "boylovers" make a distinction between what they call "ethical" access to children, on the one hand, and the idea of abuse, on the other, which is associated with the image of the sexual predator. They make an effort to distance themselves from "paedophiles" by condemning access to children "without their consent". They preach an ethics of appropriateness of inter-age relations, imagining friendly, non-violent contact with minors. Boylovers can be considered a paedophile activist movement.[138] Their discourse is found on forums, websites and web pages where people from a variety of countries advocate for the right to romantic and erotic liaisons between adults and children, and struggle against the social stigma associated to them.

Participants in boylovers' virtual spaces also act as a support group, assisting peers to avoid engaging in rape and sexual seduction of children, in recognition of the status of those acts as criminal offences. They identify as lovers of children and their truest admirers. Sexual intercourse is understood as a possibility, but only mediated by what they construe as the consent of the child.[139] Boylovers' arguments are obviously contrary to conventional conceptions of proper adult-child interactions and children's autonomy to consent to them.

On the other hand, the argument developed by the "Against Inter-Age Prejudice" community predominantly aims at differentiating sexual attraction to "adolescents" from sexual attraction to "children". The association between both is understood and acknowledged, but a clear effort is made to separate the attempt to legitimise an "inter-age" interest (i.e. sexual and emotional interest in adolescents) from both what is commonly known as paedophilia (sexual attraction to children) and the notion of a "tamed" paedophile, deployed in boylovers' arguments. Such themes are openly debated and explored on the "Against Inter-Age Prejudice" community, with frequent appeals to the premise of freedom of expression and attempts to dissociate inter-age love from criminal and/or pathological abuse. Not surprisingly, the "Against Inter-Age Prejudice" community is apparently the only virtual community that has publicly addressed recent political-legislative developments aimed at controlling internet activity in Brazil and its intersection with paedophilia.[140]

The importance of disclosure

The openness and disclosure exercised by the community is deliberately projected as a certificate of its members' goodwill. This commitment is systematically deployed by the community creator and leader, whenever he responds to attacks and reports against the community that label it as a paedophile group. The underlying logic is that if it were a paedophile community, it would not be as straightforward and open to public scrutiny. Secrecy always raises suspicions in the eyes of anti-child pornography crusaders, because networks sharing child pornography are extremely closed and isolated. The relative longevity of "Against Inter-Age Prejudice" might be related to this straightforward attitude. In contrast, other communities that could have been related even laterally to paedophilia have disappeared after Orkut agreed to disclose its traffic records to Brazilian law enforcement teams investigating child abusers and child pornography complaints.[141]

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137 Brazilian psychiatry utilises ICD-10 mental disorders classification, which has a chapter on sex deviance, based on the DSM. The DSM is also an important teaching tool in medical schools and Psychiatry graduate training. Translated into Portuguese, it is quite an influential reference for Brazilian psychiatrists.

138 For instance, an incipient, small political party from the Netherlands, PVND, defunct since mid-2010, advocated for the rights of adult-minor relationships. Their political platform included lowering the minimum age of consent. Wikipedia "Party for Neighbourly Love, Freedom, and Diversity" accessed 18 July 2011 en.wikipedia.org/wiki/Party_for_Neighbourly_Love,_Freedom,_and_Diversity

139 Alessandro J. Oliveira "De 'pedófilo' a 'boylover': ilusão ou uma nova categoria sexual que se anuncia?", in *Prazeres Dissidentes* eds. María E. Díaz-Benítez and Carlos E. Fígari, 455-480 (Rio de Janeiro: Garamond, 2009)

140 Except for internet civil rights activists, our mapping exercise has shown no other examples of groups with such an interest in regulatory initiatives regarding sexuality and the internet.

141 For instance, the Orkut community owned and operated by self-identified boylovers described in Oliveira's research is not available anymore, although the author cannot confirm whether this was caused by Orkut's negotiation with the São Paulo Attorney General's Office.

The profile of the "Against Inter-Age Prejudice" community creator, Andrei, provides some information to further understand his arguments and those of the community regarding "inter-age love". On his profile he says about himself:

"I'm an artist, musician and composer, living on this beautiful and suffering Blue Planet, struggling for better days for all of us."

Following that paragraph, links to a number of web projects are provided, including Projeto Amor Menino (Boyish Love Project),[1] a musical project with ten songs based, according to the author, on his own personal experiences and on Greek homoeroticism. A brief paragraph explains the author's conception of homoeroticism, related to the idea of a sexuality free of all labels. A reference to psychoanalysis is present in the affirmation that human essence is bisexual. This conception is presented as not against Christianity: it is remarked that there is nothing intrinsically anti-homoerotic in Christianity, claimed to be a religion that preaches love above all else. An explicit reference is made to adolescents engaged in relationships with older men, always grounded in the Classical Greek ideal of pederasty. The content of the songs is also about this kind of relationship.

An additional website,[2] also linked to Andrei's profile, offers the songs' tablature, and Andrei keeps a blog[3] under the same title as the Orkut community. Almost all posts on this blog also are posted as community forum topics. Andrei is available for contact in a number of ways listed on his profile: email, MSN instant messaging, and a Twitter account. He also offers a link to a virtual photo album, with many pictures from trips and family events. Although on his Orkut account Andrei does not provide his surname, it is easily found at least on his musical project web page, where he states that his songs are copyrighted under his full name. It is also possible to gather other pieces of information about him, such as that he is around 50 years old, single, and owns a food company.

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1 teenfree.sites.uol.com.br/apresenta

2 www.mysongbook.com/tab-tab_list-id_artist=8429.htm

3 antipreconceitointeretario.blogspot.com

"Against Inter-Age Prejudice" forum activity

The forum activity of the "Against Inter-Age Prejudice" community, open to all Orkut users, was observed and analysed.[142] As mentioned above, matters related to (sexual) relations between adults and adolescents were openly addressed as debate topics, and links to specific websites and blogs that also discuss the matter remain posted. In addition, members' excursions to other (often hostile) communities and virtual spaces also occur regularly. Questions and opinions concerning ongoing congressional debates on paedophilia and related law-enforcement operations are also posted, triggering much debate and intense flows of opinions on issues such as moral panics and age of sexual consent.

During the period that the community was observed (between July 2010 and November 2010) the forum comprised 74 topics. The most active ones had around 30 to 40 individual posts, and all topics were somehow linked to the debate on inter-age sexual relationships. The notion of social commentary probably best describes the flow and content of community conversations. The tone is sometimes resentful, with members criticising society for defining limits to the age of sexual consent in a rather "narrow-minded" way. But some interventions are also politically straightforward, for instance, when participants contest laws that, in their view, define minors as "half citizens" and deny them the possibility to mature differently from social expectations. Some discourse deployed in the forum underlines that development into maturity is gradual and continuous and cannot be defined at an arbitrary age.

These debates, regarding children's development and maturity, also relocate the question of age of consent in relation to broader existing rules of social regulation. Participants mention, for instance, adolescents' ability to engage in acts of violence, places where young people may be charged with crimes, or the fact that in Brazil a fifteen-year-old can be legally emancipated. These examples are used to demonstrate that multiple standards exist in relation to age and autonomy. These arguments evidently clash with dominant assumptions about adolescents' innocence and need of tutelage. Various members argue that minors are not necessarily innocent, and present examples of extreme violence experienced by minors in major Brazilian urban centres, pointing at their exposure to abuse and control by drug dealers and other criminals. In many posts, members equate the maturity to engage in violence with the maturity to engage in consensual sex, thus contesting the views of some sectors of society – which they consider hypocritical – that portray minors as mature enough to be held to some degree accountable for crimes, but not mature enough to have sex without harm done to their development. Another argument

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142 The community has existed since July 2009. Most content posted since that date is still available. Data collection took place mostly between July 2010 and August 2010, and continued during write-up, until November 2010.

The arguments, posting dynamics and debates in the "Against Inter-Age Prejudice" community can be further understood by looking at community forum topics and the interaction taking place around them.[1] Out of 74 topics on the community forum, 43 – more than half – have been posted by "Andrei", the community creator. He is followed by members "Diogo", author of nine topics, "Music", author of seven, and "Soubi", author of four topics. Two posts were made by member "100%gui", and an assortment of nine other community members are the creators of one topic each. Observation of individual posts made within each topic show that Andrei, Diogo, Soubi and Music are also the most assiduous members that reply to topics – although that does not mean that there are no contributions from other members or that these contributions are not considered worthy of attention by these members with more frequent participation.

The phenomenon of an "inner circle" of more active participants is common in many online discussion forums. The actual difference in the "Against Inter-Age Prejudice" community is that members outside this inner circle can voice their opinions and are usually welcomed and encouraged to do so by the inner circle. This policy was set by Andrei, the community creator, since the beginning. As his stated purpose was to encourage debate about adult-adolescent relationships, he shows satisfaction and gratitude when someone engages in respectful debate.

The oldest topic on the forum was created within three days of the community creation on 16 July 2009, by Andrei, community owner and most

frequent poster. Most of the older topics are reproductions of articles published in Andrei's blog. In those cases the number of posts does not refer to replies, but actually the number of posts necessary to post the full text, considering the character limit for each individual post.

On the topic "CPI (Parliamentary Inquiry Commission) on Paedophilia & Inter-Age Prejudice", "Soubi" posted a reply on 18 July. Soubi is the name of a character in a homoerotic manga depicting inter-age relationships between young adult men and teenage boys. Also, in Portuguese "Sou bi" means "I'm bi(sexual)". This member became a vocal presence in the community, replying to several topics and starting four new ones. On his profile, Soubi declares that his is a "fake" profile. In Orkut slang, "fake" designates a profile created either as a joke, e.g. fake profiles of famous people, or as a face-saving or discreet presentation of the self for activities such as cruising for sex. This is Soubi's case, as he says that he just came out of the closet and wants to meet young gay men. Soubi's profile says he is 24 and lives in Rio de Janeiro's metropolitan region.

Other members soon joined the interaction. Among those who post as often there is "Diogo", the only one whose profile shows a face picture. Like Andrei, he is also an amateur musician in his mid 20s to early 30s, who likes rock and heavy metal. He offers a link to his blog about political revolution, inspired by communist readings, and conspiracy theories, particularly attacking evangelical Christians in Brazil (known for their preaching against sexual minorities). Another member who joined in constant debate is "Music", who has a profile almost empty or with closed content information, quoting the Michael Jackson song "Heal the Word", and illustrated by a cat sitting on a piano.

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1   The complete list of all forum topics was not included here due to its length.

used is that minors have the right to a sexual education, which is denied as a result of conservative ideas on sex that are detrimental to them.

Most of these discussions are usually triggered by comments on news stories about strict-sense paedophilia and child pornography cases, or else by public statements by authorities regarding adolescent sexuality. Attention is drawn to the need of a precise definition and differentiation between different sexual expressions and behaviour that are generally lumped under the paedophilia label. Orkut community inter-age love advocates suggest a case-by-case approach to correctly evaluate the nature and risks of "inter-age" sexual relations. The assumption of sexual violation (statutory rape) of minors is also contested. Many interventions interrogate the social imaginary and norms that cloud the distinction between criminal and non-criminal forms of relationships involving adults and adolescents.

Some discussions also focus on religious moral takes on "inter-age" relationships. Both Catholic and evangelical Protestant denominations are criticised for fostering prejudice against adult-adolescent relationships, while they should actually be held accountable for the abuse of children by priests and pastors. The attack on religious discourse is not restricted to moral doctrine on inter-generational sexual relations, but also focuses on dogma, understood in most arguments as a key factor explaining people's ignorance and inability to reason and debate key social and policy issues. Some participants claim that the pervasive presence of a religious world view is also the main cause of obstacles to the advancement of civil rights in Brazilian society.

Not surprisingly, a recurring topic of discussion addressed in the community is homophobia. A case is made against the commonly claimed association between paedophilia and homosexuality. Members

of the group recall that relations between men and male teenagers always provoke much more scandal than relations between male adults and female teens. The community does not deny the abhorrent nature of child abuse, but at the same time underlines the inherent homophobic traits that are usually displayed when these cases are made public. As mentioned before, the topics also include concerns about political and legislative developments taking place in Brazil, over the last decade, in regard to paedophilia and child abuse. Many postings specifically refer to the CPI on Paedophilia, and analyse the moral panic it has provoked and the political opportunism and self-aggrandisement of political actors involved in the paedophilia debates. Senator Magno Malta, CPI chair, has been repeatedly accused of political opportunism and religious zealotry. Some comments also interpret the Azeredo cyber crime bill and other congressional and law-enforcement initiatives currently being debated as attempts that go beyond the protection of children from abuse to curtail civil rights, especially those of sexual minorities. These critiques involve refined forms of rhetoric and quotes from religious texts and legal documents.

Final considerations

Peculiar features of the regulation debate

While reports and proposals for child protection have had an impact on Brazilian debates about internet regulation, such episodes should not be read in isolation, but rather as one piece of a broader puzzle, where the matters at stake are the meanings and direction of the Brazilian democratic experience. Agendas are fragmented, as constituencies engaged in sexual rights, child protection, and cyber politics conversations have not met the challenge of openly addressing controversial issues such as (i) the definition of (child) sexual exploitation, (ii) the use of criminal law as a means of social regulation and social pedagogy, and (iii) the implications of raising the age of sexual consent. Engaging those issues collectively would mean expanding the boundaries and contents of democratic deliberation.

When compared to the experience of other countries, the recent Brazilian policy process concerning internet regulation may be perceived as remarkable for its broad democratic participatory features. However, it is not totally unusual in view of the Brazilian record in mechanisms of public deliberation. Participatory processes leading to policy formation have been an element of the national policy scenario for a long time. In any case, from the perspective of international trends, the prevailing national climate, and the orientation of previous internet regulation initiatives, the political process leading to the Civil Rights Framework for Internet Regulation had unequivocal merits.

Firstly, no bill tabled for discussion at the National Congress has ever been formally subject to a public consultation as open and wide. This experiment was possible because of the particular matching between the subject matter under discussion and the means by which this discussion was conducted, namely, e-democracy and online debating. Secondly, the Civil Rights Framework proposal meant a radical shift in the legal terms by which the matter of internet regulation is addressed, away from a criminal justice approach, towards a civil rights framework. This not only challenged assumptions deeply ingrained in the national political culture, intensely mobilised by powerful actors, but also a global ideology of risk, and the need to create state-enforced security measures. Although there are no solid indications that this perspective will be sustained, its very formulation is positive for the political landscape.

Thirdly, the online consultation created a field for democratic deliberation which allowed for equal access of all actors interested. However, key actors did not engage with this new deliberative process, opting to transfer the debate back to a more conventional, hierarchical public sphere arena, namely, a Parliamentary Inquiry Commission. Most principally the last stage of processing the new draft bill followed conventional bureaucratic procedures of consultation of decision making exclusively among state agencies. Likewise, in civil society the mobilisation against the Azeredo Bill combined both online and offline modalities of agitprop and discussion. The trajectory of this policy debate shows, therefore, that a multiplicity of spaces, fields and arenas compose the public sphere, even when it has been reconfigured by cyber politics. Old spaces of political deliberation and decision making have not disappeared and are as relevant for achieving normative change as the new ones.

The chain of events starting with mobilisation against the partial approval of the Azeredo Bill and ending with the public online consultation on the Civil Rights Framework for Internet Regulation seems also to have impacted Brazilian cyber politics in terms of enabling a broader consensus, albeit provisional, with regard to the need and the possibility to construct a normative guideline for internet regulation collectively; although many actors in the field are convinced that the internet cannot and should not be controlled or set under surveillance. On the other hand, from the standpoint of broader horizontal participation, deficits are identified. Neither did the online consultation motivate large numbers of citizens to participate, nor has it captured the imagination of other constituencies whose benefits from communication over the internet are at stake in this process. Such deficits are not peculiar to the

Brazilian context, but reflect the limitations and loss of vitality of liberal democracies deriving from the privatisation and marketisation of public space, and fragmentation of political deliberation.

At the heart of the public policy debate on internet regulation in Brazil is the struggle between a criminalising approach, promoting vigilantism and control, on the one hand; and a civil rights perspective, emphasising constitutional principles of freedom of expression, protection of privacy and non-discrimination, on the other. The shift in orientation that occurred between 2009 and 2010 was crucial both to cyber politics and to democracy broadly speaking. This debate is caught by the tension – observed by Foucault[143] – between a world vision in which society must be protected or defended (by the state) against enemies whose shape may vary over time or may appear diffuse, and the vision of those who believe in the autonomous capacity of individuals to protect themselves and their relations. Nothing indicates that this structural tension might or could eventually be easily resolved.

Balancing rights in the domain of sexuality: Many challenges

Spiralling discourses and legal measures concerning sexual abuse, exploitation of children and the internet have influenced the direction of the policy debate around regulation. But as important as this effect may have been, the findings also indicate that the discourse and norms on child protection, often crafted in distorted terms, have spread in society at large, creating a focus of resistance to ideas and practices related to sexual rights broadly speaking. This has also restricted the spaces where public parlance can develop around the problems and unanticipated effects of measures against conducts as hard to typify as the "possession of child pornography", currently defined as a crime, or calls for raising the age of sexual consent from fourteen to eighteen.

Such a state of affairs suggests that Brazilian debates may benefit from a balancing of rights perspective, which would strike parameters to guide measures with regard to protecting children from sexual abuse, while avoiding potential restrictions on discourses and proposals concerning sexual rights. But this balancing is not a theoretical construction. To be solid and sound enough to infuse transformations in public discourse and legal norms, it must be constructed through systematic deliberation across different perspectives that would engage child protection groups, LGBT rights activists, feminists, information society thinkers and cyber activists. Instead, the fragmentation of sexuality and human rights politics has so far hampered that possibility. It is no accident that the debate has to a large extent been captured by powerful and hard-to-contain moral conservative forces.

Nothing indicates that this picture will change in the near future. On the other hand, while a cross-dialogue between child protection advocates, feminists, LGBT rights activists, information society thinkers and cyber activists represents an attractive scenario, it is no easy task to disentangle the structural tension within human rights conceptual frames between agency and domination, consent and coercion.

A note of caution is also due regarding the political and policy scenario of internet regulation. This landscape is wide in scope and heterogeneous in terms of the institutional machineries involved, normative debates and technological aspects at play, and state and civil society actors engaged. Moreover, it has undergone rapid, intense and open-ended rearrangements over the past few years, therefore making it difficult for any analysis to be conclusive. The processing of the Civil Rights Framework for Internet Regulation is far from complete. Any interpretation regarding its future remains provisional. But our study confirms that context matters. While episodes in the child protection agendas in relation to sexuality have impacted Brazilian internet regulation debates in intricate ways, this is but one piece of a broader puzzle, where the direction, meaning and distortions of the Brazilian democratic experience are at stake.

Sexuality and privacy

The right to privacy is a core premise of sexual rights. One striking element emerging from the sexual – personal and political, legal and illegal – uses of Orkut is the blurring of boundaries between public and private. This insight also applies to other forms of individual and collective web engagements. But the complexity of the issues raised by this research is skipped over when, in the view of law enforcers, all the practices and situations characterised as "child pornography" allow for the automatic suspension of the right to privacy of persons identified as potential felons. Under the provisions of the ECA, any form of circulation of child pornography (as well as its possession) results in an automatic loss of the right to privacy, enabling all involved agencies (e.g. in Brazil, ISPs, State Attorney's Offices, the Federal Police, court officials) to scrutinise that person's entire online activity without consent. In other words, the political time might be ripe to recognise that existing parameters of legal protection of privacy and intimacy online may have lost their full grip.

In light of this understanding, claims for the right to privacy and confidentiality that emerged during

143   Michel Foucault *Society Must Be Defended: Lectures at the College De France 1975-1976* (New York: Picador, 2003)

the consultation on the Civil Rights Framework were crucial yet limited. They mainly refer to the non-authorised disclosure of personal data (log retention), copyright issues, the posting of lawsuits online, and other forms of disclosure of personal information. When a sexual rights approach is faced with the multilayered challenges of internet regulation, other critical dimensions emerge, such as intimacy, confidentiality and self-expression. According to Graciela Selaimen of Nupef, this area of legal and political thinking is still poorly developed and understood in the Brazilian context:

> We even have a recent culture of defence of freedom of expression and access to information, as a response to the discourse of censorship. But the defence of the right to privacy does not come out in this debate, which is really curious. My own theory is that people still do not have the culture of claiming their right to privacy. People are violated, raped, defiled, exposed, humiliated. But they do not see and realise that they have an argument to defend themselves by filing a lawsuit. […] I support the idea that it is necessary to create a regulatory framework for the right to privacy. [144]

On sexual expression

An interesting parallel can be drawn between the two online dynamics analysed in Orkut: men and women who contest offensive speech against lesbians, and the "Against Inter-Age Prejudice" community members who invest in conceptually separating "adult-adolescent relationships" from "paedophilia". Both are cases of identity affirmation and community building by means of contesting prejudiced views on certain sexual categories. Both are instigating examples of alternative mobilisation styles shaped by web-based sociability. They contrast in various ways with established forms of organised and state-centred offline activism.

The social, political and policy-making environment in which these dynamics have developed is one where, on the one hand, the spectre of "child pornography" has been intensively mobilised to justify criminal law approaches to internet regulation; and, on the other hand, the national LGBT movement has made the criminalisation of homophobic speech their legal reform flagship.

In a context of censorship and moral anxiety, sexual expression becomes taboo; debates on the legitimacy of dissident sexualities are silenced. Moral anxieties and panics not only produce censorship, but also generate specific forms of knowledge about

their objects. They not only curtail adults' and children's freedom to explore, express and learn how to protect themselves, but also shape their expectations and their roles in a universe imagined as laden with risks and threats.

Given this outlook, online struggles around the status and legitimacy of sexual subjects – inter-ager lovers and lesbians – as political mobilising alternatives should not be trivialised. They serve as counterpoint to the observation that Brazilian feminist and LGBT activists and organisations have not engaged with the internet regulation policy debates but, rather, seem to have avoided the controversies around "child pornography" that "contaminated" those debates.

In contrast, the everyday investments that engaged individuals make online seem quite relevant. The mobilisation of women and men on behalf of lesbians in response to attacks on their right to freely exercise their sexuality challenges conventional understandings of activism, participation, sexual rights, and the role of the internet in the fight against sexual prejudice and violence. In the same manner, the creation of an online community to address the controversial issue of inter-age sexual relationships – one which openly criticised the CPI on Paedophilia – reveals an awareness and creative response to connections between sexuality and internet regulation debates, which are nowhere else to be found.

Orkut communities reveal a wide-ranging proliferation of discourses and expressions. The subtly aggressive mocking tone of lesbophobes and the responses it generates among other Orkut users has the virtue of agitating debates and generating parlance about female homosexuality, which complements other offline and online forms of struggle and activism. The gathering together of inter-agers to form an Orkut community resisting censorship and segregation of all practices and identities vaguely associated to the semantic field around paedophilia is also an exercise in freedom of expression and an invitation to look at the objects of moral anxieties and panics under a different light. The value and potential of such expressions highlights the potentially detrimental effects of across-the-board internet control initiatives. From a legal point of view, no argument supports an intervention against inter-agers. While possibly disturbing to some, the case of the "Against Inter-Age Prejudice" (arguably a euphemistic name for paedophilia, broadly defined) Orkut community works as a provocation to reflect upon (i) the complexities of and disruptions introduced by the principle of free speech, and (ii) expected alignments in the struggle for sexual rights, on the one hand, and freedom of expression and rights to information on the other.

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144   Interview with the authors, 29 June 2009

Tensions also emerge in relation to online community moderation modalities, as exercises of self-regulation. Web semantics and vocabularies differ substantially from those known as proper to traditional (offline) public spheres. The fluidity of the public/private boundary, the relative capacity of individuals and collectives to control the degree of intimacy or publicity of their exchanges, and the complexity, multi-layered structure, and constant change in access-control (and hacking) technologies are an exciting challenge to rethink agency and political mobilisation – as an internet era rewriting of the personal as political. While the Leskut moderation policy of hands-on protection against non-lesbian-identified intruders presumably isolates members and their cherished (sexual) self-expression from potentially sympathetic audiences, it also casts out opportunities of direct engagement with rival discourses on lesbianism.

However, the isolation of that particular space does not prevent members from expressing themselves or collectively engaging in oppositional tactics elsewhere (online or offline). The internet allows for a variety of spaces – with different rules and definitions – to coexist, and for users to navigate across them. The key question seems to be how that navigation is facilitated, restricted or oriented – where red, green or yellow lights blink, and who sets those blinking mechanisms.

Non-moderated or lightly moderated Orkut communities, on the other hand, seem to favour debates, greater visibility, the empowerment of dissident sexual selves, and the wider reception of diversity. The one-on-one clash of lesbians and lesbian sympathisers against male bigots produces tangible changes in perceptions and practices. Initiatives to regulate the internet more restrictively might eventually limit the voices of those who respond to bullying, since they might enable aggressors to mobilise censorship tools against the speech of those who respond to attacks. Some friendly criticisms of the criminalisation of hate speech, for instance, have pointed out that such measures may contribute to dissipate debates on the form and substance of prejudiced discourse, thus contributing to a (silent) stabilisation of the discourse underlying such expressions.

In the case of Orkut, users have the power (if not always the knowledge) to report hate speech to be investigated by law enforcement. But some also have the initiative to debate them, as seen in our case study. Due to the interactivity and anonymity facilitated by internet technology, the targets of hate speech and online harassment may engage in direct verbal interaction with their aggressors. Rather than acting as passive victims, the former have the opportunity to exercise effective responses. The recursive nature of language means that, within a climate favourable to sexual expression and a rights discourse, disenfranchised youth, women and sexual minorities, given their stigmatised status, might use such potentially harmful interactions as an opportunity for their self-expression. ■

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INDIA

Negotiating intimacy and harm: Female internet users in Mumbai

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Foreword

The EROTICS cross-country exploratory research project responds to the question:

How may the emerging debates and the growing practice of regulation of online content either impede or facilitate different ways women use the internet and the impact on their sexual expression, sexualities and sexual health practices, and assertion of their sexual rights?

Or expressed differently:

How does the internet facilitate the exercise of sexual rights and the expression of sexualities, particularly of women living in different socio-political, economic and cultural contexts?

How does emerging regulation online affect this ability?

The primary aim of this exploratory research is to bridge the gap between legal/policy directives and actual evidence of everyday internet use and perceptions of problematic content and "harm" by users of the internet. Policy making must be evidence-based and guided by data on existing practices and needs, yet in an increasing environment of internet regulation, there is a paucity of on-the-ground research on how people are using the internet and what their experiences and concerns are. The EROTICS India research study seeks to examine lived experiences of women internet users in Mumbai and contribute a preliminary evidence base to help direct internet-related policy in the future.

Current directions and recent actions in information and communications technology (ICT) law and policy reflect anxieties around cyber terrorism resulting in greater regulation of cybercafés, a preoccupation with censoring "obscene" content, and protection of children from online harm and sexual content. There are two problems with this: one, that these concerns are not derived from an evidence base and two, that women users' and young peoples' realities are notably absent. The EROTICS study in India aims to fill these gaps by documenting middle-class women's experiences of internet use in urban India, and bringing to the table their voices and concerns. In doing so, it contributes to the building of an evidence base reflecting users' realities and concerns that can guide internet law and policy in India.

This study records how women and young people in particular (given their increasing use of the internet) access and use the internet in the following areas: in their everyday lives, particularly in terms of social networking sites, blogging and online activism; their access of sexual content, experiences and relationships; how they negotiate its dangers and protect themselves; what they think about content regulation; their strategies to keep children safe online; and how the gendered politics of internet access impact on their lives. A feminist approach guided the design and execution of the research. The study comprised: a detailed mapping of internet use and regulation in India; a quantitative survey of 150 young people (120 women and a small control sample of 30 men, aged eighteen to 25, mostly students) to assess broad trends and their access to and use of the internet; and a qualitative study of women users' internet experiences through in-depth interviews with 31 respondents (27 women and a small control of four men, age range eighteen to 54 years, all regular internet users including young people, students, housewives, professional/working women, bloggers, queer women and older women; an effort was made to include women with disabilities but it was not possible to access disabled women internet users). In-depth interviews typically took 90 minutes and were conducted in public locations like coffee shops and cafés; in a few cases interviews were conducted in respondents' homes if that was more convenient and secure. Given the limitations of time, scope and resources, the study was conducted only in Mumbai, the city with the highest internet usage in the country. The research was conducted over November and December 2009.

The survey results indicate that young people typically perceive the internet as essential to being successful in modern India for its global reach and access to diverse forms of information. Respondents alluded to the two-sided nature of the internet, referring to both its pleasures and dangers. Internet addictions rated very highly as a cause for concern in this group, as did not being able to trust strangers online, and a concern for the safety of personal information online. Those surveyed do not face many restrictions in

accessing the internet, although young women do report infrastructural issues like poor connections and power failure, as well as feeling uncomfortable in cybercafés, and parental or spousal objections as being a significant barrier in free and complete access to the internet. Women reported that accessing sexual content online was "immoral" and "unhealthy". Strikingly, survey respondents were cautious about responding to questions around sex and sexuality and very few reported accessing the internet for anything related to sexuality. This is in contradiction with the results of the qualitative survey, indicating that an inquiry into sexuality on the internet is likely to yield richer data when qualitative methods are used.

The qualitative research, through in-depth interviews with regular internet users, resulted in rich and interesting data on women's internet use. The sample of interviewees was primarily middle class, with most respondents (with the exception of students under 25 years) working outside the home as well; the sample had almost unrestricted access to the internet and faced few limitations. Social networking sites and online chatting are the most popular and regularly accessed online spaces, particularly by younger respondents. Cybercafés are not routinely accessed by this sample since they have personal internet access either at home or on their mobile phones. Women in this sample felt cybercafés are unpleasant spaces to be in, citing them as being overcrowded, noisy, not private, populated by men surfing porn and working-class people. Women bloggers have a sustained relationship with the internet and it presents for them numerous opportunities for self-expression, as well as to challenge received ideas about what is appropriate for women to speak of. Queer-identified respondents felt that the internet provides immeasurable freedoms, particularly under conditions of criminalisation and being closeted, to find partners, social networks and for activism.

Young women were vocal about the excitement in making friends with strangers online through chatting, and social networking sites allow them a certain freedom in being able to mingle with the opposite sex and display themselves wearing "sexy" clothes – all of which are strictly regulated in their offline worlds. This gives them a sense of agency and thrill. However, this group of women is highly aware of having their online behaviour surveilled by family members and other known people and report being cautious about how their online personas may have repercussions on their offline freedoms, particularly freedom to access the internet. Family honour is at stake for women if knowledge of their online behaviour comes to light. However, women interviewed were fairly conservative on what they did online: flirting, romance, viewing "hot pictures" or "sexy videos". Older women also access the internet through social networking sites, though more to re-establish contact with old friends rather than to make new friends. Access to dates and potential life partners was significant in the lives of some women who are using the internet. Access to pornography was not considered taboo in this sample. Respondents spoke about it casually, and it is seen as something that is for pleasure and to enhance an intimate relationship. Children's access to sexual content on the internet, however, was a cause for concern across the sample. Regulation of online content was not perceived as being a viable or effective option because of the convergence of various media, and because adults recognised their right to access sexual content for their own pleasure. According to respondents, the sexual content accessed online is not restricted to a category called "pornography"; moreover, respondents themselves produce sexualised imagery and speech to share online. Online dating and matrimonial sites were also very popular with young men and women, although chatting through dedicated chat sites and on social networking sites was the most preferred option to find casual partners for online or offline romance.

Women say that the kinds of harassment they face online occur mainly in chat forums when strangers pester them to talk or say inappropriate (sexual) things to them; sometimes, strangers they meet online and have either casual, flirtatious or intimate friendships with threaten to blackmail them if they do not take these relationships further. The other forms of online harm women experience are when their email or social networking profiles are hacked into, phished and manipulated. Women are also extremely concerned about how their personal images on social networking sites can be used and manipulated. Often, male friends and acquaintances are responsible for this; when women post pictures that are "too sexy" online, their friends want to rein them in "for their own good". In terms of strategies to be safe, women say they do not share personal or location data with strangers, and change their passwords regularly. In the posting of sexy pictures of themselves, young women also internalise socially imposed limits to what is "appropriate" and devise methods for self-regulation to ensure that they do not get unwanted attention. In online chats women also use aliases and fictitious names to protect their identities. Women who are confident of staying safe on the internet report that it is more important to be confident and know how to take care of oneself online. The most frequently cited forms of harmful content online were child pornography, anti-national and hate speech, and viruses.

Children's and teens' access to the internet is a cause for concern because sexual content is so freely available; a less frequently mentioned but significant

TABLE 1. Growth of internet use in India (1998-2007)				
	Internet users (m)	Total population (m)	Penetration (%)	Data source
1998	1.4	1,095	0.10	ITU
1999	2.8	1,095	0.30	ITU
2000	5.5	1,095	0.50	ITU
2001	7.0	1,095	0.70	ITU
2002	16.5	1,095	1.60	ITU
2003	22.5	1,095	2.10	ITU
2004	39.2	1,095	3.60	C.I. Almanac
2005	50.6	1,112	4.50	C.I. Almanac
2006	40.0	1,112	3.60	IAMAI
2007	42.0	1,130	3.70	IWS
				Source: www.DigitalStrategyConsulting.com

concern is that children could befriend adult strangers on social networking sites. Mothers in the sample tend to monitor their children's internet use in a variety of ways, such as using filtering software, password-protecting and monitoring internet access, and going through browsing histories. Some are uncomfortable with their children visiting cybercafés. Some respondents also monitor younger brothers, sisters, cousins and so on. Most respondents believed that it was more important to talk to and educate children about the risks present online. However, with few resources and little guidance on how exactly to talk about sexual content and danger online, parents interviewed felt somewhat uncomfortable and limited in their approaches to keeping children safe online.

The people interviewed in the quantitative and qualitative studies were generally unaware of the laws and policies relating to the internet. There was little awareness of the IT Act and the government's role in regulation. Few favoured governmental control of the internet and the qualitative sample was generally against the idea of content filtering online. The internet undoubtedly allows women to find voice, agency and self-expression through the internet, securing their sexuality rights and communication rights, but not without having to negotiate the offline controls and limitations that exist.

Introduction

Context

Bharat Sanchar Nigam Limited (BSNL), the government-owned internet service provider (ISP), officially launched the internet on 15 August 1997, India's 50th anniversary of independence from colonial rule. It was the only ISP at the time. In 1997 a mobile phone cost roughly INR 60,000 (around USD 1,700 at that time) and talk-time was priced at INR 16 (USD 0.45) a minute. As a result, communication technologies like the internet and mobile telephony were accessible only to a very small segment of society. Things have changed rapidly in the last fourteen years.

From 1.4 million internet users in 1998, the first leap in usage came in 2002 when the number of users more than doubled to 16.5 million. By 2007, ten years after the internet came to India, there were 42 million internet users (see Table 1). Although this pointed to a low penetration of only 3.7% of the population, the internet had by now become part of life in many parts of the country. Today, there are countless local ISPs, mobile phones can now be bought for INR 3,000 and mobile tariffs in India are amongst the cheapest worldwide.

According to the iCube 2009-2010 survey there are 57 million active internet users[1] and 71 million people who have ever used the internet in India, making it the country with the fourth highest number of internet users in the world. In a country of over a billion people, this is still a niche segment, but we can see that profiles of users are changing. The internet, once the privilege of the elite, is now being accessed by a more general population. Urban Indians made up 77% of all internet users in 2000 but in 2009 that number had fallen to 34%, while 36% of users were now from towns with a population of less than 500,000. Another relevant trend is the rising number of youth active online; young people under 25 are the largest and fastest-growing demographic of internet users, close to 77%.[2] The state of Maharashtra, of which Mumbai (called Bombay till the name was changed in 1997) is the capital city, has the highest percentage of female users, at 27%.

India implemented the Information Technology Act (IT Act) in 2000 to set up a system for dealing with incidents of cyber crime, in addition to guidelines for governing the use of the internet more

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1   According to the survey, an active internet user is someone who has used the internet at least once in the month prior to the survey.

2   Internet and Mobile Association of India *i-Cube Survey Internet in India* (Mumbai: IAMAI, April 2010) iamai.in

generally. As cases came up – of hacking, morphed pictures, fraud – the anxieties increased. This idea of the internet as a dangerous space that needed to be controlled was given another dimension when in 2004 the "DPS-MMS Scandal" broke.[3] Two school-going youth, a girl and a boy, in Delhi used a mobile phone to film themselves being intimate, and the footage eventually found its way on to the internet. That case and others similar to it[4] trained the spotlight on what increased access to digital technologies implies: users generating, replicating and sharing content, heightened forms of interactivity, greater risks to the integrity of data and networks, and the public display of private intimacies.

These anxieties can be read against a background of a particular cultural politics emerging since the liberalisation of markets in the early 1990s, and the waves of globalisation that ensued from it. "Indian-ness" and "Indian culture", and an anxiety about the influence of all things "Western" have been at the centre of contemporary debates and struggles as new and diverse forms of media and culture have emerged: protests in the 1990s against the opening of the first Kentucky Fried Chicken outlet and the Miss Universe pageant, both in Bangalore; the censorship of film-song lyrics, movie posters, commercial and documentary films and music videos for their supposedly provocative/indecent/obscene content; the ban on bar dancers in Mumbai; dress-code regulations imposed on college-going women prohibiting jeans or tight clothes (ostensibly to "protect them from harassment"); the curtailing of holistic sex education in schools; moral policing by right-wing groups through violent protests, destruction of property, rounding up of young men and women in public places, especially on occasions such as Valentines Day; violence against women engaging in "immoral activities" (like buying cigarettes or going to pubs). This moral thread and concerns with "obscenity" and sexuality have been the centre of censorship debates in the country since the 1940s.

The emphasis on greater internet regulation is at this moment very high. According to a report by a US-based agency published last year, India ranks fifth in the world for cyber crime with a rate of increase at 50% per year.[5] Repeated incidents of hacking (like an attack by Chinese hackers on the Indian Prime Minister's Office last year) also compounded the hysteria,

leading to some views that the internet was the "fifth element after land, sea, air, space"[6] that also needed to be monitored and controlled for national security.

Under the newly amended IT Act 2008 the government is expected to exercise greater control of Indian cyberspace, giving teeth to the IT Act to monitor and police content that is considered "anti-Indian" or "objectionable". Much of this is driven by the concerns around technology-enabled terrorism and economic offences. Even as access to the internet can increase and more Indians find a space to be heard online, the government's monitoring of cyberspace, collecting private data, eavesdropping on online chatter and blocking news and information sites are also on the rise.[7] According to recently released reports from Google,[8] between June and December 2009, the Government of India issued it 1,061 requests for data and 142 requests for removal of data from its search facilities. The Indian government was also ranked third globally in requests and removals. A Computer Emergency Response Team (CERT) was established in 2003 to monitor internet traffic, warn the government of large-scale security and malware disruptions and support implementation of the IT Act. In terms of women's rights, newly established cyber crime cells in urban police stations have been asserting their commitment to addressing cyber stalking and the online harassment of women and children.[9]

When it comes to implementing the IT Act and regulating virtual spaces, dominant social and moral values and an arbitrary notion of "Indian culture" remain the yardstick for regulating what is perceived as "harmful content". Invariably it is content related to sex and sexuality that is immediately targeted. In June 2009 the cartoon-porn site Savita Bhabhi[10] featuring the sexual adventures of a prototypical Indian housewife was blocked (even as other pornographic sites continued to flourish) under provisions of the newly amended IT Act (2008) that makes the publishing and dissemination of "obscene" material punishable.

More recently, the blocking of information on "sex" on Microsoft's search engine Bing in India, the Chief Justice of India calling for a complete ban on pornography[11] and the increased policing of cybercafés towards monitoring and apprehending terrorists also lead us to the uneasy conclusion

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3   MMS, or multimedia messaging service, has now become shorthand for sexual content shot on personal mobile phones and then circulated via the internet and mobile platforms.

4   Other incidents that have achieved popular notoriety, such as the Mysore Mallige scandal, the Miss Jammu scandal, clips of celebrities and starlets in intimate moments and the Guys4Men case come to mind when thinking about how digital content is produced and reproduced for public consumption.

5   Prakash Nanda "India's Cyber Crime Challenge" *upiasia.com* 9 March 2010 www.upiasia.com/Security/2010/03/09/indias_cyber_crime_challenge/6678

6   Ibid.

7   Joyeeta Chakravorty "Charge of the Internet Brigade" *Times of India* 3 December 2009 epaper.timesofindia.com

8   Google Transparency Report, July 2009-December 2010 www.google.com/transparencyreport/governmentrequests

9   Major cities in India have their own cyber crime cells. The Mumbai Cyber Crime Lab can be accessed at: www.cybercellmumbai.com

10 See www.kirtu.com to access the Savita Bhabhi site.

11 Times of India "Urgent Need to Ban Porn Websites: Chief Justice of India" *Times of India* 31 January 2010 timesofindia.indiatimes.com/india

that the internet is becoming a space where offline taboos and anxieties are being replicated, and censored with the same brush. Such arbitrary moves adversely affect freedom of speech and expression, curb constitutional rights of citizens, and in particular limit the freedoms of women. How will these trends in regulation affect women users of the internet? Can measures that are being put into place to "protect" us work against us? It is important to look at the implications on sexuality rights of women in particular, because this is where the locus of control and regulation has tended to veer towards in the past.

Rationale for the study

During the course of these social and cultural battles, the voices of women themselves have been largely absent. There are few current data that provide a detailed picture of what internet users, especially women, are doing online, and how they are going to be affected by the IT Act and its hazy implementation. There is also no evidence base of women's, especially young women's, experiences of harm on the internet. What are the assumptions around "harm" that pre-empt arbitrary moves of regulation online? Are women aware of the risks online and their rights to be free from harm? Do they actually perceive and experience the internet as an unsafe space? What strategies and tactics do women create to protect themselves online?

These are subsets of some broader questions that need to be asked to understand how the internet has impacted women's lives, in particular: How has the internet expanded or curbed women's sexuality rights[12] in India? In the context of prevalence of HIV/AIDS, absence of sex education in schools and colleges and societal taboos around discussions of sex and sexuality, especially for young women, we can assume that a "free", "unregulated" space like the internet plays an important role. However, there are no data to illustrate if and how women in India have used the internet to enhance their sexual and reproductive health, build identities, develop relationships, express themselves using the internet in ways that expand their agency and allow them to actualise their rights. What are the particular tensions, if any, between the online and offline worlds?

Similarly, there are diverse communities who have access to the internet and mobile phones yet little is known about how they are using and adapting these technologies: the old, queer women, women with disabilities. For many in India cybercafés provide a ready point of access to the internet; however, there is little research that looks at how regulations are being enforced and circumvented, and what this means for users. There is also a lack of awareness about the IT Act and lack of clarity in how to recognise and address online harms. This is a prescient moment to intervene in these debates. Moreover, there are gaps in the existing research on ICTs, particularly from a feminist perspective and on middle-class women in urban India, which this study hopes to fill.

Gaps in existing research

India has had a strong women's movement since the early 1980s that is responsible for steering change in many ways, including the creation of new laws on dowry, domestic violence and sexual assault.[13] Largely based within a socialist-feminist framework and coming from a long history of social welfare, the women's movement has understandably tended to focus on the issues of poor women, usually from rural areas, as this is where the largest segment of Indian women live, and they are beset by a host of disadvantages. As a result, there has been a tendency to neglect the experiences of middle-class women (except with regard to certain issues like dowry deaths or domestic violence). The middle-class Hindu woman[14] has been viewed as a relatively more advantaged member of society and little research has gone into looking at her experiences and concerns. Recent studies have however started to explore middle-class women's realities, particularly on issues of embodiment, changing gender roles and ideals of "new

12 According to the World Health Organization (WHO) website, "Sexuality is an integral part of every human being. It is a complex and rich terrain that includes identity formation, ideas and ownership of the self, behaviour, relationship-building and performativity, grounded in embodiment. Sexuality is embedded and interwoven with other axes of identities such as gender and ethnicity, and constitutes a central idea where social, cultural, economic and political delineations are constructed." Following from this definition accessed through the same WHO resources, sexual rights embrace human rights that are already recognised in national laws, international human rights documents and other consensus statements. They include the right of all persons, free of coercion, discrimination and violence, to: the highest attainable standard of sexual health, including access to sexual and reproductive health care services; seek, receive and impart information related to sexuality; sexuality education; respect for bodily integrity; choose their partner; decide to be sexually active or not; consensual sexual relations; consensual marriage; decide whether or not, and when, to have children; and pursue a satisfying, safe and pleasurable sexual life. (www.who.int/reproductive-health/gender/sexualhealth.html) We use these particular outlines as they provide a broad framework within which to position sexuality rights, particularly the right to be free of violence and disease, and to experience and pursue pleasure and relationships consensually. These definitions are also easily applicable to the context of ICTs and the internet.

13 Nandita Gandhi and Nandita Shah *The Issues At Stake: Theory and practice in the contemporary women's movement in India* (New Delhi: Kali for Women, 1992); Radha Kumar *The History of Doing: An illustrated account of movements for women's rights and feminism in India 1800-1990* (New Delhi: Kali for Women, 1993)

14 A generic term that usually refers to women in higher socioeconomic segments who are educated, enjoy a relatively higher standard of life and a sense of security from being part of the majority community in the country.

womanhood",[15] their mobility, and construction of their sexuality.[16] Within the category of middle-class women, there are still fewer data on young middle-class women. There has been a considerable history of feminist interventions on issues of media, gender and censorship, especially around contested definitions of what constitutes "obscenity",[17] even though feminists have had differences on the issue of censorship.[18] The internet and new media, though, are relatively under-researched territories within contemporary Indian feminism (even though women's groups in India, as well as feminist researchers, have been using the internet for activism and research through the last decade) with only a few studies attempting to make sense of how it has impacted our lives. This study locates itself in this history of feminist engagement with women's lives, and seeks to address certain gaps in research.

Mainstream media increasingly comment and report on the internet as a subject of discussion, but academic research emerging from India on internet use among Indians, and specifically among urban Indian women, tends to be more sparse. Much of the existing research on the internet is located in the ICTs for development (ICT4D) discourse, with a selection of research on cybercafés in India, online matrimonial websites and only a smattering looking at women's experiences of the internet.

Studies dealing with women and ICT4D focus either on women in development or how technology impacts gender equality and the empowerment[19] of women in society. The key issue is that ICTs may not be able to empower women unless they challenge the existing asymmetrical socioeconomic power relationships, and social norms, gendered roles and practices in both labour markets and households.[20] In spite of the growing emphasis on ICTs as tools for economic and social empowerment of the underprivileged, there is a notable gap in methodologically sound information on which to base policy making in these areas; as a result, the role of ICTs for women's economic empowerment, poverty reduction and entrance into the digital economy relies mostly on anecdotal evidence.[21] Similarly, Best and Maier state that while the literature on gender, ICTs and development is extensive, there are surprisingly few empirical data that systematically document women's needs and concerns regarding ICTs, as articulated by women themselves, especially in the context of rural development projects.[22]

Studies of women as workers in the IT industries and women using work with ICTs as a form of "development" to lift themselves out of poverty and create opportunities for themselves re-establish the existence of a gender divide across classes and age groups in terms of access and skills related to ICTs. They also point out how the internet experience has been "gendered", usually through extensions of existing gender differences, discriminations and ideas around gender and technology. While women and ICTs is a popular area of research, the focus is on generating statistics and deterministic conclusions rather than a political-economic perspective on the actual experiences of women online and how the internet has affected their lives as workers.

There is a fair amount of research being conducted on cybercafés in India,[23] their impact on local communities and economies, and the IT "revolution" in everyday lives. It is often argued that cybercafés can bridge the digital divide for those who cannot afford the internet at home or need help to use ICTs.[24] Studies on cybercafés also discuss their importance for youth as a space to hang out, to meet,[25] and as

15 Meenakshi Thapan "Embodiment and Identity in Contemporary Society: Feminism and the 'New' Indian Woman" *Contributions to Indian Sociology* 38, 3 (2004); Meenakshi Thapan "Adolescence, Embodiment and Gender Identity: Elite Women in a Changing Society", in *Urban Women in Contemporary India* ed. Rehana Ghadially (New Delhi: Sage, 2007)

16 Shilpa Phadke "Some Notes Towards Understanding the Construction of Middle Class Urban Women's Sexuality in India" in *Sexuality, Gender and Rights: Exploring Theory and Practice from South and South East Asia* eds. Geetanjali Misra and Radhika Chandiramani (New Delhi: Sage, 2005), 67-81

17 Brinda Bose, ed. *Gender and Censorship* (New Delhi: Women Unlimited, 2006)

18 Shohini Ghosh "The Troubled Existence of Sex and Sexuality: Feminist Engagements with Censorship", in *Image Journeys* eds. Christiane Brosius and Melissa Butcher (New Delhi: Sage Publications and London: Thousand Oaks, 1999)

19 Based on the definition of power as "power to" and "power within", Naila Kabeer has developed a specific concept of empowerment which emphasises options, choice and control as the basic components of empowerment. Kabeer argues that empowerment is "the expansion in people's ability to make strategic life choices in a context where this ability was previously denied to them." Naila Kabeer "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment" *Development and Change* 30, 3 (1999): 435-464

20 Shoba Arun and Thankom Arun "ICTs, Gender and Development: Women in Software Production in Kerala" *Journal of International Development* 14, 1 (2002): 39-50

21 Ibid.

22 Michael L. Best and Sylvia G. Maier "Gender, Culture and ICT use in Rural South India" *Gender Technology and Development* 11 (2007): 137

23 It is estimated that in 2010 the number of cybercafés in India will reach 260,000 (Inforum "India Cybercafe Audience" 2008 inforum. in). About 37% of Indian internet users are found in internet cafés, a drop from 52% in 2003 (IAMAI *i-Cube Survey*). The numbers have been decreasing every year as internet access is increasingly possible from home, work and mobile phones.

24 Anikar Haseloff "Cybercafes and their Potential as Community Development Tools in India" *The Journal of Community Informatics* (2005)

25 Dipankar Gupta *Mistaken Modernity: India Between Worlds* (New Delhi: Harper Collins, 2000); Rachna *Profile of Internet Users at Cybercafes* M Sc Home Science dissertation, unpublished, Faculty of Home Science, Dept of Extension Education & Communication Management, SNDT Women's University, Mumbai, 2002; Harsha Parekh and Jyotsna Sawant "Cybercafes in Mumbai" *Information Today and Tomorrow* 19, 4 (2000): 11-12; Hansa Joshi "Social Class and Internet Users" *Media Asia* 28, 4 (2001): 218-224

a place where particular gendered identities and a sense of globality may be constructed and experienced.[26] Despite these functions, the cybercafé has come under stringent regulations in the last few years following anti-terror/security concerns of the state. In 2007, a licensing system for cybercafé owners caused many to fall by the wayside and in 2009 Mumbai police had plans to ask cybercafés to have fingerprint scanners for user identification[27] which were widely condemned by cybercafé owners and the Association for Public ICT Tool Access Providers. Reports that terrorists use cybercafés to plan and coordinate attacks have resulted in close monitoring of users through collection of personal data and verification through photo IDs. Cybercafés are also expected to restrict access to pornography and manage users' physical privacy: open-plan seating, cubicles to face outwards into the main space of the cybercafé; minors are not allowed to use terminals that are "behind partitions" or "in cubicles"; cybercafés should not operate within 500 metres of an educational institution. These regulations also invest police officers with the authority to make random security checks to ensure the enforcement of regulations. The implications of these measures are yet to be examined.

The mainstream media tend to report on "cyber crime" with regularity.[28] Reported incidents include phishing, embedding viruses, email scams, hacking bank and email accounts, and attempts to blackmail or ruin the reputation of ex-lovers, professors, business partners, bosses and neighbours by releasing secretly filmed or manipulated video clips and images. Youth-specific cyber crimes relate to fake profiles on social networking and matrimonial sites ("bride-cons"), releasing videos of bullying or pornographic images of unsuspecting classmates on the internet, taking revenge on teachers or fellow students by circulating usually false information about them on the internet, or attempts to con authorities like the police. The gendered aspect of this is alluded to but not looked at in depth.

Also extremely visible in the media are the online Indian matrimony sites, which have modernised the traditional Indian arranged marriage process. They are a booming business – the industry is expected to reach 20.8 million registrations with revenues of USD 63 million by 2010-11[29] – and cater to India's diverse (both progressive and caste-conscious) demographic.[30] Obviously, such an enterprise would have gendered implications which need to be looked at.

Research methodology

Against this backdrop, therefore, the aims and objectives of this study are to understand women's and young people's experiences of and access to the internet, and internet use in terms of sexuality, identity, relationships and information seeking, as well as to intervene in public debates on internet regulation and online harm by foregrounding women's voices.

This study is rooted in feminist methodology and practice in which we position women users of the internet centre-stage and document their reflexive responses to our questions. Data for the study were gathered (chronologically) in the following ways:

1. A one-day session co-hosted by JAGORI, a women's rights NGO in Delhi, that brought together feminist activists for a conversation on the theme, to get a sense of the concerns and challenges of this issue, which fed into the process of designing the research tools.

2. A mapping of the Indian context in terms of internet access, use and regulation; emerging discourses; legal frameworks of internet regulation; current trends in the implementation of the IT Act; and a review of news media and academic writing on these issues.

3. A quantitative survey of young women and a smaller control sample of young men, to identify how people aged eighteen to 25 access and use the internet, and their attitudes towards online regulation and harm. A total of 150 people (30 men and 120 women, predefined numbers) responded to the survey, which was conducted through the Department of Post Graduate Studies and Research in Home Science, University Department of Extension Education, SNDT

26 Nicholas Nisbett "The Internet, Cybercafes and New Social Spaces of Bangalorean Youth", in *Locating the Field: Space, Place and Context in Social Anthropology* eds. Simon Coleman and Peter J. Collins (London: Berg Publishers, 2006), 129-131

27 B. Viju "Cybercafés Fight Shy of Fingerprints" *Times of India*, 4 June 2009

28 Between June and December 2009, the *Times of India*, Mumbai edition, ran 44 stories on cyber crime. The Cyber Crime Cell recorded 775 cases in 2008, and had already registered 718 cases in 2009 as of August. Editorial "Cyber Crime Cases Register Huge Rise in Last Three Years" *Times of India* 5 October 2009

29 EmPower Research LLC "A Web Partner for life: Indian Matrimony Websites are Modernising Matchmaking for the Offline World and Positioning to be Lifelong Portals for the Online One" 2008 mindbranch.com

30 There are sites which are for specific castes and communities (Sindhimatrimony.com for the Sindhi community, or Jainmatrimony.com for those of the Jain faith) as well as sites that cater to specific demographics or social categories. Secondshaadi.com, a site for divorcees, has spawned 160,000 members since October 2007. Diabeticmatrimonial.com has 670 members and the more recent Thirunangai.net, the first transsexual matrimonial website in the world, is from the southern state of Tamil Nadu. Two sisters in Gurgaon have recently launched a matrimonial website for plus-sized people called OverweightShaadi.com. The website hitchHIV.com was launched in January 2010 at the behest of the Indian Network for People Living with HIV/AIDS.

Women's University, Santacruz, Mumbai. Questionnaires were administered by 21 postgraduate students of the department, with a lecturer in charge of the process who herself was an academic with experience of researching the impact of the mobile phone and internet on the lives of young women. There was a very low proportion of "no responses" in the filled questionnaires, mainly due to the in-person approach[31] by the investigators.

Criteria for the sample were: young people between eighteen and 25 years of age, having access to the internet at least four times a week, residing in and around Mumbai, of any linguistic background but fluent enough with English, and with a willingness to respond to the questionnaire. An attempt was made to cover people from diverse backgrounds in terms of education, occupation, culture and location of residence. The study covered 38 geographical localities of Greater Mumbai Municipal Corporation. Though the study predominantly covered western suburban areas, the respondents were also from central and downtown Mumbai and extended suburban areas. Respondents were assured of the confidentiality of their responses.

4. In-depth interviews with women internet users across age groups, physical locations in Mumbai and a range of professions, as well as a few men, to gain a rich understanding of how they use the internet for work and in their personal lives, including use of social networking, matrimonial and dating sites, and to access sexual, erotic content and experiences online. Our site for data collection was the city of Mumbai, considering that it has the highest internet access rates in India.

Qualitative methods are known to bring out detailed narratives that have the potential to be insightful, rooted in reality and add to debates on internet regulation in a hands-on manner. We hoped to enable women's experiences to emerge in greater detail and with vibrancy, without having to be monochrome – like quantitative data is sometimes constrained to be – and reflecting the shades of grey.

A total of 32 in-depth interviews were conducted, out of which one was later considered invalid by the lead researchers, because the basic name/identity of the male interviewee was suspected to be false, hence his responses to the questions could not be trusted thereafter. Of the 31 valid interviews, 27 were with women and four were with men. In addition, we did an "expert interview" for background and context on queer activism and gay men's use of the internet. While the focus of the study was women users, a small number of men were interviewed as a control, to get a sense of the gendered nature of responses and whether men's responses were markedly different.

In recruiting the sample, we identified a broad socioeconomic demographic that is often targeted by market research for consumer products; we decided to use the services of a recruitment agency referred by a contact in a multinational advertising agency to get a random, anonymous sample that would typify the urban internet user. Fifteen women respondents and four men respondents were sought in this way. The criteria for this sample were: women and men from any community/education/relationship status living in different parts of Mumbai ("town" and the suburbs); spread out between three age groups (18-24, 25-34, 35-45 years); a mix of working women, students and housewives; and most importantly, regular internet users who are familiar with the internet and fulfil as many as possible of these criteria: have active email ID/IDs, are on a social networking site like Orkut or Facebook, are registered on or have used matrimonial or dating sites like Shaadi Dot Com, maintain a blog or their own website, work in IT-related industries, regularly surf the internet at home, at work or in cybercafés.

The agency set up a range of interviews across Mumbai, in three broad locations – Town (Churchgate, Mumbai Central, Breach Candy), Central Mumbai (Chembur) and the Western suburbs (Vile Parle, Andheri, Santa Cruz). The sample sourced through the recruitment agency also reflects their own networks, hence the preponderance of women from particular religious, ethnic and language communities. Although we had made a specific requirement to include women with disabilities (visual impairment, hearing impaired or physically challenged) in the sample, the agency was not able to locate such users within their existing networks.

The other twelve women and one male respondent were selected using purposive sampling methods. As the focus was on sexuality rights and communication rights, we targeted internet users who were likely to have an interest in or connection with these themes. We selected Indian women bloggers as a

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31 We had the option of putting the survey online. We experimented with various online survey formats, but eventually the risk of people losing interest a few questions down the line and submitting incomplete surveys decided against this, as this would result in a data set that would not be comparable to or collapsible with the surveys done offline. Moreover, there were critical variables that were difficult to control with an online "invisible sample", such as age and geographical location, which we wanted to maintain.

category to sample respondents from (five), people on queer electronic mailing lists and groups (five), women with disabilities, and some purposively sampled from general interactions with people in public places and through personal/professional networks (three). We also set up a WordPress blog and a Gmail ID so that all respondents could know more about the project.

The interviews lasted roughly an hour and a half each, and were held at a place of the respondent's convenience. In some cases this was their homes, in others public places like chain coffee shops. The idea was to meet respondents in an informal setting so that the conversation could be casual, albeit structured, and enable them to communicate freely in a neutral space where nobody who knew the respondents was listening. The interviewees were informed that interviews would be confidential and that their identities would be protected, given the nature of the questions being asked. Interviews were conducted singly and separately by each lead researcher, with five of the interviews being conducted jointly by the two lead researchers who make up the EROTICS India research team.

The two sets of data gathered by the two methods, quantitative and qualitative, are mutually exclusive and although the pool from which the samples were drawn were sometimes similar (urban, young, regular internet users across Mumbai), there was no overlap in sample. Due to time and resource constraints, both were pursued simultaneously. Although the questionnaire did ask respondents to volunteer to be interviewed by sending us an email, we did not receive any. As a result, no one who filled the questionnaire was interviewed and vice versa. Given the emphasis on anonymity in getting survey questionnaires filled in, respondents' personal contact information was not sought, so it was not possible, either, for the researchers to follow up with in-depth interviews. There could perhaps have been much interesting, substantive data that could have been accessed by interviewing survey respondents; however, this is something that we could suggest as an approach for any further research in this area. The two sets are therefore not comparable, but they do complement one another. The strength of quantitative data is the bigger picture it is able to draw and the broad sweeps or trends it can indicate, whereas the qualitative data reveals the smaller stories, rich detail and between-the-lines insights on sexuality and the self in online/offline worlds. We have therefore used both methods strategically for their own strengths, to put together a picture of women using the internet in Mumbai which comprises broad strokes, but also the colour, texture and vibrancy of rich detail.

"The world at our fingertips": Life online
Survey findings

Our survey of 150 young internet users in Mumbai sought to trace broad trends on how young people are accessing the internet, what their perceptions of the net are and what they are doing online. Young people constitute the largest, and most rapidly rising, category of internet users in the country, close to 77% of all internet users.[32] By "young" (a controversial category in itself due to contradictory ages of consent/suffrage/work in different countries) we mean those who are below 25 years of age. Most young people active on the internet also fall in the category of "digital natives". Though contested,[33] "the term 'Digital Natives' is generally used to differentiate the generation that was born after 1980, who has an unprecedented (and often inexplicable) relationship with information technology."[34]

Mumbai is a cosmopolitan, bustling city with a population of over twelve million people. It is the capital of the state of Maharashtra but is also known as the commercial capital of the country. Mumbai was known as Bombay until 1997, when internal politics pushed the state to change the name back from its colonial name to that used by locals. Thousands of people flock to Mumbai from other parts of India daily to find work or live out their dreams. Our 150 respondents were all young people living in this crowded and busy metropolis. They were in the age group eighteen to 25, mostly students pursuing undergraduate and postgraduate studies from different parts of the city, the total sample covering 38 localities across the suburbs, centre and downtown areas, although there was more representation from the western suburbs.

For this group, the internet presents a world of new and exciting opportunities. This group of respondents really are the "digital natives": they are not intimidated by technology, having grown up

32 IAMAI *i-Cube Survey*

33 Nishant Shah and Sunil Abraham *Digital Natives with a Cause? A Knowledge Survey and Framework* (Hivos Knowledge Programme and Centre for Internet and Society, 2009) www.cis-india.org

34 Shah and Abraham describe the existing literature around the phrase "digital natives": "Existing literature offers no definite answers, only working definitions: children born after 1980; youths significantly affected by the rise of Internet technologies; an emerging global population growing up with digital technologies central to everyday functioning. No literature attempts to provide either a theoretical understanding or serious expostulation of what a Digital Native identity can mean. Yet there is an increasing amount of anecdotal and scholarly evidence of a generation who relate to digital technologies differently and live in a markedly different way than preceding generations. Scholarship that addresses this sense of difference is rare; most rely on novelty as the source of the difference, without interrogating the identity's mechanics and politics. Discussions of Digital Natives and their presence/growth devolve into questions of infrastructure-building, safety and education, without adequate theorisation of the identity."

with its easy access; they have come of age with the birth of Web 2.0 and it dominates their use of the internet. The majority of the respondents (120) were, by design, women, with a small sample of men (30) included as respondents to indicate any possible trends of gendered differences in responses. While the findings cannot be generalised, they do indicate some broad trends that may be explored further in subsequent research. Overall, 95% of the sample agreed that to be successful in modern India today it was essential to be connected through the internet. Emailing, chatting and the lure of social networking sites, primarily Facebook and Orkut, colonise young people's internet usage. The internet is considered a free space, where a vast amount of information can be accessed and people can be met. In fact, it would appear the internet is today the *primary* tool for information seeking for this generation of youth. It is perceived that the internet is a critical tool in determining career success and is what connects the Indian youth to the global(ised) world.

At the same time, respondents also speak in terms of the "dangers and delights" paradigm[35] that has permeated global public discourse on the internet since its invention. Within this cautionary vocabulary, the "dangers" which most occupy the Indian imagination (fed by a steady diet of public discourse and media anxieties) are those of "addiction" and general "danger", both of which are not clearly articulated. This is a limitation of the questionnaire-based method itself that gives little opportunity for clarifications and details, but also reflects uncritical usage of popular terms which are bandied about in the media. Addiction, for example, has a medical connotation, but this is not necessarily what is meant by its use here. It is also subjective: for one parent, a child spending three hours on the internet may be "addiction" but for another the number may be six hours; for the child, it may be a way of life. Even what constitutes "harmful content" is unclear and subjective: sexual content per se appears to be harmless, unless there are children and/or violence involved.

That the internet is a space that can be monitored, and where privacy cannot always be maintained, are less of a concern for Indian young users. At present, Indian youngsters appear to be basking in the social networking phenomena, and privacy is not a big issue for them – or at least their concerns are not framed yet in these terms. This is somewhat disturbing given the gendered implications of this – that

there are cases which have emerged in the media (like the MMS scandal) that demonstrate the murky side of violations of privacy, in which young women have had their images taken or trafficked without their consent. This lack of concern with the implications of these things may also be the "follies of youth", where future implications of current actions in the digital age have yet to be thought through.

Users are cautious when online and value that it is a free space, but there is confusion over whether it should be regulated by the government. Even though the IT Act was amended recently, more than 90% of the respondents have not even heard of the IT Act. This ambivalence about regulation demonstrates the absence of public debate on the issue of internet regulation in the country, although the government has been active on this front for a few years now.

There are no strong gender differences in responses within this sample, only subtle ones that mostly reflect gender dimensions in Indian society. For example, women learn to use the internet from a wider net of relationships whereas men learn primarily from friends, indicating the role that male group bonding has to play in young men's social lives. Women strikingly face more parental or spousal restrictions in accessing the internet, whereas men feel there are no such restrictions, indicating the general surveillance that women (especially young women) are subject to. Women are silent when asked about sexual content on the internet, whereas men are more vocal and accepting of it. The discourse of morality is strong in women's responses, in line with the general social rules of "decent" womanly behaviour and middle-class values strongly influenced by Victorian codes of sexual morality – all of which bear more on middle-class women than men.

A revealing aspect of this survey is methodological. Despite measures taken to ensure their privacy and confidentiality, respondents seemed uncomfortable responding to questions around their access to sexual content online, preferring instead to present their attitudes towards such content online. One can assume respondents did not want to be definitive in acknowledging certain behaviours relating to sex. Furthermore, acknowledging them on paper could have felt more "official" or one that could have a tangible footprint rather than the anecdotal evidence one presents in a chat or in-depth interview.

The reticence on the part of women to engage with issues of sexual content on the internet was initially surprising, given that the interview sample drawn from a similar (although not same) population talked about their online chatting, flirting, visits to dating sites, access of pornography and erotica and posting titillating pictures of themselves, and

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35 Manjima Bhattacharjya and Maya I. Ganesh *EROTICS: An Exploratory Research on Sexuality and the Internet. Literature Review* (Association for Progressive Communications Women's Networking Support Programme, 2008) www.genderit.org/content/erotics-exploratory-research-sexuality-internet-literature-review

thus revealing a rich engagement with the internet in terms of sexuality. However, none of these are considered "sex" or even "sexual content" on the internet. This leads us to reflect that, in hindsight, the words themselves were enough for respondents to distance themselves from these activities. For reasons of space and concerns around brevity, the survey questionnaire did not include probing questions about specific internet activities relating to intimacy and sexuality. Perhaps, if we had defined the content more clearly, a more nuanced picture could have emerged instead of offline taboos and silences being replicated in the responses. With interviews, however, respondents were able to make the distinction between various kinds of content and online experiences, thus allowing for a rich picture of actual internet use. Based on this analysis we would recommend that future research apply qualitative methods rather than quantitative methods to explore the nuances of online behaviour, especially on issues like sexuality where strong social taboos, particularly for women, continue to exist.

Interviews: Introducing the sample

This report is primarily based on in-depth interviews with 31 respondents, and explores the details of their everyday internet use and access. The internet has rapidly become a regular everyday feature of these women's lives, from structuring and facilitating their work, to allowing them to pursue a range of activist, hobby, leisure and recreational uses. We begin by introducing the sample more extensively and categorising respondents based on similarities in age, work status, and how they use the internet.

Our group of respondents would fit well into the definition of the "middle class"[36] as given by economist Nancy Birdsall: "In socio-political terms, the middle class is traditionally that segment of society with a degree of economic security that allows it to uphold the rule of law, invest and desire stability."[37] Broadly speaking, respondents were typically from middle-class and upper-middle-class backgrounds, educated and financially secure, from professional

and service backgrounds, having access to a range of privileges. Most of them had personal bank accounts and credit cards, owned property, had postgraduate degrees, and had easy internet access with personal computers (some, more than one) and a degree of familiarity with the web.

Even though the internet is notionally a "free space", how people access and use the internet reveal the dynamics of power and control that exist in reality. Age and employment status in this group were important to their internet access conditions; women in their late twenties and older, of independent means and with jobs tend to have fewer restrictions or barriers in accessing the internet. And while younger women living in their parents' homes may have access to the technology and infrastructure of the internet, they are more likely to face parental or familial restrictions around how frequently they use the internet, and what they use it for. This is not to imply, however, that these young women are actually physically restricted in any way; they do spend a considerable amount of time living their lives in a careful balance between online pleasures and offline restrictions. More delicate negotiations of internet access are evidenced in the lives of women who are in child- and family-care roles, who do not have personal computers or internet-enabled mobile phones. We find that *how* women access the internet and *who they are* are necessarily linked, being related to their ages, class, socioeconomic and cultural backgrounds and histories.

This aspect, therefore, primarily guides our categorisation of respondents into distinct groups with common characteristics and patterns. These are broad descriptions of interviewees with the aim of giving readers a general idea of the type of profile they have, and also allowing the reader to refer back to their general characteristics when individual respondents are mentioned. The groupings are not water-tight, with respondents also constituting bridges between and across categories. Nor do we intend for these categories to be understood as essentialisms. They are descriptive categories that allows us to refer to their characteristics and histories through the following handles: Digital Natives, Guardians, Moderns, Men. All names used are pseudonyms to protect the identity of respondents.

The "Digital Natives"

Corresponding to our survey sample who were between eighteen and 25 years of age, a third of our sample for the interviews were also "Digital Natives". By using this label to identify the largest sub-section of the sample, our primary objective is to indicate how their everyday lives and practices are closely tied to technologies. This group

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36 The term "middle class" means different things in different countries but in India, certain socioeconomic classifications (SECs) have been developed by the (Indian) National Readership Survey. The SEC groups urban Indian households using two factors: education and the occupational status of the chief wage earner of the family. There are five main SECs from A (highest) to E. SEC A is upper class, SEC B is upper-middle class, SEC C is middle class, SEC D and E are lower class. Another parameter is ownership of property. There is some debate over whether the old understanding of "middle class" is still relevant, given the changing demographics in Indian society and the sudden burst of wealth and prosperity enjoyed by a certain section of professionals who have benefited from globalisation.

37 Rukmini Shrinivasan "India has no middle class?" *The Economic Times* 6 May 2010

of Digital Natives – Arushi, Punita, Rupali, Himani, Meena, Shuchi and Unnati[38] – are under the age of 25 years. The Digital Natives category also includes three young men – Amol, Vikas and Vijay – forming the largest age group and category in this sample. They are all from "business community" households[39] (Gujarati, Marwari and Sindhi) generally known to be prosperous, hard working and industrious but also conservative, strict about gender roles and resistant to change in their culture, values and cuisine. Mumbai has a strong concentration of these communities, having been a centre of trade and commerce for over 200 years. These Digital Natives live with their parents, and intend on doing so until they get married, which is when they will move into their own homes; the men will possibly move into a floor above/below their parents with their new families in a continuation of the joint family system. They all have almost-personal access to the internet; some share with younger siblings. Meena, 24, says she "forced" her parents to buy a computer and keep it in her room; she cites this as having contributed to her "internet addiction". In 23-year-old Arushi's home everyone has their own computer.

Rupali, nineteen, is a dance choreographer teaching children in the neighbourhood popular Bollywood-style routines and choreographing pieces for weddings and family functions. Amol was trading in stocks at 22, mostly online. Rupali's parents have told her the choreography and dance lessons are all right as a hobby but only until she gets married. Amol meanwhile already sits in his father's office to learn the ropes of the trade, and gets inputs from the family stock broker on where he should hedge his bets. All the other male respondents said they were "part time DJs" (downloading music online). This is all in addition to the undergraduate or postgraduate degrees they are enrolled in, although the relevance of a postgraduate degree other than an MBA (Masters in Business Administration) is suspect in their minds. Commerce is the popular field of study, with three women studying psychology and physiotherapy. These women will ultimately marry, and the men see themselves taking over the family business. Eighteen-year-old Punita's description of her everyday life is a window into the hard-work ethic, ambition and responsibility that the Digital Natives have:

I am the eldest girl at home right now […] so I have to manage housework, my mom's work, my studies, washing clothes, cooking food and my own work. I am an events coordinator, and I do promotion, hostess and ushering work for two years now. In fact today there is an event at the Hyatt in the evening for which we have to usher guests to their place. So nowadays I am getting a little less time on the internet, but it is there on my phone. I make about 1,200 or 1,500 Rupees per day, but there is an event in Delhi coming up and they are paying 4,500 per day! You just have to stand and look after things in a stall or something, it's damn simple. We get hired through our own networks – telling our friends, cousins, etc. – I think our generation wants to earn ourselves, we are dying to earn money. So we do all these things, and when we get time, we spend it on the internet.

These young people's lives are fairly colonised by technologies. The internet first came into their lives when they were in school, enabling them to do their assignments and projects. Now it is, as Arushi says, "my life, my voice, my expression." For Himani, eighteen, terms like "apps", "hacking", "DP" (display picture), "chat" are part of everyday vocabulary. The internet is more than just about being connected. It is where fortunes will be made, marriage partners will be sought, and it is what keeps family and community together across continents. The big change in their internet lives is social networking; being able to access the internet from their phones means that they can be constantly connected, checking for "scraps" on Orkut and "likes" on Facebook. When they seek online partners for dates and casual flirting, they are careful to avoid people from other countries, communities and castes. They are looking for local (i.e. Mumbai) boyfriends and girlfriends with whom there is a possibility of something more tangible. Many, though, have friends and flirt partners from other cities as well. The young women hear that foreign men want to do "weird things". They talk of having friends who are "tech crazy" "tech freaks" who advise them on how to gain some mastery of the internet beyond everyday social networking and surfing, like the use of bit-torrents to download music and movies. Knowing "ethical hackers"[40] personally is also part of the currency of

38 The names of all respondents in this study have been changed. Those who are publicly known by their real names through their blogs have been given aliases when referred to as individuals. One interviewee is not considered a "respondent" but as an "expert" in the field.

39 Please refer to the section on methodology to know more about how this sample was recruited. All "Digital Natives" were accessed through a recruitment agency.

40 A Delhi boy, Ankit Fadia, became widely known when, as a teenager, he hacked into the website of an Indian magazine and defaced its front page. At fifteen he published a book called *Ethical Hacking*. Since then he has gone on to be a cyber security expert and ethical hacker, has trademarked an ethical hacking study programme bearing his name, and is a consultant to a range of businesses and organisations. Most claims of Ankit Fadia's achievements have also been widely disputed and he has been at the centre of a number of controversies around them. However, he remains inspirational to many young people.

cool. It is these ethical hackers who help them out when their accounts and profiles have been broken into or manipulated; sometimes they are also the ones who do the breaking in and manipulating.

A distinctive feature of this group is that while they may have access to the internet, women have to negotiate their use around its implications for their *offline* worlds. Still living under her parents' roof, unmarried and with a reputation to protect, a young woman discovered to have posted a picture that is too sexy, found surfing pornography or to have an online boyfriend, puts herself at some risk for censure. There is surveillance within the peer group too. Punita says that an older cousin keeps an eye on her so she does not put up pictures of herself with her boyfriend or in short clothes. Unnati, 21, does not want her boyfriend to see the sexy pictures she posts of herself on Facebook so she has not "friended" him. Most of them know what the limits are. The implication of not knowing your limits is that your reputation can be sullied, offline; worse still, online, the manipulation of your personal identity and photographs on social networking sites can have damaging consequences. The repercussions of that are all too well-known in this "era of scandals".[41] Digital Natives are old enough *not* to have filtering software installed on their home computers for three reasons: they do not have to share their computers, or they are the only ones in the home who actually know how to install such software, or because the siblings they share computers with are not very much younger. Nonetheless, the women in this group say that they carefully manage their browsing histories and try to ensure that no one else at home looks over their shoulders at what they are doing online.

The "Bridge"

There is a subset of the Digital Native category that we refer to as the "Bridge". This includes Meena, Komal, Shikha and Shuchi who range from 24 to 27 years of age. They have got degrees and some work experience in diverse areas – banking, sales, physiotherapy – and all of them are waiting to get married. Meena met her current boyfriend online in a chat room; he lives a few streets away and is from the same community of Sindhis.[42] Her family does

not know about him yet and prefers that she search for suitable matches on the popular matrimonial site Shaadi Dot Com. She is now undergoing a strict physical fitness and diet regimen in order to lose some extra weight and look good for prospective suitors, as per her parents' wishes. As for the boyfriend, she will tell her parents about him "soon", once she works up the nerve. Shuchi, 24, and Komal, 27, are looking for matches through online portals in the hope that a love story will come alive for them. Shikha, 24, has a responsible position as a sales team manager in a large mobile telecommunications company, and contributes significantly to her family's income and has good prospects at work. Yet, she would be happiest finding a match on Shaadi Dot Com and settling down. All these women are looking to move from being teenagers and young adults to mature, married women. Those who are older and working, like Shikha, do not have a lot of time to meander through social networking sites; everything around online dating and match-seeking is focused and targeted. All of them (with the exception of Meena who already has a boyfriend she wants to eventually marry) want to find partners on matrimonial sites; however, this is not easy. First, there is the issue of arriving at a suitable way to present themselves online – in a way that satisfies their parents, potential in-laws, a potential husband and themselves; and there is the issue of parents' concerns around whether finding a match on the internet is reliable or not. It is something that these women have to carefully negotiate but it is a task that they have set themselves to and work at diligently.

The "Guardians"

Ranging from 26 to 44 years of age, the seven middle-class women in this group have spouses, parents or in-laws and children to take care of; six are married, six of them work outside the home, and six of them have children. They see themselves as the glue that holds their families together. They are Rati, Malthi, Veena, Payal, Shipra, Sheena and Vrushali. They work in diverse fields, from educational psychology and school counselling to being cabin crew on airlines. These women are primarily characterised by their relative affluence and access to personal computers, mobile phones and the internet. They have enough space and opportunities to access the internet for work, leisure and pleasure. They enjoy social networking sites to reconnect with *old* school and college friends, unlike the Digital Natives who use social networking to connect with *new* people. Skype and chatting enable this further, and to keep in touch with family across India and the world. Those who do not have to use the internet for work access the internet differently. Women with small children,

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41 This "era of scandals" refers to a spate of reports about how camera-enabled mobile phones were being used to record intimate or revealing clips of everyday people and celebrities which were then leaked publicly. Scandals ensued with the release of these images.

42 Sindhis are a socio-ethnic group of people originating from the province of Sindh in what is now Pakistan. Sindhi was also the language they spoke. In 1947 after the partition of the subcontinent into India and Pakistan, impoverished Muslims from North India moved to Sindh in Pakistan, and Hindu Sindhis moved to India. Mumbai has a large concentration of the Hindu Sindhi population.

like Veena, 26, make time to get online when their children are asleep. Those who have school-going children find that only after they have been sent to school, and the household chores are completed, can they sit down to get online. There are few other restrictions these women face in their access of the internet, although 35-year-old Malthi's story stands out as an exception. She has to share the computer with her son, which prevents her from accessing the kind of content she would like to view.

> My son uses it a lot and I know he has a private life and looks at lots of things online that he doesn't like to share or let us know about. Sometimes maybe even I want to watch blue films but I am worried about viruses and scared that my son will see that I have saved these files and links on the computer. Or maybe he will suddenly come in while I am watching. I feel a bit shy to share these things with my husband – you know you can't say these things to a husband. Everyone has the right to a private space and the problem is that I have to share mine with my son, so I have to be extra careful.

Malthi was the only person interviewed who felt that her internet usage was restricted because she did not have a personal computer or an internet-enabled mobile phone. She also realises the conflict between her own need to access adult content online (an issue all the women in this sample believed was a prerogative and right for adults) and her concerns for her teenaged son doing the same.

Other Guardians were equally candid about accessing blue films, erotica and pornography online for their own pleasure and to share with their partners. However, they are similarly conflicted about what is appropriate for children. They have fairly strict views on censorship and children's use of the internet. There is one extreme like Shipra, 35, who does not allow her sons to visit cybercafés, has given them very basic mobile phones that do not support video or photo features, and password-protects internet access at home. On the other extreme are Payal, 39, and Rati, 28, who think it is important for children to be aware of the risks online and face them confidently. Rati believes it is important to be fearless online and know how to protect yourself. She does not support the monitoring of young people. Sheena, 44, is concerned about how readily her sixteen-year-old daughter and eight-year-old nephew use Facebook; they add friends too readily and Sheena worries that there is no way to check the background of people who befriend them. She is clear about what worries her: online paedophilia. Vrushali, 31, is an education consultant who also gives tuition to a range of public school students. She

is concerned at what she has witnessed: that children are today deeply embroiled in the internet without fully understanding the implications. It is because of their concern for their children's safety within a particular construct of risk and danger online that we have referred to this category as the "Guardians".

The "Moderns"

The "Moderns" in this sample – Marina, Rekha, Sahaj, Sejal, Reema, Sakshi, Seema, Gurbani, Mohini, Sara and Geet – range from 27 to 54 years of age. They are writers, bloggers, journalists, academics, entrepreneurs, novelists, or work in advertising and the creative and media industries. They typically have postgraduate educations and either freelance or have regular jobs. Some are married with children, others are single, and this group includes self-identified lesbian women, one transwoman and one woman with a partial disability. Two of these women reside in New Delhi, and many of the others are migrants to Mumbai, not originally from the city but making it their home now, like Gurbani, 26, who moved to Mumbai from her hometown Amritsar a few years ago for postgraduate education and stayed on to make a career for herself in the media. In contrast to some members of the two groups mentioned earlier, we would consider this group to be "modern" in the sense written about by the Indian sociologist Dipankar Gupta, who says, "Modernity is an attitude which represents universalistic norms, where the dignity of an individual as citizen is inviolable and where one's achievement counts for more than family background or connections."[43]

The women in this sample have high expectations of gender equality and freedom in relationships; they manage multiple roles as partners, parents, ambitious professionals, and have families who support these roles. Women in this group have taken personal risks in forging new identities through their relationships or their career choices. Reema, 54, after her divorce unapologetically sought out the internet to find a community of people and to find companionship. In addition to their jobs, women in this group take on roles as activists in their communities. Seema, 38, uses her blog to raise money for people affected by the November 2008 attacks on the city. The four queer women in this group, Marina (35), Sahaj (30), Sejal (33) and Geet (27), are associated with local activist networks working on sexuality rights. Rekha, 45, an academic in this group, works with and supports women's rights activists and uses her research to support disability rights movements. Everyone in this group has a personal computer and unhindered access to the internet. Distinct in their narratives and

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43 Gupta *Mistaken Modernity*

through the interview process is a willingness to engage with and reflect on the nature of the internet itself, as a medium, as a technology, and its role in society. Women in this category could also reflect on their own internet use.

The Moderns' views on a number of issues around sexuality, censorship and internet regulation are significantly different from the Digital Natives and the Guardians; as a group they generally believe that the internet is a free space and that notions of regulation need to be nuanced beyond strict moral positions. Two of the bloggers – Sakshi, 27, and Sara, 31 – write on issues pertaining to sexuality and politics, putting forth an image of the contemporary urban woman questioning and striking out of strict gender roles. The two "mommy bloggers" in this group, Seema and Mohini, 33, have different positions from the mothers in the Guardian group about their children's safety online. They do not believe it is possible to monitor and police children strongly, but they do think it is required. They are more in favour of educating their children in responsible and safe internet use. This group supports the rights of people to be able to access whatever content they wish to, while emphasising what content they believe is harmful (such as advertisements for sex selection of a foetus, or rape sites) but equally recognising that regulation is often draconian and limited.

The men

The four men interviewed here merit a category of their own, because this is primarily a study about how women use the internet. Interviews were done with a few men in order to introduce a small control element. The men – Bobby, Amol, Vikas and Vijay – were aged between nineteen and 35. Bobby, 35, is married with a small daughter, and the other three men are students. For women, the internet was about making friends, social networking sites, activism, chatting and social gaming. The four men interviewed all talked about the potential for work and business through the internet. Bobby uses the internet for work, as he is a garment exporter, and the other three men, being students, use the internet for college work as well as leisure, gaming and pleasure. Vijay, 24, exemplifies this aspiration to make money through the internet, even if it means writing a few poems or case studies:

> I am doing my MBA and networking has to be done. From the job perspective I can find people working in the field and connect with them. Many financial communities have websites, companies where I can upload profiles. I read blogs sometimes. Like MyPoetry.com, or through Google search blogs. At MyPoetry.com you can make money also. You write a para or a poem

and post it, payment is in dollars. Submit one or two a week. The best ones can get 100 dollars down to 10-15 dollars, minimum, sometimes 25-30 dollars. Registration fee is 50 dollars. I have made some money through this sometimes. You can write case studies, poems, whatever is on your mind.

The men's access to the internet is not significantly different to the women in the same groups. The three students, Amol, Vikas and Vijay can be considered part of the Digital Natives category, and Bobby as a Guardian. They were all candid and open about using the internet to access pornography and find dates and girls for "casual flirting"; however, unlike the women interviewed, men talked about using the internet to "play pranks" on their friends. Vijay says he created a fake profile and masqueraded as a girl for a whole year in order to fool a friend into thinking he had found a real girlfriend. Amol and Vikas, nineteen, are adept at finding women to flirt with and know how to make them feel special, while Bobby says he has had numerous heartbreaks and love affairs online.

Online activities: An overview

Amongst the everyday online activities of the sample, the most striking aspects are the popularity of social networking sites (SNSs) and online chatting (amongst both survey respondents and the interview sample).

The Digital Natives in this sample were caught up in the frenzy of SNSs like Facebook and Orkut, with migration from Orkut to Facebook being one of the key flights at the time of interviews. The shift was attributed to Facebook's more secure privacy settings as well as the appeal of quizzes and social games – FarmVille, Mafia Wars, Café World and Poker. Getting onto SNSs is essential for inclusion in peer groups ("Now everyone is on Facebook, it's a social stigma if you're not," says Punita). Many have had profiles on these sites since the ages of fourteen or fifteen years, moving from one SNS to the other depending on what's popular ("I used to be on Orkut but now everyone is on FB, plus it has all the games" is a common statement). Being part of SNSs was essential to being globally connected and "in" with the latest trend amongst peers; for Moderns and Guardians SNSs are more about networking, reconnecting with old friends and staying in touch with family. In a globalising world, "People change cities, homes, jobs all the time, but the only thing constant is their email address," says Vrushali.

People felt more secure on Facebook (which is ironic, given worldwide protests, at the time of writing, about Facebook's privacy controls), and also thought it was more "classy", whereas Orkut was

becoming a space that was for the masses, a platform that was too open. Respondents have had their Orkut accounts hacked into, and their personal photographs manipulated, so were hesitant to trust it completely again. However, they did not delete their accounts but reduced their activities on this platform, and moved the majority of their time spend to Facebook and its applications.

Following closely amongst popular online activities is searching for information online for work or study. We go into these in depth later. What also emerged were some interesting observations on cybercafés and gendered use of the internet.

Perceptions of cybercafés

One of the dominant themes that emerged was that since internet access is practically ubiquitous now, there is no need to visit a cybercafé. The cybercafé is now an embodiment of another kind of digital divide, one that is based on the economics of access and class. Those who have personal access to the internet now only use cybercafés when they are experiencing a poor connection, have infrastructural problems, need printing, scanning or photocopying services, or are travelling out of their homes. According to interview respondents, the cybercafé is now for the poor and the transient person who cannot secure (or afford) a personal connection. Vrushali says that "even your watchman can get a bio-data typed up" and Rati notices that now "everyone uses net, not just high-class people, even small people from villages and low-class people in cities can get onto the net."

Young peoples' use of cybercafés is a source of concerned discussion. That young people converge at cybercafés to play video games and multiplayer online games means that there are groups of animated and noisy boys and male teens clustered around a monitor. This seems to upset older users who feel disturbed; parents like Shipra and Malthi are concerned that their teenage sons are using the cover of gaming to watch pornography, while others worry about addiction to these games or the violence believed to be inherent in them.

Respondents were also aware that personal information and data can be compromised when surfing at cybercafés. They make sure that they delete browsing histories, do not save passwords and do not do financial transactions from cybercafés. Non-branded cybercafés are akin to small businesses,[44] usually housed in small spaces with low rents; coupled with their popularity and accessibility, this translates into overcrowding and pressure to finish surfing quickly.

The idea of "small people", crowded together in a small space, where data is unsafe, creates a perception that cybercafés are dangerous places. And this sense is heightened by what is implied through legal regulations, that these are locations for men to surf porn, pick up girls on the internet, plot terrorist attacks, and for young couples to meet romantically. The perception that cybercafés are a cover for romantic meetings was more commonly held by older people in the sample, not the Digital Natives, but it was however mentioned by a small number in the survey sample. Perhaps this is a function of class and location. Being from a particular socioeconomic background and living in a big city like Mumbai, this sample had access to other urban settings for such meetings, from malls to coffee shops and movie halls, and did not perceive the "seedy" cybercafé as a space for such interactions. In contrast, Gurbani says of small-town cybercafés:

> In Amritsar they were shady, with weird men who came to chat and watch porn. You had to be well clad, go in, do your work, get out fast. Till four years ago, they were like dating centres with cabins, in which couples used to go. But they were banned after one of the places was shut down because it was found out that this was going on.

Gendered ideas about gendered use of the internet

Women think that men use the internet for work, gaming and online pornography. Men think that women use the internet to chat and look for recipes, personal grooming products and meditation/yoga courses. Both men and women are both amazed and concerned at how savvy and confident children and teenagers are with the internet. The interviewees were asked to talk about how different members of their families access and use the internet, so the responses here are not entirely stereotypical responses; their perceptions are based on what they think they have noticed about what their partners, siblings and children do online.

The Digital Natives group of women were sure that their male peers were "looking for hot-looking girls in the area they are staying in" and were into hacking and gaming. They believe that boys are "not bothered" and are curious to see and share pornography, "even knowing how to get through firewalls and restrictions on computers." The guys like racing and *dishum-dishum*[45] games, girls like Solitaire, bowling or Pac-Man. Komal says that the way men approach sex is the way they learn to drive: on their

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44 Nimmi Rangaswamy *Representing the Non-formal: The Business of Internet cafes in India* (Microsoft Research India, 2007) research. microsoft.com

45 Onomatopoeic word used to refer to an action-packed movie; *dishum-dishum* refers to the sound of fists, guns, explosions.

own, and confidently. Women, on the other hand, "have to go to driving schools." Komal clarifies that the internet is like a driving school that educates women about sexuality whereas men have "already learned" and now use the internet for pleasure.

The Guardians and Moderns both felt that the men in their homes use the internet for work, to manage their finances and to play games. The Guardians say that the men in their homes use laptops for work and not much else. "Men usually have a fixed agenda" and "women are all over the place" says one mommy blogger. Very few male bloggers are "daddy bloggers", she finds; they usually write about politics and "geeky stuff, stock markets." Another blogger says that she tends to equate men using the internet with pornography, although she does admit to stereotyping.

The discourse around children on the internet swings between concern for their well-being online, and surprise at how confidently and quickly they take to the internet. There was little information gathered about what exactly pre-teens and teenagers do online, more about what the women interviewees felt about children's use of the internet. From their observations, children like gaming but the internet also allows them to satisfy their curiosity about sex, and act out common rites of passage online. For example, bullying, which has always happened in a school yard, is now seen occurring online. In this way, the internet has seamlessly become part of their everyday lives.

Other than the interviews, each respondent also filled in some tables at the end of the interview to enable us to get a sense of the frequency of certain activities. Following from observations in the analysis of survey data that survey respondents said they did not access pornography, sexy images or erotica, we were curious about how this sample would respond to these questions. Like the survey sample, it would appear that the in-depth interview sample was similarly uncomfortable stating in a self-filled questionnaire format that they accessed such content. This becomes significant from a methodological perspective because in their interviews they were comfortable and vocal about visiting marriage and dating sites and accessing pornography and erotica online, reaffirming our belief that survey-based research on internet and sexuality may be less likely to get honest responses about access to sexual content online.

The internet as information gateway

For Digital Natives, their earliest association with the internet is for doing school assignments and projects that required them to find information on various issues. In fact, this is a driving factor for many households to buy PCs. Punita, now eighteen, remembers, "I used to go to father's office or cybercafés for my project work but then I needed regularly, so parents bought a PC at home." Himani also recalls using the internet in her early school years, but more regularly after Class 8, "especially for subjects like EVS, environmental sciences." The computer entered Unnati's house as an educational tool for her older sister, although for her it meant keeping up with her friends. She says, "It was in the 9th that I first got onto the internet. It was basically peer pressure. Orkut was a big thing, I was fourteen or fifteen years old at the time. We got a PC and net connection at home, mainly for my elder sister who needed to do projects and needed a printer, net and so on." With school boards now opening up to do more project-oriented curricula, the relevance of the internet as a source of information is only going to rise for coming generations.

For older Natives and Moderns, the internet was critical for their work lives. Komal, 27, works as a recruitment consultant, and the basis of her work is locating CVs online and matching them with clients' requirements. Komal identifies the best thing about the internet as filling in where our faulty college education system fails, and hauling her out of a crisis. "I was doing my graduation in literature and had no notes, only knew name of the novel, not a single sheet of paper. The internet helped to get notes from which I studied, and passed my exams in the first attempt." Gurbani, 26, used the internet more at work when she joined an ad agency at 23, and needed to do "research and find images for print ads." Seema, 38, and Reema, 54, who are both media professionals, used it in full force when it was introduced in their respective workplaces, also learning how to use it on the job.

Beyond the workplace, though, information on the internet is also valued because it permeates everyday needs beyond study and work:

Can so easily access to anything in world, it has written, visual and audio. And so much info – you have a stomach ache, want to know whether to turn left or right, Google has the answer. Your car breaks down what do you do. It has the answer to everything. It's brilliant and it's just a click away. And now it's on the mobile. (Gurbani, 26, media professional)

Even if my baby's poop is of a certain colour I can go to Google and find out what it could be. This is sometimes counterproductive also, as you don't want to be relying on the net if you have a life-threatening disease. But I don't think any other generation has had so much information. My mom would max take out a copy of Spock to

help her through parenting. (Mohini, 33, mommy blogger)

One of the Guardians, Shipra, a 35-year-old housewife whose fourteen- and eleven-year-old sons use it for their school projects, herself loves to surf the net so she "can know about the world." She says with delight, "I love Google Earth – I can even see the bungalow I have bought in Borivli with my own money – it is there on Google Earth!"

Vrushali, 31, an educationist, regularly looks for teaching information and materials online:

The internet can also be used for teaching in quite wonderful ways. Like Google Earth I find is something really amazing. My husband is doing a course in archaeology and will be going to Hampi for some project work. So he was showing me on the net and it is really like going there yourself, a sort of virtual reality. You can relate to the other person you know when you see things like that in person, and I can share the experience of being in Hampi with him a little bit at least, even though I cannot go there with him.

It is an excellent teaching tool. If you want to explain the Suez Canal strip and show it from Google Earth, everything comes into perspective and it becomes self-explanatory. A completely new way to learn about geography and about water bodies. Lessons don't remain dry.

These sources of information are extremely valuable for respondents, and they react strongly on things they feel might threaten access to this free and vast universe of global information. Vrushali, for example, says, "What upsets me is things like hype that terrorists are using Google Earth and so Google Earth should be banned! Hanging Google Earth because terrorists are using it is absolute nonsense."

The internet is a primary tool for information and education but moreover, in countries where there are taboos around the articulation of sexuality, sexual health and rights, the internet has a specific and important role to play.

Sex education on the internet

in India, sex education is a controversial topic that raises the hackles of right-wing leaders, religious leaders and people who fear that such initiatives may lead to increased and immoral sexual activity, which may "corrupt the youth." In 2008 a parliamentary committee rejected a proposal from the Ministry of Human Resource Development for a comprehensive sex education programme called the Adolescence Education Programme, saying that "[our] social and cultural ethos are such that sex education has absolutely no place in it," and suggesting

that naturopathy and Ayurveda be taught instead.[46] The parliamentary committee's comments reflected a moralistic attitude with vague comments on decency and Indian culture being the main logic for shooting down the proposal. Twelve states in India have actively banned sex education in state-run schools.[47]

This sets the stage for rampant ignorance about sex-related matters, and no option for the young but to seek information and answers to all their questions from other sources, including the internet. The Agony Aunt columns in newspapers are filled with questions ranging from the innocent to the absurd, and are also widely read. Meena, 24, says, "I read a lot of the section called 'You Ask the Sexpert' in the newspaper. I've been reading it for three years religiously. It answers many queries." The other major source of people's information is internet porn, often a disturbing way for young people to find out about sex. Google searches often throw up porn sites first before the informational or educational sites on sex. Vijay, 24, says, "In the way the searches come, info[rmation] links should be there first, then porno stuff should be at the end, because people see the first few pages first." A blogger on political issues, Sara, thinks it is a relief for Indians, remembering, "Earlier you couldn't ask family, and there was no one to ask. Access to information (on sex) in India wasn't there, no one told us anything."

Young women in the sample spoke about seeking out specific information from the net, as opposed to men who, apart from some research on HIV (for a college project) or personal curiosity on Viagra, did not give details of what sort of sex-related information they searched for online. Punita, eighteen, tells us:

There are some things they don't teach you about and which you need to find out about. Like one of my friends, for example, did some stuff with her boyfriend and she wanted to know how to use emergency contraception – you know, those ads you see for the i-pill. So we went to the internet and looked for it, found out what are the effects of it, that it has some bad side effects, and should avoid it. A lot of people look online for these things, where else will they go? You can't ask friends, as they will spread it around. You don't trust anybody in these things, and you have to think thousand times before asking. You don't want others to know you want to know about these things.

For Punita and her friend, such a query was understandably blasphemous in a social climate where sex

46 Anindita Sengupta "India in Denial over Sex Education" *The Guardian* 16 August 2009 www.guardian.co.uk/commentisfree

47 Monica Chaddha "Indian State Bans Sex Education" *BBC News* 3 April 2007 news.bbc.co.uk

before marriage is condemned. The parliamentary committee on sex education deemed it "immoral, unethical and unhealthy"[48] and a film actress once faced legislative action and social pressure for saying there was nothing wrong with premarital sex.[49]

Rupali adds, "There was also a project on HIV I did where I searched on the net. After getting the info, I realised we know nothing about HIV (from the sex education class)." Rupali turned to the net for things she was just curious about, like why someone her grandmother's age does not get her period. Rupali has also sought information from the internet for a shy sister-in-law from Ahmedabad who asked her to find out information on pregnancy and contraception, implying that women from outside big cities are less likely to be aware of such things, and are more conservative. In such a situation then, the potential of the internet as a source of information for sexual health and sexuality rights becomes amplified. Like Gurbani says, "Sex education in Amritsar – no way. They are stuck in a backward society. So for them it is different to have the internet."

Colleges and schools often use filtering software to prevent such searches on their systems, thereby precluding youth who rely on this access to the internet. Vijay recalls that he could not do an Advertising course project on condoms because the word was blocked on search engines on college computers. However, Wi-Fi, and having a plug-to-surf card, allow students to access the information they want and need. As Vijay says, "We are getting information on an important issue. But [Indian mentality] is like that."

The government with its new amendments to the IT Act is not helping these colleges to open up their gates, and major businesses are falling in line with government whips to avoid being caught in unnecessary crossfire on this volatile issue. Microsoft's new search engine Bing and Yahoo ensured that searches for "sex" were not allowed on their Indian browsers, in keeping with new laws that made accessing or providing "lascivious content" illegal. [50] Even though television and cinema are replete with images of sex scandals and sting operations, it is this sort of blanket ban which has been the interpretation of the IT Act.

A life-changing experience

Geet, 27, was born a man, but always wanted to be a woman. She did not understand what this conflicting strong emotion in her was until she read about gender dysphoria in her late teens on the internet. Reading about other peoples' experiences helped her identify as gender dysphoric. Accounts of sex change operations and details of how to go about this also helped her decide to go ahead with a sex change and she had the operation at the age of 25. Geet is now a woman, who identifies herself as a heterosexual woman. She says:

> When I was seventeen I moved from Patiala to Jaipur to do my engineering degree. It must have been 1999/2000. That's when I first started to use the internet in cybercafés where it cost about 30-40 rupees. There was internet at the University but it was not accessible to us. I got the help of a café owner to make me an email account. My main thing was searching about gender dysphoria and sex change. "Search" essentially was the first thing I used. Chatting came much later. Reading about other peoples' gender dysphoric experiences was the most important thing.

From these narratives, we see that because of the nature of the internet – uninhibited, boundaryless and anonymous – it lends itself to being a space where people may explore things that are difficult or taboo offline. A significant impact of the internet all over the world has been the way it has opened up access to and discussion of sexuality rights. In India too, the internet has opened up possibilities of intimacy and relationships, including marriages, based on online associations. It has also opened up routes of information on sexuality, sexual health and sexuality rights. It has enhanced the possibilities for individuals to assert their sexuality rights, gain knowledge about sexual and reproductive health, articulate their queerness and sexual preferences, seek pleasure and sensuality, express their sexualities and engage with their selves differently from what is possible offline.

Intimacies 2.0

According to a global poll from the BBC World Service, 30% of internet users consider it to be a suitable place to meet significant others. Among the nineteen countries covered in the survey, India and Pakistan[51]

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48 Sengupta "India in Denial"

49 In 2005, Khushboo, an actress from Tamil Nadu, faced a public outcry, and a number of cases filed against her, for saying that there was nothing wrong or offensive about premarital sex and live-in relationships before marriage. In April 2010, the Supreme Court of India ruled in her favour, overturning judgments of the Madras High Court against her.

50 Gething Chamberlain "No Internet Sex Please We're Indian. Web Firms Observe New Law" *The Guardian* 28 December 2009 www.guardian.co.uk/technology/2009/dec/28/sex-internet-india-law

51 Net surfers in developing countries tend to have a more favourable opinion of online romance while fewer Americans, British and French held similar beliefs, the same poll noted.

had the highest percentage of respondents (60%) who consider the net a worthy place to meet potential partners.[52]

The intimacy of online chatting

Respondents who had access to the internet in the mid-1990s when it became widely available spoke of their first tentative forays into cyberspace as mysterious and exciting, especially through "chatting". The idea of being able to have a conversation with a complete stranger from another culture was a hitherto unknown experience. Chatting with strangers, and strangers who become friends, remains extremely popular. As 54-year-old Reema says, "The risk and danger that exists online is exciting so that's why we do it, that's why we talk to strangers." For Digital Natives, chatting is where they experiment with and play out old and some new scripts of intimacy, courtship and self-exploration. It is a significant part of adolescence for eighteen- to twenty-year-olds who began chatting online at the age of fourteen or fifteen years. Online chats are common amongst peers, those who know each other, but also an important way of making new friends. In fact, "it's about making new new (sic) friends only," says nineteen-year-old Vikas. It is common and mostly acceptable to make "friend requests" to strangers or receive such requests. Before accepting a stranger's friend request, young women usually check if they share any common friends, look at the picture of the person on their profile page, and check out what they have written about themselves. Accepting a friend request from and chatting with strangers has potential benefits: a greater number of friends is a status enhancer; there is often competition between people as to the number of friends they have; it is fun, exciting and flattering to flirt occasionally with strangers; and there is always a real possibility of friendship, or even romance, that will translate into an offline connection with someone, which could become a real internet love story.

Through chatting with strangers, Digital Natives can create versions of the self, engaging in a range of online behaviours from friendship to casual flirtation, dating and cyber sex. Komal sums up the general feeling: "Chatting with strangers is a different feeling. It's easier to disclose things to a person you don't know and speak what's on your mind. It's a good release." Amol finds that all strangers end up being the same: women want to prove how "different" they are from each other, and men want to display their material wealth. He also feels that men lie about their appearance more. Men in the sample were comfortable with webcam chats with strangers but women were not, and generally used them only when chatting with steady boyfriends. Unnati's boyfriend lives in New York so she gets online at 1:00 a.m. to be able to chat with him; she rushes to clarify that they do not do "anything else" with the webcam because the boyfriend thinks that "girls who do these things before marriage are not decent."

For eighteen-year-old Himani, though, online chats are like the neighbourhood pub on a Saturday night: it is where the whole class gets together and chats, gossips, at a time when they would otherwise not be allowed out of the house to meet in real life. She says, "On Saturday-Sunday nights, especially Saturday nights, all friends sit online for one or two hours at 12:30 a.m. or so." The internet is "a normal part of life" for Himani, where life's excitements are played out. "My boyfriend proposed on a status update on Facebook and I accepted also on Facebook. Damn romantic I thought," she says.

Narratives imply that there is a general predictable banter that precedes a chatting session with an interested person, a version of an elaborate mating dance, in which boys know what girls want and girls know what boys want, and both know that the other knows; another manifestation of hormonal adolescents checking each other out as they would in public, offline situations like festivals, marriages, college canteens and so on. Vikas, 19, gives us the male perspective:

> I usually do the flirting with the girls first. I'll ask how was your day, do you have a boyfriend, then if she says I don't have, I'll say I like her pic [picture], then I'll catch one quality and keep repeating it. Like if she is a singer or painter she uploads her paintings so I keep praising that! Girls like to hear praises. But girls are every time hesitating to meet – we the boys initiate but they do *nakhra*[53] like, "We are strangers," "We are chatting only for three-four days," then we say "So let's meet na!" But she says yes in the end.

The mating rituals and games of courtship and dating come with their own kinds of stress about personal attractiveness, both for men and women. Amol says that he prefers text messaging or SMS because it is "easier to express" yourself and you cannot be seen. "With a new girl you get too conscious, text or phone lets me be in the groove and make the best of impact."

However, there is a limit to the "strangeness", so to speak. Most women chose to stay away from "foreigners", being suspicious of their real identities and believing them to be perverts. Women from Mumbai

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52 Amar Toor "Online dating okay in India and Pakistan but Strange to West" *switched.com* 18 February 2010 www.switched.com

53 Someone who "does nakhra" is demanding, difficult and "high maintenance".

chose to chat with men from Mumbai mostly, usually from known colleges, only straying so far as Delhi or other big cities. Some of the more conservative women preferred to be friends with young men from within their caste and community – in case it led to an offline romance. Rupali, nineteen, says that she met someone called Kushal ("from the same caste as me") and discovered that he had also been to a youth camp organised by a social group called Kalakruti for the Kutchi[54] community. This became the basis for their online friendship.

Men on the other hand are more amenable to chat with strangers who are foreigners. Both Amol and Vikas like to chat with Arab women and women from South-East Asia. Vikas feels that "foreigner or Arabic babes" are bold enough to say things like "how big is your dick" whereas Indian girls prefer to comment on "good face, sexy hair." Sometimes, Vikas notes, even Indian girls behave like foreign ones, asking more detailed questions about penis size; however, it does not occur to Vikas that people could be masquerading as "Indian girls". He reveals that one such "girl" who asked to see his long penis via webcam turned out to be a ladyboy.[55] Chatting with strangers allows Digital Natives to explore their fantasies (like the fantasy of the "foreign babe" for some Indian men). Punita "loooooooves Punjabi men" and "fantasises about them all the time." So when she chanced upon a young Punjabi man online, it was a secret fantasy of hers fulfilled. Komal found an online friend who completed her Bollywood fantasies. She had a "special friendship" with someone called Rohit because he shared his name with the character in a Bollywood film played by an actor Komal had a crush on. Amol speaks of a male fantasy realised: older, married women, whose husbands live and work elsewhere, wear sleeveless shirts and appear on the webcam in just their towels, although he disapproves of this sort of "uncultured" behaviour.

Different strokes: How Moderns and Guardians chat

For older populations there is also some resonance of intimacy in online chatting, but it fulfils needs particular to their personal situations. Rati, 28 years old, married and from an upper-class background, has a colourful chat life that she does not share with her husband; she feels that harmless flirting with a stranger is exciting and keeps things spicy, "because

married life can get boring after a while." Reema, 54, runs her own strategy and branding consultancy company. Newly divorced and single, she found herself looking to the internet when she relocated outside of the country, to find dates, friends, romance and sex. Over time, Reema picked up the nuances of online chatting and set up rules for herself so as to assess the person she was chatting with, using it strategically to her advantage without expecting too much from it. She says:

> I think it's a myth that you can find fulfilling relationships on the internet. Most people you meet online are crap. I have made great friends through dating sites, and I have met a lot of weirdos, but I know how to take care of myself. When I have gone abroad I have had people I've met on dating sites take me out on dates, for parties […] and it's a totally okay and cool thing to do.

Sheena, 44, is also divorced, has two daughters and moderates a lesbian email list. She says having access to the internet has helped her explore her sexuality and seek lesbian relationships. She is now conscious of verifying that it is indeed a woman she is chatting with; she once had a long online chat relationship with a man masquerading as a lesbian woman. Geet, who is a male-to-female transsexual and now identifies as a woman, sought solace in internet chatting; as a man, believing she was gay, she used online chats to find other male partners. After her surgery she had a new profile and a new body that she wanted to "test drive", for which she again turned to the internet.

Chatting can sometimes turn into serious relationships. Sara, a 31-year-old blogger, recalls her best experience on the internet as being a special relationship with another woman writer with whom she could share anything, a friendship that was nipped in the bud when the other woman just stopped communicating. Rekha, a 45-year-old academic, had a long-distance chat relationship for two years in which she invested lot of time and energy. However, the medium could not give her what she really wanted in a relationship:

> The problem was that it wasn't moving offline, and that was to do with the fact that the person was far away. There were few opportunities for us to really meet and that's why I had to end it. It was intimate but it was also very cerebral. It was not really emotionally fulfilling and it stayed as an online relationship […] so it had to end. After two years it was very painful to end it. Especially because nothing had really "gone wrong." We didn't fight or anything. It was just not going anywhere significant.

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54 From the Kutch region of Gujarat.

55 The term ladyboy is very commonly used in South-East Asia. It refers to an effeminate biological male who may or may not be castrated, and takes hormone supplements and undergoes various cosmetic procedures to appear more feminine. Many, but not all, ladyboys in South-East Asia work as performers, porn actors, escorts or sex workers.

For others, though, even the online without the offline is enough. Malthi's is a moving story. She is a 35-year-old housewife, who after fifteen years of a lonely marriage finally found someone she could be happy with thanks to the internet. A younger man, from the same region in the state of Karnataka that she hails from, who she believes is also unhappy in his marriage, has been her online boyfriend for over a year. She talks about this relationship as something that has had a profound impact on her:

> You can say that we are in love with each other in the true sense. We really support each other and help each other get through our unhappy lives. We have never met but we have talked on webcam. I always make sure that I delete my chat histories but sometimes feel like saving them so that I can go back and read about different points in our relationship. Everyone needs someone they can rely on and talk to. After coming to Bombay fifteen years ago after my wedding, I was so alone and I am still so alone. I had an arranged marriage and left my family and home and came here. It's good to have a special friend. The whole relationship has made me feel more conscious of myself. After marriage, children, no one is interested in you, no one is bothered and you also lose interest in your own body. But the desire is still there for attention. When another person sees it and is interested, then you also become more conscious and aware. I am more conscious now of what I wear, how I am looking. I buy my clothes more carefully. I like it.

The narratives reveal that sexuality, relationships and intimacy form a significant aspect of their lives on the internet, primarily through the medium of social networking sites and chatting. Strikingly, the internet appears to allow these users opportunities to exercise some agency, giving them a sense of mobility that does not always exist in the offline world, considering that (young) women face restrictions on who they may talk to on the street, at work and in college. Women seem to be using the internet to test the boundaries of these restrictions; chatting, for instance, allows women to meet men beyond the restrictive gaze of family and society and find partners. Nonetheless, the chat world has its own rules and surveillance online, usually from peers and potential partners, must be negotiated as well.

Matrimonial sites: Family, tradition and a little bit of romance

Online matrimonial services are perceived to be a modern and convenient way of arranging marriages, with some extra leeway for the prospective bride and groom to actively select or shortlist those they find suitable. Amongst our sample, the matrimonial website Shaadi Dot Com was the most popular and has been visited by almost all respondents for various reasons, ranging from curiosity to setting up a profile to find a match for marriage – either their own or for a sibling or a cousin. Stories abounded about people they knew who had met on the internet and got married, stories both good and bad. Vrushali tells the story of her cousin, whose parents found a match with a man living in the United States: same caste, good job, seemingly decent and secure. They did not bother to find out more and a quick wedding was organised. After the young woman moved to the US to live with him she realised he was a violent man; luckily his own parents and sister helped her flee the country. Such accounts are now prompting people to be more careful and conduct checks on people on the net. In fact, detective agencies that check out prospective spouses from online matrimonial sites are apparently an emerging trend in New Delhi. A Google search with the terms "background checks on matrimonial sites" results in lists of detective agencies from big and small cities specialising in this service. Just like chat and SNSs, matrimonial sites are not free from hackers, identity theft and cons.[56]

Matrimonials on the internet present some tensions between the traditional and modern versions of arranged marriages. The first is about how a girl ought to represent herself in her profile pictures on the site. Parents typically want girls not to attract the "wrong kind of attention." The achievements that need to be highlighted are of the traditional kind: a good family background and a homely, traditional potential bride. In Vrushali's home the entire family participated in creating her younger sister's profile. What potential brides may wear in their profile pictures is a second source of tension. Parents want them to be traditionally dressed, "sober and decent", whereas girls who do not wear traditional Indian clothes everyday feel this misrepresents them. Women generally have a say in selecting grooms' profiles that appeal to them; after that, all communication happens, as before, through parents. Parents are sometimes unwilling to let their daughters talk to potential grooms directly at first. Komal, 27 years old and working as a recruitment consultant, has been registered on these sites for a few months now. Komal comes from an orthodox Sindhi family where she has fought for the little independence she has. She lied to them to go for a job interview, and once

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56 In a startling revelation, one of the members of the alleged terror outfit Indian Mujahideen (IM) confessed to the use of information and photographs posted on matrimonial websites to obtain fake student ID cards, which could be used to procure fake driving licences. Press Trust of India "Terrorists Stealing Info from Matrimonial Sites" *Times of India* 9 April 2009 timesofindia. indiatimes.com/india

she had the job, fought to go out and work. Komal herself has asked that her father field all calls from the site to prevent any conflict with her parents. "I have given my dad's number so dad won't have any negative ideas about me, he will not suspect that I am talking to boys through the site."

There are others for whom online matrimonials provide opportunities that are not available offline. Respondents mention people they know – neighbours, friends – privately seeking matches online without the knowledge of their parents (who would prefer to find matches offline in the traditional manner).

A big reason for the phenomenal success of the matrimonial sites is that they do not rock the boat of India's caste system and preferred endogamous (within the same caste) marriages. To the contrary, they enable people to stick to traditional caste rules and community norms. In addition, the relatively cheap rates (roughly INR 5,000) for online matrimonials make them appealing to those who do not have regular access to the internet, or are unfamiliar with the technology. With the internet, a wide net is cast by the match seeker – all over the world – that adds a robust section of NRIs (non-resident Indians) to the groom pool (always a favoured category amongst prospective brides).

Shaadi Dot Com offers subversive pleasures for respondents who are not in the marriage market. Rati finds that Shaadi Dot Com is a great site for flirty online chatting because the men on it are above the age of 30 years, mostly divorced men who are "loaded". Nineteen-year-old student Rupali also indulges in playing pranks on friends; once she created a profile for a friend and was amused to find it actually got some matches.

While matrimonial sites are popular, dating sites are somewhat taboo, hinting at the different ways desires (and spaces for expression of these desires) are being constructed on the internet – the desire to be married is always welcome but the desire to date (for Indians) is quickly made taboo through offline tensions. Marriage sites are where more women are likely to be, for two reasons: wanting marriage is a respectable desire for a young girl, and women think that the men on these sites are more respectable than those hanging around on dating sites. Sara observes, "There's a mismatch of expectations. Men are treating (matrimony sites) as dating sites to get into conversation. People don't usually go to dating sites, in fact in these you will find 90% men and no women." Shuchi, 24, who is finishing a Masters in psychology and dreaming of her dream wedding and husband, says she has heard "bad things about dating sites" where people who do not intend to get married and instead want one-night

stands or flings congregate. "I want to find a good human being. So I don't go to dating sites." Good human beings, it seems, are not to be found skulking on dating sites – in fact, the bias against dating sites is so strong that many respondents said they would never go to these sites, sticking to social networking sites or matrimonial sites from which to network and seek out men/women to chat, flirt with and eventually date.

Net romances, however, are the new format love stories that young women like Shuchi fantasise about. Shuchi's parents oppose the idea of seeking a match for her on the net, but Shuchi herself would like nothing more than to set up a profile with her parent's knowledge and approval on such a site and wait for the proposals to flood her inbox. Shuchi says, with a faraway look in her eyes, "One of my friends has found her husband like that only, they just got married and now they are going for their honeymoon. There are so many romantic stories like this. It's the thing to do now."

Queer networking

Without a doubt, this is the age of social networking. But the internet has also been the medium for another kind of networking – for that of queer people seeking a safe space to socialise, express themselves, and in some cases, organise. "Queer" refers to a political and personal identity category that is inclusive of a range of sexualities including lesbian, gay, bisexual, trans, intersex, hijra, kothi, to name a few. The term was popularised in the 1990s after activists and academics reclaimed the word from being a "hurtful slur" for those with "unusual" sexual orientations to something that was a positive affirmation of identity.[57] It is now used commonly as a synonym for LGBT persons and communities.

On 2 July 2009, the Delhi High Court delivered a historic judgment by reading down Section 377 of the Indian Penal Code which had, since 1860, criminalised same-sex sexuality. Under conditions of illegality, a repressive and moralistic social climate and public invisibility, the internet has been a powerful way for queer people in India to connect with others.

Queer mailing lists have been popular since the late 1990s – from the Yahoo Group LGBT-India to the US-based Desi Dykes for queer South Asian women, to the local site, Gay Bombay. In fact, before the "heterosexualisation" of social networking in the way we see today, queer communities were perhaps the first groups to "socially network" in a sense; these email lists and online spaces were how queer, marginalised

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57 Calvin Thomas, ed. "Introduction: Identification, Appropriation, Proliferation" *Straight with a Twist: Queer Theory and the Subject of Heterosexuality* (Champaign, IL: University of Illinois Press, 2000)

Looking back on the past ten years Sonali Gulati, the founder and moderator of Desi Dykes, the first e-group for queer South Asian women, talks of some issues for women organizing and finding spaces online. Sonali began Desi Dykes in 1998, initially as an email group, in order to connect about 12-16 South Asian queer women living between Boston and New York who were looking for friends and a community. This small group began to grow as news of it spread by word-of-mouth and women across the United States began writing in asking if they could also join. At present Desi Dykes roughly has a membership of over 500 women from India, Pakistan, America, Canada, Britain, Australia, Nepal, Bangladesh and Sri Lanka. The members either live in South Asia or belong to South Asian diasporas in Northern countries.

Anonymity is really what allows the list to thrive and grow according to Gulati. She believes that giving women the space to be anonymous online allows them to feel secure when their offline realities are not. Many women on the group are not out about their sexual identities and this privacy is something to be protected. "And it is not just about being South Asian, that our cultures can be quite un-accepting of queer sexuality. I find this need for anonymity quite strong in similar list serves for Latinas and Chinese women as well. It is about being queer and feeling marginalized." Recently, in 2008, while in New Delhi and helping organize the city's first Queer Pride March Sonali did an interview with the Hindustan Times newspaper hoping to get coverage for the event and to popularize Desi Dykes. She received 450 email requests for membership in one day. Following this she did a phone screening of applicants to ensure that they were in fact women but found that many were men. "While I know that something like a phone screening or a questionnaire potentially dissuades women from signing on, it was something I absolutely had to do in order to maintain the security of the space." […] In the end, Sonali feels it is worth the effort to ensure that the space is safe for queer women. "There are so many women who write in with their gratitude for this space; some have even been suicidal and depressed at the time when they heard about the group, so it has really helped give queer women a very real sort of lifeline. I am always amazed and touched by how powerful this cyber community has become."

Extracted from Bhattacharjya and Ganesh
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groups (at that time also illegal in India) with access to technology networked, organised, socialised and lived out their "queer" lives.

Since then, there has been a growth of social and political groups and collectives both online and offline.[58] Pride Marches are now held in many large (and some smaller) cities in India; bars and clubs in cities like New Delhi and Mumbai have exclusively "Gay Nights". Today, there are a slew of online dating sites like Planet Romeo, and Shoe and Pink Sofa for women. Mumbai also has groups like the L-Lounge and Rainbow Pride Connexion that use email lists and groups to post information about parties and social events for queer women. Gay Bombay continues to thrive as a social space for gay men and their families and parents. Queer Azaadi Mumbai is a loose collective, hosted on a WordPress blog, that organises the yearly Pride March in the city. The new magazine for queer women, *Jiah: The Magazine for Women with Heart*, is a Pune-based venture from the women's group Birds of a Feather (BOAF). Blogs have also been popular ways for non-funded queer collectives and individuals to have an online presence. Thirunangai, a Tamil Nadu-based matrimonial website for transgender people, is hosted on a blog, and Geet, a transwoman interviewed here, used her blog to narrate her deeply personal journey of confronting her gender dysphoria and undergoing sex reassignment surgery.

The internet has enabled these groups to become visible, and led to the building of transnational movements for their rights. Yet, amongst our queer respondents (including one heterosexually identified transwoman,[59] four self-identified lesbian women – of whom two are entrepreneurs who started India's first queer-themed store in Mumbai – and one gay media researcher and writer), there was some concern about how this over-emphasis on networking has led to the dulling of activism, and a culture of consumption.

Networking vs. activism

There are now distinct online spaces for organising and activism, politicised discussions around queer identity, and socialising, shopping and leisure. Previously, a handful of email lists and groups were used

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58 Queer themes have also entered the Bollywood discourse more pointedly with the release of films like *Dostana* (2008), *My Brother Nikhil* (2005) and *Girlfriend* (2004). However, representations of queer identity and life in Bollywood cinema reveal common, and oftentimes negative, stereotypes. In 2007, the scion of the former princely state of Rajpipla in Gujarat, Manvendra Singh Gohil, came out as a gay man, and was interviewed by Oprah Winfrey. All these events indicate an increased visibility of queer life in urban India.

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59 A male to female transgender person.

for queer people to connect and organise. However, social, sexual and casual conversations and interests were frowned upon on those lists because they were constructed as spaces for "serious" discussions. Despite this, gay men used to post requests for casual sex on groups like LGBT-India, which has a wide and diverse membership and is used for more activist/political discussions. Stricter moderation controls have now come into place on such lists, but equally, the reduced costs and growing numbers of queer-identified people accessing the internet in urban India means that there are more online spaces for social and leisure interests. Sheena, the moderator of an e-list, says that social groups are very important for queer women in the city:

> [N]ot very many of the women are into activism; I would say about 20% of the lesbians I know actually want to come out and support any cause. Women are still not out at their workplaces, so for them to even be seen at the Mumbai Pride is difficult. Socialising is a different ball game though, women love partying and turn up in huge numbers for the monthly parties

Other respondents talk about the tensions between keeping political and leisure interests and discussions separate. Marina says that she has significantly restricted what she says on a particular list because of an online argument with other members of the group around the contested terms "butch" and "femme" and their role in the construction of a queer Indian identity. The online group wanted to be a place for social connections, dating and fun and asked her to restrict her political discussions; Marina asks what activism means when "there is little space for real ideological and political discussions" and it is all about dating and sex. "Maybe there are other kinds of activism possible through partying [...]. But I am not convinced of it." She acknowledges, however, that it is now much easier for closeted and marginalised people to find partners online, and that becomes the primary objective of people signing on to groups, not activism and online organising.

In researching the evolution of Gay Bombay, the city's first online social network for gay men, 34-year-old writer and researcher Palash found that there are few private spaces for young people who live with their parents (a situation common in Mumbai, where property is prohibitively expensive), and so the anonymity provided by the internet allows queer people to fashion their identities in new ways. But, he adds:

> [T]here is no revolution outside perhaps, and it's a self-centred and selfish, narrow version of empowerment. [...] It's a small change in the social sense but a big change for individuals. People

here want it to change their own lives, but that's it. The info[rmation] etc., sure it's useful, but is it galvanising activism? Attending a party is an active step forward, but not a political step.

Queer women, and hijras,[60] he believes, are using the internet more actively, perhaps because their social and political spaces are fewer. He points to the neighbouring country of Nepal where significant strides have been taken in amending the law on same-sex sexuality and creating a vibrant cross-class movement on sexuality. Palash feels this has not happened in India, that there is still too little activism, dialogue and idealism and the internet revolution is far too personalised. "People don't even stop to comment on a blog post. There are FB groups, Twitter, Gmail, groups, Orkut – so many things and yet they do nothing."

The age of consumption

Palash also acknowledges that the internet and mobile phones have allowed queer people to "creatively navigate their desires within social norms" but also bemoans the "passive consumption" he believes the internet has contributed to with the demographic of young, queer people. Palash and Marina are perhaps hinting at a discomfort with a well-documented commodification that sexual visibility hinges on in contemporary capitalist times.[61]

This depoliticisation of the word "queer" becomes more apparent in the context of the Queer Store. The entrepreneurs who started the Queer Store strongly reiterate that they are *not* queer activists, but are queer entrepreneurs. They do not want their store to "promote" being gay, or sexuality politics, but want it to be seen as an inclusive space to mainstream queer identity through products that are non-threatening. They go to great lengths to ensure that their store not be threatened by right-wing political parties in Mumbai. Thus, they do not sell "I Love Bombay" coffee mugs; they only have "I Love Mumbai" coffee mugs[62] and do not retail any products that have overtly religious symbolism or iconography either.

The entrepreneurs say they chose the rainbow motif (what they felt was a "universally" recognised symbol of queer identity) to imprint on a range of products and T-shirts. Their online store now gets shoppers from far-flung small towns in Gujarat and

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60 Hijras are either physiological males who are feminised, or are true hermaphrodites who display feminine characteristics. Some, not all, Hijras are usually extremely poor and socially marginalised across South Asia.

61 Rosemary Hennessey *Profit and Pleasure: Sexual Identities in Late Capitalism* (New York/London: Routledge, 2000)

62 The political party Maharashtra Navnirman Sena, for example, has attacked and threatened individuals and commercial establishments who use the word "Bombay" instead of "Mumbai", citing, erroneously, that the latter is the "real" and "original" name for the city.

Jharkhand. The store accepts cheque payments, which makes it easier for more consumers to buy their products, particularly those who may have less access to financial services like credit cards. While this move for inclusiveness is sincere, it can be read as a mainstreaming of sexual identity along the lines of what Joseph Massad refers to as the "Gay International".[63] Now, the queer person in a small town can wear a rainbow stud earring or bracelet without ever necessarily having a conversation around queer sexuality. Queer Store co-owner Sejal comments:

> We want to be a safe space for the queer community as well which is why we don't advertise as, and neither are we, a "sex shop". So our anti-377 T-shirts for example are not about sex but about what's wrong with the law. Through our work we want to expand on and make mainstream this "language" of being queer – and through products – because people love to shop for stuff!

Interestingly, Sejal's phrase "people love to shop for stuff" – regardless of whether they are queer or not – points to ways in which the internet erases "differences" like sexual orientation in key ways. On one hand the easier access to queer spaces online and offline – shopping, dating and partying – results in framing freedom in terms of a lifestyle, replete with rainbow-coloured stud earrings and rainbow feathered boas. (Note that this is not very different from the way freedom-as-lifestyle has been framed for non-queer people.) On the other hand, it also begs the question: Why would queer people always be expected to be activists or non-consumers? Would it be something that is asked of non-queer people on the internet?

Mobility and access through online dating sites, gay and lesbian parties in upscale venues and the opportunity to anonymously buy rainbow-patterned products provide a certain power and visibility for queer people, but at the same time generate notions and aspirations of how to be gay or have a queer lifestyle based on consumerism. In a country like India in the current context, where our urban metros have set upon an age of consumption like never before, this is only to be expected.

The internet and representation of women

Self-expression online: Stories of blogging

Blogs or weblogs are a significant aspect of how women use the internet for self-expression and communication.[64] Although the absolute numbers of bloggers and blog readers in India is low compared to many other countries,[65] blogging from the region is notable in the blogosphere, and is reasonably widely read by a general user public, with Blogger ranking ninth amongst the most accessed websites in the country.[66] It was only after 2008 though, when film actor and Bollywood superstar Amitabh Bachchan began blogging,[67] that blogs caught the attention of popular media.

It is estimated that about one fourth of bloggers in India are women bloggers.[68] Six of our women respondents had their own blogs. Middle-class women in India who have had access to the internet have been quick to use blogs as a form of expression covering a range of formats – daily journals, commentary on issues, literary and film reviews, fashion trends, urban life and quite dominantly, the "mommy blog" about their children and parenting.

Mommy blogs

Seema, a 38-year-old media professional, has three blogs: one about her six-year-old son, one "activist blog" to connect people who want to help those who need support and aid after the terrorist attacks on Mumbai known as "26/11", and a third she refers to as her "me-only space". She takes ten minutes every morning to tend to her blogs and is disciplined about her routine, managing to blog posts almost every day. Seema believes that the mommy blog has found a special relevance for many women because it fills an existing gap in honest information about motherhood and in women's lives.

> There is no support system (in cities) that women have, and they are often all alone, without advice, and wanting some validation that what they are doing [raising children] is okay or that their experience is shared by others also. I get mails all the time asking for advice. Especially from women abroad, who are isolated, stuck in countries where they don't speak the language.

This is the gratifying part of writing these blogs, the readership and community women can build. The

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63 Joseph Massad "Re-orienting Desire: the Gay International and the Arab World" *Public Culture* 14, 2 (2002): 361-85

64 Bhattacharjya and Ganesh *EROTICS: An Exploratory Research*

65 Data from 2007 indicate that only 14% of active internet users were blogging, with only 39% of all net users being aware of blogs. Some 40,000 Indians have active blogs while over ten times this number have blogs but are not active on them. The most popular platforms for blogs are Blogger, WordPress and LiveJournal. Cities that are home to the IT industry like Bangalore, Hyderabad and Chennai have the maximum number of bloggers (exceeding 1,000) followed by Mumbai, Pune and Delhi. Smaller cities (like Indore and Lucknow) are reported to have a maximum of 200 bloggers each, with towns like Jabalpur having about 40 bloggers only. Ekalavya Bhattacharya "Blogging in India Part 2" *Watblog* 1 May 2007 www.watblog.com/2007/05/01/blogging-india-part-2-watconsult-research

66 Bhattacharya "Blogging in India Part 2"

67 He blogs at www.bigb.bigadda.com

68 Gaurav Mishra "Hindustan Times Story on Women Bloggers in India" (*Gauravonomics blog*, 19 August 2008) www.gauravonomics.com/blog/hindustan-times-story-on-women-bloggers-in-india

Comments on a post are a barometer of how controversial, popular or relevant a post is (a popular post of a non-celebrity blogger would get 30-40 comments), and bloggers take note of the posts which elicit such responses. Mohini, a 33-year-old management professional, began her mommy blog in 2006; its tagline is "life as a working mom in manic Mumbai" and it reflects what it is like to be in a demanding corporate job with endless travelling and managing home and motherhood. Mohini's post on her maid raised an intercultural conflict, in which she felt many of her readers outside India did not understand the context of Indian middle-class life and the everyday reality of maids, nannies and drivers.

"There were a lot of out-of-context foreign bloggers who said, 'You don't value human dignity,' 'How can you keep underage staff?' and so on in response to my post on a seventeen-year-old who was part of my domestic staff. I had written a follow up saying this was not illegal in India, but some expressed disagreement, which is okay, but it is upsetting when people are rude and out to hurt you."

Seema's post on domestic violence was also one that brought forth an outpouring, while her post on discrimination based on religion was a more controversial one.

"I once wrote a post on urban ghettos, about how you can't buy a flat in a non-Muslim building if you are a Muslim or if you are non-vegetarian. I have a mixed heritage and it was my personal account of my mother and I searching for a flat to buy. She was Christian married to a Muslim, and I got married to a Hindu and took on his surname, but my first name has always been Hindu, so you cannot tell I have this sort of background. The post was a reflection on that experience. It caused some controversy and I got comments from a rabid Hindu. Peoples' prejudices all come out on the internet; the internet is like a security shield, all these little lambs become lions behind it."

Other controversial topics, she says, include "working vs. being stay-at-home mom, breastfeeding vs. not, disciplining the kids. […] I do blog about these things but keep out examples from friends. Some express strong opinions on these but I try to keep it balanced. The maximum debates are on working vs. stay-at-home mothers! This is a very touchy issue amongst women."

readership is usually other mommy bloggers who are dedicated to supporting each other, but there is also a broad "unknown" readership base. From being a personal journal, mommy blogs are also an interactive space where conversations take place, debates unfurl and advice is sought on different issues.

Bloggers like Seema and Mohini have found a community they can turn to for many things: online, mommy bloggers read and comment on each other's posts, ensure there is no online plagiarising or report if there is, and attack trolls who post nasty comments on their sites. They also have offline communities that hold meetings, interactions, baby showers, send each other gifts for their children, and sometimes even stay with one another when they visit their respective cities and become "friends" in a more real sense. There is also the reflective change they feel in themselves. Mohini says, "I think blogging does change you in some way though. It becomes like a voice in your head. It makes you more honest and reflective, and can also change your point of view about various things, like how you parent." Comparing Indian mommy bloggers and their Western counterparts, Mohini feels that "the big ones abroad have monetised on their blogs, but this has not happened in India."

The discourse of motherhood in India has been traditionally held as a sacred and moral one, and imbued with many gendered, cultural meanings. However, mommy bloggers are talking about issues affecting contemporary urban working mothers in a significant departure from the way motherhood has been imagined and spoken of. Mommy bloggers discuss the more complex and thorny issues around preparing for and having a child, and then raising it. These include the absence of immediate maternal love as soon as they see their offspring; post-partum depression; the absence of any "innate sense" of what being a mother entails; expectations from spouses about sharing the load of parenting; questioning a health system that makes Caesarean sections the most common option, and the commercialisation of health care; the dilemmas of whether to stay at home or get back to work; the diminished status from being a working mother to a stay-at-home mom; the unpaid labour of parenting; commercialisation of education; special education for children with special needs; and so on.

However, mommy bloggers prefer to stay silent on a range of themes too: sex and sexuality, anything negative regarding their marriages and in-laws, political issues, being judgmental of friends. There is also the other reality mommy bloggers struggle with, that when their children are going to be online, how will they feel about their early years being so public?

Sex and personal blogs

If the internet is proving to be a bonding space for new mothers, it is also a space for young writers. Sakshi and Sara are bloggers with backgrounds in journalism, both of whom made blog-to-book deals with leading publishing houses. Sakshi is the author of a risqué blog that rapidly became notorious for its *Sex and the City* style of talking about young single life in the city and the adventures of its narrator, at that time anonymous, depicted by a sketch of a slinky black cat with smoke spiralling from her cigarillo. The blog has a masthead that Sakshi believes reflects the content of her blog – a cappuccino and a cigarette, books and a *Cosmopolitan* – images rarely used to signify the "young Indian woman", but images of life in any globalised, urban city anywhere in the world. For over a year she blogged about being single, having sex and going out on dates. It was one of the first personal blogs by an Indian woman about sexuality which began as a fresh insight into the lives of single, young, urban women experimenting with their newfound freedoms away from home, and independent enough to resist the surveillance of society. The most popular themes on the blog are "being me" (109 tags), "people I love" (93 tags) and "sex and dating" (69 tags). The blog became wildly popular because, for the first time, a woman was talking about her experiences and emotions in a fresh, new way. It captured what women felt and experienced but never really said out loud. The blog is unapologetic about sex and made no efforts to rationalise or justify desire. That it was anonymous only made it even more popular.

However, Sakshi was discovered as the author of the blog and her anonymity diminished, even metamorphosing into notoriety. TV talk shows invited her, wanting to know how she wrote about such issues and what her parents thought of her blog. Her entries on sexuality reduced drastically, a point she herself raised reflectively in one of her entries. She also received a number of nasty personal comments and veiled threats saying she was "corrupting Indian morality." While she says these things helped her develop a thick skin, she expressed surprise at how personal these attacks were, usually focusing on her looks instead of her writing. A man at a party told her, "You're not as sexy as I thought." A blog post on another blog talked about how Sakshi was "ugly" in real life. She even recorded in one of her posts how Indian men are "allergic to the Modern, Liberated, Sometimes-Writes-About-Sex-On-Her-Blog girl." Now, her blog reads more like a daily diary. Sakshi does not write about sexuality or dating because she is now in a steady relationship.

On her blog, Sara writes on a range of themes: India, cities, media and ethics, stories of rural India, vigilantism, justice, communalism, riots, globalisation, malls, culture, new research on various issues, patriotism, and other observations of life in changing and unchanging India. Sara writes a lot of activist-oriented pieces making a call to action on many issues, including sexual harassment in public places, being part of an initiative called the Blank Noise Project (BNP). Other than this theme, which is part of her activist concerns, she does not talk about sexuality as such in her blog. "I have not written on sexuality, only about Eve teasing[69] and harassment. I never felt the need to. I write about gender, political issues. Is that a 'sexuality issue'? I haven't thought of it this way." She feels that the blogging space is only partially important for activism on this issue; it has to be complemented by activities offline for it to be effective.

> Most who come to Blank Noise come in through the net. [...] The methods of the BNP are more effective in the real world (real protest on the streets against sexual harassment), but it does raise awareness. Like we announced a blogathon for BNP – when at a certain day and time, everybody blogs about it, so you get a lot of blog posts on it and raise awareness.

Another kind of "sex blogger" was interviewed in this study. Geet's blog is about raising awareness about gender dysphoria and transsexuality in India. Geet was born a man but always wanted to be a woman. She did not understand the conflicted and strong emotions she felt until she read about gender dysphoria in her late teens on the internet. Reading about other people's similar experiences helped her identify herself as gender dysphoric. Accounts of sex change operations and details of how to go about this also helped her decide to go ahead with a sex change and she had the operation at the age of 25. Geet now identifies as a heterosexual woman.

> In March 2008 I started my own blog, anonymously, to document the changes I was experiencing (after the surgery), the emotional highs and lows. Only five or six friends knew about it. By October, almost one year after surgery, I had been out on TV, Facebook, Orkut. I got lots of messages from gender dysphoric people in support, or needing answers, or just asking me to be friends. [...] I felt that I should do something to share [something] about transsexuals, and a nice way would be to start a blog dedicated to the subject.

The anonymous blog she started was extremely personal and a space for her to vent the extreme emotions she was undergoing as she attempted to adjust to her

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69 "Eve teasing" is the commonly used local term for sexual harassment, criticised by women's rights activists in India for decades for reducing a criminal act to harmless "teasing" with this nomenclature.

new life, and to help her family adjust too. Her more recent public blog is almost entirely dedicated to information and awareness about gender dysphoria and transsexuality. Geet's blog made her a public figure on transsexuality, which had its negative side too. Even before her sex change, she had experimented with finding partners online, and after her operation she sought relationships on the internet again, as a woman this time. She met someone she liked from Delhi, and they quickly developed a relationship, but she did not reveal her real name because she knew she could easily be Googled. She speaks of what happened next:

> I was with my parents in Punjab and we were to meet in Delhi. He said he would buy my ticket to Delhi. That's when I told him my real name for the ticket. He did a search and found out everything about my past. And it ended. He gave some excuse and that was it. I couldn't even meet him once. I had thought that I would tell him about [the sex change] when I met him. I had always tried to protect myself from exactly this experience, it is harmful for self-esteem. Google auto-completes my name, it's very easy to find out about me.

Whether it is older women like Seema, working mothers like Mohini, young girls in the city like Sakshi, an activist/journalist concerned with changing India like Sara, or a transwoman like Geet, the internet is enabling a range of women to "come out" to the world. Critically, it has given them visibility and a voice. In particular, these are Indian, middle-class women who have so far not been adequately represented in literature, films, research or popular media. It is also enabling women to experience fearlessness and familiarity with relation to the internet. These women are able to connect with each other, and connect across cultures to engage in conversations about the everyday things that affect their lives. There are deeply problematic silent spots, all those things that these blogs do not talk about: sex being the most obvious one, relationships with husbands, in-laws, family. What they do not say often reflects what sort of a society they come from and where the tensions are. Women are concerned about what people will think, usually people close to them, and what the fallout of their online expressions may be. The offline eventually conditions what they say online. Ultimately, the limits on self-expression are self-imposed, albeit circumscribed by society.

Self-presentation online: "Hot pics" and "cool names"

While Facebook or Orkut profiles are at the outset about keeping in touch with friends and family, playing games, for leisure and fun, the narratives reveal that much of the excitement for Digital Natives lies also in the potential for self-presentation and expression on Facebook and Orkut, not only textually but visually through photographs, pictures and videos. SNSs are attractive because they allow users to represent themselves as "sexy" – a catchall word. These are women who have come of age in a heightened image-culture driven by globalisation and consumerism where "never has it been so legitimate (or so compelling) for women to be sexy."[70] The meaning of "sexy" is highly subjective, as we found from the responses, depending on where that person is coming from. For some women, a photograph in snug-fitting jeans is "sexy", for another it is to be wearing a sleeveless top, or showing her in an uninhibited mood, or with wet hair, or looking like her favourite film star. These are far cries from "sexy" in the sense of nudity or semi-pornographic imagery or "sexy" as understood in the West (wearing jeans?) Some examples:

> But I think for other things [the internet] is exciting for women. Like for me, uploading sexy pics is very exciting. I like it. It makes you feel good. I realised that in pics I look hot. So mainly comments on the pics make me feel good about the way I look. Self-image goes up. In some pics I have put up I am wearing a one-piece, and in some slim fit (jeans) and I know it, I am looking quite sexy and hot. Then when other people, especially guys, comment on it, you feel good. (Unnati, 21)

> I like to put up pics of myself and the comments. Guys who want to flirt write comments on some pictures. The sexiest picture I have put up on FB is of me in a towel! I got 60 comments. My sister took the picture and I uploaded it. She encouraged me saying it was looking really good. I took it off after a week when it was getting too much. (Shuchi, 24)

Both Unnati and Shuchi are conventional in their looks, average girls-next-door, who would not attract a second glance in the offline world and seem to have some issues about their body image (Unnati about her wheatish complexion, and Shuchi about being heavyset and overweight). Yet in the online world, they are learning to love themselves through these presentations, and make an impact amongst their peers.

This conscious representation of oneself as sensual or cool through photographs is evident in boys as well. Amol, who is 22, says pictures on SNSs affect body image positively: "You take a pic, upload and you get eight-ten comments. Comments make you feel elated and happy." He points out that people "do self-censorship of photos also," making sure they hide their flaws and enhance better qualities. Amol

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70 Phadke "Some Notes Towards Understanding"

himself puts up pictures "where I look fair, hair is properly spiked, look decent and tummy is not showing." "Not that I don't have a good body," he adds, "but it should look good." Even though Amol once had a girl write a poem for him on Facebook because of the way he looked, boys do end up disappointed by the dominantly gendered gaze. Vikas has found that there are few interested in pictures of him shirtless or in a swimming costume. Pictures of the girls in bikinis beside him attracted much more commentary.

The Digital Natives are particularly involved in such self-presentation, but women older than them also used SNSs to represent themselves in ways that they could not offline. Vrushali observes:

> Maybe women have become a little more gutsy. In front of your friends is what you really are, not necessarily like you are at home (in front of family, in-laws, parents). So the pictures they may put up will be of the "real" them. It gives them a freedom to represent themselves in this way.

Besides the pictures, though, there is also the excitement in constructing names that become online handles in chat rooms or gaming portals.

Other than the name, women also represent themselves as young, usually in their teens. "The younger you say you are, the more attention you get," observes Komal, who is 27 and admits that she would give her age as "much younger than real age." Punita, now eighteen, gives her real age most of the time although she rues that two years ago when she said she was "sweet sixteen" she got the most attention. Ultimately, though, women believe that SNSs and chatting are "not real" and that like them, others they meet online are also reconstructing themselves online.

It is difficult to rationalise the implications of these ways of self-presentation. On one hand, it seems that in the online world women can bypass the "real" public space – one that is predominantly threatening and rife with the threat of sexual harassment, where they are under surveillance, and have to negotiate intrusive stares and a discomfiting male gaze – and enter smoothly into an online "public" space wearing what they want, at whatever time they want (especially at night, a time of restricted mobility for women), safely presenting themselves however they want. These forms of self-presentation give the women not only a more sensual sense of self, but also social currency that makes them more "powerful" in online and offline social interactions with their peers. On the other hand, one cannot help being uneasy about the uncritical way in which women are participating in scripts which have already been written for them by a potent mix of capitalism, globalisation, advertising and the media.

Feminist debates have shown us that the social value attributed to being "sexy"[71] has spiked in the last two decades, leading to an unhealthy focus on women's bodies and body image, which places too much stress on how women look rather than their other achievements.

Old debates, new forms: Pornography on the internet

Any discussion on the internet and representation of women will be incomplete without a reference to that old ghost around which debates on representation and regulation have revolved: pornography. It is commonly believed that all major advances in

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71 Rosalind Gill "Sexism/Empowerment Figuring Female Sexual Agency in Contemporary Advertising" *Feminism and Psychology* 18, 1 (2008): 35-60

internet technology and features have come at the behest of pornography, the largest industry online. Al Cooper's "Triple A engine of Access, Affordability and Anonymity"[72] continues to drive the traffic to porn sites on the internet, with another A thrown in for good measure – Advertising. Pop-ups and advertisements for pornography exist across the internet. For India, the access to porn online is a giant leap forward; generations of adolescents and adults (mostly male) have thumbed through issues of *Playboy* smuggled in from other parts of the world or secretly rented smutty video cassettes in decoy jackets from the neighbourhood video store, or later, when satellite TV became available in the 1990s, watched the TV show *Baywatch* with their mouths wide open. Girls were rarely part of such a subculture of procuring and accessing Western porn. Features of the internet and digital technology have vastly contributed to the opening up and circulation of pornography: drastically reduced rates for the production of pornography, easy file sharing and file compression, search engines, privacy and anonymity.

The "naturalisation" of porn

This study shows that pornography is accessed by practically everyone in this sample. It is not an overriding concern and is hardly a point of great anxiety, although there were variations in respondents' viewing habits and opinions about it. Narratives imply that the desire to watch pornography is both pleasurable and "natural", an idea that emerges from an acceptance that sexual urges are also natural. However, pornography viewing is more naturalised within the context of marriage. For those already married, porn on the internet serves to "spice up marriages" and enhance a couple's intimacy. Shipra, a 35-year-old housewife, believes it "seal[s] your relationship with your husband if you can watch pornography together." Payal, 39, believes that since she has been "married for so many years […] it's okay." Rati, an avid surveyor of porn, believes that it fills the gap in a boring marriage. Unmarried women in the sample also believed that pornography in the context of marriage is legitimate. Unnati, 21, observes that "even in a joint family set-up" where privacy is limited and family elders also reside, all that a couple needs is a computer and a CD or an internet connection. However, not all married women can share pornography with their husbands. Malthi feels embarrassed so she watches pornography on her own. Rati says that "some women are scared of their husbands finding out. And women are not open about what they are desiring."

For others pornography satisfies curiosity about sex, especially when it is "exciting and forbidden" as Veena, 26, feels, and given the general absence of holistic sex education. On more than one occasion did we hear women say, "You don't want to look like a fool in front of your husband on your wedding night." Rati says she knows of women who want details of the "first night" but feel uncomfortable asking their mothers for details. So, she slips young unmarried women attending her cake-decorating classes porn CDs. Women living with their families also felt uncomfortable watching porn in case someone at home discovered this. Rupali says that "girls are shy to say directly and always surrounded by family and cousins, so how can you see on the net?" Sara observes that while boys could access porn in a cybercafé, for girls this was less likely because girls have more restrictions on their mobility.

Gender and pornography

All respondents were of the opinion that it was a fallacy that "men watch porn, not women." "Of course women watch pornography," said Shipra. "I know, because they talk about it at kitty parties."[73] Some common perceptions about gendered porn viewing habits, and the gendered nature of the pornographic image, include the following:

> Women want to protect their reputations and remain secretive about porn viewing. [They] don't like to talk about it even if they are doing these things. They might discuss it at sleepovers but not outside. I also try not to talk about it too much as they will think I am a bad girl if I talk about it. (Punita, 18)

> I was chatting with a girl from Delhi who said you're not a man if you don't watch porn. (Amol, 22)

> Porn shows women in crazy positions. It is unreal. I prefer romantic movies and stories about being in love. (Arushi, 23)

Even though there are many sites online, there is a general impression that women are not the target audience for these sites ("I don't know what is exciting about two-foot-long penises," says Sakshi). Others find the imagery of blow-dried hair, an obsession with blow jobs or male orgasms, stilettos (even in supposedly "lesbian porn, a lot of it is geared towards straight men," says Marina) and so on more of a turn off.

What does raise hackles, though, is the easy access children have to porn sites. There was an

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72 Alvin Cooper "Sexually Compulsive Behaviour" *Contemporary Sexuality* 32, 4 (1998): 1-3

73 Kitty parties are a middle-class, local ladies club phenomenon, in which women (usually housewives) get together (usually monthly) to socialise, but they are also an informal way of saving – a "self-help group" of sorts. Each woman puts a decided amount into the "kitty" every month, and by rotation the entire "kitty" goes to the woman hosting the kitty party (usually) so that she has access to a lump sum that month to make large household purchases or such. All women in the group this way manage at some point to have a large sum of money at their disposal.

understanding that children accessing pornography is inevitable, with evidence in peoples' own lives pointing to the fact that young children – age ten onwards – were accessing inappropriate content, especially young boys. Measures taken to deal with this include giving a list of sites that are to be blocked to the service provider; keeping tabs on the sites children go to; internet access in the presence of an adult; and strategically placing the home computer in common areas in the house so that what a child is doing online is visible. Respondents who access porn say that they are careful about hiding this content from their children. On the whole, there is little clarity about who the onus should be on: should it be the sites' responsibility to prevent this, the parents', cybercafés' or the state's? Rekha feels that the accessibility of porn may reduce taboos around talking about sexuality openly; however, she still "has some issues with porn." Sara shares this view: "I am figuring it out still. There's no quality control. Some things are educational, entertaining, but some are just grisly, demeaning, twisted nonsense."

New questions

Arushi asks, "But what is porn actually? Nowadays you can see other pics – someone gets drunk at a party and puts up pics online, pics of them sexily dressed and making out with someone." Is it the MMS clips made by individuals and circulated on the net, is it sexy pictures, is it the content made by deploying spy cams in bathrooms? The ability to upload content on the web with Web 2.0 has meant that traditional understandings of porn are also changing. It is also subjective, with viewers making distinctions based on their own perceptions. Subjectivity has always been the problem with defining obscenity[74] but now this is magnified by the diversity and volume of contentious images being easily produced and circulated. With such fluidity, how can that most slippery of concepts – the obscene – be defined? At the same time, laws around censorship remain mired in old vague definitions that do not account for these changes.

Language, as suggested by Marshall McLuhan, is a sense like touch. This study has revealed that textual and visual interfaces and platforms online have led to certain articulations of the self, desire, sexuality, sex and the erotic. Given the limited (and largely appropriated) languages of sexuality that exist, studying the expressions of the erotic and the sexual online could reveal more about how "sexuality" is being interpreted and imagined. This is significant in the Indian context where certain expressions of sexuality, for particular groups of

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74 With reference to the Hicklin Test used by US courts in legislation on and prosecution of cases related to pornography: pornography has come to be "known" through the phrase, "I'll know it when I see it."

Banning the Bhabhi

Savita Bhabhi, the cartoon porn site that was banned by the Indian government, evoked mixed responses. Some had seen it before it was banned, some had heard of it (mostly after it was banned) and some had no idea what it was. Malthi remembers the first episode about a bra salesman who comes to Savita Bhabhi's house. "It really reminded me of comics from childhood and it was really attractive because it was a proper story. It was much more attractive than blue films. Other sites just show the same things and morph actresses' faces onto the models. It gets boring." Entrepreneurs Sejal and Sahaj, who run a queer-themed store, say they liked Savita because it catered to everyone, "even the gay men who wanted to see hot male bodies, to femme women, to butch women, to in-between queer women, to men […] And it was more real, more believable, it was in Hindi as well, so it's playing to a very attainable Indian fantasy. It is culturally relevant and shouldn't have been banned." Ironically, it was this aspect of the comic – the cultural context and the image of a sari-clad, Hindu housewife – that triggered the anxiety that led to the ban. Shipra, a 35-year-old housewife, watches other sorts of porn occasionally but felt offended by Savita Bhabhi. "I have not seen it but have heard about it. It is illegal and it looks really cheap. You cannot show a woman in a sari doing these things. WE have some culture. We are more used to seeing Hollywood models doing these kinds of things."

people, remain unheard and silenced. These diverse languages (verbal, textual, visual, haptic) of sexuality also present a challenge to a monolithic notion of "Indian sexuality". The word "sexy", for example, is used casually and to connote a range of experiences and subjectivities that this study has not been able to exhaustively plumb. The conflations between words in common parlance, like "MMS" and "blue films" and their distinction from the more academic (and legal) "pornography", is another case in point that indicates ruptures in how sexuality is experienced and articulated. This has implications for what is assigned as being "harmful" content or not. Further understanding of these ruptures will contribute to opening out the currently narrow approaches to online content regulation.

Some of the findings (for example, women's active self-presentation as sexy and desirable on platforms like Facebook) raise uncomfortable questions for feminists of how to analyse and make sense of these representations of women and female sexuality given women's participation in them. Feminist groups

in India have long debated notions of "obscenity" and censorship (or not) of certain kinds of representation of women – sexual and otherwise. But now that sexual representation of women and self-presentation are overlapping in many ways thanks to new technologies like the internet, feminists all over the world, and not just Indian feminists, need to revisit some of the issues around sexual representation of women.

Harm, violence and security online

Even though people spoke at length about their negative experiences online and strategies to be safe online, none of them saw the internet as inherently dangerous because of this. A cluster of themes arise when talking of the perils of the internet: easy access to pornography, even for children; deceptions in online chatting and SNS; hacking, manipulation of images and other data; unwanted attention, harassment; addiction to the internet and its overwhelming hold on everyday life; spam, viruses, fraud and embezzlement; specific risks faced by women and children; and the complicated connection between the online and the offline world.

Pornography: Harmful or harmless?

There is a perception that the internet's most virulent characteristic is the easy access to porn. We have seen previously respondents' rationalisation of the viewing of porn online, but the question of pornography as being "harmful" comes up time and again. Most

What is "harmful" content?

Respondents to the survey and in-depth interviews reported on the following as offensive, abusive and harmful content online.

Interestingly, pornography and blue films were not considered as harmful or offensive as the law, and recent incidents of content filtering, would have us believe. Internet addictions, however, are a significant source of concern. The other risks respondents believe exist in the online world are: economic and financial crimes, fraud and embezzlement; having personal information, social networking profiles and images stolen or manipulated; personal email IDs being hacked, spammed and phished; being misled by strangers; being preyed upon by men.

FIGURE 1. **Which of these is offensive, abusive or harmful content online?**
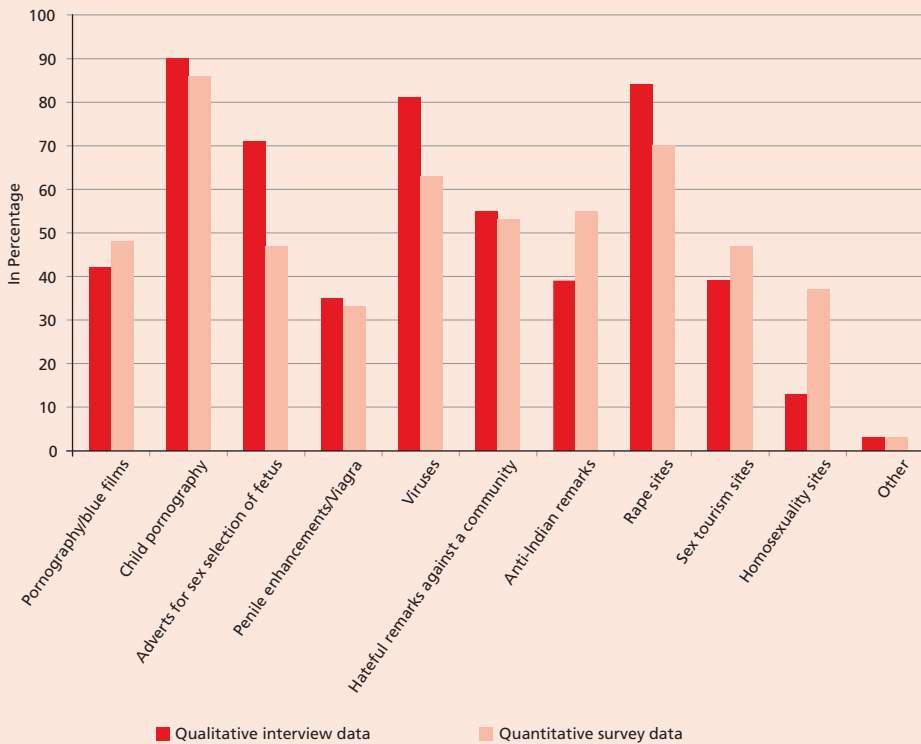
recently the Chief Justice of India called for a ban on online pornography. Is this justified? What is it that is "harmful" about pornography? As those interviewed reflected at length, the harms of viewing porn were notional, and related to embarrassment and stigma ("It is embarrassing if other cousins who come to our house and use computer find it so deleting history is important," says Punita), and at a practical level, to viruses attacking the computer ("Virus comes in a lot. Porn sites are only for namesake, they are fully loaded with viruses," says Vikas). Also deemed dangerous was how the media could be manipulated; practically everyone in this sample talked about the dangers of "mix-matching", where faces, bodies and positions can be cut and pasted into new montages.

Moreover, it is the assumptions about the person accessing porn that are difficult to negotiate, and represent the real harm – being known as a "bad girl" or a girl of "loose morals", the concomitant hazards of this. As Rupali says:

> One guy friend of mine he took BP [blue pictures, meaning pornographic] videos of his girlfriend and sent it around. A guy's a guy's a guy. Girls should never show even friends even if you have downloaded. Impression of them changes.

In the absence of sex education, and because of the societal silence around sexuality, a teenager who sees "proper intercourse" first through the access of online porn can feel a sense of shock, feel "scared, shattered, embarrassed" – but none would say they were "harmed" by it. Respondents recall their first time saying "I was taken aback [...] but we didn't talk about it, pretended it was normal, but deep down all of us were shocked," in the words of Gurbani. This initial shock is also experienced by boys. Vikas says he first watched pornography at the age of fifteen and was "open mouthed".

Part of the harmlessness about porn is the fact that viewers see it as something unreal. Rati says, "All porn is fake, the man-woman porn, the group sex, the lesbian gay porn, [...] even rape scenes. It's all made up." Arushi, 23, talks about other kinds of questionable content on the internet, recalling that videos of a gang of fifteen-year-old girls fighting and beating up one of their classmates were very popular online, as well as footage from "spy cameras" installed in people's bathrooms or public toilets. It is this more "real" sort of voyeuristic sexual content, rather than "unreal" porn, which is seen to be problematic.

The risks of chatting and social networking

Respondents spoke of years-long chat friendships that never culminate in an offline meeting; those that do can be either affirming, or terribly damaging. Arushi has a male friend in Delhi who she chats with regularly online and meets offline. Then there is Rati, who chatted with someone for a few months before finding that he had grossly misrepresented himself. When they finally met she was devastated to find that he was neither tall and handsome nor wealthy as he had portrayed himself to be; instead he was a short, dark, unattractive student. Rati says she was "humiliated". A queer respondent talks of being befriended and led on by a man pretending to be a woman; again, it was only after a personal meeting that she discovered the deception. Shikha found that something that seems promising can go sour. Looking for a marriage partner on Shaadi Dot Com, she met someone online from Varanasi, and pursued an (online) relationship for a few months. Then, they had a fight. "I kept ignoring him. Then he really started harassing and threatening me, saying he would tell people publicly private things I had said to him. It took a long time to block him and get him out of my networks." In response to open-ended questions about what they disliked about the internet, interviewees consistently said that they did not like having to be constantly mistrustful of people they met online. The other oft-mentioned, annoying and sometimes offensive aspect of online chatting is how men use it to pester women online – from opening lines like the harmless "ASL" (as a question, referring to age, sex and location), to the direct "Are you horny?", "Do you like to watch blue films?", "Tell me about your body" or "Gimme your phone number so we can have phone sex." Needless to say, women do not believe such opening gambits will do much for these hopefuls. Reema, 54, comments:

> If anything, Indian men's behaviour online reveals that they are chasers offline and [...] just don't know how to talk to a woman, and how to deal with her rejection. There was one time when I actually asked such a young man if I could give him some etiquette training because I was sick of how men talk to women online.

For young women in the grip of social networking mania, Facebook and Orkut are full of exciting possibilities, but equally, risks and dangers. Harassment on social networking sites is not unusual. Some experiences:

> Once a guy on Orkut stole my entire ID. [...] He just used my picture and name and used it to make another ID. He did things like, under "favourite movies" he listed porn movies and stuff. But I have friends who are ethical hackers and they helped me fight back. (Arushi, 23)

> When that fake profile of mine was created by someone else, that was very harassing. I usually don't care about these things, but when strange guys call up and ask how much you are charging

it feels bad. […] Then there was an incident of hacking, someone went into my Orkut profile and deleted it. See, guys talk about me. I am one of those girls who don't give a fuck. So for them it's like, okay, if you don't give a fuck, let's play around. But ya, it does hurt me. (Punita, 18)

While there is an understanding that privacy settings are supposed to provide some protection from strangers, there is little that prevents known people from taking advantage of the access they have. The incidents reported in the popular media and in this study suggest that stalking, harassment, manipulation and harm from *known* people are as significant threats as those from strangers.

Risks from the offline world

According to existing Indian laws on violence against women, the perpetrator is rarely considered to be the enemy in your home.[75] The discourse around the dangers of the internet revolves around strangers who are online predators.[76] But what of the intrusions and omissions from people known to the women, sometimes intimately? This reflects another significant thread that emerges from the qualitative interviews: often, the harm to women can come from people known to them rather than from strangers.[77] Punita's fake profile was put up by a guy from her locality who was in her wider circle of friends; Himani was harassed online by a "stranger" who she later found out was a senior at school whose friendship requests she had repeatedly ignored.

Young women in this sample were conscious of their online behaviour and reputations being policed by offline social norms and regulations. With social expectations of untarnished reputations that will ensure family respect and marriage prospects, young women fear being betrayed by family members, boyfriends or others who could report online activities to family members and social acquaintances. Then there is the fear of punishment when "someone finds out," which also seems to be generated by those closest. Unnati does not put up "really sexy pics" of herself (although she would like to) because her boyfriend objects. Punita contends with an elder male cousin living in her home looking

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75 For example, there is no comprehensive sexual assault law in India that recognises and distinguishes the different grades of violence women experience from strangers and intimate partners or family members. In the letter of the law there is no mention of marital rape nor familial child sexual abuse (or any form of child sexual abuse except a generic notion of "rape").

76 Mabel Bianco and Andrea Mariño *EROTICS: An Exploratory Research on Sexuality and the Internet. Policy Review* (Association for Progressive Communications Women's Networking Support Program, 2008) www.genderit.org/content/erotics-exploratory-research-sexuality-internet-policy-review

77 The first cyber-crime conviction in India reflects this: the case of The State of Tamil Nadu Vs Suhas Katti in 2004. The case related to posting of obscene, defamatory and annoying messages about a divorcee in a Yahoo! message group. The accused was a known family friend of the victim and was reportedly interested in marrying her. However, she had married someone else. This marriage ended in divorce and the accused started contacting her once again. On her reluctance to marry him, the accused resorted to harassing her through the internet. "Chennai Cybercrime Cell Gets its First Case in Record Time" *NAAVI* 5 November 2004 www.naavi.org/cl_editorial_04/suhas_katti_case.htm

over her shoulder to see what she is doing online, and it is "damn bugging."

Women learn quickly that the cardinal rule offline applies online as well. Himani, nineteen, says: "You have to manage your image and reputation." Like in the offline world (especially in instances of sexual harassment or rape), it is presumed that any untoward attention that comes their way will be because "they asked for it." A male respondent, nineteen-year-old Vikas, concurs that "for Indian people image is prestige, dignity is the main thing. If they are affected, they are gone." While he admits that "boys play pranks using the net," he does not think it is right. Eventually, "nobody will dig your past, but if she's a girl it will have bad effect in her life." Incidents involving the manipulation of personal information and identity online can be devastating for young women because of the implications for their image and reputation, both being intrinsically linked to family and family honour. Many respondents feel that being called a "prossy" (prostitute) in a public forum like the internet is a terrible thing that causes them a fair amount of trauma, besides having possible implications in their social life, family relationships and future prospects of marriage and career.

Ultimately, the risks that concern young women more are the ones that reach into the real world from the virtual one. In a dramatic incident, Marina, a young woman journalist, was victimised for her online behaviour by her offline colleagues.

> In my first job I had internet access and I used to surf on the net a lot, including queer sites. I was on the Desi Dykes list and I was on Gay Dot Com to try and connect with people. There was NEVER any porn that I looked at. My first email ID was on Excite Dot Com. I was relatively new to the net so I think I downloaded a virus from there by mistake. To seek out this virus all our personal stuff was checked and seen by the office IT people and it quickly spread round that I had looked at these queer sites and I was hauled up for it by the editor for using the internet for "personal gain", [and she] also revealed to everyone that I was looking at gay sites. That's how she outed me. It was devastating. It was terribly humiliating because I had no choice in deciding to let everyone in the office know that I am gay. There was a guy in the office who used to play online games constantly but no one ever said anything to him about "personal gain" so when this happened I began to wonder if this was just homophobia. I ended up getting fired from this job and it took me a long time to recover. At that time I had no voice, no queer community. I was new in the city and had just begun my career. If this happened now I would be much better equipped to deal with it.

Eventually, a universe of morality, anxieties about Indian culture, and notions of shame and honour curtail and temper the agency and freedom young women experience through SNSs, chatting and the display of sensual pictures. Young women have internalised the limits to looking sexy, which if crossed could result in stigma and restrictions. When pictures are considered "too sexy" or when chatting "gets too much" young women are advised to stop chatting and remove the pictures, citing the reason: "It's for your own good." Rupali says:

> Like I have one friend who had a pic in a towel, it was a wet and sexy look, and she uploaded it. But another friend copied it and then blackmailed her. In *masti* ["fun" in Hindustani] only. He told her please delete it otherwise I will blackmail you. It was for her good only.

Strategies for safety

The women we interviewed were not victimised into inaction by these risks or negative experiences. If anything, after the initial shock of violation, a sense of confidence and mastery in dealing with offensive, abusive men develops. Blocking, ignoring, signing out and consistently avoiding offensive chatters are how they retaliate. Reema says that it is critical to "rely on your instincts and gut feelings that you use in everyday life. These are not to be suspended when you're online. Especially on chat, I use my gut instincts to figure out people and read them carefully." With the exception of three interviewees, the remaining 28 had a clear list of "dos and don'ts" for keeping themselves safe online. Compared to other strategies, being wary of divulging personal information and details to strangers was the most common. Eighteen-year-old Punita says:

> You should secure your ID. Block users you don't want. Don't make random friendships. Once in a blue moon I make friends with strangers, not regularly. I don't use my real name or location in chats.

The 150 college students surveyed generated a very similar list of cautionary measures, with 44% saying they did take certain measures to ensure that they were safe online. The giving out of personal information and details, divulging location data, and allowing access to personal photographs are all considered strict "don'ts" now. The highly publicised 2004 MMS Scandal and the Miss Jammu Scandal[78] continue to serve as warnings of what can go wrong.

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78 In this 2003 case referred to as the Miss Jammu Scandal, local beauty pageant winner Anara Gupta from Jammu was arrested with seven others for featuring in a pornographic CD. She claimed it was not her in the film. Forensics found the Miss Jammu CD to be doctored; it was not the young woman arrested.

There was a high degree of awareness about "mix-matching" and of being misled or stalked and preyed upon by men. One young male respondent even went so far as to say that women's profile pictures could be downloaded and then used in advertisements and pop-ups for pornographic sites – because he had actually done it. Rupali, nineteen, explains: "The DP (display picture) I make sure shows top half only face. Pics in sexy top or corset, don't put them up. Yes, I would want to, but still the fear is there."

The initial brush with harassment results in the development of strategies for maintaining safety online, although a persistent fear and worry remains. Rekha, 45, who confesses to being awkward online and with new technologies, sums up her approach: "It is like when you travel to a new city and you have to be safe and aware and keep your wits about you." "With the internet your maturity level increases; you're on your own and you learn on your own," says Rupali. However, she adds:

> Even if something happens (bad) I don't think girls will report. If it's a police case then it's a big issue and parents will come to know. Parents blame us only. They will say she shouldn't have added friends like that. No internet for her if her parents found out. Then the rest of the family can find out. So no one will tell the parents.

There is a persistent sense of worry about internet access being restricted and moral judgement being passed on them, hence most strategies do not involve reporting harassment to any figure of authority, be they parents or the police. Unnati echoes Rupali's view when she reflects:

> My worst internet experience was when that guy was after me. I didn't like it. I think it must be happening to many girls, maybe even worse than my case. I'm not sure what one can really do. Maybe the girl should tell her family and they can help her, but it depends on the family. They might just tell you to stop going on the internet and chatting. So then it's better to keep quiet only and deal with it on your own.

Yet, women find ways to manage the harms they may face from strangers and intimates. They were blasé about having at least two digital profiles – one for the family, and the other for friends – as routine "online identity management". And Unnati manages a sly manipulation of the boyfriend who does not want her to post sexy pictures of herself on Facebook: "He is not my friend on Facebook. I told him my family members are there with me on Facebook and I don't want them to know about him, so that's why he is not there."

Risks for children online

A statement often made by interviewees when asked about children and the internet was, "Oh, kids these days – they know everything" or "Kids are very smart these days, they figure out things fast." The statement is usually made with a mixture of awe and pride that people so young are so adept with technology that appears complex to adults, and concern about the content of what they engage with. There is genuine concern amongst parents that their children play in an entirely new landscape that they, as adults, have no maps and signposts for.

Respondents referred to inappropriate content children are exposed to as: sexualised and violent metaphors in gaming, online pornography, sexual chatting and speech with peers and with older

people, and imagery children produced of themselves, or of others, through photographs or videos. A recent cover story in the newsmagazine *Tehelka* revealed the extent of urban, upper-middle-class and upper-class children's sexualisation through access to television and digital technologies.[79] Interviewees were quite clear that pornography, blue films and erotic imagery and text were all right for adults but not for children. Children's and teens' fascination with gaming was also a source of concern.

Young people are always trying to get around the restrictions placed on them by the adult world. Offline, there are restrictions on being served alcohol, and being allowed into discos. Online, however, it is as easy as clicking "yes" to a verification about being above the age of eighteen years. Arushi was aghast to find that her ten-year-old brother and his friends "liked Jenna Jameson more than Pamela Anderson" (the former being a porn star and the latter, an actress on the popular US TV show Baywatch). Punita and Amol both mention their pre-teen siblings and cousins being exposed to advertisements and pop-ups for pornography online. Malthi knows that her fourteen-year-old son is curious about and interested in sex and tries to access pornography online.

"It's not the right age" or "There's an age for everything" are frequently heard when respondents talk about children's access to pornography. When asked what that age was, they would be at a loss for an answer. The "right age" moved fluidly between fourteen years to 24 years, an extremely broad range, establishing that there is confusion around a legitimate age at which sexual content was acceptable. Mommy blogger Mohini puts the confusion across well:

> Depends on how to define "young". I haven't figured my position on this yet. Kids today have better mouse proficiency and [are] introduced to technology very early on. My son is five and has an hour of online games every day. What are the implications for this? We have to yet evolve our thoughts on kids/teens online. With time I guess we have to keep evolving. […] I think till the right age one has to be careful about these things. What is the right age you can't write in stone, as things keep changing, but until a certain age you can't have that free access to the net, the age being maybe fifteen-sixteen or later.

The other concern interviewees had for children's safety is that they could, and do, end up talking to adult strangers. Shikha, a 24-year-old sales executive with a mobile phone company, says that her sixteen-year-old sister is "addicted" to online chatting and ended up becoming the "Orkut girlfriend"

79 Nisha Susan "Sex, Lies and Homework" *Tehelka* 24 April 2010

Sex, violence and online games

"I think we have some dated ideas about what is violent or harmful online for kids. When I see kids in cybercafés playing online games that are violent, I get upset and wish they were playing outside. And I think they can be groomed to become violent by seeing all this violent imagery. There are games I have seen like 'kill the babe', etc. What does it do to a twelve-year-old if he constantly hears 'kill the babe' in these games, every single day?" asks Marina. Vrushali agrees, "Some of the activities are quite shocking, like you have to do a rape or some violence to get past one level. This is all part of the 'game' and I find it quite damaging." Younger members of our sample were excited by gaming, however, with girls showing a preference for social games. Cybercafés are locations where young people gather to play online games. Parents on the other hand were concerned that their children would use cybercafés to get past the restrictions placed on internet use at home. Shipra, the mother of a fourteen-year-old and a seven-year-old, says that her children are forbidden from visiting cybercafés for this reason; and Malthi fears that her teenaged son will access pornography from cybercafés under the guise of playing online games. Malthi also worries that children will get too absorbed in the world of the internet and gaming and "ignore their studies."

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of someone in Australia. "Eventually it turned out that he started pestering her, wanted her to do a lot of sexy stuff online, like sending him pictures. He wanted to visit her here in India. She got damn scared by all this. She has learned her lesson now."

Strategies for children's safety online

The most common strategy *suggested* to keep children safe online was that children and parents need open lines of communication, and that adults need to guide their children and be open about sex. In *actual practice*, though, those with children employ monitoring children's internet use and installing filtering software. More specifically, these strategies include the following actions:

> I think when you're a kid, there are things you shouldn't learn from Google. Someone older needs to be able and around for you to talk to – your parents basically. (Sakshi, 27)

> I think it would be a bad idea to give him a PC in his own room, I will probably go for a family computer in the middle of the hustle bustle. (Mohini, 33)

FIGURE 2. Interview respondents' strategies and suggestions for keeping children safe online

Base = 31
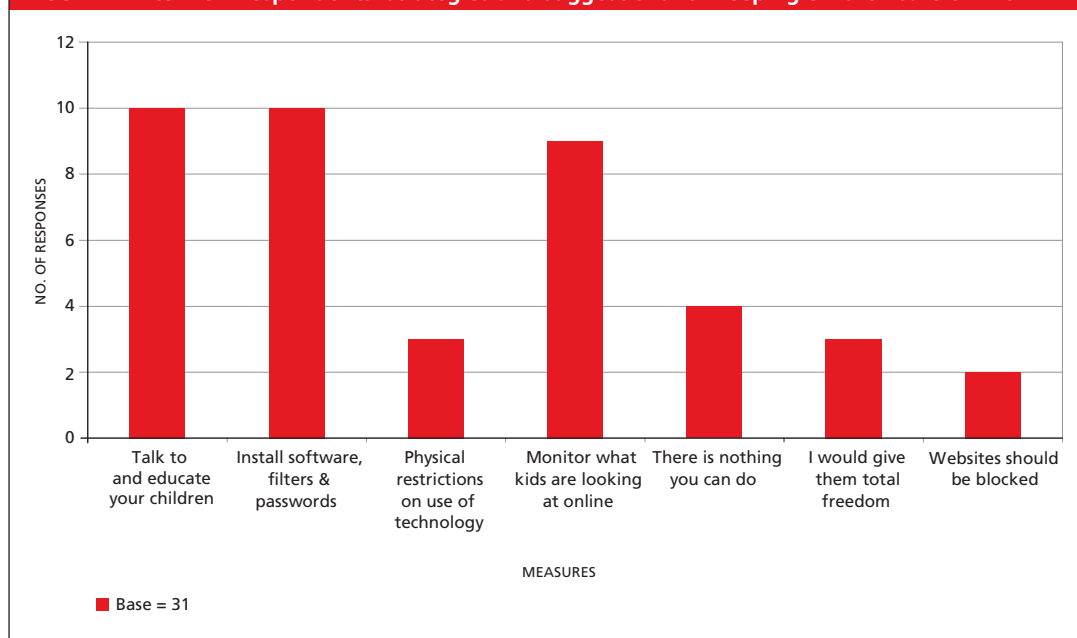
My husband has installed a filtering software that blocks those porno pop-ups. (Payal, 39)

I've told my sixteen-year-old that she is not to add people without knowing who they are on FB or Orkut and since I am a friend of hers on these sites I monitor it by checking out her friends list. (Sheena, 44)

My husband gives a list of URLs to the service provider and asks them to block them. (Malthi, 35)

There's no way to do this. At least I am not aware. I'm working so I cannot monitor my son the whole day. If I do it, then he'll go to his friends' house and do it. If you take away the net, they will have the phone. I see students nowadays, they know everything and they have everything. I don't think this sort of monitoring of children on the internet is possible. (Payal, 39)

Payal is a mother of two pre-teenagers, and a counsellor and educational psychologist working with International Baccalaureate schools in the city. She is aware that her children are curious about sex and that they are playing out their natural, healthy adolescent curiosity and budding relationships through the internet and mobiles. She is less sanguine about what she observes in schools: thirteen- and fourteen-year-olds hacking into the SNS profile of a younger child and posting "filthy things" about his sister; teenagers accessing pornography in a classroom and showing it to the teacher; posting malicious sexual content about peers; defacing profile pages on SNSs, and other forms of cyber bullying and harassment, all peer-to-peer. Her approach, however, is to be "cool and calm" and "not make a big deal out of it." She does not think it is useful or effective to monitor children closely. She believes in talking to young people and educating them. She thinks that most parents have a hard time reconciling with their children's curiosity and interests because of their *own* discomfort and morality around sexual issues.

Do parents actually *talk* to their children? And what do they say if they themselves are uncomfortable talking about sex and sexuality? With little guidance for parents and a culture of silence around sexuality and sexual pleasure, this seems to be a real problem. Interviewees all admitted, some more reluctantly than others, that even restricting access to the internet does not necessarily limit children's exposure to sexual content. Neither were parents happy with having to impose restrictions, recognising the importance of the internet as a learning tool, and the mobile phone to monitor children's whereabouts and safety, ultimately giving up. A mommy blogger, Seema, sums it up:

It's not possible. At best you can be a snoopy mom or dad, an expert hacker or get control over the computer, still ten-year-olds in the building will be circulating MMSs. All you can do is make sure the kid's head is screwed on straight.

Concluding comments

In India the online world is inextricably linked to the offline – a world that is characterised by caste, class, gender, poverty, communal issues and regionalism. Freedom of speech and expression is a constitutional right but in practice, it has often been challenged on arbitrary and controversial grounds – as a matter of politics, exercise of state power, a muzzle on dissenting views or moral policing. Most censorship anxieties have been around representations of religious symbols and sex, especially female sexuality.

The internet is a radically different medium, but the existing approach to policing it is reminiscent of how old media like cinema, radio, television and advertising have been policed,[80] with an emphasis on maintaining specific ideas of "Nation" and "National Culture". We can see how the ways in which women are using the internet for their own pleasure and leisure pose a challenge to these ideas. By putting power in the hands of users to invent themselves and transgress subjective boundaries of "Indian-ness" in how they dress, what they do and who they speak to, there is a challenge to monolithic and vague notions of Indian culture and Indian femininity. No one we interviewed has any doubts about their Indian identity; they are exemplars of Indian womanhood, wifehood and motherhood. Even though they believed that some sexual images could be damaging for children, very few actually favoured banning, blocking or filtering of content, believing that adult users have their rights to such content, while children need to be talked to openly about these issues. Responses strongly indicate that current trends of content regulation do not mirror the concerns of internet users

The current approach to content regulation on the internet is strongly influenced by existing laws on indecency and obscenity (ill-defined as they are) such as the Indecent Representation of Women (Prohibition) Act. Sections 67 and 67B of the Information Technology Act of 2008 deal with "cyber pornography" and child pornography respectively. According to Section 67, anyone who "publishes or transmits or causes to be published or transmitted in electronic form" explicit material is guilty of an offence; by this logic then, many in our entire sample (a fairly conservative, well-to-do, educated, professional community, representative of a good proportion of urban India) – across sex, age, educational background – are guilty of breaching this law, as are most Indians who have access to the internet. Sexual content like blue films are fairly normalised within the context of adult sexual experiences and are not considered something that only lewd, perverted or abnormal people access. Even the 28-year-old married woman and the 22-year-old young man who saw "rape sites" do not necessarily fit into the category of the "abnormal" or "perverted" as their narratives denote. They state their right to this material in terms of curiosity and arousal, which they believe are private choices.

In many ways "pornography" is a red herring. Users' excitement and exploration online lies not only in the one-way gaze of looking at porn but at the interactive intimacies that come from consensual, sensual chatting with friends and strangers using text, speech and webcams; putting up "sexy" images (according to extremely subjective ideas of "sexy") of oneself and inviting an appreciative sexual gaze through profiles, photo albums and chatting on SNSs, online dating and matrimonial sites. In an age of all-pervasive images, every person with a cell phone camera is a potential creator of "porn" or "obscene" images. Every person who indulges in sexy online chats or posts hot pics may appeal to "prurient interests". Given this reality, rather than limit the discussion to contestations around "pornography", another framework might consider the traffic in images.

To users it is not the images themselves which are problematic, but as the narratives and recent cases in India have shown, it is their manipulation and trafficking without consent that is of concern. Women in this sample, irrespective of age, say they are nervous and concerned about the risks they face online when they cite "mix-matching", or the manipulation of personal images on social networking sites. Another concern is the ubiquitous "MMS", or multimedia messaging service, which because of numerous "scandals" has now become shorthand for sexual content shot on personal mobile phones and then circulated via the internet and mobile platforms. There is a clear tension that can be read in these narratives: between the desire to take risks, access and play with erotic imagery, and the fears around the repercussions of trafficking of these images. The fears women have directly relate to the context of offline moralities, raising questions for discussions around privacy and regulation.

The responses to these MMS scandals have been weak and confused, and there is little clarity still about how these could be dealt with in proactive and extra-legal ways. The public response to them continues to be unclear, with no studied response system being put into place. This is a situation that calls for greater awareness raising amongst women and men users (and also women's groups and civil society), and

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80 Namita Malhotra *The World Wide Web of Desire: Content Regulation on the Internet* Association for Progressive Communications Women's Networking Support Programme, November 2007 www.apc.org

more information and knowledge about how technology works and how personal boundaries may be transgressed, and protected.

Women face risks online but are learning how to deal with them, and are not seeking protectionist intervention. Among our respondents, 92% felt that it is possible to leverage this space with some awareness of the risks that exist online: "The internet may have its dangers, but it is not a dangerous place," many opined. Like they would in any new environment, women are learning to read the signals, devise their own strategies to be secure, and learning to be alert and read people and situations. That said, there are few institutionalised methods or curricula for them to learn to be secure online before they actually get online. Responses from the survey revealed that the majority of respondents felt there was too little information available on online security and privacy. In spite of having to use the net from their early teens for school projects, there was no guidance for young people from either schools or parents about how to manage oneself online. Schools and parents themselves are uncomfortable broaching issues of sexuality or harm, and are less comfortable with new technologies than young people are. As they always have, the young navigate this new world learning from peers, siblings, cousins, hearsay and experience.

We also find from the narratives that online harm is considered harmful if there is an offline implication. Women secure themselves from the fallouts of this – character assassination, a "damaged" image or social perception of them being "bad girls", being outed in homophobic workplaces leading to loss of job and so on – by being anonymous, routine image management or drawing their own boundaries. This right to be anonymous on the internet needs further exploration.

The myth of strangers lurking in cyberspace to prey on innocent women and children is challenged in this study. Much of the harm is from people they know, not necessarily strangers. With regard to child abuse, paedophilia and violence against women, one has to take the cues from the offline realities and how the state has viewed and addressed these problems offline – all of which have been lax. Activists are still struggling to get a separate law on child sexual abuse because there is reluctance to accept that danger comes from family, neighbours and relatives; and addressing violence against women holistically and sensitively does not seem to be a priority for the state given that a comprehensive Sexual Assault Bill languishes between bureaucracies. Online security can be taught and learned, but the issues that exist offline for women point to the deeply unequal, biased cultural and social values that reinforce silence around violence and harm.

Towards rights

The internet has had implications for the practice of human rights in India as much as anywhere else, particularly two sets of rights: communication rights[81] and sexuality rights.[82]

On one hand, the ability to access technologies like the internet and mobile phones has enabled women to practice freedom of speech and expression and gain visibility and a voice. At the same time, this freedom of speech and expression has been curtailed by social conditioning and gendered ideas about what women should and should not say. Self-censorship operates at a subconscious (and sometimes conscious) level so as to maintain the status quo. Nonetheless, young women, in particular, negotiate freedom and censure by using online spaces to challenge cultural taboos and social restrictions around sexuality, relationships and self-determination. This is perhaps the first demographic in the history of independent India that is able to do so in such a manner. There has been a significant impact on queer people in organising, activism and for the most essential liberties: self-recognition and self-expression. A gender dysphoric man – now a transwoman – found the greatest comfort and vital information through the internet; considering that she is from a middle-class and relatively affluent family, fear of rejection and for family reputation forced her to look for information online rather than access a doctor or psychologist, which she had the financial means to do.

Vitally, the internet has also opened up a sea of information for those with access, and people are moved by the difference this has made to their lives and the sense of empowerment they feel. It gives

81 The Internet Rights Charter by the Association for Progressive Communications (APC) describes the rights to communication in terms of ICTs and the internet, and the internet as a space for "social mobilisation and development, resistance to injustices and expression of differences and creativity," despite the fact that the process of globalisation, to which the internet is central, has yielded uneven results and exacerbated social and economic inequalities. Organised around five thematic areas, their definition calls for the protection and respect of the following rights: the right of men and women of differing backgrounds, languages, locations and abilities to affordable, public access to the internet and to the skills and infrastructure required to access its power, and the benefits for social justice and development it can contribute to; the right to freedom of expression, freedom from censorship and the right to online protest; the right to knowledge, freedom of access to information and access to publicly funded information; the right to shared and open flows of information, knowledge and culture, including free and open source software that can create local innovations, open technical standards that make the internet more inclusive and the right to convergent media platforms; the right to freedom from surveillance and the right to encryption and to privacy; the right to internet governance that is transparent, open, accessible, with decentralised and collaborative inter-operability; the rights to awareness and information about rights; and the right to recourse in case of rights violations. *APC Internet Rights Charter* www.apc.org/en/node/5677

82 See footnote 12.

users spaces to articulate themselves, be heard, form communities, make friendships and find partners, conduct their professions and business, and so on. Access to information is seen to be one of the most empowering aspects of the internet. But can information break taboos, especially those that revolve around issues of sexuality in India? From our narratives we find that people are turning to the net for information on sexual health (difficult to find accurately, though, because of the way search engines operate to push up adult content first) but this does not necessarily challenge the silences that exist around sex in society.

The study recognises that the communication and sexuality rights under discussion extend to a specific group of urban Indians; the research would have yielded different results with a less privileged socio-economic category, small-town users where women may not have free and easy access to the internet, or with users with disabilities.

Interestingly, the study reveals a loss of status that democratising access to the internet implies for some urban, middle-class users. With the increasing access to technologies and the internet across urban and rural India, middle-class users in this sample showed a mean-spiritedness about "small people" having access, implying that they derive a certain power from this access. For the middle-class user, connectivity implies global reach, social identity and achievement. But now "everyone's on the internet." There are worries around not knowing if someone you are chatting with online has "class". We believe that this small fact bodes well in challenging the deep divides and class and caste discrimination that exist in this country. The cybercafé, where less privileged users converge, is already a heavily regulated zone. That this has more serious implications for working-class people's communication rights needs to be flagged.

A rights-based approach is absent from current IT policy, as are the voices of users. Security takes on a highly specific connotation, one that is relevant only to the notion of the "Indian state"; there is little appreciation for how fluid and particular privacy is; that individual sexuality cannot be publicly and morally regulated is not recognised. Eventually, the current version of the IT Act and internet policy directions appear to be an exercise in reinforcing imaginary, imminent moral outrages and panics rather than to recognise the different sorts of liabilities users face. Our research as we have presented here illustrates that despite the regulation, control and commodification of digital media spaces, users resist and innovate, navigating risks and surveillance, gender inequalities and social control, towards agency and self-expression.

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LEBANON

Who's afraid of the big bad internet?

NADINE MOAWAD and TAMARA QIBLAW

On 15 June 2010, the Lebanese online community heaved a collective sigh of relief as the Lebanese Parliament voted to indefinitely postpone discussions on a newly proposed e-transactions law. "The ESSA (Electronic Signatures and Services Authority) [would be] established under this law with discretionary, selective, subjective and very broad and unjustified powers," said Gabriel Deek, secretary general of the Professional Computer Association of Lebanon, adding, "Its prerogatives are almost repressive for all 'service providers' of electronic services and economic sectors at large."[1] The law, which ostensibly aims to protect e-commerce from fraudulent activities, would have the power of *Dabitat Al-'Adliyyeh*, or the power of law enforcement without judicial oversight.

Though Lebanon had long enjoyed an internet in which law enforcement authorities do not intervene – a situation that stands in sharp contrast to that of its neighbouring countries – many in the online community expected this day to come. "The Lebanese government is writing yet another chapter in the endless mockery of our rights as private citizens and social entrepreneurial agents of progress and change," said Imad Atallah of the Lebanese daily, *The Daily Star*. "The state is extending censorship […] into the last frontier of freedom – the internet and its supposed neutrality."[2]

An investigative probe into the vulnerable relationship between Lebanese citizens and the internet uncovers a series of incidents of lawsuits, censorship and police threats. Additionally, slow and expensive internet connections, which had long been a source of jokes and mockery for the online community, gradually turned into a source of anger and rebellion. By early 2011, a number pressure groups had formed out of the bloggers, techies and Twitter communities, in addition to the private sector, to create lobbying and awareness campaigns calling for a faster, freer and more affordable internet. The most active of these has been the "Ontornet" campaign[3] which played on the Arabic word *ontor* meaning "to wait" to refer to the Lebanese internet.

Twenty-something years after the end of Lebanon's Civil War, it appears that civil society in Lebanon is beginning to make important inroads in advancing progressive social and economic issues in public and policy-making arenas alike. The number of grassroots organisations that focus on individual and group rights has mushroomed, and for probably the first time in the country's history, the Interior Ministry (up until June 2011) was controlled by a politician who has emerged from civil society, rather than from one of Lebanon's many dynastic political parties. Of this diverse and active civil society, one particular community that has enjoyed a long and complex relationship with the internet is the Lebanese queer rights movement, which has become a dynamic, cohesive component of a rising civil society. It is likely that there is no other movement in Lebanon that has benefited more from information and communications technologies (ICTs) for its growth and for the sophistication of its strategies.

This research aims to examine the dynamics of the queer[4] movement as they relate to ICTs. In particular, it will trace the intricate ways in which queers in Lebanon have used various ICT tools to create, build and empower their liberation movement. The research will focus on women within the queer movement, because queer-ICT dynamics are especially pronounced in this area, and it will be carried out in the context of the movement's national and regional environments. Historical, sociopolitical and economic factors will be considered in order to provide us with a clear understanding of the relatively recent phenomena that we study.

In parallel, we will also examine the ICT environment and its development in relation to technology, politics and human rights. At a time when policy makers are beginning to raise the prospect of the internet as a space where Lebanon's many social, economic and legal "unfreedoms" will soon be implemented, such a study is expedient. It is more important now than ever before to understand the extent to which queer freedoms are intertwined

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1 Gabriel Deek "Major Pain Points in e-Transaction Law" (Gabriel Deek, 12 June 2010) blog.gabrieldeek.com/2010/06/major-pain-points-in-e-transaction-law.html

2 Imad Atallah "Lebanon is Stifling your Digital Freedom" *The Daily Star* 8 June 2010 www.dailystar.com.lb/Opinion/Commentary/Jun/08/Lebanon-is-stifling-your-digital-freedom.ashx

3 Ontornet website www.ontornet.org

4 See section on "Conceptual frameworks" for an elaboration on "queer".

with the internet so that queers may use this knowledge to tackle those prospective conditions.

In January 2010, web-based Arab queer magazine *Bekhsoos*[5] published a series of articles celebrating a decade of lesbian, gay, bisexual and transgender (LGBT) activism in Lebanon. "It's actually been over a decade," says the magazine's Arabic editor, who writes under the pseudonym Aphrodite. "We consider the registration of GayLebanon.com in 1998 as a marker of the start of an organized movement. But we wanted to celebrate the past decade in which most of the crucial developments occurred." Most of the articles in the commemorative issue featured a Top 10 listing of different queer categories: the most prominent hang-out places, the best LGBT publications, music videos, films, etc. Among these was one that listed the top seven online tools that played a major role in the LGBT movement and community building. These ranged from "ONElist that later became eGroups that later became Yahoo! Groups that then branched off into other mailing lists"[6] to Twitter.

In many ways the development of queer use of software tells the history of its growth. At both the personal and political levels, the internet has facilitated the interactions of queer women and the movement for recognition and dignity since the late 1990s. We begin to examine the relationship between the internet and queer women by studying the regulatory processes of the internet in Lebanon, in relation to the politics of the region. We then detail the ways in which the LBT women's community has made use of internet technologies to build a powerful and tech-savvy movement for social justice, highlighting formative interplays that occurred between the queer women's movement and both the national and international queer movement in this virtual arena.

Research methodology

This research occurs on two planes of activity that we try to show to be highly interrelated: the Lebanese queer women's movement and the ICT environment in Lebanon. We study, first, the ICT environment as an independent sphere and aim to flesh out its dynamics by making the issue of censorship a central component of this. We then proceed to study the queer women's movement in Lebanon by highlighting its interactions with ICTs in particular. Queer uses of ICTs in Lebanon represent a number of turning points in the development of the queer women's movement, and allow us to paint a comprehensive picture of the subject at hand. This research project is primarily feminist and auto-ethnographic and depends on a number of methods and conceptual framings which we will elaborate on in this section. These frameworks enable us to collect data that provide us with representative samples of our subjects of study and allow us to synthesise and analyse the information in ways that help us to arrive at coherent and nuanced findings. The research methods and concepts are as follows:

Interviews and crowdsourcing

The research depends primarily on first-hand accounts of Lebanese queer activism and interactions since 1997. Interviewees discussed personal experiences on the internet with regards to queer issues and helped to flesh out intersections between personal identification and personal growth and the internet. Interviewees also traced the development of the Lebanese queer movement, from the creation of local spaces on the internet to the emergence of NGOs and support groups in the Lebanese public arena. There was a great deal of consistency between the accounts of the queer movement's history; the interviews were always cross-checked.

Throughout the course of our analysis we have tried to incorporate the diverse experiences of our interviewees into our findings while also identifying a common trajectory for the personal and political development of the movement. In order to understand the ICT environment that the queer movement has developed within, we have scanned the online community cross-sectionally. We did this through the crowdsourcing method. The basic idea of crowdsourcing is to broadcast a question about a problem and to study the responses. For this research, we published a blurb[7] on one of the researchers' blogs about our research question and spread the word about it, mainly using the micro-blogging networking platform, Twitter. We asked for tips, contacts, opinions and links to websites that would help. This method proved fruitful because it required an active engagement with the online community that responded to our call with tweets, comments and emails, subsequently enriching our observations of the ICT environment.

A regional context

During our preliminary research, we noted some important interactions between Lebanon and its regional environment that helped to explain some central features of the queer women-ICT relationship. We noted that in several instances, other countries have sought to alter Lebanon's censorship and surveillance policies in order to manipulate

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5   *Bekhsoos* website www.bekhsoos.com/web

6   Shant "Cyber Queerness" *Bekhsoos* 1 February 2010 www.bekhsoos.com/web/2010/02/cyber-queerness

7   Nadine Moawad "ERoTICs Research" (*What If I Get Free*, 11 February 2010) www.nadinemoawad.com/2010/02/erotics-research

certain national political dynamics. This reinforces the notion that the state of ICTs in a country, and particularly the censorship laws that accompany them, cannot be understood without an understanding of a country's geopolitics. We therefore study the ICT-queer relationship in the context of an extra-national environment. Due to time and space restrictions we have placed the frame of our research around a certain region that we identify as more immediate than others. This region consists of countries with which Lebanon shares a border, namely Syria and Palestine, as well as Jordan, the Gulf Countries (United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia and Kuwait) and Egypt. We also believe that a comparison of the state of technologies in Lebanon and this region will help to reveal important information about the state of ICTs in Lebanon.

It is also crucial to note that the significant and historic regional revolutions since December 2010 reassessed the role of ICTs and social media as political tools for change. While very little material (and indeed, very little faith in social media) was available before this time, a plethora of articles and studies have since emerged about the internet and social change in the Arab world.

The research team has also noted that there are budding relationships between queer groups in Lebanon and those in the identified region that have influenced the course of the movement in some fundamental ways. In June 2010, Lebanon's queer women's group Meem participated in a conference for "Arab queers" entitled Mantiqitna, an Arabic word that translates as "Our Area" or "Our Region". According to one of the coordinators of Meem, the name was decided upon after a drawn-out debate among the organisers about what an "Arab" consists of and what the geographical boundaries of the Arab world should be. Mantiqitna chose to resolve that debate by emphasising the obscurity of the concept of Arabness to show that these boundaries are blurred and organic. We believe it necessary to tease the geographic boundaries of our research too in order to reflect these intellectual and strategic trends in Lebanon's queer women's movement.

Research target groups: Meem and Meem-facilitated spaces

Meem,[8] which literally means the Arabic letter "m", is an organised queer women and transgender community founded in August 2007 with the vision of better quality lives for lesbian, bisexual, queer and questioning women and transgender persons in Lebanon. Since its inception, Meem's activist philosophy has revolved around creating safe spaces (online and offline) for individuals who shared a common oppression, mainly one that intersects gender with sexuality. Meem membership rules include strict guarding of the privacy of individuals, activities and spaces, as evident in the following excerpts from the rules available online[9] for individuals who are considering joining the group:

> Everything we do is confidential, and we trust you to maintain the privacy of Meem and all its members if you join the group. We are very strict about this. Meem is not a lesbian or trans zoo. We do not exist to provide you with a display of women of different sexualities or persons of a variety of genders for your university project or TV program or sexual fantasies […] Meem does NOT out people. We guard the privacy of our members in every way we can. You are forbidden to repeat the names or any private information of the members outside of the group, even to your friends.

We particularly chose to focus our sample of interviewees on Meem members and activists because of the group's ongoing sophisticated ways of interacting and negotiating with technology for their strategies. Issues of anonymity, pseudonymity, community building, and self-expression were recurrent themes in the interviews. Meem's large membership (over 400 members at the time of our research completion) represented the broadest sampling of the lesbian, bisexual, queer, questioning and transgender communities in Lebanon.

It is also important to note that the group is generally "unfriendly" towards researchers who are not personally invested and engaged with the issues. Because of the popularity of the topic of Arab lesbians and the myths and secrecy that surround them – especially through a Western gaze – Meem coordinators receive many email requests every month from researchers and journalists for interviews. Their security measures led the members to tighten the conditions on interviews they are willing to give. And, therefore, only by involving a good number of researchers and interviewers from within Meem (and the membership as a whole) in this research through discussions and consultations were the interviewers able to reach the targeted sample from within the community.[10]

Meem's priorities do not include "coming out" or raising public visibility of queer women and transgenders. Instead, it focuses on personal empowerment and building a network of support. According to Lynn,

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8 Meem website www.meemgroup.org

9 Meem *Join Us* www.meemgroup.org/news/what-is-meem/join-us

10 Read more about this in the "Positioning of researchers" section.

who was group co-coordinator from 2009 to 2011,[11] "[Meem's] philosophy of support is to sustain the building of a healthy community of queer women and transgendered persons whose bonds are strengthened by values of trust, respect, positive energy. Support may come in many forms and is usually comprehensive – from peer-to-peer support to psychological, medical and legal support; from a heart-to-heart conversation over a cup of coffee on the house's balcony, a counselling session with one of Meem's counsellors, to a small financial contribution for temporary housing and transportation, for example."

While Meem started out as a lesbian group focusing on women having same-sex relationships, its collective understanding of sexuality and gender developed over the years to focus more on queer identities and feminism. These changes, viewed as significant and defining by members of the group, were a result of countless conversations around individual experiences and identities, in addition to workshops, trainings and writings, both local and international. In order to understand the experiences of queer women in Lebanon, this study targeted specifically individuals active in Meem's work. Over the course of the conversations, the concept of spaces emerged as a key understanding that required fleshing out. The nature of Meem's self-identity does not align itself with traditional NGO structures but rather as a "common thread" that holds the community together around values of solidarity and empowerment.

Therefore, the "looseness" of defined locations of members' diverse activism led us to identify a number of "Meem-facilitated spaces" which were crucial to examining the progression of the movement. "Meem-facilitated spaces" consist of any space, both virtual and physical, that Meem members adopt in order to foster communications between queer women as well as to conduct Meem-related activities. These include Meem's support headquarters (the "Womyn House"), its online publication *Bekhsoos,* its Twitter page, some Facebook fan pages, some websites, spaces within other organisations (online and offline), spaces "infiltrated" by members, and more temporary spaces that Meem borrows in order to coordinate activities.

The significance of looking at Meem-facilitated spaces rather than Meem as a traditional organisation is that it allows for a more in-depth look at the diverse community – and its diverse issues – that is represented in Meem. It also promotes a movement-oriented lens, rather than one that focuses on a particular organisation and its controlled environment. It can be posited that all spaces strategically place themselves as components of an over-arching

feminist queer movement that identifies as Arab, radical, and important. Meem enjoys a membership of over 400 women, all of whom receive nearly daily emails with information about upcoming events as well as about logistical, strategic developments at Meem's offices.

Our findings are based primarily on interviews with users of Meem spaces on the internet. This interviewee group consisted of fourteen of Meem's members, who provided us with an understanding of queer women's use of ICTs and the intellectual, personal and strategic strands of thought that ICT usage falls within. The same set of questions was discussed with every interviewee, coupled with an open-ended discussion of the internet's effects on their personal and activist lives. Since many Meem-facilitated spaces, notably Twitter and *Bekhsoos*, involve many non-Meem members, we also interviewed several non-queers (six in total) who offered important insight about the mechanisms that respective ICTs function through. This also enabled us to look at Meem's ICT usage within the broader framework of Lebanese civil rights activism and the Arab online community. In addition to these two groups, we also interviewed four male LGBT activists to elaborate on the historic dimension of queer organising and ICT usage and also to provide a gender contrast to the findings of the women's interviews.

All interviewees in this research are referred to by their chosen online nicknames unless explicit permission was given to use their full names.

Conceptual frameworks: Queer and feminist

Interviewees who were Meem members identified themselves as both queer and feminist. Their queer self-identification indicated a transgression of mainstream gay/straight dichotomies as well as a strong challenging of gender binaries and a rejection of narrow understandings of transgender identities which they also saw as often promoting transsexual/cisgendered binaries. They insisted that the term queer meant not only personal identity but also was a political stand that deconstructed alignment with any heteronormative discourse. According to an activist who goes by the nickname Zee, "queer identity challenges the normalisation of rigid gender and sexual stereotypes in society, including stereotype definitions of what being gay or what being transgendered means." In addition to self-identifying as queer (both as individuals and as the movement), interviewees repeatedly described "queering of spaces" as a key strategy to advance their work and mission.

"Queering" involves problematising heteronormativity and homonationalism and is employed at

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11 Meem's coordinators serve a two-year term and are selected by consensus by the group members.

a number of levels. Meem distinctly sees itself playing an ongoing role in queering LGBT movements, locally and globally, through challenging imposed LGBT identities, strategies and discourses. It also works on queering non-LGBT spaces and in its simple format, members see queering as "infiltrating spaces not by being out as queer women but by simply imposing a presence and our opinions and thoughts in these spaces, in addition to making others feel safe when we come to their space so they won't be scared of the lesbians," according to Zee. The process of "queering" cyberspace, in this context, involves not only creating online LGBT content and social networks, but also in making connections to other social struggles, especially feminist and freedom of thought movements, through the internet.

The feminism adopted by the group focuses on gender as social constructs and can be described as radical, sex-positive and post-colonial. Deems, one of Meem's members most focused on feminist theory, describes its evolution: "I think our personal experiences as queer women is what guided our feminist politics, and maybe sometimes when we compare our lives to gay men. I think like with everything related to Meem, it's something that has grown with us, where members continue to challenge themselves and each other about our sexual lives and politics. Our feminism is post-colonial because even though we are still subject to Americanisation of LGBT issues, at the end of the day, we're negotiating our lives and our relationship with our families and surroundings in the best way we can."

Positioning of researchers

The research team consisted almost entirely (with one person being the exception) of researchers who have been active participants of the queer movement in Lebanon over a number of years. The team was made up of two writers and seven interviewers, a number of whom were also interviewed by others and asked the same set of questions. This positioning of researchers as "insiders" resulted in a number of advantages: in-depth knowledge of the subject, ease of gaining trust from the community, and access to individuals who are otherwise difficult to identify and interview, to name a few. It raises, however, some issues around politics of positioning. Linda Tuhiwai Smith notes:

> Insider research needs to be ethical and respectful, as reflexive and critical as outsider research. It also needs to be humble [...] because the researcher belongs to the community as a member with a different set of roles and relationships, status and position. [...] One of the difficult risks insider researchers take is to "test" their own taken-for-granted views about their community.

> It is a risk because it can unsettle beliefs, values, relationships and the knowledge of different histories.[12]

Therefore, the research process was coupled with critical reflection on the potential biases of researchers, in addition to engaging other members of Meem – interviewees included in the analysis and direction of the research findings.

The internet environment

In this section, we will examine the evolution of the internet environment in Lebanon while situating it within the larger Arab environment. Challenges to freedom and ease of expression online, in particular when it comes to discussing sexuality, can be divided along two main axes: legal censorship, which is heavily influenced by culture and public morality, and infrastructural censorship, which includes filtering, high costs and slow internet connections.

The rise of internet usage

Most of our research was conducted in the pre-revolutionary period of the Arab world. Public opinion of the internet and its significant role changed drastically after the historic revolutions in Tunisia and Egypt in January 2011 and the ongoing protests happening at the time of writing this paper in Yemen, Bahrain, Syria, Libya, Algeria, Jordan, Palestine and Lebanon. Discourse around Facebook and Twitter usage went from discussing "slacktivism"[13] to recognising the catalyst role of social media in overthrowing dictatorships and enabling freedom of expression from online to offline spheres.

A report launched by the Center for International Media Assistance in February 2011 stated:

> [T]he Arab world has witnessed the rise of an independent vibrant social media and steadily increasing citizen engagement on the Internet that is expected to attract 100 million Arab users by 2015. These social networks inform, mobilize, entertain, create communities, increase transparency, and seek to hold governments accountable. To peruse the Arab social media sites, blogs, online videos, and other digital platforms is to witness what is arguably the most dramatic and unprecedented improvement in freedom of expression, association, and access to information in contemporary Arab history.[14]

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12 Linda Tuhiwai Smith *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999) 139

13 A term coined from "slack" and "activism" to describe "lazy" forms of activism mostly done online ("liking" a Facebook page, signing an e-petition).

14 CIMA "Social Media in the Arab World: Leading up to the Uprisings of 2011" cima.ned.org/publications/social-media-arab-world-leading-uprisings-2011-0

There are over 65 million internet users in the Arab region today.[15] This is the result of a recent boom in internet usage in the region. Egypt, Morocco and Saudi Arabia have seen the highest increase in internet usage, with the United Arab Emirates (UAE) showing the highest internet penetration rate at 60%,[16] although Egypt still has the highest number of internet users in the region. However, mobile phones remain the most popular and most accessible means of communication. While there is an increase in internet usage, access to information and expression on the internet is also restrained due to low and expensive bandwidth and internet connections. Language is also a difficult issue since the internet is not very Arabic-friendly. However, this is slowly changing and companies like Google are customising special programs for their Arab audiences. These include "Ahlan, Online"[17] to help Arabic users, especially first time users, navigate the net. Also, recent technological developments allowed Egypt to launch the world's first Arabic language domain name URL.[18]

Internet in Lebanon has a penetration rate of 31% whereas mobile market penetration is at 68%, according to a study by the Telecommunications Regulatory Authority conducted in December 2010.[19]

Legal restrictions on the internet

Freedoms in the Arab region are hampered by the authoritarian systems that rule them. Global Voices lists five Arab countries (Egypt, Tunisia, Syria, Morocco and Saudi Arabia) in its Top 10 list of countries with the most bloggers arrested, imprisoned or tortured. In total, 93 out of the tracked 234 – a staggering 40% – are Arab.[20]

Lebanon has long enjoyed relative freedom of expression, association and speech, although this record is mixed, owing to Lebanon's infrastructural deficiency and frequent relapses in the rule of law. Sami Moubayed, a Syrian political analyst and journalist, writes for *GulfNews.com*:

It is no wonder that Lebanon ranks first when it comes to internet freedoms in the Arab World. There is no censorship, and active Lebanese can go to great lengths to market their views on

politics and life on the world wide web. The fact that most Lebanese are young – and are fluent with languages – makes internet use all the more easier. So does Article 13 of the Lebanese Constitution, which guarantees "freedom of expression, verbally or in writing, freedom of press, freedom of assembly, and freedom to form associations". Internet cafes are everywhere to be found, and there are no age or ID requirements to log-on to the internet. Unlike other countries in the region, neither political sites, nor pornographic ones – not even Israeli propaganda – are proxied. The only exceptions are at schools and universities, or in some workplaces, where certain sites are restricted to ensure a more productive environment.[21]

While the constitution of Lebanon identifies Lebanon as a secular republic, religious institutions still wield a great deal of influence over several facets of political and social life. Personal and familial status issues fall under the jurisdiction of religious courts and the public sphere is ruled solely by state institutions. Religious institutions, however, weigh in very heavily on a variety of issues, and chief among them is media content.

Censorship in the Publications Law

Lebanon's print and audiovisual media are governed by a Publications Law that dates back to 1977. Article 5 of Section 3 states that it is forbidden to publish "reports, books, letters, articles, photos, or news that goes against public morality and manners."[22] The realm of public morality includes matters related to expressions of sexuality: pornography, homosexuality, sex work, sex education, sexual health, among other things. Violators of this law are punished by imprisonment from three months to one year. Section 5 of the law describes penalties against libel and slander towards persons or groups and Section 6 prohibits attacks against the "dignity" of heads of state.

The implementing arm of censorship in Lebanon is the General Security, established in 1921 and tasked with the surveillance of audiovisual material, media outlets and channels, and the press, and "ensuring the right implementation of the laws and verdicts related to the affairs of censorship and Media," according to their website.[23] A draft law that was circulated in April of 2009 aims to "encourage transparency and accountability of government entities, which would have the responsibility to

15 Internet World Stats *Internet Usage in the Middle East* www.internetworldstats.com/stats5.htm

16 Communicate "RELEASE: Middle East Internet Users Increase to 56 Million" *Communicate* 6 June 2010 www.communicate.ae/node/3392

17 www.google.com/intl/ar/ahlanonline

18 BBC Staff "Egypt Launches Arabic Web Domain" *BBC* 16 November 2009 www.bbc.co.uk/2/hi/technology/8361676.stm

19 Telecommunications Regulatory Authority (TRA) website www.tra.gov.lb

20 Committee to Protect Journalists "10 Worst Countries to be a Blogger" 30 April 2009 www.cpj.org/reports/2009/04/10-worst-countries-to-be-a-blogger.php

21 Sami Moubayed "No Restrictions on the Net" *Gulf News* 11 April 2008 gulfnews.com/opinions/columnists/no-restrictions-on-the-net-1.97272

22 The full text of the Publications Law is available in Arabic at www.pogar.org/publications/other/laws/media/amend-leb-77-a.pdf

23 General Security website www.general-security.gov.lb

provide any requested information swiftly and with no justification." The National Network for the Right of Access to Information said the draft law is for the "protection of 'whistleblowers,' or those individuals who report corruption."[24] Yet the General Security has long acted with impunity in Lebanon, often censoring audiovisual material haphazardly and with no public justification.

In October 2006, the Ministry of Interior proposed the creation of a Technology Committee to draft a policy to regulate online fraud, cyber crimes and pornography. Following the adoption of Telecom Law 431[25] in 2002, a Telecommunications Regulatory Authority (TRA) was formed under the Ministry of Interior with the mission to "establish a regulatory environment that enables a competitive telecommunications market to deliver state-of-the-art services at affordable prices to the broadest spectrum of the Lebanese population."

Censored themes

Lebanese media censorship is concentrated around three main themes: Israel, religion and sexuality, with the third being an area that General Security has been least active in censoring. An AFP article from 2008[26] described Lebanon as a "liberal Middle East country with unfettered Internet access, but state censorship is also rife on any topics that touch upon Israel or sensitive issues such as religion." A Lebanese law dating back to 1955 prohibits all communications with Israel, an enemy state, and boycotts all Israeli artists, writers, academics, and anything that contributes to Zionist propaganda. The same article states:

> "I know that with the Internet censorship may appear to be ridiculous, but we ban works damaging to religion because it is such a sensitive topic in a multi-confessional state," General Wafiq Jizzini, head of the general security department at the interior ministry, told AFP. "Sensitivities must be handled carefully," said Jizzini, who implied that he comes under pressure from the country's all-powerful religious leaders.

Religious censorship affects many forms of expression, including music. Heavy metal, for example, is often banned from the country because it is seen to incite anti-Christian sentiments. However, some high-ranking officials have spoken out in favour of abolishing censorship, most notably Lebanon's Culture Minister Tareq Mitri, who called it an "outdated" practice. "A draft law is in the works that would abolish censorship and set up an independent 'committee of wise men' instead," he is quoted as saying in the same AFP article. It was unclear, however, who would qualify as "wise men" and how such a practice would be any different from the current laws that are mostly influenced by religious leaders and cultural traditions.

Censorship of sexuality-related media, however, has been far less controversial in Lebanon. The term "damaging to public morality" is ambiguous and unclear in its definition of what public morality is. Besides the problematic of state control of that to which people are allowed to be exposed, the issue of what is moral and what is damaging is highly controversial within activist communities, although this debate has yet to reach public levels. When it comes to the Lebanese cyberspace, however, the censorship laws have not been applied. While the Publications Law could, in theory, expand to e-publications (blogs, websites, social networks), the law has not been enforced in cyberspace thus far.

Internet vulnerability in the regional censorship environment

The Lebanese advantage strongly contrasts with neighbours in Syria and Egypt. Those two were listed among the Top 10 worst countries to be a blogger (third and tenth on the list, respectively) in a report published last year by the Committee to Protect Journalists.[27] Random arrests, detentions at the airport, even fabricated court cases commonly occur in Syria and Egypt among bloggers and website owners. International rights groups have warned of heavy government censorship inside Egypt, with several bloggers and political dissidents being arrested for "security reasons". Government officials in Egypt also target websites and servers of political movements. The website of the April 6 Movement was blocked this year while activists were protesting in the streets.[28]

Even Jordan, long considered an exception in the region due to its booming IT start-up industry, now succumbs to similar restrictions. On 13 January 2010, the Jordanian blogosphere woke up to devastating news of a new decision by Jordan's Supreme Court to govern all internet websites by the already controversial Press and Publication Law. The court ruling came as a result of a public defamation

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24 NOW Staff "Conference Highlights Citizen's Right of Access to Information Regarding All Government Entities" *nowlebanon* 29 September 2009 www.nowlebanon.com/NewsArchiveDetails.aspx?ID=116795

25 The full text of Telecom Law 431 is available at www.tra.gov.lb/Library/Files/Uploaded%20files/Law431/Law-431-EN.htm

26 AFP "CENSORED: Lebanon May Be Liberal, But..." *AFP* 14 April 2008 afp.google.com/article/ALeqM5gHVCMu9wKX22D99NqoUDGfbAQtwQ

27 Committee to Protect Journalists *10 Worst Countries...*

28 Zeinobia "6th April Movement Official Website is Blocked" (*Egyptian Chronicles*, 6 April 2010) egyptianchronicles.blogspot.com/2010/04/breaking-news-6th-april-movement.html

lawsuit against two Jordanian men who run online news websites. Some journalists hailed the move as well-intentioned, allowing "[journalistic] integrity to extend to the Internet, as well as extending the rights of citizens for protection from attacks on their image to apply on the Internet."[29] Most bloggers, however, were outraged at the restriction levels such a move places on freedom of expression online.

Geopolitics has historically played a strong role in determining Lebanese stability and the influences of neighbouring Arab countries seep into cultural norms, political affiliations and laws. The overarching atmosphere of moving towards stricter censorship in places like Jordan, in addition to the most recent shutting down of the internet in Egypt and Syria to hinder the public from sharing information about ongoing protests, all contribute to the vulnerability of regional freedoms online. This will be made more clear in the section that discusses the proposed ICT control law that caused panic in Lebanon's online spheres. Before that, we will examine some of the legal cases that unfolded the vagueness around Lebanese internet regulation – the case of GayLebanon.com being the most relevant to our research topic.

Facebook lawsuits

In January 2008, Lebanese security forces arrested four young men who attend Saint Joseph University after accusing them of "electronic defamation against a female classmate" on the social networking site Facebook.[30] The female classmate filed a legal complaint against the four students after she joined a group that had a defamatory description of her, photos of her that were posted without her consent, and "disgusting comments and sexual defamatory words." The lawsuit was filed against the four boys under Articles 531 and 582 of the Lebanese Penal Code, which cover defamation. Controversy over the arrest ensued because Lebanese law prohibits cautionary arrest in defamation cases. The young woman refused, however, to withdraw her complaints and was backed by her family, friends and lawyer, Micheline Bardawil. Bardawil argued that in what she called the "information age", the internet is available to everyone and so social networking sites like Facebook should be considered publishing venues. Thus, prosecution based on "material published on its pages" should be valid.

Lawyer Ziad Baroud, who later became minister of interior, said that e-crimes are new and people are not used to them yet. He referred to Article 209 of the Lebanese Penal Code that deals with slander and argued that slander can also happen online and prosecution in such cases is lawful. The case, at the time, raised questions about the lack of specific legislation for electronic media in Lebanon. *Menassat. com* reported that the case was a first in Lebanon and might be one of the first in the world.

In July 2010, a group of four men were arrested for insulting the president of the Lebanese Republic on Facebook and the Ministry of Justice found that the case met the criteria for a slander and defamation lawsuit.[31]

Censorship through defamation accusations: The case of GayLebanon.com

While a number of cases have been made public in recent times concerning the internet and freedom of speech, the first serious case dates back ten years and involved the first Lebanese LGBT website: GayLebanon.com. The domain name was registered on 29 September 1999 and is considered one of the manifestations of the beginning of an organised LGBT movement. Gay and lesbian activists and individuals who were unable to come out publicly were able to use the website to find information, resources, links to chat rooms and mailing lists, and a connection to a larger community. On 3 April 2000, a vice squad conducted a raid on the offices of Destination, the Beirut internet service provider (ISP) wrongly associated with the website. Ziad Mughraby, owner of Destination, was interrogated to reveal names of people responsible for GayLebanon.com but did not have the information that Hobeish Police Station, Beirut's morality station infamous for its violations of human rights of detainees, wanted. A human rights organisation led by Kamal Batal, MIRSAD (Multi-Initiative on Rights: Search, Assist and Defend) took up the case issuing a press release that highlighted "the unlawful attempts by the police to interfere in the freedom of the Internet and the freedom of expression of the gay community."[32] Both Batal and Mughraby (who are civilians) were then transferred to a military court and charged with "tarnishing the reputation of the vice squad by distributing a printed flyer." They were eventually released with fines of USD 219 each.

GayLebanon.com is the only known Lebanese website to result in a prosecution and court case, albeit arbitrarily against the only two people the

29 Eyas Sharaiha "Websites and the Publication Law", *7iber*, 16 January 2010 www.7iber.com/2010/01/websites-and-the-publication-law

30 Layal Abou Rahal "In Lebanon, Facebook Can Land You in Jail" *Menassat* 21 January 2008 www.menassat.com/?q=en/news-articles/2750-lebanon-facebook-can-land-you-jail

31 Alexandra Sandels "LEBANON: Arrests Over Alleged Facebook Slander of President" *Los Angeles Times* 29 July 2010 latimesblogs. latimes.com/babylonbeyond/2010/07/lebanon-arrests-over-alleged-facebook-slander-of-president.html

32 Warren Singh-Bartlett "GayLebanon.com Case Causes Stir" *The Daily Star* 25 September 2000 www.onlinepolicy.org/turing/000925. dailystar.gaylebanondotcom.shtml

police could find remotely connected to the owners. The website, registered in the US, survived as a portal of knowledge and paved the way for many other websites that came after it. On 17 March 2010, Khodor Salameh, who blogs at jou3an.wordpress.com, became the first Lebanese blogger to be threatened by officials for criticising Lebanese President Michel Sleiman. The Lebanese security forces asked him to change his tone, close his blog or stick to writing poetry. He was threatened with being prosecuted for defamation. Global Voices tracked Khodor's case.[33]

Self-censorship

In addition to legal censorship, certain cultural norms govern online activities and expression, imposed by political regimes that have long thrived on the silence of people. Governments employ various tactics of intimidation and violence to make sure information available to the masses is controlled. Laws both written and unspoken create a general environment of self-censorship, the ramifications of which can be clearly detected in the Lebanese blogosphere. Blogger Antoun Issa tackles this topic in a post on Global Voices by stating that "an element of caution exists on the Lebanese blogosphere when it concerns political debate. A portion of Lebanese bloggers define their work on their political expertise, whilst others engage in a variety of topics and thus may avoid political discussion so as to not offend their readership."[34] At the fifth Arab Media Forum that took place in Bahrain in December 2009, artist Sheyma Buali describes the issue of censorship as follows:

> Beyond the political considerations, there is a cultural dimension to censorship too. Politically a free press and free expression should be pillars of any society, even more so among those working towards developing "democracy", but more broadly, when people are not allowed to speak for themselves, others will speak for them. This, as we have seen throughout time, whether in cases as simple as the caricatured portrayal of Arabs in popular and specialized media or as dramatic as foreign intercepted processes that result in social and political changes in the region, can be very dangerous. But overall the ideas, concerns, encouragements and so on lay a thick layer of what looked like censorship in action: censorship of the topic of censorship. It wasn't that "press freedom" didn't come up at all: it did, but it then got stuck in that web of layers that separate ideas from practice. Even in the

wake of post-colonialism, the days when Arabs had to be "thought for" or "spoken for" have not yet passed. The region must protect itself from leaving holes that will otherwise be filled by outside intellect and debate. It is human nature to criticize one's own, whether it be country, people or even family, while not accepting criticism of those groups by outsiders. But ironically, the Arab world sometimes seem to systematically allow, in fact at times invite, outside minds to come in and discuss what needs to be changed in the region. The door is, on many levels, open for others to come in and fill that which the Arab national cannot.[35]

In the coming sections, we will see clearly from the research findings how the issue of self-representation and breaking self-censorship play a central role in the queer movement's writing and activism. It can also be argued that the interviewees were more engaged with this form of cultural censorship than with legal restrictions when it comes to the online expressions of sexuality.

Child protection and the politics of funding

In February 2009, the United States Agency for International Development (USAID) funded the TRA with three million US dollars to fund the procurement of spectrum management equipment and the related technical assistance and training. The implications of USAID funding on the policies of the TRA include the import of child protection discussions and plans to limit access. The TRA is a member of the Higher Council of Child Protection (HCCP), and "makes constant efforts to ensure the participation and commitment of all players in the Lebanese market in adopting self organization measures to protect children in cyberspace."[36] On their website, the TRA have a special section for child protection including links to protection tools. One of these is a filtering system which comes as an option with your internet subscription. This offer is mainly used with services such as schools that are aimed at targeting children. This system is based on a code of conduct by the internet industry, governments, law enforcement, and institutions that educate children. In May 2009, officials from the TRA held roundtable discussions with the HCCP and came up a list of recommendations[37] that included:

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33 Threatened Voices website threatened.globalvoicesonline.org/blogger/khodor-salameh

34 Antoun Issa "Lebanon: Is a Politics Social Media Taboo?" (*Global Voices*, 18 March 2011) globalvoicesonline.org/2011/03/18/lebanon-is-politics-a-social-media-taboo

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35 Sheyma Buali "The Cultural Limitations of Censorship" *Arab Media and Society* Issue 10, Spring 2010 docs.google.com/Doc?docid=0Ac T2dKIHNCThZGZkNHM5Z3ZfNzhkYnczNXFjdg&hl=en

36 TRA "Children Protection" www.tra.gov.lb/Children-protection

37 TRA "Recommendations Brought About by the Stakeholders During the Round Table Discussion on May 14th about Children Protection in Cyberspace" 2009 www.tra.gov.lb/Library/Files/Uploaded%20files/Recommendations-TRA-Telecom%20Day%202009%20EN.pdf

- A hotline to receive complaints of immoral behaviour contributing to the security of children in cyberspace

- Raising awareness among parents about tools to be installed on their PCs by the points of sale of computer stores with the collaboration of the Professional Computer Association (PCA)

- Monitoring cyber cafes to make sure they are implementing the initiative

- Investigating a potential legal framework for internet cafes in collaboration with Internal Security Forces.

These supposed goals of the TRA's recommendations stand in strong contrast to the situation on the ground, where there are no intentions or measures to limit access to harmful content online, nor to assess what harmful content entails. It affirms the blind importation of policies used in other countries without a comprehensive study that shows how children in Lebanon are accessing content online and what sort of risks they are facing. Without opening up the space for organisations working on sexuality, women's rights, child sexual abuse, sexual harassment, and other active topics in civil society today, the measure could potentially filter out important information that young people have a right to access online. For example, efforts to update Lebanon's school sex education curriculum were met with strong opposition and raised a lot of controversy in 2007[38] and a new progressive curriculum remains on the discussion table at the Ministry of Education. In the meantime, the internet serves as a free, open space for youth to access information. The decision to implement policies (as indicated in the TRA recommendations above) to filter or restrict content on sexuality for the sake of child protection without allowing room for debate on what "harmful content" actually entails could result in the blockage of useful material and the violation of free access to information online in Lebanon.

The proposed ICT law and the vulnerability of the Lebanese internet

Voice over internet protocol (VoIP), a cost-effective and sometimes free way of long-distance voice calling and video conferencing, is one example of legal versus practical contradictions in Lebanese internet regulation. VoIP is technically illegal in Lebanon, according to Telecom Law 431 of 2002, a testament to the restrictions the government has repeatedly put in place in Lebanon, constraining access to ICT.

The law bans services like Skype by requiring providers who want to offer this service to apply for special licensing.

Unlike instant messaging, VoIP allows users to speak from phone to phone via the internet. Despite the fact that the existence of this law goes back several years (2002), it is only this year (2010) that the Lebanese government began implementing bans on VoIP communications. Recently, Egypt began applying a similar ban on VoIP services via mobile phone internet, due to the disappointing revenue that was reported by the state-owned monopoly Telecom Egypt. "The NTRA [National Telecommunication Regulatory Authority] had tolerated mobile internet telephony until a drop in international call volumes over recent months pushed them to tell Egypt's operators to enforce the ban," said Amr Badawy, head of the NTRA.[39]

The internet in Lebanon is quite a loose and relatively unsupervised domain, but using the internet to cut down on communications expenses, thus diverting funds from the pockets of the overpriced services the companies provide, poses a problem to Ogero, MTC and Alfa, the only phone networks in the country. And, therefore, a ban on VoIP plays to these private companies' advantage and their continued monopoly of communications prices, which poses problems of affordable (and free) access. The Telecoms Ministry issued a statement on 9 June 2010 saying it was aiming to "fight the illegal use of VoIP, adding that the government generates $150-million yearly from international calls, revenues which VoIP affects severely."[40] On its website, the TRA states that its policy to ban VoIP is currently under review.

The vulnerable nature of Lebanon's internet freedom was most highlighted in June 2010 when a proposed ICT law was presented for a vote in Parliament without comment allowed. The draft law dictated that an independent body called the "Electronic Signatures & Services Authority (ESSA)" which is "not subject to the provisions of the general system of public institutions and is under the control of the Audit Bureau" would be responsible to create a "more monitored online environment in Lebanon."[41] The draft law was originally written up in 2003 by MP Ghinwa Jalloul, a member of the Future Movement Party – one that is notorious for its push towards privatisation in Lebanon.

38 Zahra Hankir "Sex in the classroom" *nowlebanon.com* 20 October 2007 www.nowlebanon.com/NewsArchiveDetails.aspx?ID=16836

39 "Egypt Bans Mobile Phone Skype Access" *Meedan* news.meedan.net/index.php?page=events&post_id=296173

40 Dana Halawi "Telecom Ministry to Prohibit Commercial Use of Voice-over-IP" *The Daily Star* 1 July 2010 www.dailystar.com.lb/Business/Lebanon/Jul/01/Telecom-Ministry-to-prohibit-commercial-use-of-voice-over-IP.ashx?searchText=voice-over-IP#axzz1Q3ZKAV4q

41 Jessica Dheere "Emergency: Help Delay the Vote on E-Transactions Law" (*Social Media Exchange*, 13 June 2010) www.smex.org/2010/06/stop-the-vote

The proposed law had several contentious points and the Lebanese blogosphere and leading tech organisations such as Social Media Exchange were quick to form a campaign called "Stop This Law" to defer the vote. Direct results of the law included the restriction of internet usage for business or leisure, for personal reasons or academic ones, without a licence given out by a special governmental body. Said body would also have access to raid and confiscate any information, hardware or software, whether it be personal (like Facebook) or fiscal (like e-banking) or business-related (e-commerce). Not only were the suggested regulations preposterous and of dire consequences to the blogosphere and online community, the formation of the proposed body and its independent jurisdiction meant serious risks in Lebanon's politically unstable environment.

According to Gabriel Deek, ESSA was to be given "very broad and unjustified powers, beyond the objectives of the law and its functions."[42] Deek also highlighted some of the problematic aspects of this law, namely that ESSA would have powers of law enforcement without judicial oversight, the clear conflict of powers between ESSA and relevant ministries (Economy, Telecoms, Finance), and the fact that ESSA would have both regulatory and operational powers, in addition to conflicts and ambiguities in the language of the draft law. Deek goes on to mention that these alongside other observations will "result in a negative impact on the economic activity and investment panorama."

Mohammad Najem, one of the founders of Social Media Exchange (SMEX), a Beirut-based organisation that works to support organisations using ICTs for social change, said in a phone call to us in June 2010:

> The new draft law took us by surprise. It was in the drawer since 2004 and has been revised many times but is not up-to-date at all with the needs of Lebanese internet users, consumers, vendors or bloggers. One of our main issues with the draft law are articles 82 and 84 that allow the new regulatory entity to search and print all information from private computers, in addition to financial records of companies or individuals, based on a filed complaint. It is a very wide-reaching law, and allows too much room for abuse. Also, while the draft law doesn't mention censorship directly, it will be very intimidating for bloggers and activists whose computers can be searched at a simple complaint. Another vague article is number 92, which says that we need licences, granted by this entity, to perform any activities online. The way it is phrased now, this can include e-commerce, blogging, or even sending emails!

Through SMEX's lobbying and meetings with deputies, alongside Facebook groups, Twitter action and blog posts, a large aggregation of people were able to spread the word and get the voting on the law postponed an entire month (and then indefinitely) for the draft to be revised, in an attempt to make more sense and infringe less upon personal freedoms.

Infrastructural obstacles to free and open internet usage

In sharp contrast to the online freedom enjoyed by the Lebanese online community is the daily agony of a very slow and very expensive internet connection. The lack of infrastructure for a broadband connection and other advanced networks such as 3G is the leading source of frustration with bloggers and online entrepreneurs, a group of whom launched "The Broadband Manifesto: Economic Growth and Social Development for Lebanon".[43] Their manifesto demands a 100 Mbps connection speed (among other things) and that "citizens should be able to choose the services they wish and should have access to unrestricted information. Online content – ranging from government, media, culture, health, business, learning, entertainment, sciences, and inclusion – all need to be made accessible to all." Lebanon is currently among the lowest-ranked countries in the world in terms of download (rank: 165/178) and upload (rank: 175/178) speeds.[44]

The Ontornet group, mentioned earlier, compiled information showing that Lebanon has one of the highest priced internet service sectors in the world compared to speed and bandwidth caps. "Lebanese authorities indirectly monopolize everything related to [the internet] sector, minimizing any improvements or competition between ISPs."[45] Telecom experts and IT advisors continue to press the government to improve the internet and cut prices of subscription so that more individuals and companies can use it with relative ease. Little effort has been undertaken by the government to respond to this issue, save for a broadband project that costs LBP 140 billion (USD 93 million) currently on the table. "According to a study by the World Bank, [for] every 10 percent broadband penetration growth in Lebanon the GDP growth will rise by 1.35 percent annually or the equivalent of LL600 billion. This project will also generate an additional tax revenue of LL140 bil-

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42 Gabriel Deek "Major Pain Points in e-Transaction Law"

43 Broadband Lebanon website www.broadbandlebanon.org

44 Nadine Moawad "How Slow Internet in Lebanon Is" (*What If I Get Free*, 14 June 2010) www.nadinemoawad.com/2010/06/how-slow-internet-in-lebanon-is

45 Ontornet Group "The Internet Situation in Lebanon. Special Report" 11 March 2011 www.slideshare.net/ontornet/the-internet-situation-in-lebanon

lion each year,"[46] said Lebanese Telecommunications Minister Charbel Nahas to the *Daily Star* on 12 April 2010 – but no changes or improvements have been made to date.

A strategic lobby group called Flip the Switch pushing to activate fibre optics that would boost Lebanon's internet connectivity attributes the delay in improving the infrastructure to political bickering among three main groups: the Ministry of Telecommunications, Ogero (the national phone company) and the TRA. The nature of the political fights is a reflection of ongoing political disputes in Lebanon, driven mostly by the sectarian nature of everybody in power.

Data retention and monitoring

All ISPs, of which there are seventeen licensed in Lebanon, are required by Telecom Law 431 to maintain logs of all sites visited by their users for at least two years. These logs can be made available to the Internal Security Forces or General Security for criminal investigations. Encrypted connections to password-protected accounts, however, prevent ISPs from tracking personal emails and chat logs. A Lebanese internet expert and hacker who identifies himself as LoCo says: "[ISPs] can keep logs, yes, but when I was talking to some people inside ISPs they said they don't keep much of the logs. They probably keep only the connections you open, but not the details."

In an article on Al Jazeera,[47] a Lebanese Internal Security officer revealed that the United States has access to the Lebanese communications network (TETRA) as part of a "donation deal". The logic behind it is to make the network and its data available for maintenance and efficiency purposes. In addition to giving access to mobile and land communications, TETRA also provides the GIS, which is a system that contains all the geographical data such as streets, buildings, banks, embassies and main internal security quarters. The network can be accessed by any laptop with the appropriate settings. Although the ramifications of this deal pose huge question marks related to Lebanon's national security, privacy of internet users, and full exposure of sensitive data, the revelation caused little stir amidst the public sphere in Lebanon.

General Wehbe Qatisha, treasurer of the Lebanese Forces, a right-wing political party, stated that accusations that the US is trying to infiltrate TETRA for intelligence purposes are not credible, since the US possesses the advanced technologies that would allow them to do so without any consent from the Lebanese government. Meanwhile Dr. Hussein Rahhal, chief of the electronic media unit in Hizbullah, an armed resistance party, believes that any cooperation with the Americans is suspicious because of their relations with Israel, which is in a state of war with Lebanon. And in the event they could access the information, it is considered a major breach of national security and the cooperation should be discontinued.

Internet access and filtering

In 2009, the OpenNet Initiative (ONI) carried out technical tests in Lebanon using several ISPs and different connections and found no evidence of the use of technical filtering to limit access to web content.[48] To date, public or religious concern with open access to internet pornography or sexuality-related material has not been voiced, despite common vocal interference in traditional offline portrayals of erotic material. The production or dissemination of pornography in Lebanon is prohibited under Article 533 of the Lebanese Penal Code.[49] Pornography is categorised as harmful material that violates "public decency" in both the law and in general public attitudes.

However, access to pornography is widespread and sites like PornHub.com, RedTube.com, YouPorn.com and LiveJasmin.com are consistently among the Top 50 on Lebanon's Alexa.com rankings. One article on the popular online news site *NowLebanon.com* made a reference to these websites on Valentine's Day, advising women to "pull up the blinds and settle down in front of the computer for some RedTube before bed."[50]

Online pornography usage is especially common in internet cafés (known as "networks" in Lebanese Arabic) where fees are cheap (around USD 0.66 per hour) and opening hours extend until the early hours of the morning. A combination of online pornography, network games that promote violence (such as the popular Counter-Strike), swearing, smoking and alcohol consumption have caused parents to tag the idea of internet cafés in Lebanon as unsafe spaces for their daughters. These factors add to the gender inequality in using and becoming familiar with technology, as girls from working class homes whose

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46 Daily Star Staff "Broadband Project Finally in Fast Lane" *The Daily Star* 13 April 2010 www.dailystar.com.lb/News/Politics/Apr/13/Broadband-project-finally-in-fast-lane.ashx#axzz1QNz2bWN0

47 Khadr Awarkh "Washington Penetrates Lebanon's Communications Security Network" *Al Jazeera* 10 April 2010 aljazeera.net/NR/exeres/FE35E432-0DF2-4D82-A407-22DBC8004A15.htm

48 OpenNet Initiative "Lebanon" 6 August 2009 opennet.net/research/profiles/lebanon

49 Article 533 states that anyone who manufactures, exports, imports or owns writings, drawings, photographs, films, or other material that violate public decency with the intent of commerce or distribution, or who advertises or shares information on how to access such material, faces imprisonment from one month to one year.

50 Louisa Ajami and Dana Moukhallati "A Single Girl's Guide to Valentine's Day" *nowlebanon.com* 12 February 2010 nowlebanon.com/NewsArticleDetails.aspx?ID=145863

families cannot afford computers or an internet connection are denied access to cheap internet cafés.

The ONI research that looked at internet filtering in the Middle East and North Africa determined:

> Algeria, Egypt, Iraq, Lebanon, and the West Bank do not currently filter any material […] But even though the state in Lebanon does not practice surveillance, many private spaces do. Some internet café operators in Lebanon have admitted to using surveillance software to monitor browsing habits of clients under the pretext of protecting security or preventing them from accessing pornography.[51]

Similarly, on all university campuses in Lebanon, wireless internet connections are censored using different techniques from keyword filtering to site blockage to bandwidth limitations. At the American University of Beirut, a number of websites are filtered by keywords such as "lesbian" or "porn". On the same blockage page, the university links students to a request form should they wish to report the website as safe and remove it from filtering.

In September 2009, an Islamic search engine, ImHalal.com, was launched with a pre-filtered search that allowed Muslims to avoid surfing across any website that was not *Halal* (i.e. permissible within Islam). When the CEO of ImHalal.com was asked about the motivation behind creating the search engine, he noted:

> We had picked up that many Muslims avoided the internet because they were afraid that they or their children would bump into explicit content, which is a shame because it's important everyone is able to collect information and get him or herself informed about certain subjects […] We don't believe Google Safe Search is returning "clean" and safe enough results.[52]

The launch of ImHalal.com could signal the beginning of a movement towards restricting the internet based on cultural traditions and practices. *Bekhsoos* reported on the new website noting that:

> "Nipple" will get you a *Haram* [sinful] level 1 out of 3, while "breast" gets you 2 out of 3. When I first checked the site in August, "lesbian" would get you a 3 out of 3 *Haram* level (in red!) but now it's been reduced to level 2. Fastest *Ijtihad* [process of reinterpreting the Qor'an] I've ever seen.[53]

Internet filtering: The case of Bing

In the first two weeks of January 2010, ONI conducted a test on Microsoft Bing[54] to study Arabic keyword filtering in Arab countries. The results of this test appeared in "Sex, Social Mores and Keyword Filtering: Microsoft Bing in the 'Arabian Countries'".[55] Microsoft Bing's filtering practices are customised according to region, and in this report, ONI looks at Bing's filtering practices in the Arab region in particular – or what Bing generally names "the Arabian countries". The methodology spreads across four Arab countries with contrasting levels of social and political internet censorship in place. By using the engine to manually search for a set of 100 Arabic keywords and a set of 60 English keywords, ONI attempts to identify which keywords are filtered out by Bing.

The results, according to ONI, show that Bing filters out keywords that may yield sexually explicit results, especially those related to homosexuality and non-normative sexual behaviours. In the report's conclusion, ONI explores the motives behind Microsoft's homogenising filtering initiative for the Arab region and its implications, especially after Microsoft signed to be part of the Global Network Initiative that seeks to protect freedom of expression around the world. Nevertheless, ONI's focus on derogatory terms in the testing process may have affected the study's results. ONI fails to observe, for example, that politically correct terms such as "LGBT", "heterosexual" (مغاير), "transgender" (متحول) and "homosexual» (مثلي) are not filtered out by Bing. On the other hand, derogatory terms such as «لوطي» (faggot) and «سحاقية» (dyke) are.

This could possibly mean that Microsoft's intention is to filter out hate speech and not homosexuality as a topic, although the distinction among the terms (which is perceived as offensive and which is not) is relatively new to the Arabic lexicon. LGBT organisations like Helem (Lebanon) and Aswat (Palestine) have made noticeable progress in advocating for the use of neutral terms to address homosexuality instead of the commonly used Arabic equivalents of "faggot", "deviant" and "pervert". On the other hand, efforts to reclaim derogatory terms are also part of the queer movement's agenda, with events such as the International Day Against Homophobia held in Beirut in 2010 upholding the slogan "أنا شاذ" or "I Am a Deviant".[56] Filtering out these terms in Arabic-language search engines restricts access to online material advocating for reclaiming the terms.

51 Jillian C. York "ONI Releases 2009 Middle East and North Africa Research" (*OpenNet* 12 August 2009) opennet.net/blog/2009/08/oni-releases-2009-middle-east-north-africa-research

52 Khaled AlSaleh "Interview with CEO of I'mHalal" *The Next Web*, 11 June 2009 thenextweb.com/me/2009/11/06/interview-reza-sedaha-ceo-imhalal

53 Nadz "On Censorship" *Bekhsoos* 20 September 2009 www.bekhsoos.com/web/2009/09/on-censorshi

54 www.bing.com

55 Helmi Noman "Sex, Social Mores, and Keyword Filtering: Microsoft Bing in the 'Arabian Countries'" *OpenNet* opennet.net/sex-social-mores-and-keyword-filtering-microsoft-bing-arabian-countries

56 Phoenix "Beirut Deviates with its Deviants" *Bekhsoos* 17 May 2010 www.bekhsoos.com/web/2010/05/beirut-deviates-with-its-deviants

Therefore, legal and cultural censorship restrictions in addition to poor infrastructural access to the internet make for a risky environment for freedom of expression in Lebanon. Issues of both censorship and access are key in examining queer women's usage of online technologies to further their movement over the past ten years. Many of the themes outlined in this first half of the research will resurface in the second half, which focuses on the sexual rights movement. In the midst of this vulnerable, slow and expensive internet environment, the queer community has both worked to protect individuals' security and privacy while joining forces, often in implicit ways, with campaigns for a freer, cheaper and faster internet. This is in addition to a continued examination of best online practices and ways of using the different tools to promote rights and causes important to sexual minorities.

The sexual rights movement

In parallel to the development of the internet over the past decade, both in terms of increased access and technological sophistication, the queer movement in Lebanon has also developed its usage of the internet for personal and political gains. The relative freedom of posting and accessing content online has undoubtedly facilitated and empowered Lebanese queers and offered them a virtual space to further their goals towards justice. In sharp contrast to neighbouring countries in the Arab region, Lebanon has a vibrant and developed queer movement that has been active for over a decade. In countries like Egypt, Syria and Jordan, small LGBT communities have emerged in recent years but are still in nascent stages in terms of organising on the ground and even in their online presence. By comparing the movement in Lebanon's relatively free internet environment to the movements in other Arab countries' heavily restricted internet environments, we can see a clear proportional relationship. An open cyberspace will enable and strengthen the work of activists working on taboo and/or illegal topics in their countries.

The following section will enumerate the ways in which the queer women's movement in Lebanon has operated within the developing ICT environment. It will aim to gauge the effects that ICT has had on the size, voice and shape of the movement and the nuanced ways in which this has played out.

Sexuality in Lebanon and the political system

The religious institutions here in Lebanon and the sectarian institutions are a main obstacle for us as LGBTs, as women, as persons who choose to live their sexuality in a different way. […] Although Lebanon does not adopt religion as a main source of its Constitution, yet the sectarian system gives religious institutions the only authority regarding our personal status – to marriage, to divorce and to all issues related to family.[57]

While Lebanon's constitution identifies the republic as one that is secular, religious institutions have historically made important forays into its legal framework since the early days of the republic's founding. Political power in the country is distributed according to a confessional agreement, whereby members of different Lebanese religious sects are allotted different forms of political power. Lebanese historian Fawwaz Traboulsi explains, "The [Lebanese] constitution is characterised by a fundamental dichotomy. It establishes the political equality of all Lebanese as citizens, inasmuch as it institutionalises their judicial and political inequalities as subjects belonging to hierarchised access to political power and public office."[58] This has had many potent and enduring implications for political, economic and social life in the country.

Religious institutions in Lebanon maintain jurisdiction chiefly over Lebanon's private sphere, ruling over proceedings that relate to inheritance, marriage, guardianship, divorce and custody. While they may not, constitutionally, issue rulings over individual behaviours, sexuality-related behaviours and otherwise, they are often eager to pressure the government to implement controls in their favour. Several movies and books have been banned or censored over the years for religiously "offensive" content; most prominent among these was the international bestseller *The Da Vinci Code,* by Dan Brown.

The authorities often submit to these pressures, likely for fear of disrupting the confessional agreement on which Lebanon's political stability is hinged. Previous sections mentioned several incidents in which the General Security exercised censorship on behalf of the church in Lebanon. There is a fear among the queer community that censorship of sexuality-related content will develop into a police crackdown on the LGBTQ community because the amount of influence that churches and mosques wield in Lebanon is so pervasive.

But likely a more immediate effect that religious institutions have in Lebanon takes form within households. A vast majority of Lebanese citizens adhere to religious doctrine and social taboos against homosexuality are potent. Most queers in Lebanon that we interviewed expressed a strong fear that their identities as queers should be disclosed to their

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57 An activist member of Helem in a lecture entitled "One Day, One Struggle" at the American University of Beirut, 9 November 2009

58 Fawwaz Traboulsi *A History of Modern Lebanon* (London: Pluto Press, 2007)

families. They expressed a fear of ostracism and harassment. These sentiments would come to shape a core component of the queer movement in Lebanon.

Homophobia entrenched in the legal system

Article 534 of the Lebanese Penal Code criminalises "sexual acts against nature" with up to a year in prison. A leftover law from the French mandate, Article 534 has been a pivotal point of advocacy for the LGBT movement, which calls for its annulment. The national LGBT organisation Helem[59] provides legal services for individuals charged under Article 534 and continues to highlight its detrimental effects on the LGBT community. In addition to this particular article, a myriad of other laws affect the LGBT community, including laws against "offending public morals" and "promoting lewdness".

Although Article 534 is widely known as an anti-sodomy law and targets men more than women, women still face acute and different forms of homophobia – both as a direct result of homophobic and misogynist legislation and as a result of public perceptions of women's bodies and sexuality.

A quick history of queers and their internet
On the personal level…

As soon as the internet got to Lebanon in the early 1990s, gay and lesbian individuals used search engines to find other people like them. Many undertook this research thinking they could only find other individuals internationally and not in Lebanon. The first dating and matchmaking websites for homosexuals were in English and hosted in the United States or Western Europe, and many Lebanese LGBTs found themselves on these websites connecting with English- or French-speaking LGBTs with the very odd chance of finding an Arab or Lebanese gay person online. Internet chat sites contributed to the rapid formation of gay self-identities, with a growing number of people actively seeking out others like them to date, befriend and talk to. One user who goes by the nickname "eagle" explains her first interaction:

> I remember Googling – Wait, no we didn't have Google at the time. I remember searching for homosexuality on Yahoo! as soon as I had internet access at home. It was in the late 90s. I found a bunch of links, a lot of them were about AIDS, and most of them were American. Although it felt good to find positive information about homosexuality, it still felt alien to me. One night I was chatting on FreeTel, the popular chat client

at the time and I found a nickname that was "lesbian4lesbian" and rushed to chat with it. She (actually I'm not sure if it was a she) was from London and freaked me out when she started talking explicitly about sex. I was too shy to continue the conversation. But I do remember that she was the first person to teach me that :) was a tilted smiling face.

A similar experience is described in the story "My Quest to Find Lesbians" in the book *Bareed Mista3jil:*

> The first word I ever searched for on Yahoo! was "homosexual". It was the first day my dad got me a dial-up internet connection for my birthday. It was October 1998 and internet back then cost a fortune. I remember it was something like $6 an hour, so I had to be very quick and I got right down to the point. I had to find some lesbians!

The online tools of communication that the LGBT community predominantly took advantage of in the early days of the movement were chat rooms (on mIRC or Yahoo! or websites). Many, however, reported feeling frustrated that online spaces were predominantly Western. So they were spurred to create a local forum using mIRC; the chat channel #gaylebanon was created by a group of ten queer Lebanese. "It was much easier with a local chat room for individuals to discuss local matters and meet each other. With global spaces, it was much harder to find one another," said TouchE, one of the founders of #gaylebanon, adding, "It was also hard for us, Lebanese, to relate with other queers who lived abroad, who had their very own rights and freedoms."

While the queer virtual network in Lebanon flourished – as detailed in the next section – Lebanon's queers slowly began to emerge from the underground into the streets of Beirut. Queers converged in Acid, an after-hours nightclub that sits among a cluster of industrial warehouses in the capital's outskirts. "The few times that, when I was sixteen-seventeen, I went to Acid, it was like, you know how you go to have one night stands and you don't mention your name or anything or where you come from and you just dance with a person," says Shant, a queer activist and member of Meem, "and then at the end of the night you just go home as if nothing happened."

… and the political

In parallel to the chat room, a small group of individuals also ran a ONElist (which later became Yahoo! Groups) mailing list. Membership on the list reached a few hundred within a year and dozens of emails were exchanged daily on the topic of homosexuality in Lebanon. From the mailing list emerged a group

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59 Helem website www.helem.net

who met in person to form what they called then ClubFree. SS describes it:

A few of us who used to meet weekly and organise social events (nothing political or activist) decided to start moving forward. An ILGA [International Lesbian and Gay Association] individual member suggested that we form a group that we would register with ILGA and we started meeting at someone's house every week. We put bylaws and created the name ClubFree. We all had full-time jobs elsewhere, so it was very difficult to do. […] It took a long time to write the bylaws and agree on them, and then we'd have GAs so after a year we had the bylaws accepted. Then there was the ILGA conference in San Francisco that I went to, I was funded by IGLHRC [International Gay and Lesbian Human Rights Commission].

When Helem (Lebanese Protection for LGBTs) was later founded in 2004, also by another group of individuals that sprung out of ClubFree, the internet continued to play an important role in LGBT activism. According to Georges Azzi, who directed Helem for five years from its inception, Helem's online communications strategy developed very "naturally". He said: "The work on the internet was very present, and there were very few places 'on the ground' that we could use to target the community. There was just Acid, and they didn't really let Helem be there. So, the use of the net, the mailing lists, the website, were the most important things."

Helem's online tools included a website, multiple mailing lists, a chat room that never came close to competing with #gaylebanon, forums that were very active for a year between 2005 and 2006, an online donations account with PayPal, the downloadable magazine *Barra*, a regular PDF newsletter, and after 2008 a Facebook group and Twitter account.

In addition to the organised activism, other initiatives sprouted online in the mid-2000s, the most notable of which is the Raynbow Media Monitor that archived all press clippings about homosexuality in the Lebanese media since 1998.

With the creation of Helem Girls in September 2006 and then Meem in August 2007, lesbian organising gained more prominence among LGBT work and over the years it morphed into its own movement and became focused on queer feminist organising. From its start, Meem adopted a low-profile strategy to provide support and services, aiming to create a strong grassroots movement where women are empowered and can, within five years, become more visible in their advocacy work. Meem today has around 380 members and runs a Womyn House in Beirut, which is an apartment that houses all of Meem's activities and

meetings and is open only to members. The house's location and details are strictly confidential.

Instant messaging is one of the more popular online tools that maintained its usefulness over the past ten years for personal connections and for organising as well. MSN was the most popular of these and guaranteed mIRC chat room and Gaydar (a worldwide LGBT dating website) users follow-up with people they met in chat rooms. LGBTs would use MSN to romance with others and also introduce people to each other on chat. A young woman user, Bloody Mary, recounts:

It will sound pathetic now, but back in 2004-2005, every time I would get a private message from a girl on Gaydar, I would wonder to myself: is she the one? Am I going to fall in love with her? […] Friendship was an option, of course, but it came after love. What I really wanted was love, even if its possibility was in the form of weird online strangers.

MSN Messenger was also then used for organising the queer women's movement that started with Helem Girls. The coordinator created a special MSN address to maintain daily contact with all the members of the community. Ran, a member of Meem, explains:

[O]ne person on MSN was talking to the girls and spreading information about meetings through personal messages. I know it might sound like a very stupid tool right now, but back then it was very powerful to have. […] Lesbians back then and still right now are scared to have a face-to-face meeting right away with someone from the community. So to have a person on your MSN contacts list who you can talk to and express your fears to and someone who can convince you to come to the meetings – I think it was a very powerful tool. This was the tool used to gather all the girls and get the numbers.

Meem's early relationship with the internet

From the start, Meem built most of its communications, community-building, awareness-raising and support strategies using the internet. One of the founders says in an interview:

Some [organisations] go to learn about ICTs to support their work. At Meem we had no other choice. We were using ICTs before they became tools for change. Because we had no other choice. Was I supposed to go hang a poster that Meem had a meeting at so-and-so location? We used to send emails. And that's why we became really experts at [using the internet]. The Meem blog was created because we needed a place to

write. The YouTube channel was launched because we needed a place to post our videos. That [was] the only creative way that we can think of doing things. Now everyone is using ICTs.

Shant, also one of the Meem founders and coordinator of the communications committee, also explains:

I don't think Meem would really exist without all [the ICTs]. I sincerely don't. […] I wonder if it's because ten years after the civil war – because usually they feed us this crap that "it's not your time now" so maybe it was the timing: ten years later. I don't really know…

ICTs also play a crucial role in the creation of alternative media, something that much of civil society in Lebanon now seeks to improve, and which the queer movement sees itself as an important part of. Shant notes that because of the Lebanese mainstream media's affiliation with established political parties, they are often reluctant to discuss progressive issues or to portray them positively, so the communications strategy must be crafted delicately. "Basically all you can do with alternative discourses that are underground is create alternative media to house them," said Shant. "And also when you want to do something mainstream, be smart enough to write something that can pass, but at the same time be very radical in a discourse that is hidden in a way."

Therefore, Meem's strategy focused on creating alternative online media to use as channels for self-expression (and self-discovery at times) as well as to reach out to the public without compromising the security of individuals or the group.

Main themes around queers and ICTs

Throughout the course of the nearly thirteen-year old queer movement, a variety of socioeconomic, geopolitical and gender issues surfaced. This paper contends that these issues necessitated and influenced the structural and ideological development of the movement and that the same themes concurrently appeared in both the internet sphere and the queer movement, sometimes in recognition and other times in complete oblivion of each other.

The authors of this paper identified a number of overarching issues that the movement faced and sought to tackle and that continue to form an enduring feature of the movement. The first of these is sociopolitics and privacy, which highlights the privacy policies that the queer movement moulded in accordance to societal conditions. The second relates to gender particularities of access, privilege and politics of queer women within both LGBT and heteronormative social structures. The third is an urgent progression towards self-representation within a globalised gay movement. The fourth is an appropriation of and contribution to social and geopolitical struggles. The fifth is a conscious strategy of queering, often a reciprocal process with internet usage, and which stemmed from radical feminist politics.

Among all of these is a perpetual engagement with censorship and circumvention, discussions around language, class and technology, in addition to management and negotiation of personal and political identities online. Debates around private versus public and online versus offline spheres of activism, plus acceptable versus harmful expressions of sexuality, surface regularly as issues that young queer activists are tackling on a daily basis, often and still in the face of massive challenges. Panning the history reveals crucial shifts in agency and power in the relationship between queer women and their internet.

Sociopolitics and privacy

Perhaps one of the most obvious distinct features of the queer movement in Lebanon is its concern for the protection of personal identities. The issue of personal privacy around one's sexuality intersected between the real world and the virtual world. And therefore, the movement had to respond to this pressing need voiced by all members of the LGBT community – in varying degrees, from women more than from men – by adapting its strategies to guard this anonymity and request for privacy. In the formative mIRC chat rooms, chat room moderators were tasked with ensuring that participants would not be "outed." The moderators themselves maintained anonymity as well because of the public nature of the chat rooms. Anybody could join and it was often reported that police informants or users with malicious intentions to bash gays or harass lesbians would log in under false pretences.

Although the chat rooms focused on providing services for LGBTs to meet and/or hook up, the moderators and users were still conscious of the constructive role the chat rooms played in building a network of support among individuals who shared common forms of oppression. They also served as a source for community news, sometimes trivial and sometimes important. An implicit code of conduct was present among the users and forced outing was seen as destructive behaviour that caused many individuals harm. The mailing lists that were later created maintained a rigorous screening process. In offline spaces, the same code of conduct continued: "Everybody knew everybody," said Shant of the pre-ClubFree period of the movement, "except that when I knew you, I wouldn't know that you know a certain other person when in fact you also knew that other person. It's like *le secret de Polichinelle*[60] in a way…"

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60 "Le secret de Polichinelle" or "Polichinelle's secret" refers to a secret that everyone knows but is never shared or discussed publicly.

Founding queer activists cited social, familial taboos and legal repercussions as recurring fears that confined initial queer interactions to the internet and engendered a fundamental policy in organisations that were established in later years. The lessons learned from previous organising experiences were translated most pronouncedly by the women who were part of these early communities. Risks ranged from family members accessing individuals' computers, emails and chat logs to recognising their writings or online profiles.

When Meem was founded in 2007 as a lesbian support group, founding members decided early on that privacy guarantees would be of fundamental importance to bringing queer women into the support spaces that they aimed to create. Members were all required to adopt nicknames and to refer to one another using those nicknames. In all written work that emerged out of Meem, most notably its book *Bareed Mista3jil,* a collection of stories from queer women in Lebanon, and *Bekhsoos,* an online queer Arab magazine, there is little to no mention of authors' names or identities. "We live in a society where obviously being gay is not acceptable, without this privacy our lives would be ruined," said Meem member Ran, adding, "Of course there are times when you would feel like you want people to know that it's you who wrote this. I'm sure there are times when you feel like you want credit for what you're doing, but we can't afford this. This is a compromise you have to make."

Meemers realised that there was a fine line they must straddle between addressing privacy concerns and boosting the visibility needed to integrate queer issues into the public sociopolitical environment. This is an enduring feature of the development of *Bekhsoos*, a publication that promotes visibility as an engine for connecting and supporting queers while at the same time protecting the identity of its contributors. In an article entitled "Framing Visibility: Coming Out and the International LGBT Spectrum of Progress", Lynn, a Meem coordinator, recounts:

> Total secrecy would have turned Meem into a static bubble. There had to be a way, an intricate way, to reach out to the queers that we hadn't reached out to. Some of the ways Meem did this was through writing [...] At the time and even today, we are often accused of wanting to take the movement "back into the closet." [...] Meem rejects the binary between the closet and coming out – just like we reject gender and sexual binaries. We operate in the grey areas. We are obsessed with writing, producing knowledge, archiving, and we do it all under nicknames or first names. We constantly build up different public platforms so that progressive and sex-positive discussions on sexual and bodily rights are reaching people who are outside of our usual communities. There's obviously an ambiguous space that comes with this kind of visibility, and we take that ambiguity, that space, to our advantage. We negotiate this ambiguity of spaces and identities according to our own sense of surroundings and judgment.[61]

The article critically discusses the international notion of "coming out" and its emphasised relevance to queer movements and presents an account of Meem's negotiation around visibility and movement building. Meem's work is very visible on the internet with thousands of articles, videos, websites, e-campaigns and followers on social networks. And yet, the group maintains an invisibility that they see as crucial to their work – not only to protect the members, but also to remove the spotlight from the queer subjects and place it on the queer experiences. One of the founders explains:

> When we first started Meem, we thought we would move from underground to public in five years. We assumed that was the correct linear trajectory to follow. But, today, four years into our work, we have realised that these boundaries are very limiting, and our work on the internet allows us to negotiate these ideas. We have been increasing content and reach and it just so happened that the internet has shifted from being an alternative medium to become the primary source of information and interaction for a growing population in Lebanon and internationally. And so the question becomes: is our online presence still alternative when the internet has become so mainstream?

This analysis was also pervasive in the book *Bareed Mista3jil.* "At first we thought it was most important to find the stories from the people who wanted to tell them," says the opening chapter. "But as the work on the book progressed, we found it necessary not only to include stories ready to come out, but also to search for those that weren't […] because each story is a representation of an experience common to hundreds of individuals in Lebanon […] we opted not to use any single name or person for each story."

Because of the crucial role that the internet plays in queer organising in most contexts around the world, activists integrated digital security trainings into all capacity-building programmes. While the internet was traditionally a youth sphere, where

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61 Lynn "Framing Visibility: Coming Out and the International LGBT Spectrum of Progress" *Bekhsoos* 12 December 2010 www.bekhsoos.com/web/2010/12/framing-visibility-coming-out-and-the-international-lgbt-spectrum-of-progress-2

individuals were protected from parental access to ICTs, more recently, with the growing popularity of social networks like Facebook, parents and older family members have increased access to the profiles and networks of their children, now Lebanon's LGBT youth. And a re-evaluation of privacy in these shifting times has become more pressing. Another *Bekhsoos* article, "Your Mom Has Added You on Facebook", states:

> [F]or the first time in a long time, my virtual gayness found itself thinking about e-closets again. Was I revealing too much online? [...] Online privacy and security has always been a central issue for queer communities, who are known to use anonymous log-ins, nicknames, multiple online identities, and other strategies to protect themselves from outing. The need to systematize and think collectively about these strategies will only become more crucial as new social media trends push online users to reveal more and more about their preferences, purchases, locations, connections, and everyday activities.[62]

This is yet another example of the ways in which social surveillance has often mattered as much, if not more, than state surveillance, necessitating that Meem's privacy policies be intricate and constantly in flux.

Gender politics: Access, privacy and usage

Much has been posited about gender usage of ICTs, especially across the Arab world, where women's freedoms are restricted by strict cultural and legal codes. There has been recent movement with respect to this theme on the part of both techie communities from one side and feminists on the other, and more recently with the visible role of women within Arab revolutions – both on the ground and in online activism.

Arab Techies, a collective of Arab technology geeks formed in 2008, held an Arab Women Techies meeting in Zouk, Lebanon in May 2010 following the poor participation of women in the Arab Techies meeting. The purpose of the meeting, according to one of its organisers, Manal Bahey El-Din Hassan, was to build connections to more women geeks in order to support their participation in tech collectives.

From the other activist end of the issue, a group of young feminists founded Take Back the Tech Arabia in April 2010 to serve four goals: highlighting gender issues in Arab tech collectives, building the ICT capacity of young women, encouraging girls in school to pursue tech studies, and developing programs and code that are of use to women's rights advocates and feminists fighting discrimination and violence.[63]

Gradual access to online spaces

As women have less access to public spaces than men, the same problem was reflected online when the LGBT community first went on the internet to build content and connect to each other. Women were a very small minority in the chat rooms, mailing lists and forums and as content producers. While the very small percentage of women accessing offline spaces – such as ClubFree activities, gay nightclubs and pubs, and Helem – was understandable, because of curfews and restrictions on mobility, their absence from online spaces was less clearly explainable.

"#gaylebanon was not a private place to be in," says SS, an early member of the queer community in Lebanon. "It was 99% male, it was difficult to trust people, but once in a while I would come across some people I could talk to, and I made friendships that have lasted to this day." She continues, "[T]he [ClubFree] meetings had very few girls, two to three at most. Once we had a picnic, there were two girls and 55 guys." Despite common struggles as homosexuals, except for small circles, few women were able to integrate into the male-dominated spaces. The cover story of the second issue of *Barra* magazine addressed lesbian invisibility asking the question: "Where are the girls?"

Our interviewees expressed that in retrospect it was a lack of privacy within women's families, a lack of courage due to internalised sexism, and difficulty of identifying with the LGBT community that made online access difficult. Even with the guarantee of anonymity online, young women were intimidated by the possibility of a family member discovering their online activities and by the generally aggressive atmosphere in chat rooms and forums. Anonymity was critical but it did not suffice alone to encourage queer women to speak up and connect with others. In further sections of our analysis we will see how a complementary offline supportive community broke many barriers of fear among women to express themselves online as well.

The key strategy of creating women-only spaces allowed women within the LGBT community to gain a vocal, strong and lesbian expression that later developed in a queer feminist discourse. What was particularly successful about the lesbian organising that boomed by the beginning of 2008 was not that it was online – indeed there were many offline Meem-facilitated spaces. But communication was always maintained online in deliberate and personalised ways.

62 Nadz "Your Mom Has Added You on Facebook" *Bekhsoos* 29 November 2010 www.bekhsoos.com/web/2010/11/your-mom-has-added-you-on-facebook

63 Nadine Moawad "Take Back the Tech" *Nasawiya* 3 April 2010 www.nasawiya.org/web/2010/04/take-back-the-tech

All public lesbian activism was done online, creating a clear-cut separation of activities. The first were in-person meetings that were extremely confidential, banned the taking of photos, and prohibited the revealing of personal information. The second were online expressions of voices that were securely anonymous but that were promoted to the public in ripple-effect word-of-mouth strategies. Examples of these were the YouTube videos[64] launched in the summer of 2008, the early *Bekhsoos* issues,[65] and the blog.[66]

A safe space online

For young women in particular, the growth of an organised constituency online allowed much-needed privacy and security, as well as a nurturing environment to talk about taboo sexuality issues. The significance of the ICTs strategy employed by the queer women's community is not so much that they were able to use the technology to advance their issues, but more that this strategy was given priority over other more traditional ways of organising. The activists considered the mantra "we must write"[67] infinitely more significant than "we must come out" for example. And while interviewees expressed that in the early stages, they thought that they would be moving from online to offline spaces, once they did, they realised that they must move simultaneously online as well. Privacy and allowing the young women to come out or identify themselves at their own pace was a central component of their work. All stories published in *Bekhsoos* – including those of transgender men and women – present a perspective of gender discrimination, bias, stereotyping, limitations, as well as a growing recognition of such. The editorial policy appears to favour stories about topics that are taboo even in the queer community: body ownership, frank expressions of sexuality, stories of molestation, and other powerful acts of coming to terms with gender violence. Similarly to how Meem was founded as a response to the lack of safe, empowering spaces for women in LGBT spaces, *Bekhsoos* was focused on filling up the empty spaces where women's voices in particular could be heard. And so the coverage of all news related to sexuality in the Arab world is reported through women's experiences. Echoed in all these pieces are the words of Audre Lorde: "It's a struggle but that's why we exist, so that another generation of lesbians of color will not have to invent themselves, or their history, all over again."

Following the lead of women, gay and bisexual men found voices to discuss the same topics – whose male faces are often completely blurred out. Among its first issues, *Bekhsoos* published a story titled "At the Age of 14"[68] that described a young man being forced into oral sex by his brother. The story resonated with hundreds of young gay men and paved out a path for more self-expression about sexual violence towards men. "At the Age of 14" remains the top most-visited story on *Bekhsoos*.

Intersections of gender and class

Access to the internet in Lebanon is limited to economically able groups because of the high prices of connections and mobile data plans, as detailed in the first section of our research. Therefore, queers of lower economic classes have little access to content, information and networks online. Class divisions surfaced as a prominent problem in Lebanon's queer community, which is split between supporters of the flourishing gay nightlife venues and those who question their benefit to the community. Some argue that having more "gay-friendly" businesses attracts more gay tourists and opens up spaces for queers to meet and hang out. Others have argued that these venues posit a false sense of freedom and encourage the consumption of the Lebanese queer community, while facilitating the further isolation of the majority who cannot afford the increasingly expensive restaurants and clubs, which are restricted to premium locations in Beirut.

A recent article published on the occasion of International Women's Day in *Al-Akhbar*, a mainstream leftist newspaper, entitled "Lebanese lesbian and gay rights: Down with sectarianism",[69] stirred controversy among the activists. Written by the president of the Helem board, Hiba Abbani, the article challenges the notion that "the situation for queers in Lebanon has improved drastically with the opening of many bars, clubs, restaurants, and saunas in addition to businesses that cater to the gay community," a promotional statement issued by organisers of the International Gay and Lesbian Travel Association (IGLTA) symposium in Beirut in 2010. Abbani argues that the reality on the ground is very different from that posited for commercial gains and that, indeed, many political and socioeconomic factors prevent a large segment of the queer community from identifying with those who benefit from the consumerist services. She called for a deeper understanding of the effects of sectarian politics on the community at large and for stronger demands by the movement

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64 Meem YouTube Channel www.youtube.com/meemgroup

65 Bekhsoos bekhsoos.com/issue0/issue0.php

66 The earlier blog is no longer available online. The newer version can be found at meemgroup.blogspot.com but has not been updated since October 2009.

67 Bekhsoos *About* www.bekhsoos.com/web/about

68 Fantastic Homosexual "At the Age of 14" *Bekhsoos* 12 October 2009 www.bekhsoos.com/web/2009/10/at-the-age-of-14

69 H. Abbani "LGBT Rights in Lebanon: Bring Down the Sectarian System" *Al-Akhbar* 8 March 2011 www.al-akhbar.com/node/5876

to address these pressing issues. The article was met with much criticism,[70] predominantly from gay male activists who argued that the movement has catered to all strata of Lebanese society and that gay-friendly businesses were a vital part of the local movement like they were important parts of gay history in different parts of the world (mostly the Western world).

Self-representation and the creation of e-narratives on Bekhsoos

This section will trace the evolution of the narrative that Meem has consciously sought to create throughout their growth. It will focus on Meem's weekly online publication *Bekhsoos*, a website that describes itself as a "queer Arab weekly magazine" and whose articles have been read over 400,000 times since September 2009. At the time of writing this article, *Bekhsoos* had 420 posts and 2,339 comments. Anyone in the Arab region who wishes to discuss queer Arab issues is invited to contribute, as a means of representing itself. We seek to examine the conditions out of which *Bekhsoos* emerged in relation to Meem's development as well as that of the larger queer movement in Lebanon.

This case study will examine the content of *Bekhsoos* articles and its editorial processes, and attempt to gauge the networks that *Bekhsoos*'s readership and its pool of contributors have given shape to. Finally, the case study will seek to flesh out the effects that *Bekhsoos* has had on the queer movement itself, against the backdrop of growing internet usage, the emergence of social networks, and movements for online freedoms. We chose *Bekhsoos* in particular because of a number of elements that make for an interesting case: the combination of various ICT tools on the magazine platform, the authors' navigation of anonymity within wide exposure and reach, and the fact that the website was launched at a strategic meeting point of both the LGBT movement and the Lebanese blogosphere. Additionally, because the magazine is primarily a space for women and transgender writers, its content sheds light on the gendered usage of the internet in the queer community.

"I think it was just natural that *Bekhsoos* would come to be, to be very honest. It was clear since ever that there was a need for people to write and to express what they wanted to say," says Shant. *Bekhsoos* was launched in June 2008 as an "Arab lesbian online magazine published quarterly by Meem cover[ing] topics related to homosexuality in the Arab world." The "About Us" page on 1 July 2011 defines *Bekhsoos* as a "queer Arab magazine published weekly by queer and trans folks at Meem cover[ing]

topics related to (homo)sexuality in the Arab world." The evolution between the two descriptions is reflective of the evolution of the magazine's politics as well as the personal politics of the collective behind it. It is, in fact, the magazine as an online space for personal expression and political self-reflection that facilitated this process of "queering" the LGBT movement itself. Late 2010 saw the emergence of a dozen gay and lesbian blogs that narrated stories of being gay in Lebanon.[71] This is a result both of *Bekhsoos*'s influence and also of the increased power of the ICT environment as an alternative space for self-expression.

The newer version of *Bekhsoos* was launched on 7 September 2009 by a Meem committee initiated by two key members: an English editor (27) and an Arabic editor (22). The idea to publish weekly had been proposed by the English editor at a Meem meeting in August and in the form of a challenge to the collective that had grown to reach over 300 members over the course of two years. In her opening editorial, she writes:

> This is the new Bekhsoos [...] we've decided to publish weekly. Yes, that's a huge commitment. [...] We're putting ourselves to the challenge of publishing at least 5-6 articles weekly because we want to be on top of information technology today. [...] The age of "wow, gay groups in Lebanon, that alone is impressive" is over. It's not impressive anymore. Now is the time for us to become engaged with our own societies, to think analytically, to advance politically, to understand the truth about oppression, to create, to research, to be proactive, to write, to write, to write![72]

The motivation depicted in this editorial became the driving spirit of the magazine as the team persisted in self-publishing week after week. "Every Tuesday, we hold an editorial meeting to discuss the articles of the next issue. We brainstorm ideas, we discuss current events, and we assign an article topic to every writer." All articles are due on Saturdays. According to the team, on average, half of the articles agreed upon are actually delivered on time every week. The weekly target is between ten and fifteen articles.

The team refuses to use any funding money for the production of *Bekhsoos*, whether technically or to pay for articles, graphic design or editing. It does not even solicit donations on its website. What it does solicit is more readership, because it depends primarily on word of mouth to grow its readership organically, rather than sporadically. There is a safety in that

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70 Raynbow "Did Helem Miss!?" (*Raynbow Monitor*, 9 March 2011) raynbowmonitor.wordpress.com/2011/03/09/did-helem-miss

71 Some examples include guymeetsworld.wordpress.com and gayinbeirut.blogspot.com

72 Nadz "The Evolution of Us" *Bekhsoos* 6 September 2009 www.bekhsoos.com/web/2009/09/the-evolution-of-us

strategy. It is very similar to the strategy Meem used to gain membership. In an article entitled "The Secret to Publishing Bekhsoos Weekly",[73] the editor responded to the multiple queries from the public wondering how the team manage to pull off a weekly issue with an anecdote about an anarchist community who get their chores done because of collective expectation – not to claim a reward or avoid punishment.

> Whenever we are late in doing the final publishing, and it doesn't come out on a Monday morning, we get text messages, wall posts, chats, and emails (even phone calls) from people asking us where Bekhsoos is. We've gotten to a stage where our readers expect their issue every week, and that's what keeps us motivated. It's very powerful – far more powerful than if we were, say, getting paid or in some sort of competition to win something. It's even more powerful than our "LGBT" cause in abstraction. Knowing people are out there – hundreds of them – waiting for Bekhsoos is all the motivation we need.

The value of personal stories

Interestingly, the new weekly *Bekhsoos* was launched only three months after the successful launch of Meem's first book, *Bareed Mista3jil*, in a staged performance and also across Lebanese bookstores. The collection of 41 personal stories from a diversity of Lebanese queer women and transgenders proved popular in LGBT as well as mainstream communities. An AFP article said: "Often silenced and marginalised by society and overshadowed by their straight, siliconed counterparts promoted in the media, the stories of Lebanon's other women have resonated with local and international audiences, and the book has been reprinted after the first batch of hundreds sold out."[74] Weeks after the launch of the book, positive book reviews were coming out in newspapers, blogs and magazines, much to the empowerment of the community, bursting with possibility out of being significantly heard for the first time in the oppressed group's history. The need to continue to tell other stories, more stories, more points of view, more experiences, more secrets, more celebrations, was rising and might have paved the way for the launch of a rigorous *Bekhsoos* that could carry the volume and sensitivities of bearing witness to personal narratives. And so a central part of the weekly magazine were the "Personal Stories" or "Bareed 3ala Mahlo" category, featuring first-person short narrations in English, Arabic and French.

Documentation and archive building

"Our objective is to fill the gap of lesbian and transgender-produced writing in the Arab world through articles, reports, investigations, personal stories, opinion pieces, and creative writing," reads the About Us page of *Bekhsoos*. Several of Meem's founders expressed that they viewed *Bekhsoos*'s archiving function as serving purposes that were both practical and ideological. "The documentation of history bears significance not only for posterity but also serves as a current useful guide for LGBTs continuing to organise in different ways in other Arab countries. It also fosters the habit of writing one's own history, rather than leaving it to researchers, historians and professionals," says one interviewee.

Meem members expressed a wish to use *Bekhsoos* as a testament to the evolution of their development in sexual rights issues and other fields of activism and thought that branch out of that, including feminism and colonialism. Moreover, *Bekhsoos* encourages its members to document as well reflect upon events that Meem participates in and organises. This, Meem says, provides the queer movement with a richer historical record to refer to than mere log taking.

Building an archive also allows Meem to fulfil its aim of saturating the Arab internet space with queer issues, so that those interested in getting information about queer Arabs through a search engine or social networking sites, perhaps, will easily find *Bekhsoos* content. This, says one of Meem's founders, ensures that indigenous queer voices do not become drowned out by Orientalist examinations of queers in the Arab world that a growing number of scholars, notably Joseph Massad, have spoken about.

Archiving also leads to a form of "queering". By publishing a lot of queer content related to issues such as apartheid, colonialism and feminism – subjects that yield dozens of matches on *Bekhsoos*'s search engine – *Bekhsoos* is able to inject a queer perspective into discussions about those issues in this region. This strategy is illustrated in an April 2010 article that offers an analysis of Meem's role in feminist regional networks:

> If we were to trace our steps over those two years from the Marrakech conference to the Amman meeting, we would be able to map out Meem's strategy in pushing Arab women's organizations to become safe spaces for lesbians, transgenders, and people of alternative sexualities […] [W]e educated each other on women's issues other than sexuality and trained our members on gender equality. We placed lesbian and trans people's issues within a broader framework of sexual and bodily rights.[75]

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73 Nadz "One Year of Bekhsoos" *Bekhsoos* 6 September 2010 www.bekhsoos.com/web/2010/09/happy-birthday-bekhsoos

74 N. Yazbeck "Lebanon's 'other women' out in force," *AFP* 27 November 2009 www.mmail.com.my/content/20342-lebanons-other-women-out-force

75 Nadz "Queering the Arab Feminist Movement: Two Years in the Making" *Bekhsoos* 19 April 2010 www.bekhsoos.com/web/2010/04/queering-the-arab-feminist-movement-two-years-in-the-making

Politics of inclusion

One of the objectives of *Bekhsoos*, extracted from its "we must write" slogan, is to promote the act of writing as a tool of personal healing and power. Writing allows individuals to think, formalise ideas in their heads, organise thoughts, challenge themselves, and then voice it. The act of writing things out provides clarity and eases the pain of repression. Repression is a common feeling of the queer women's community in Lebanon, with little room for talking, expressing, letting things out. By publishing weekly, *Bekhsoos* allows space for large quantities of articles (40 to 50 on average every month). That encourages individuals to write and aim to get published. According to Ran, one of the writers on the team, a significant strength of *Bekhsoos* is that it places a team of volunteer editors, in all three languages, at the service of members of the community who want to submit their work. "The inability to write well may impede a lot of women from expressing themselves. Knowing that you can send your submission to editors who will fix it up and correct all the mistakes and make it publishable is very encouraging for those who are not comfortable or used to writing."

Bekhsoos's editors recognise that writing is not accessible to everyone in the societies that it interacts with and aim to make the writing process easier by having one-to-one communications with potential contributors and making the editorial process a rigorous one. That is one of the primary reasons why *Bareed Mista3jil* was not a submissions-based project but rather written using the interviews technique. In addition, the question of who the author or illustrator is presents an important criterion of what gets published. While the magazine generally tries to adhere to certain standards in article quality, the editorial policy allows for quality compromises to encourage first-time authors and expressions that may not otherwise pass the publishing standards. "Sometimes it is more important at the level of personal empowerment that one person see their work published and read than for the article to be fantastically written or politically sharp," said the magazine's Arabic editor, Aphrodite. "It's a constant editorial decision that we have to make almost every issue." More than half of the *Bekhsoos* articles are in English, the rest in Arabic and a small percentage (less than 5%) in French.

Transcending boundaries and occupation

After Meem, the most active group using *Bekhsoos* as a vehicle for queer self-expression is Aswat,[76] a support group for Palestinian queer women living under Israeli occupation. Aswat are a group of self-organised young queer women who work on support and empowerment of their community. Because they are Palestinians living in the Israeli state, communication is restricted between them and Lebanese activists. Meetings between Lebanese activists and Palestinians who hold Israeli passports are risky and could lead to criminal trials. Through the internet, activists on both sides of the borders have found a common space to discuss and share strategies such as community organising, queering the Arabic language, and lobbying against occupation and normalisation.

A quick search of the term "Aswat" in English and Arabic on *Bekhsoos* yields over 30 links, most of them submissions by Aswat members to the magazine. Submissions reflect either a Palestinian experience or a political stand with Palestine. The statement by Arab queers against the Zionist "Stand With Us" workshop planned for the US Social Forum[77] published on 15 June 2010 catapulted into the Top 10 most-read articles with 1,167 reads within a week of its publishing. By publishing a number of articles on the topic of Israeli "pinkwashing", *Bekhsoos* situated itself as a strategic portal in the struggle against Israeli usage of LGBTs as propaganda to hide its war crimes and apartheid. In early 2011, Aswat then launched their own magazine in print and online: www.3ashtar.com

This political feature of *Bekhsoos* is significant on a number of interrelated levels. Meem's insistence on connecting queer struggles with other forms of struggle is an important facilitator of discussions around Israeli apartheid given that the occupation to the south of the border is a contentious topic in Lebanon. However, it is this subject in turn which provides queers in Lebanon with a geopolitical distinctiveness within the global queer movement. *Bekhsoos*'s critiques and refusal of Israeli pinkwashing[78] have frequently put it at odds with global gay discourse, causing it to add nuance to the global gay landscape. By rallying around resistance to Israeli apartheid, writers from Meem and Aswat also strengthen connections between the two movements that enable queer issues in both countries to be better integrated into a regional framework. There is frequently an interweaving of queer and apartheid issues in articles.

Bypassing censorship restrictions

The technology behind *Bekhsoos*, not only its content, also carries political implications for communication rights and freedom of speech. The site

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76 Aswat website www.aswatgroup.org

77 Editor "Don't Stand with Zionism" *Bekhsoos* 15 June 2010 www.bekhsoos.com/web/2010/06/dont-stand-with-zionism

78 A search of all Bekhsoos articles related to pinkwashing can be found at www.bekhsoos.com/web/?s=pinkwashing

is currently in its third version, having moved from simple PHP to Drupal and is now run on WordPress, which has quickly become a popular open-source software for blogs and dynamic websites in Lebanon. The significance of using open source is that it is politically aligned with the activist movement towards freer open internet tools.

Subscription to the website is available through a Facebook page (that has over 2,000 fans), Twitter account (over 1,000 followers), email subscription (over 100 subscribers), and RSS feeds by page, category, author and tag. The RSS feeds are an important strategy utilised to bypass censorship restrictions by different private and governmental filtering systems that filter by keyword or by IP address. Lebanese blogger Jad Aoun posted about the re-launch of *Bekhsoos* with a screenshot[79] of the warning graphic used by a UAE ISP that reads: "Surf Safely! This website is not accessible in the UAE. The internet is a powerful medium for communication, sharing, and serving our daily learning needs. However, the site you are trying to access contains content that is prohibited under the 'Internet Access Management Regulatory Policy' of the Telecommunications Regulatory Authority of the United Arab Emirates." Dozens of Arab internet users have written to *Bekhsoos* to complain that the website is blocked in their city.

The ongoing problem of censorship of material related to LGBT in specific and to sexuality in general is little addressed in Arab discourse. The new draft law explained in the section on legal regulation of the internet in Lebanon carried dangerous implications for queer expressions in private as well as public online forums. "We have been publishing queer material online for many years, protected by a cloak of anonymity and privacy," a *Bekhsoos* editor commented on the new law, "but now, and out of the blue, this new law threatens to silence, censor, and implicate us in a random manner." Members of the queer tech community joined the coalition working to reform the law and stressed the important aspect of defending freedom of expression around sexuality in the debates held among activists studying the proposed law. One of these queer activists who attended the strategy meetings stated in a follow-up interview:

> When you're collectively facing a threat to your freedom of expression, it becomes easier to drive home the point that queers have a right to that freedom too. Even if among those meeting there are people who are homophobic, they will still defend your right to freedom of speech because

they are facing that threat to their own freedoms too. I feel that we have built an unlikely alliance that will protect us from online persecution or silencing in the future.

Geopolitics and queer resistance

Lebanon's past and present as the object of neo-imperialistic designs makes the queer experience akin to walking a very thin tight rope. Two geopolitical factors over the past ten years have made the Lebanese queer experience especially complex. The first relates to the second Bush administration's aggressive "democracy promotion" policies, of which Lebanon was a strategic target. This came packaged with a set of liberal ideals that aimed to lure in many with promises of new individual freedoms. During Israel's war on Lebanon in July 2006, as US Secretary of State Condoleezza Rice's pronouncement of the dawn of "A New Middle East" reverberated across the region, queers in Lebanon took a stand that would prove to be monumental to their movement. In a televised address[80] to the 2006 Montreal Outgames, Helem member Rasha Moumneh remarked that being gay in Lebanon would not prevent Lebanese queers from standing in solidarity with Arabs in Gaza and Lebanon whom Israel had slain. "We do not accept democracy at the barrel of a gun," said Moumneh, "we do not expect to be liberated through war, if the price of that liberty is our lives meted out in collateral terms."

The second very pertinent factor that has influenced the way the queer movement views geopolitics relates to the position of prominence that Israel has strategically assumed in the international queer arena. Jasbir Puar of *The Guardian* reports: "Israel is invested in a large-scale, massively funded Brand Israel campaign, produced by the Israeli foreign ministry, to counter its growing reputation as an imperial aggressor. […] One of the most remarkable features of the Brand Israel campaign is the marketing of a modern Israel as a gay-friendly Israel."[81] Queers in Lebanon have consciously sought to detach themselves from the gay discourse that Israel began to co-opt and have regularly voiced their opposition to Israeli colonisation. The global Boycott, Divestment and Sanctions movement has served as a potent medium in this regard and it has served as a cohesive component in its relationship with other queers in the region, notably those in occupied Palestine. The global and regional dynamics of queers against Israeli apartheid are demonstrated and reinforced by *Bekhsoos*. Moumneh's

79 Jad Aoun "Bekhsoos is Back" (*Lebanon News: Under Rug Swept*, 8 September 2009) jadaoun.com/blog/2009/09/08/787/bekhsoos-is-back

80 *Helem at Montreal Outgames 2006* www.youtube.com/watch?v=mg8i0C4hwBk

81 Jasbir Puar "Israel's Gay Propaganda War" *guardian.co.uk* 1 July 2010 www.guardian.co.uk/commentisfree/2010/jul/01/israels-gay-propaganda-war

keynote speech at the Copenhagen Outgames in 2009 elaborates on this political stand:

> There is an unfortunate tendency within the [global LGBT] movement towards a reduction of people's multiple selves into a single aspect employed falsely in place of the whole: in this context, sexuality and gender identity. By doing this, by positing a "global gay citizen" stripped of context, of environment, of relationships, of community, of a politics, in order to sustain the myth of a "happy global gay family", we are doing harm. [...] It is incumbent upon us, as LGBT activists, to know, to seek out information about the world we build our activism around, to understand its complexities and intersections and to create a progressive and inclusive politics of justice, because the lies we are fed come in so thick and so heavy that it takes energy and commitment to sift through them to get to our truths.

The above quotation encapsulates the many issues that queers in the region have had to grapple with and demonstrates that the gay experience in the region is often at odds with international gay discourse in ways that cannot be ignored. From the beginnings of the queer movement, the impulse to localise the struggle was potent and can be seen to have led to the genesis of the movement in the form of the mIRC chat room #gaylebanon. Sentiments like that of #gaylebanon founder TouchE, that reflect a disconnect between the realities of local queer spaces and international queer spaces, as well as within local queer spaces, would become a mainstay of a movement that continues to try to "understand its complexities and intersections and to create a progressive and inclusive politics of justice."

It is important to note that while resistance to imperialism and the dominance of Western-created LGBT identities is a prominent feature of the queer movement in Lebanon, the relationship to LGBT hegemony is complex and varies among different communities. One such complexity is embodied in the relationship between queer organising and funding agencies. The recent few years have witnessed a rush to fund and support LGBT organising in the Middle East and North Africa by international associations such as Open Society Institute, Hivos and Heartland Alliance, who founded with local activists the Arab Foundation for Freedoms and Equalities.

In trying to reconcile the realities of occupation and imperialism with queerness, the queer movement, and particularly Meem, has come to position itself as a platform that connects a variety of struggles, globally, regionally and locally. Imperialism in other parts of the world is often discussed, repression of Arabs in other countries is brought to light, and there is a consciousness of issues related to class, refugees, migrant workers that undergirds nearly every piece in *Bekhsoos*. This political awareness, Meem members insist, did not come about from textbooks or outside interference, but grew organically from within the group and was informed by personal experiences. As one member stated in an interview:

> When we started out, our collective political understanding was very limited and all we really wanted to do was be gay together in a positive, healthy environment. But with time, new members who joined brought their own perspectives, experiences, and oppressions in a way, and the interconnectedness of just causes became visible in front of us. Our queer feminism then expanded and continued to expand with our exposure to different causes carried by diverse individuals who come to Meem. But it is still that one common thread that brings people to and keeps people in Meem: a common experience of injustice based on sexuality.

Conclusion

Throughout our research, we have sought to map out the contours of the Arab ICT environment as they relate to the queer ICT movement in Lebanon. We aimed to show that the majority of the Arab region is hostile to free expression on the internet and that while Lebanon enjoys a unique terrain of freedom within this region, its social, political and economic boundaries are porous and volatile and therefore vulnerable to change. Our findings demonstrate the degree to which queer women in Lebanon have benefitted from the space that a free ICT environment offered. We hoped to show the nuances of this environment as an engine for both political and personal growth.

We attempted to highlight that ICTs provided a portal for queer women to not only consume information about queer issues – something that was greatly lacking in Lebanon's traditional media – but also to produce and disseminate information about themselves for others to read and experience. From the beginning of the movement there was an impulse to create local queer spaces in the virtual world because the disconnect between local experiences and the Western-dominated global online spaces was clear to most queers. As the movement evolved in shape and in its global standing, the urge to articulate that disconnect became strong and resulted in the creation of such publications as *Barra*, *Sou7aq*, *Bekhsoos* and *Bareed Mista3jil*. The more successful of these publications functioned through a consciously decided upon set of editorial principles that

ensured accessibility of both readership and writer-ship to all queer women. They ensured also that the publications would act as a platform for all struggles so that the specificities of Lebanon's queer women's situation could be incorporated into the discourses the movement aimed to create.

Towards the final stages of our research, a re-markable scandal erupted online with the revelation that Syrian blogger activist "Gay Girl in Damascus" was actually a "Heterosexual American Man in Scot-land", Tom MacMaster.[82] It was quickly followed by other similar exposures and catapulted the issue of representation and the authenticity of voices into the public sphere. Bloggers and journalists debated the harmful actions of MacMaster and the questions they raised on anonymity versus trustworthiness online. In the light of the global attention to these questions, we believe the research and in particular its findings on self-representation are crucial to promoting great-er understanding of the complexities of negotiations between privacy concerns and speaking up.

As the queer women's movement evolved it became increasingly clear that geopolitical re-alities could not be detached from the discourses that queers in the region were trying to create. Geopolitics, specifically that which relates to Israeli occupation and Arab authoritarianism, had to be incorporated into the queer Arab reality with preci-sion. The politics of inclusion that *Bekhsoos* adopted allowed struggles to organically intersect; it also brought Arab queers who would otherwise be inac-cessible due to occupation's looming barriers into the fold. This sheds significant light on the ongoing on-line debates between Arab queers and Israeli queers who are in battle over entitlement to the "authen-tic" voice of LGBTs in the Middle East. Most recently, activists have been working on exposing[83] the Zionist politics of *GayMiddleEast.com*, a large news portal.

The pervasiveness and institutionalisation of homophobia and transphobia across the Arab world make it counterproductive to use the argument that the internet should remain free so that sexual mi-norities may find room to express themselves. That is why our analysis focused on methods the activ-ists used to manoeuvre between censorship and advocacy. It is most likely that the movement for communication rights and that of queer rights will continue to progress in parallel as techies fight for an open internet and queers fight for recognition and human rights. What is clear from the findings, however, is that the intersection of the two move-ments, embodied in the queer techies, allows for spaces to join forces and present the argument that expressions of sexuality should always be on the ta-ble when it comes to advocating for online freedom of speech. It is crucial that all social justice move-ments are aware of and engaged in the work for a freer, more open internet. Online trends suggest that the internet will continue to be a space that mirrors offline interactions and public opinion and many of the interviewees expressed feelings that the two spheres will eventually merge into one and the same. And so the investment in online presence, content, and the mastering of technologies becomes a crucial component of any queer strategising.

The demand for a free internet is not only in sync with the larger demand for freedom of expression and speech, but it is also significant to maintain the internet as a space for all self-expressions and as an alternative room for activists to organise, advocate, mobilise and raise awareness. Perhaps nothing in our modern history has made a stronger case for this than the Tunisian and Egyptian revolutions and the ongoing rise of the Arab Spring. ■

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82 APC "APC: 'Gay Girl in Damascus' Needs to Man Up" 16 June 2011 www.apc.org/en/node/12544

83 Pinkwatching Israel "GayMiddleEast.com's Zionism" (*Pinkwatching Israel*, 22 March 2011) www.pinkwatchingisrael.com/gaymiddleeast-com-and-zionism

The internet and sexual identities: Exploring transgender and lesbian use of the internet in South Africa

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Introduction

This report forms one part of the cross-country exploratory research project EROTICS, which posed the following research question:

How may the emerging debates and the growing practice of regulation of online content either impede or facilitate different ways women use the internet and the impact on their sexual expression, sexualities and sexual health practices, and assertion of their sexual rights?

Consistent with the spirit of this question, this report focuses on the internet usage of transgender and lesbian people. From the outset, it thus posed three interlinked questions:

- What is the nature and form of regulatory policy and censorship currently in South Africa and how does this impact or potentially impact on the freedom of sexual expression?

- What are the ways in which transgender and lesbian people use the internet to negotiate and perform their sexuality?

- How do such subjects understand the spaces offered in this way?

The three research questions call for different methods. As the first question is concerned with the impact of regulatory policy and censorship on sexualities and sexual rights it necessitates a literature survey to establish the regulatory environment and subsequently an analysis of the relevant policies. This includes examining, among other documents, the Film and Publication Act and the subsequent amendments, the Broadcast Act (in South Africa), etc. This study is informed by the argument that internet regulation policy must be based on empirical evidence in terms of what people's actual and not assumed internet usage is. In this regard, the second question first develops an overview of the South African sites that pertain to transgender and lesbian internet usage, so constructing their "web spheres".[1] This is followed by an analysis of the activities that occur on those sites. The form of analysis consists of critical reading of either the sites or the texts produced. Similarly, the third question involves ethnographic strategies including questionnaires and purposive interviews to establish the subjects' views relating to the internet and their sexuality, and also to possible "harm" as a result of participating in such networks.

The research as originally designed made particular assumptions that were premised on international literature and on personal understandings and experiences. In the research process, we discovered that some of these were flawed or unrealistic and adjusted the methods in relation to these realisations. This process thus also produced new knowledge in relation to internet research generally and specifically in relation to non-heteronormative spaces in the South African context. The report consists of six sections. The Context section provides an overview of internet access followed by a description of the Constitution and the rights enshrined therein. The section on the Research approach introduces the debates around the role of the internet in society as well as presenting the theoretical framework that informs this research, specifically in terms of gender. This is followed by the three stages of the research, namely Policy and regulation of the internet in South Africa, Transgender usage of the internet in South Africa, and Lesbian usage of the internet in South Africa. Finally the Conclusions and limitations are presented.

Context

Internet usage for lesbian and transgender people in South Africa needs to be understood in relation to both issues of access in terms of infrastructural accessibility and cultural politics. What follows is a brief overview relating to internet access and the Constitution and the rights it enables.

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1 Kirsten Foot "Web Sphere Analysis and Cyberculture Studies", in *Critical Cyberculture Studies* eds. David Silver and Adrienne Massanari, 88-96 (New York: New York University Press, 2006)

Internet access

The potential of the internet is frequently hailed in terms of its role in globalisation and its ability to enable communication of many kinds. Alongside this, scholarly literature also recognises its inequalities. The "digital divide" is generally associated with uneven access to ICT infrastructure and is generally understood as the differences between countries, in particular the developed versus the underdeveloped. However, it also refers to discrepancies within a country and manifests itself along the lines of demographic differences, whether sex, race, class (income levels) and geography (rural/township/urban).[2] South Africa, which has the largest economy in Africa, is ranked 87th (ten places down from 2002) of the 154 countries reviewed in 2007 and is the top among sub-Saharan economies according to the ICT Development Index.[3]

In developing the ICT Development Index, access to technology was one of the aspects considered and this included measuring infrastructure and access, including fixed telephone lines and mobile telephones per hundred inhabitants, international internet bandwidth per user, proportion of households with a computer and proportion of households with internet access at home.[4] Bearing these aspects in mind, according to this report South Africa had relatively low access and little progress had been made from 2002 to 2007 in relation to ICT usage, as access to bandwidth was low.[5] However, the number of people accessing the internet on mobile phones was increasing substantially, with South Africa ranking sixth on the global list of mobile internet users, and mobile social networking is estimated to consume more than 60% of mobile web traffic in the country.[6] However, only 4.8% of actual households had access to the internet in 2007. This is an important indicator as it is considered to provide "the most complete information about access to the internet by individuals."[7] In contrast, public internet places are seen as targeting specific groups and limiting the kind of use that can be made of the internet. (This has significance for the internet usage reported on later.)

However, there has been a subsequent increase in access. In 2009 the number of internet users increased to 5,366,000 of a total population of 47.85 million, or in other words, more than 10% of the population for the first time. Comparatively rapid growth of 15% occurred in 2009 and is attributed in part to increased broadband access as a result of the Seacom major undersea cable, which was completed mid-2009 and has allowed greater access to broadband.[8]

Another factor suggested in explanation of the rapid internet uptake[9] relates to user patterns rather than only questions of access. This increase is related to the growing number of people who have been internet users for more than five years. This is described as the "Experience Curve" which shows that advanced internet applications including social media and online retail are embraced generally only after five years of using the internet. In this research it is argued that there exists:

> […] a powerful relationship between length of time an individual has been on the internet, and that individual's willingness to bank online, shop online, engage in social media and specialised social networks, and generally strive for online self-actualisation.[10]

In spite of the increase and anticipated growing levels of access and usage, a digital divide is manifest within the country. A discrepancy has been identified between male and female users with 58% male and 42% female.[11] In addition one has to be mindful that access to the internet is premised to a very large extent on being middle class. Consistent with this, the users tend to have a high level of education and/or income: 22% have a degree and 15% a postgraduate degree, while 17% have a household income of over ZAR 400,000. In terms of affordability, fixed broadband internet is still out of reach for most of the country's inhabitants, although accessibility has increased in certain spheres, for example tertiary education institutions, and for these young people access is enabled. Consequently, when one analyses usage among a group of South Africans, whether transgender or lesbian as is the case here, one has to be mindful that the users will tend to be middle class. At the same time, while many access the internet from work or tertiary institutions, they will not have the freedom of access that comes with internet in the home. One has to be mindful also that race is implicated with class as a consequence of South

2   Maria Fernandez "Cyberfeminism, Racism, Embodiment", in *Domain Errors! Cyberfeminist Practices* eds. Maria Fernandez, Faith Wilding, and Michelle M. Wright, 29-44 (New York: Autonomedia, 2002)

3   International Telecommunication Union *Measuring the Information Society: The ICT Development Index* (Geneva: ITU, 2009) www.itu. int/ITU-D/ict/publications/idi/2009/material/IDI2009_w5.pdf

4   Ibid.

5   Ibid. For example, international internet bandwidth at the time was only 852 bits/s/user (which was similar to Ethiopia, compared to, for example, Tunisia with 1800 bits/s/user).

6   Arguably mobile access enables particular forms of usage more than others, messages more than lengthy texts, etc.

7   ITU *Measuring the Information Society*, 16

8   Arthur Goldstuck *Access in South Africa 2010* (Johannesburg: World Wide Worx, 2010), 136

9   Ibid. 6

10 Ibid. 141

11 Ibid.

Africa's history of white rule during colonial and apartheid times.

However, if we are looking to the future, it is anticipated that internet access will continue to increase rapidly with the improved technological infrastructure of both the deep sea cable and fibre optics. The prediction is that "South Africa will enjoy around 20% penetration by 2014. Should the current rate of growth of around 15% a year continue for the next decade, it is possible penetration could approach the 50% mark."[12]

Following a mini-boom in 2006-2008, the experience curve suggests that the next boom in internet application usage will occur in 2012-2013.[13] This suggests that many South Africans who do not use the internet at all presently will increasingly have access, and that those who do not use many of the social and retail aspects currently will do so increasingly. This has implications for thinking about the future use and possibilities of the internet among transgender and lesbian groups of people who are the specific focus of this research.

The Constitution, freedom of expression and equality

The possibilities of the internet are enabled and constrained by international treaties and agreements, as well as national regulations. In terms of the international context, South Africa is signatory to several regional and global treaties and policy frameworks particularly targeting gender inequality in all spheres of life, as well as social injustices more generally. Globally, these frameworks include, among others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979, the Beijing Platform for Action, and the Millennium Development Goals (MDGs). The country is also signatory to such African agreements as the Southern African Development Community (SADC) Protocol on Gender and Development and the Solemn Declaration on Gender Equality in Africa (SDGEA) adopted by the African Union (AU) Heads of State in 2004. In South Africa, the regulatory framework and the laws and policies regulating the internet and pertaining to sexuality are informed by the Constitution of South Africa, which is widely acknowledged to be a progressive one. It presents a Bill of Rights and particular sections are pertinent to this research. Those that impact on internet usage and gender politics would include sections that refer to freedom of expression, access to information, equality and lack of discrimination on lines of gender and sexual orientation, and privacy.

Freedom of expression, including freedom of the media, is contained in Section 16:

16(1) Everyone has the right to freedom of expression, which includes

- freedom of the press and other media;

- freedom to receive or impart information or ideas;

- freedom of artistic creativity; and

- academic freedom and freedom of scientific research.

This is a limited or qualified right which does not extend to incitement to violence or war and, pertinent to this study, disallows "advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm."

Section 32 identifies the right of access to "any information held by the state" or "by another person and that is required for the exercise or protection of any rights." This would include information relating to sexual reproduction and health.

The equality clause in Section 9 establishes that "Everyone is equal before the law and has the right to equal protection and benefit of the law." This "includes the full and equal enjoyment of all rights and freedoms" and neither the state nor any person may "unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." A significant consequence of this right related to sexual orientation is the (controversial) recognition of same-sex unions and marriages. South Africa was the first African country to recognise such unions, and not without tremendous opposition from religious, cultural and other groupings in the country. In particular, in terms of gender inequality, the Commission of Gender Equity (CGE) is one of six institutions created in Chapter Nine of the Constitution to support and promote the democratic (and equality) ideals the country espouses. In addition, Section 14 enshrines the right to privacy, which includes the right not to have "the privacy of their communications infringed."

The rights framework provides a generally libertarian approach to the media. Certain rights are limited or qualified rights, but to the extent that a limitation be "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom" (Section 36). This prohibits the state from making use of arguments based on a particular conception of the "good". Conceptions of the "good" encompass a range of views about

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12 Ibid. 8

13 Ibid.

what makes life valuable or meaningful. Therefore the state ought not to limit rights by resorting to a particular view about the "good life".

The defined rights enable and accept a degree of censorship on the grounds of protection of individual rights, privacy, moral development and the security and dignity of the state. One of the purposes of the policies and regulations that flow from them is to restrain and control censorship.

As this is the Constitution, laws and policies have to be consistent with these rights and recourse to the law is possible to ensure them. At the same time, the discrepancies between the legislated rights and social practices need to be recognised as historically, economically and culturally contingent.

Research approach

The internet as public sphere?

The phenomenon of the internet has been met with contrasting responses. While it is often hailed in celebratory terms for its inclusiveness and democratic potential, alternatively it is analysed critically as consolidating existing power and social relations. The optimistic view draws on the Habermasian idea of the media's role in creating a public sphere.[14] The idea of a public sphere assumes that citizens will use the media as a site to engage in a rational and deliberative way that enhances democracy and democratic processes. The public sphere is viewed as playing an important role in holding government and public figures accountable. It is also premised on respect for diversity. With the advent of the internet, it was anticipated that the use of the internet would generate an increase not merely in engagement but in a political culture, respect and concern.[15]

The more pessimistic view has argued that while the internet has the potential for political engagement, this is not matched by performance. It continues to be accessed by the already privileged side of the digital divide in the first instance. Then, while it enables multiple voices, these are mere opinions and participants are more ready to talk than to listen and deliberate.

The initial celebratory response that hailed the internet as some kind of utopia, both liberatory and democratic, has been tempered, and gender scholars and activists increasingly interrogate the internet in relation to gender (in)justice and power imbalances. Much of their work has been focused on the gendered consumption of information and communications technologies (ICTs) or, in other words, what males and females do with ICTs, and in doing this they conflate gender and sexuality and assume all people are heterosexual. Karl makes the crucial point that "the production and intersections of gender and sexual identity need to be addressed more overtly across the field of ICT consumption research to avoid reproduction of assumptions about continuities between anatomical sex and gendered practices when discussing gendered uses of ICTs."[16] He also points out that there is a scarcity of work that engages with non-normative identities, in spite of the numerous gay, lesbian, bisexual, transgender and intersex (GLBTI) websites.

Critiques of the position that the media can serve as a public sphere are also useful to our internet discussions. The idea of the media as public sphere has been critiqued in terms of class, race and gender.[17] Subsequently the idea of "publics" and public spheres has been put forward to argue that rather than a single sphere there are multiple sites of engagement. In terms of this the internet has been understood to potentially enable "publics" to emerge and strengthen or, in Dahlberg's words, it is

> […] a site and means of political struggle and conflict: a contested terrain where exclusion and domination as well as solidarity and resistance are reproduced.[18]

This notion of publics is relevant to this research as GLBTI groupings can be considered as a "public" or "counter-public".[19] Internet discussion forums arguably provide users with opportunities to express their ideas and opinions on issues and engage in discussions in ways they would not do as readily either in public meetings or in the press, for example. In addition, frequent reference is made to virtual communities and the internet is proposed as a space where like-minded people meet and forge bonds whether political, social or cultural. In line with the focus of this research, this would include communities defined by sexual orientations and sexual politics.

14 Jürgen Habermas *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* (Cambridge, Mass.: MIT Press, 1989)

15 Andrej Pinter and Tanya Oblak "Is There a Public Sphere in this Discussion Forum?", in *Ideologies of the Internet* eds. Katharine Sarikakis and Daya K. Thussu, 99-113 (Cresskill: Hampton Press Inc., 2006)

16 Irmi Karl "On-/offline: Gender, Sexuality and the Techno-Politics of Everyday Life", in *Queer online. Media technology & sexuality* eds. Kate O'Riordan and David J. Phillips, 45-64 (New York: Peter Lang, 2007), 46

17 Nancy Fraser "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", in *Postmodernism and the Rereading of Modernity* eds. Francis Barker, Peter Hulme and Margaret Iversen, 197-231 (Manchester: Manchester University Press, 1992)

18 Lincoln Dahlberg "The Internet, Deliberative Democracy, and Power: Radicalizing the Public Sphere" *International Journal of Media and Cultural Politics* 3, 1 (2007): 56

19 Ibid.

The internet as community?

Ross suggests that the internet becomes an arena for social experience and has the potential to also "actually shape social communities."[20] Referring to gay communities, Ross argues that it offers an opportunity for coming out sexually that was not previously available. In addition, it makes possible an additional stage to coming out with more assurance, namely that offered by online lurking which provides the chance for people to observe others' interactions and to reflect on their sexual orientation or desires. In this way it allows them the chance to immerse themselves in aspects of the virtual culture, the language and practices, attitudes and beliefs, and to try them out, so to speak, in the relatively safe environment of the internet before coming out. It also makes it possible to come out online and thus have a space of sociability and support when it is difficult to do so offline. An online survey of gay, lesbian, bisexual and transgender youth conducted by Outproud and Oasis magazine did consider non-normative identities. Two thirds of the respondents stated that going online had helped them accept their sexual orientation and many said they came out online first.[21] A further point is made about the internet's particular relevance for rural people or people living in remote areas.[22] This links to the internet's global reach and its consequent ability to enable virtual communities.

Taking this idea that computer technologies enable the exploration of alternative gender identity construction and focussing on the impact of role games on the internet as one example of creating virtual identities, Turkle argued that individuals and groups can use the internet to remake or recreate themselves, or to create several characters of themselves playing out different aspects of their personality.[23] In this regard, the internet provides a relatively safe space in which those struggling with their (sexual) identities can explore and try out coping mechanisms in different situations they create/recreate.

However, it is necessary to be cautious when referring to a "community". It is a term that connotes belonging and is used very loosely for a range of political and commercial ends. It signals inclusion and thus results in exclusion too. It is also constantly co-opted by marketing and PR to promote consumerism, specifically on internet lifestyle sites where it might be used to invoke the sense of community (of gay people, for example) while selling space on the site on account of the "pink pound" (or rand, in the South African case). Three aspects have been identified as fundamental to a community, namely emotional investment, social interaction and open channels of communication.[24] Thus, when considering internet use by South African transgender and lesbian users, it is possible to do so with reference to these three aspects and our analysis of transgender and lesbian internet usage takes these points into consideration. Fernandez cautions us to be mindful of how "new media" are "embedded in a framework of pan-capitalist social relations and economic, political and cultural environments that are still deeply sexist and racist."[25] Certainly her caution is important to the research undertaken in South Africa, which is also a deeply homophobic space.

While mindful of the critiques of the internet, it is still possible to view the internet as operating in ways that can enable marginalised groups to find spaces to engage in meaningfully across time and space. The idea of a virtual community or virtual forms of sociability is a powerful possibility and provides an argument for creating and maintaining such spaces to develop relationships and groupings in ways that enable people to shape their sexual culture and impact on and challenge societal attitudes and practices too.

While there is growing visibility of gay sexuality in the scholarly literature, this tends to foreground male homosexual practices to the exclusion of lesbian ones. Other non-heteronormative identities seldom feature, and certainly transgender is low on that agenda. With these lacunae in mind, this research focuses on the South African usage of the internet by transgender and lesbian users.

The gender order

As the research into internet usage is concerned with issues of sexuality, we draw on gender theory which critiques patriarchy as the dominant frame for gendered identity construction. Within the gendered order[26] a particular form of strong masculinity is normalised and naturalised and complementary forms of femininities that enable such masculinity are too. Thus at birth, people are inserted into a society where this dominant masculinity is privileged and where female and male, and femininity and masculinity, are viewed as oppositions. Dominant masculinity

20 Michael W. Ross "Typing, Doing, and Being: Sexuality and the Internet" *The Journal of Sex Research* 42, 4 (2005): 349

21 Kate O'Riordan and David J. Phillips, eds. Introduction to *Queer online. Media Technology & Sexuality* (New York: Peter Lang, 2007), 1-12

22 Ross "Typing, Doing, and Being"

23 Sherry Turkle "Constructions and Reconstructions of Self in Virtual Reality: Playing in the MUDs" *Mind, Culture and Activity* 1, 3 (1994)

24 John E. Campbell "Virtual Citizens or Dream Consumers: Looking for Civic Community on Gay.com", in *Queer online. Media technology & sexuality* eds. Kate O'Riordan and David J. Phillips, 197-216 (New York: Peter Lang, 2007), 199

25 Fernandez "Cyberfeminism, Racism, Embodiment"

26 R.W. Connell *Gender and Power* (Cambridge: Polity Press, 1987)

is flagged constantly: muscular, hirsute, strong, rational, less communicative, active and in control. The emphasised femininities (in the plural) that complement this position are similarly validated: light with hairless bodies, physically weak, emotional, communicative and nurturing, passive and supportive.

An important distinction is made by gender theorists between "sex" and "gender", where sex refers to biological characteristics of male and female, and gender to those social and cultural ways of performing one's gender that most people acquire unconsciously and through practice.[27] The assumption is of a binary opposition, of sex and gender as opposed and not part of a continuum and also fluid. The heteronormative discourse of the dominant gender order thus assumes heterosexuality as the norm and is intolerant of any sense of gender fluidity. All forms of contesting gender identities whether lesbian, gay, bisexual, transgender or intersex (LGBTI) are constituted as other. This gender order is normalised and naturalised through recourse to discourses of science, religion and culture. In South Africa, in spite of the liberal Constitution, homosexuality is met with intolerance and violence in many instances. A 2010 Pew report indicated that 86% of South Africans viewed homosexuality as morally wrong.[28]

For black lesbians the challenges can be particularly dire as homosexuality is constructed as a Western import, and this belief is reinforced by the lack of visibility of women in same-sex relationships. The policing of lesbian women has included "corrective rape" and murder (as in the case of Eudy Simelane).[29] Matebeni argues:

> Fear and "forced" silence among many black lesbians has led to many remaining voiceless about their sexuality. Efforts to encourage them to claim their space are minimal and, when efforts are made, these women require […] constant encouragement to talk.[30]

Life for transgender people is similarly very challenging. Muholi, a lesbian activist, co-founder of Federation for the Empowerment of Women (FEW) and photographer, notes that, "As black women,

lesbians and transmen, we continue to live on the margins of society, still struggling to claim our sexual citizenship, visibility and safety in the public sphere."[31]

In the face of these challenges, this report recognises the potential for the internet to provide a safe space for lesbians and transgender or other gender diverse groups to come out and to deliberate, to find a network or even a virtual community, and to engage with the personal as this too is political. It has been the purpose of this research to investigate how the internet functions in the present in this complex context that is South Africa in 2010.

The policy terrain and regulation of the internet in South Africa

This section addresses the first question posed in this project:

> What is the nature and form of regulatory policy and censorship currently in South Africa and how does this impact or potentially impact on the freedom of sexual expression?

As the question is concerned with the impact of regulatory policy and censorship on sexualities, sexual health and sexual rights, the section presents a survey of literature and relevant policies to establish the regulatory environment. The survey addresses the question: What laws, policies and regulatory bodies exist in South Africa in the areas of the internet and communications technology? In this regard the section does not aim to present an exhaustive review of available policies and laws governing ICTs in South Africa. Rather, it presents an overview of selected policies and structures to illustrate the nature of the regulatory policy terrain and the often prohibitive and punitive principles that inform it, and in particular, the ways in which these might impact on access and use by various groups seeking to define and perform their sexualities and other identities through the internet.

ICT policy and regulatory framework in South Africa

Available research suggests that various groups are increasingly using the internet as a means of exploring their sexual (and other) identities. Among these are marginalised groups such as lesbians and transgender people. However, the availability of "pornography" on the internet has caused fear and moral panic among government, law enforcement bodies (such as the police, prosecutors and judges)

27 Judith Butler and Sara Salih, eds. *The Judith Butler Reader* (Oxford: Blackwell Publishing Ltd., 2004)

28 Pew Forum on Religion and Public Life *Tolerance and Tension: Islam and Christianity in sub-Saharan Africa* (Washington, DC: Pew Research Centre, 2010), 331

29 Eudy Simelane was a football player for the South African national women's team who also lived openly as a lesbian in the KwaThema township of Springs. For more information: www.facebook.com/pages/Eudy-Simelane/112042322140501

30 Zethu Matebeni "Young Black Lesbians' Reflections on Sex and Responses to Safe(r) Sex", in *From Social Silence to Social Science: Same-Sex Sexuality, HIV & AIDS and Gender in South Africa* eds. Vasu Reddy, Theo Sandfort and Laetitia Rispel, 100-116 (Pretoria: HSRC Press, 2009), 102-3

31 Zanele Muholi "Mapping our Histories: A Visual History of Black Lesbians in Post-Apartheid South Africa" (n.d.), 7. www.zanelemuholi.com/ZM%20moh_final_230609.pdf

and society as a whole,[32] resulting in policies and a regulatory framework aimed at protecting the public, but which often end up regulating and prohibiting the use of and access to the internet and information contained therein. As scholars have argued,[33] in what is arguably a multinational and multicultural environment like the internet, different groups in different contexts tend to define acceptable content differently. What is regarded as harmful for one group or person may be totally acceptable/desirable for another. Thus, any regulatory action intended to protect a certain group of people (such as children), should not result in prohibiting the use of the internet.[34] An appropriate balance between freedom of speech and public interest considerations needs to be identified. This section describes the existing policy and regulatory framework in South Africa, and how it relates to the needs of lesbian and transgender people for exploring and performing their sexualities through the internet.

What policies and regulatory framework exist in South Africa?

Shortly after South Africa achieved its liberation from the apartheid regime, the Films and Publications Act of 1996 was introduced. It repealed a number of pieces of rigorous legislation that had been circulated under the apartheid regime. Essentially, the Act established a Films and Publications Board and Review Board. The Board's function would be to receive complaints or applications to evaluate a film or publication, and to classify it according to its suitability for different audiences. The classification of a film or publication would trigger various prohibitions on possessing, exhibiting, distributing or advertising the film or publication. The focus was on defining and enforcing various prohibitions on films or publications that advocated war, violence and hatred, especially if based on race, ethnicity, sexual orientation, gender and religion.[35]

In 1999, the Films and Publications Act was amended and became known as the Films and Publications Amendment Act (No. 34 of 1999). It was amended to include in its definition of publication any messages and communications distributed on networks, including the internet.[36] The Act specifically defines "child pornography" as including "any image, however created, or any description of a person, real or simulated, who is, or who is depicted or described as being, under the age of eighteen years, engaged in sexual conduct; or participating in, or assisting another person to participate in sexual conduct; or showing or describing the body, or parts of the body, of such a person in a manner or in circumstances which, within context, amounts to sexual exploitation, or in such a manner that it is capable of being used for the purpose of sexual exploitation" – and banned it on the internet.[37] In addition, it also prohibits pornography that portrays girls under eighteen years of age or depicts them as being less than eighteen years of age.[38] In practice, this is often applied to include a total prohibition of depictions of teenage sexuality more broadly, with negative consequences for constructions of sexuality more generally, and that of adolescents in particular.

In 2004, the Act was amended once again. Section 27(1)(a), as amended by Act No. 18 of 2004, provides that:

> Any person shall be guilty of an offence if he or she (i) is in possession of; (ii) creates or produces or in any way contributes to, or assists in, the creation or production of; (iii) imports or in any way takes steps to procure, obtain or access; or (iv) knowingly exports, broadcasts or in any way distributes or causes to be exported, broadcast or distributed a film or publication which contains child pornography or which advocates, advertises or promotes child pornography or the sexual exploitation of children.[39]

The amendments in the Act compel South Africans to report anyone involved in the production, distribution or possession of child pornography, making it an offence for computer technicians, internet cafés and service providers to overlook cases of child pornography.[40] The amendments effectively increased the minimum sentence for production, distribution or possession of child pornography from five to ten years. Also included in the amendments is a clause stipulating the arrest of South Africans who commit or trade in child pornography elsewhere in the world.[41] However, as with pornography generally, it is very difficult to come up with a broadly acceptable definition of child pornography. For example,

32 Yaman Akdeniz "The Regulation of Pornography and Child Pornography on the Internet" *The Journal of Information, Law and Technology* (1997) elj.warwick.ac.uk/jilt/internet/97_1akdz

33 See, for example, Judit Bayer *The Legal Regulation of Illegal and Harmful Content on the Internet* (CPS International Policy Fellowship Program, 2003) pdc.ceu.hu/archive/00001828/01/Bayer.pdf

34 Akdeniz "The Regulation of Pornography"

35 Tracy Cohen "Advisory 3: The Film and Publications Act, No. 65 of 1996 and the Film and Publications Amendment Act, No. 34 of 1999" (Noordwyk: ISPA, 2000) old.ispa.org.za/regcom/advisories/advisory3.shtml

36 Ibid.

37 Republic of South Africa *Films and Publications Amendment Act No. 34 of 1999* (Government Gazette, 1999)

38 Cohen "Advisory 3"

39 Republic of South Africa *Films and Publications Amendment Act No. 18 of 2004* (Government Gazette, 2004), 7

40 Matome Sebelebele "SA Cracks Down on Child Porn" *SouthAfrica.info* 13 October 2004 www.southafrica.info/services/rights/childporn.htm

41 Ibid.

would parents who take photographs of their own children when naked and post them on Facebook for family and friends be guilty of distributing child pornography?

The Films and Publications Amendment Act (No. 18 of 2004) was passed to "amend the Films and Publications Act, 1996, so as to make further provision for the prohibition of child pornography; […] to make further provision regarding the classification of films and publications; to provide for the registration of internet service providers; to provide for an obligation to report offences involving child pornography; and to increase penalties for offences involving child pornography."[42] The Act was met with strong reactions as it was deemed to restrict freedom of expression and freedom of the media. While it foregrounds film, it also applies to the internet. The Amendment Act was originally formulated to address the pervasiveness of child pornography. It designates the possession of child pornography in all media formats, including the internet, a criminal offence

In terms of the Act, any person (other than newspaper publishers) who intends "to distribute a publication that contains visual presentations, descriptions or representations of sexual conduct, propaganda for war, incitement to imminent violence or hate speech, will have to submit the publication for classification."[43]

The Act treats media products and publications containing descriptions of sexual conduct as suspect, requiring them to be submitted for classification. Clearly, concern has to be around who decides on what constitutes normal or transgressive sexuality. The Freedom of Expression Institute described this classification requirement as "smack[ing] of the morality police" and argued that "the government should not be in the business of controlling the sexual expression of its citizens."[44]

The classificatory system facilitates censorship and certain films are thus disallowed. For example, the concern with child pornography resulted in the film *XXY* being disallowed at the Gay and Lesbian Film Festival of 2008. The film explores the sexual awakening of an Uruguayan intersex youth, and the psychological fallout of family anxieties about the youth's gender.

While most citizens acknowledge the need to protect children from various forms of violence, crime and abuse, censorship tends to impact negatively on the construction and performance of sexuality, particularly when it is non-heterosexual, as it tends to or

at least has the potential to treat "normal" sexuality as taboo. Furthermore, such censorship is informed by the notion of children as asexual beings and as innocent. The opposition political party, the Democratic Alliance, similarly argued against the increased censorship enabled by the Amendment Act, arguing that the Film Board could potentially become the nation's morality police or conscience as it functions to police sexuality. It also impacts on internet communication.

In 2009, the Act was further amended. The Films and Publications Amendment Act (No. 3 of 2009) was enacted to:

> […] insert, amend and delete certain definitions; to establish and provide for the powers and duties of a Council; to provide for the appointment and functions of compliance officers; to provide for the composition, functions and management of the Board; and to repeal the Schedules to the Act; and to provide for matters connected therewith.[45]

The Films and Publications Act (No. 65 of 1996) and Films and Publications Amendment Act (No. 18 of 2009) were drafted in such a way as to negotiate two opposing positions, the protection of the free flow of information and the shielding of the public from material deemed offensive. However, it is not clear how this contradiction is to be addressed or catered for. The Act provides for the appointment of the Film and Publication Board and gives it powers to rate and regulate content using a classificatory system which imposes age restrictions on access and advises in terms of material potentially offensive along the lines of violence, nudity, etc. As such, the Act also impacts on internet content.

Regulatory bodies have also been established to regulate telecommunications and broadcasting industries. Among these is the Independent Communications Authority of South Africa (ICASA) which was established under the ICASA Act (No. 13 of 2000). ICASA is empowered to license broadcasters and telecommunications operators, to formulate and apply policies that govern the two sectors, receive and hear complaints, and generally regulate these two sectors as a whole. Its work in telecommunications and ICTs also includes monitoring role players, protecting consumers, and improving telecommunications and ICT services.[46] The regulatory body is also tasked with empowering disadvantaged groups to overcome the challenges of accessibility and affordability of ICTs

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42 Republic of South Africa, 2004, 1

43 Ibid. 6

44 Freedom of Expression Institute "Statement by Sanef/ FXI/ Misa-SA on media censorship planned by government" (FXI 2006) www.fxi. org.za/index.php?option=com_content&view=article&id=173

45 Republic of South Africa *Films and Publications Amendment Act No. 3 of 2009* (Government Gazette, 2009), 1

46 Independent Communications Authority of South Africa "Legislation and Regulations" (Sandton: ICASA, 2010) www.icasa. org.za

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which, as described in the section above, have resulted in relatively low numbers of internet users.

Linked to the above is the Telecommunications Act (No. 103 of 1996), which empowers ICASA to issue telecommunication licences. The primary purpose of the Act is to provide for the regulation and control of telecommunication matters in the public interest. As such, among other things, it aims to:

- Promote the universal and affordable provision of telecommunication services

- Promote the provision of a wide range of telecommunication services in the interest of the economic growth and development of the Republic

- Make progress towards the universal provision of telecommunication services

- Promote the empowerment and advancement of women in the telecommunications industry.[47]

It is evident from the above that the wide range of services is framed within terms of facilitating economic growth and development. The Act is, however, silent around facilitating social and personal development and communication, and the challenging of patriarchal power for the advancement of women in society.

To cater for emerging issues in the telecommunications industry, the Act was amended several times. The Telecommunications Amendment Act (No. 64 of 2001) addressed the liberalisation of the telecommunications sector and provided for operators in under-serviced areas. Its role was particularly to promote the involvement of black people and women in the sector. Again, the focus was on economic advancement and growth rather than on personal and social development desirable for effectively challenging the gender order and for the advancement of women in families and communities.

In addition to developing regulations and policies, ICASA enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality services, hears and decides on disputes and complaints brought against licensees, and controls and manages the frequency spectrum.[48] As such, the intention is to censor and punish those who commit infringements rather than to foster social justice for the marginalised, such as those who have non-heteronormative sexual identities.

Of particular relevance to this report is the fact that ICASA is responsible for issuing licences to internet service providers (ISPs). In accordance with the Film and Publication Board, ISPs are responsible for regulating the content viewed over the internet. The role of ISPs is to promote the free and open flow of information, but also to keep that access as safe as possible for all subscribers. In so doing, however, the ISP assumes the role of a private censor and overlooks the socio-cultural aspects around the construction and performance of sexual identities. This is undesirable from a number of angles – commercially, politically, and in regard to public policy. According to Cohen, the South African Film and Publication Board Act fails to distinguish the role ISPs play in censoring the internet.[49] Other countries have used ISPs as a way of censoring the internet. For example, Cohen notes, the Dutch government has taken the approach that existing legal rules apply insofar as possible to online communications. Basically, whatever applies offline also applies online. This principle controls the legal situation as regards the liability of what they call intermediaries on the internet. Intermediaries are taken to refer to both access providers and service providers. The approach of the Dutch government is that these terms are not definitive, and the decisive factor is what the actual intermediary has done, or omitted to do in a particular case.

In South Africa an Internet Service Providers Association (ISPA) has been established. The ISPA has influenced and shaped telecommunications policy in South Africa since its formation in 1996. The association has provided submissions and feedback to such key pieces of legislation as the Telecommunications Amendment Act, the Electronic Communications and Transactions Act, the Electronic Communications Act, the ICASA Amendment Act, the Regulation of Interception of Communications and Provision of Communication-related Information Act, as well as various other associated regulations. All ISPA members are bound by the Association's Code of Conduct,[50] which requires all members to meet certain standards in terms of privacy, consumer protection, spam and protection of minors. Their strategies of control include filtering, blocking and taking down notice possibilities. Their position around content regulation is generally to leave it to the Film and Publication Board and the police, as other strategies would be expensive and there are market implications for them in censoring their clients.[51] Again, the focus is on limiting freedoms through punitive measures. However, a key problem faced by those who are

47 Republic of South Africa *Telecommunications Act No. 103 of 1996* (Government Gazette, 1996)

48 Independent Communications Authority of South Africa *Annual Report 2008/9* (Sandton: ICASA, 2009) www.supportpublicbroadcasting.co.za/library/entry/icasa_2009_annual_report_2009

49 Cohen "Advisory 3"

50 ispa.org.za/code-of-conduct

51 ispa.org.za/code-of-conduct/undesirable-content

trying to enforce censorship regulations, such as ISPs, is the lack of a regulating authority and the lack of clear definitions of infringements (such as pornography) and who is responsible for these decisions.[52]

The Electronic Communications and Transactions Act (No. 25 of 2002) was enacted to:

[…] provide for the facilitation and regulation of electronic communications and transactions; to provide for the development of a national e-strategy for the Republic; to promote universal access to electronic communications and transactions and the use of electronic transactions by SMMEs; to provide for human resource development in electronic transactions; to prevent abuse of information systems; to encourage the use of e-government services; and to provide for matters connected therewith.[53]

In particular, the objectives of the Act included enabling and facilitating electronic communications and transactions in the public interest, and for that purpose, it aimed to, among others:

- Promote universal access primarily in underserviced areas

- Remove and prevent barriers to electronic communications and transactions in the Republic

- Promote legal certainty and confidence in respect of electronic communications and transactions

- Develop a safe, secure and effective environment for the consumer, business and the government to conduct and use electronic transactions

- Ensure that, in relation to the provision of electronic transactions services, the special needs of particular communities and areas and the disabled are duly taken into account.[54]

While the focus here foregrounds "universal access" by emphasising small, medium and micro enterprises (SMMEs), it retains an economic/commercial slant. In addition, its recognition of the digital divide means that it sees the solution as lying in economic redress rather than in challenging and changing the status quo: men's dominance in various spheres of life. This is consistent with reductive notions of development that obscure personal engagements.

The Regulation of Interception of Communications and Provision of Communication-related Information Act (No. 70 of 2002) deals with the interception and monitoring of communications made through telecommunications service providers and the obtaining of communication-related information. It regulates against the interception and procurement of any communication during its transmission except under particular circumstances, for example if the communication is for the purpose of committing an offence or when a life-threatening emergency might exist.

In particular, the Act aimed:

[…] to regulate the making of applications for, and the issuing of, directions authorising the interception of communications and the provision of communication-related information under certain circumstances; to regulate the execution of directions and entry warrants by law enforcement officers and the assistance to be given by postal service providers, telecommunication service providers and decryption key holders in the execution of such directions and entry warrants; to prohibit the provision of telecommunication services which do not have the capability to be intercepted; […] to provide for the establishment of interception centres, the Office for Interception Centres and the Internet Service Providers Assistance Fund; to prohibit the manufacturing, assembling, possessing, selling, purchasing or advertising of certain equipment; to create offences and to prescribe penalties for such offences.[55]

To streamline and supersede all prior acts and regulations, the Electronic Communications Act (No. 36 of 2005) was passed:

[…] to promote convergence in the broadcasting, broadcasting signal distribution and telecommunications sectors and to provide the legal framework for convergence of these sectors; to make new provision for the regulation of electronic communications services, electronic communications network services and broadcasting services; to provide for the granting of new licences and new social obligations; to provide for the control of the radio frequency spectrum; to provide for the continued existence of the Universal Service Agency and the Universal Service Fund; and to provide for matters incidental thereto.[56]

To empower the Minister to issue additional policy direction and to provide for associated matters, the Electronic Communications Act of 2005 was amended

52 Chris McCosker "Internet Censorship – Regulation and Responsibility" *media/culture.org.au* 26 October 2004 wiki.media-culture.org.au/index.php/internet_Censorship

53 Republic of South Africa *Electronic Communications and Transactions Act No. 25 of 2002* (Government Gazette, 2002)

54 Ibid.

55 Republic of South Africa *Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002* (Government Gazette, 2003), 1

56 Republic of South Africa *Electronic Communications Act No. 36 of 2005* (Government Gazette, 2006), 1

and the Electronic Communications Amendment Act (No. 37 of 2007) passed. The Amendment Act sought to explicitly provide for the facilitation of strategic interventions by government in the electronic communications sector in order to:

- Reduce the cost of access to information, communication and technology

- Expand the availability of access to information, communications and technology infrastructure on a wholesale basis at cost-orientated rates and services to operators in the Republic

- To facilitate the efficient licensing of public entities.[57]

As argued throughout this section, the policy framework, while based on the enabling principles of the Constitution, has tended to be punitive and to focus on economic development and growth, neglecting the personal and social development of individuals and groups and failing to challenge and change the gender order in society, particularly in the media, including internet spaces. The section below addresses the (potential) impacts of the existing policy framework on transgender people's and lesbians' access to and use of the internet.

Who benefits from these policies? Discussion

As illustrated in the above overview of policies and regulations, the South African policy framework seems, on paper, to be enabling, as it is informed by principles of social justice espoused in the Constitution. However, our analysis suggests that the policies have tended to focus mainly on regulating what is/is not acceptable for public consumption (through censorship) in the electronic (and other) media, including the internet, and on punishing those who commit infringements. For example, in 2008 one of the regulatory bodies, the Film and Publication Board, established a website (www.fpbprochild.org.za) which aims to alert internet service providers of criminal activities relating to child pornography, or images of sexual abuse hosted on their services or through their infrastructure. Members of the public are also able to report incidences of pornography.[58]

In a related move, in 2009, the Department of Home Affairs announced that it was working with other government departments, the South African Police Service and the National Prosecuting Authority to develop a protocol on the protection of children against child pornography, with a focus on advocacy and law enforcement.[59] More recently, the popular social networking website MXit announced a zero-tolerance policy against offenders who abuse its online community. Anyone posting explicit or offensive material in public areas within MXit will be banned from its systems without warning.[60] The chief executive officer of the Film and Publication Board, Yoliswa Makhasi, commended MXit, stating that "the move came at a crucial time since children would be most likely drawn into social networking platforms during and after the 2010 World Cup."[61] Thus, while they speak of improving access, the policies do so only in relation to improving economic growth rather than improving access to knowledge for creating spaces for democratic debate around important issues in communities and society.

Second, while the policy framework speaks of women in the telecommunications industry and appears to be sensitive to their needs/plight in society, our analysis suggests that that it does not actually challenge power relations in any significant way. Rather, as we have argued, it is punitive and tends to focus on censoring what is regarded as "objectionable" or harmful content. The difficulty involved in defining and agreeing on what is harmful and for/to whom, means that the focus on the "moral good" functions to curtail any expressions of sexuality, particularly those whom society deems un-African, ungodly, unnatural, etc., such as transgender and lesbian sexualities. In addition, the various policies tend to construct women as objects of men's pleasure, rather than as agents of their sexuality. Such assumed heteronormativity normalises heterosexuality and marginalises and silences other sexual identities (such as the LGBTI).

In this study we have asked: In what ways are existing policies and the regulatory framework beneficiary to various groups, and in particular to marginalised groups such as the LGBTI community? Many in civil society and industries resist the regulation of content over the internet. While the negative effects of harmful content (such as child pornography and pornography depicting women) is widely acknowledged, many argue that regulating the internet goes against its very founding philosophy: free and open flow of information. In this regard, deciding what content is harmful or objectionable is a value judgement based on subjective views and decision making for and on behalf of society at large, a process which is inherently undemocratic.[62]

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57 Republic of South Africa *Electronic Communications Amendment Act No. 37 of 2007* (Government Gazette, 2008), 1

58 Lyse Comins "Offenders Beware, MXit Warns" *IOLnews* 30 March 2010 www.iol.co.za/news/south-africa/offenders-beware-mxit-warns-1.477967

59 Ibid.

60 Ibid.

61 Ibid.

62 Cohen "Advisory 3"

In addition to being undesirable, regulating the internet and its content is also bound to be difficult. As argued earlier, because the internet is a multinational environment with cultural, moral and legal variations all around the world, it is difficult to define and agree on what is harmful or objectionable content.[63] Each country has its definition of what is and is not permissible regarding the internet, and each implements different levels of censorship and legislation. Moreover, as McCosker argues, because regulating the internet tends to rely on old concepts of regulation, including tangibility in time and space, enforcing the policies may be difficult.[64]

The Film and Publication Appeal Board of South Africa was faced with this challenge in February 2009. An international award-winning film was banned outright by the Film and Publication Board on the grounds that it constituted child pornography. The Board argued that certain scenes in the film depicted teenagers under eighteen years of age engaged in simulated sexual intercourse. This formed the basis of the Board's objections and subsequent banning of the film. However, this argument did not hold as the actors in the film were over the age of eighteen. As such, those who opposed the ban argued that the Board needed to strike a balance between the protection of children's rights and the right to freedom of expression.[65]

According to the Freedom of Expression Institute, consistency on the part of the Board in its interpretation and decision making on matters concerning child pornography is also proving to be a serious problem.[66] Cohen argues that before a regulation is passed, it is essential to take into account the difference between "harmful" material, such as sexually explicit nudity, and illegal material, such as child pornography, and acknowledge that with regards to regulation they are two separate issues.[67] In the United States, for example, the Supreme Court recently blocked a law intended to protect children from internet pornography. According to Mears, the reason for this was that the Supreme Court urged lawmakers to consider less restrictive ways to protect children without sacrificing communication intended for adults.[68]

In this report, we argue that in a democracy, access to information as ensured in the Bill of Rights must be observed for all media forms, including the internet. As such, regulating access to and content on the internet seems counterproductive. In particular, the interests of sexual minorities in an arguably homophobic, sexist and racist country such as South Africa are not served if the few safe spaces for exploring sexual identities (including coming out) available to them (including virtual spaces such as the internet) are regulated and their freedom of expression curtailed through censorship. An alternative policy trajectory would be one informed by an understanding of the internet as potentially a space where users have opportunities to express ideas and opinions freely and to engage in debate in ways that are not always possible in other public spaces. Most importantly, as we will argue, the internet is possibly a space where like-minded people can meet and forge relationships conducive for developing communities such as those defined by sexual orientation and sexual, political, social or cultural politics.

Transgender and lesbian usage of the internet in South Africa

The broad research question that steers this analysis of internet usage was framed as: What are the possibilities for women and LGBTI groups to articulate, negotiate and try out sexual identities online in the South African context? Here the focus is on internet usage and two aspects of sexualities that lie outside of heteronormativity, namely transgender and lesbian identities. Discussions that both inform and critique policy and regulation tend to assume practices although there is a scarcity of knowledge based on empirical research of both how people in fact negotiate the internet and for what purposes, and these analyses seek to add to this limited knowledge base. Included is a map of transgender sites and associated links that emerged when producing the transgender web sphere (see Figure 1). This excludes international sites referred to by respondents.

Negotiating transgender identities on a South African website

The analysis and discussion in this section are informed by the gender order described earlier. This is a necessary frame, as while transgender people might reject their assigned sex, they do not necessarily question the gendered roles that patriarchy proposes. As transgender is clearly concerned with sex and gender differences and transitioning from male to female (MTF) or female to male (FTM), it is precisely those binarily opposed characteristics that inform patriarchy and feminist analysis that are at play. In essence, transitioning is the rejection of one's biological or assigned sex and can include undertaking considerable invasive physical interventions

63 Akdeniz "The Regulation of Pornography"

64 McCosker "Internet Censorship – Regulation and Responsibility"

65 Freedom of Expression Institute "FXI Welcomes the Screening of the Film XXY at the Out in Africa Gay and Lesbian Film Festival" (FXI, 2011) www.fxi.org.za/content/view/211/1

66 Ibid.

67 Cohen "Advisory 3"

68 Bill Mears "High Court Bars Internet Porn Law Enforcement" *CNN* 29 June 2004 www.cnn.com/2004/LAW/06/29/scotus.web.indecency/index.html

FIGURE 1. Transgender web sphere
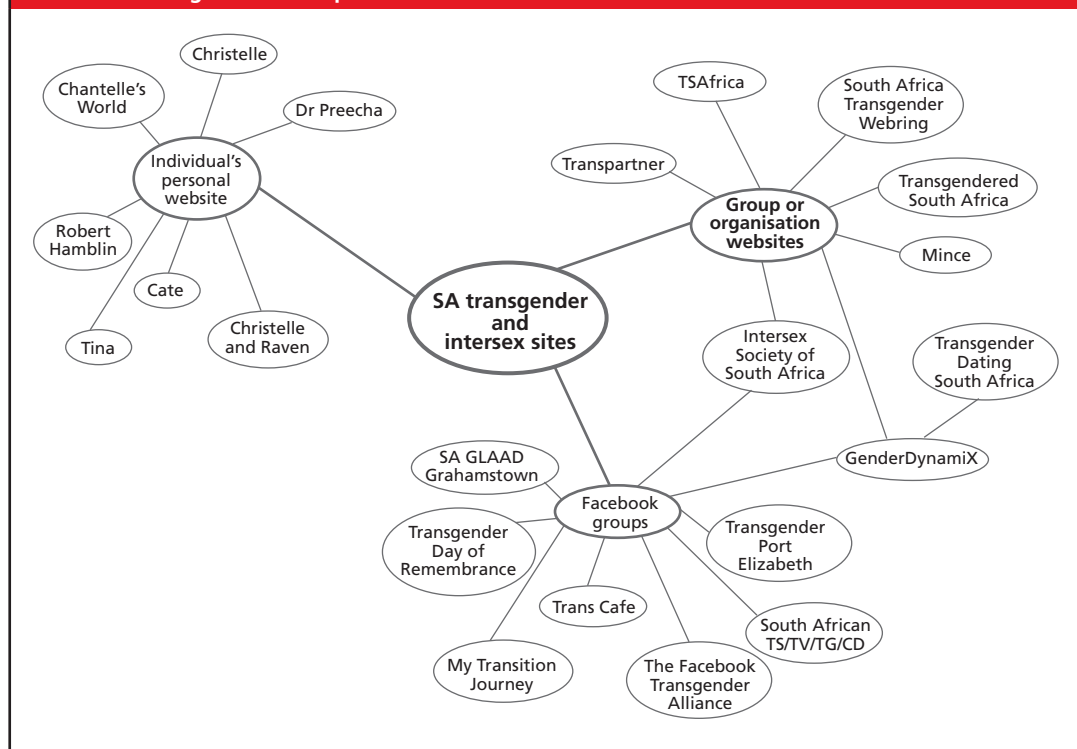
to achieve the opposite sex and gender in many cases. (Not all transpeople undertake all or any of the surgery.) For this reason the idea of the "gender regime"[69] that describes what constitutes dominant masculinity and the complementary femininities that are so normalised in society is appropriate as it is these positions that transpeople generally wish to inhabit.

For transgender people, transitioning implies the rejection of one's biological or assigned sex (male or female) and can include undertaking physical interventions to achieve the opposed physical or sex identity. The accompanying and necessary gender transition requires acquiring the codes of practices associated with being masculine or feminine. In other words, they face a particular challenge that requires them to work against the gender roles prescribed for their sex which they had to inhabit for, in some cases, many decades, and to take on those that are socially disapproved of for their sex. To do this, they need to learn to "perform" their gender not only through bodily deportment and clothing, but also gestures, ways of speaking – both in terms of expressions and tone and pitch – and ways of being in the world. It requires practice or constant rehearsal (much in the

same way we all become incrementally gendered from birth) and for many who are, in their terms, "stealth", it requires a safe and private space to do this. The internet is potentially one such space that allows a person to be anonymous and to have control of how much they wish to disclose at any stage. This theoretical framing informs the analysis into transgender and lesbian usage. While the accounts below are descriptive of transpeople's internet engagement, we are aware that it is easy to read this as yet another set of narratives. Yet, for many transgender people, life is fraught with social rejection and moralising from those who see sex and gender as divinely ordained and who view intervention in that process as suspect, immoral and indefensible.

Gender DynamiX (GDX) was the site of the research in this study. Informed by the position that websites can serve as spheres for different "publics" or counter-publics and so enable those whose voices tend to be dismissed or marginalised generally to engage and act, we chose GDX because of its reputation as a space where the members of this community assume a non-heteronormative position and where patriarchal power and gender relations are variously negotiated. However, in our analysis, we are deliberately careful not to suggest that those who are generally marginalised reject patriarchy,

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69 Connell *Gender and Power*

and instead we argue that this is more complex and nuanced, particularly among a "trans" community.

In order to develop a picture of the usage of the GDX site, one of the researchers registered as a member using her own name (Jeanne). GDX is a semi-public site,[70] for while it requires registration, it is open to anyone to register.[71] Unsurprisingly, since the trans community in South Africa is not large, and those with internet access are even fewer, GDX has a relatively small number of members registered. Also, of the just over 1,000 members, only a relatively small number post on the site. While Jeanne was present on the site she did not post on the general talk or other sites, although a member who is very active in the trans community and whom she had met personally beforehand introduced and endorsed the research.

GDX identifies itself as a human rights organisation that promotes "freedom of expression of gender identity" and advocates "for the rights of transgender, transsexual and gender non-conforming people."[72] It seeks to provide resources and support for transgender people (transpeople), their partners and families, as well as employers and the public.

This study looked at how transpeople, both MTF and FTM, use the site. The researcher undertook a critical textual analysis of the various threads over a period of three and a half months (9 October 2009 to 21 January 2010) in order to look for patterns and to classify them according to the themes that emerged. This included all the threads listed on the index page of each community forum on 9 October 2009 as well as the subsequent threads up until 29 January 2010. While this is a fairly random sample, it includes threads posted over a two-year period and is reasonably representative of the postings to this point in time. There are four community forums, namely Girl Talk and Boy Talk, which have been set up specifically for MTF and FTM groups, General Talk, and SOFFA (significant other, friends and family). This sampling process resulted in 25 threads on Boy Talk, 29 on Girl Talk, 34 on General Talk and 20 on SOFFA. In this report, we focus primarily on the two community forums, Girl Talk and Boy Talk. As General Talk sets itself up to deal with any topic, threads relating to gender politics and sexuality, not only transsexuality, were introduced and the patterns of usage conformed strongly to those identified in Boy Talk and Girl Talk. SOFFA was set up for discussion of "specific topics of partners, children, parents and friends of TG people." It had had little traffic and might be considered redundant, with all postings over two years old.

The analysis of Boy Talk and Girl Talk was informed by critical discourse analysis (CDA) and began by identifying and categorising the focus of the threads. This analysis produced similar but not identical categories across Boy Talk and Girl Talk. In addition, against the gendered frame that recognises patriarchy as privileging hegemonic masculinities and emphasised femininities,[73] attention was given to the linguistic and semiotic aspects of the postings, including address, styles of writing and length of postings. Consequently, remarkable similarities between the postings were identified in relation to transgender concerns, while there are also some striking differences between the two different community forums. Subsequently, the analysis of General Talk, while introducing issues of concern to transpeople generally, confirms the tendencies identified in Boy Talk and Girl Talk.

Boy Talk analysis

In spite of a much larger membership, the postings collected from GDX presented 25 threads with twenty active posters. Particular themes recurred in the threads and are thus indicative of their concerns. More than half (fourteen or 56% of the total) were concerned with various stages of physical transitioning to male, while three threads (12%) related to support either in the form of an offline meeting or web link suggestions. Two postings were related to sex and sexual orientation, one focused on name and sex change registration, one queried tattooing as a rite of passage on beginning testosterone, or "T" in their jargon, and two were postings by an outsider calling for article contributions.

The analysis of Boy Talk on the GDX site reveals several themes. First, postings suggested a series of **milestones** transpeople achieve in the transitioning process. Because of the complexity of transitioning and the length of time it takes, it is unsurprising that it is precisely these issues that predominate and all the stages of transitioning were raised in these threads. The threads can be viewed as a journey with specified points (or milestones) in the quest to transition. Two were enquiries and consequent discussion about trans-friendly counsellors (the initial stage) and doctors;[74] four were about testosterone (T) and hormone supplement regimes, costs and availability;

70 Malin S. Elm "How Do Various Notions of Privacy Influence Decisions in Qualitative Internet Research?", in *Internet inquiry: conversations about method* eds. Annette N. Markham and Nancy K. Baym, 69-93 (London: Sage, 2009)

71 We had certain concerns about the ethics of internet research. As this work was not about prurient eavesdropping or titillation but premised in a concern to protect such "publics" from erosion through censorship and governance, we considered our online engagement acceptable.

72 Gender DynamiX www.genderdynamix.org.za

73 Connell *Gender and Power*

74 In South Africa all legal medical transitioning requires counselling prior to the first stage of beginning hormones as advised by an endocrinologist.

three related to "top" or "chest" surgery (mastectomies); three were about final surgery (phalloplasty), with two announcements of impending surgery (one in Serbia) and one post-surgery posting which included a report on complications. Two were direct queries about costs for all of the above. Beyond the focus on physical transitioning, one post related to obtaining an identity document (ID), a crucial marker for trans identity.

Consistent with the attention given to these milestones, where self-introductions occurred, the postings generally foregrounded the members' status and stage of transition. Ben,[75] who posted an ID-type photo on his profile, introduced himself firstly in relation to his stage of transition, namely as on T and intending to have chest surgery. He was out about his status. Similarly, Fred posted a photo of himself and described himself as transitioned ("living full-time") with his name as Fred on his ID document. Mike described himself as new to the site and hoped his ID would one day identify him by this name. Brad described himself as waiting to start T and hoping to be referred for chest surgery quickly thereafter.

Second, the achievements of these various milestones are greeted in a distinctly **celebratory** way. That these are momentous milestones is gestured to also in the ritual of tattooing on starting T (mentioned in the posting "tattoo or not to tattoo"). Consider some of the responses. When Fred announced that he had had his top surgery done, he was greeted with "Awesome man". When Dave reported that his was scheduled, members applauded, "Hey dude, first of all CONGRATS" or "Congratulations". When Phil let the group know he was up for his final or "phallo" surgery, he was complimented for achieving this concluding part of the physical journey which was seen as "your dream come true" and met with admiration: "Well done brother", "That's great", "Respek", "You will be so happy you will be smiling from ear to ear", and a more cautionary "Good luck".

Third, while none of the threads flagged the **difficulties** of transitioning or foregrounded being marginalised (on account of identifying as transsexual rather than their assigned gender) as a topic, the existence of a site like GDX and the inclusion of the T in the LGBTI acronym explicitly marks them outside heteronormativity. While the tone is generally positive, the harsh challenges facing transpeople are alluded to.

This celebratory tone needs to be placed against the considerable obstacles that people have to overcome, something not foregrounded on Boy Talk but present as the undertow. Brad spoke of the reality of being transgender: he does activist work to "raise awareness about transpeople and *the pooh we have to go through!*" Elsewhere a member stated, "Hopefully it will help us to be accepted as other 'minority' groups before us once were!" Matt responded to a posting about trans-unfriendly medical professionals with reasoned counsel but noted, "This is not a journey for the fainthearted."

Fourth, the postings also presented GDX as **apprenticeship**. The argument has been made that internet sites can provide a space for people to try out identities and begin to inhabit or practise those identities, to begin to talk the talk as they prepare to walk the walk in a way. As noted above, for transpeople, this is a quest or, figuratively, a journey with various structured rites of passage. Importantly, it is a movement from one gendered identity to another, and if we learn to perform our gender (in Butler's terms) from birth, the decision to transition requires practising that which was disallowed within the conventions and structures of patriarchy and the gender order we inhabit. GDX provides the space to try on the identity and to practise being masculine (or feminine in the case of Girl Talk).

In his postings, Brad recognised transitioning as a journey, referring to "being new to the site and still learning a lot each day. [It is] the road I am walking and getting closer to where I'm supposed to be." Part of this journey relates to acquiring the gender codes, that is, becoming masculine alongside becoming male.

Fifth, as suggested above, the sites are often used as spaces where people develop and perform their identities. In this case, they were using GDX to **perform gender**. One striking aspect of gender performance relates to gendered language. A focus on the choice of words used in the postings was revealing. Consider the way transmen addressed each other by frequently using words that are synonymous with "man" to signal that the person being addressed is male and the forms of address are markers of being *masculine*. This ranged from "Hey dudes", "Awesome man!", "Hey guys", "Help a brother out", "Bra" (as in my bra/brother), "Keep in touch, man" to "Ou" (an Afrikaans expression for a guy). Masculinity was thus repeatedly signalled and rehearsed in this way, suggesting a streetwise masculinity and a warm familiarity as well.

There are other ways that masculinity was signalled. When Matt suggested a regular get-together, his suggestions, while being humorous, were definitely not gender neutral, but rather laddish: comparing belly hairs, having a "braai",[76] playing pool, maybe "lur[ing] them with porn". If this is laddish, it is indicative of a performance of

behaviours and attitudes associated with dominant and heterosexual masculinity. At one point one of the members discussed his T shots and commented that his wife gave them to him. Jokingly he noted, "That's what I've got my wife for," consistent with dominant gender stereotypes of women's caring role. Another interesting use of gendered language was the reference always to "chest" surgery, not breast surgery, for it is the chest which is desired!

Another significant finding is that the postings on Boy Talk were generally short (often four or five lines), at times even abrupt, generally factual and less emotional or personal than on Girl Talk. Personal issues and deep anxieties were seldom expressed. There were exceptions, for one member did introduce fears in an open way: he expressed concerns about his sexual orientation and was continually generous and supportive of others. However, support was usually succinctly expressed as in "Well done" or other fairly terse expressions. At times, when it came to direct discussion about hormones and prescriptions, factual information was offered and support took the form of references to useful web links for information. Interestingly, the longer postings on Boy Talk got emailed from hospital. These offer more detailed descriptions of their procedures and they also express emotions, both delight and anxiety. That this is the case is significant, for these points of transitioning are brave steps as they require invasive and irreversible procedures.

Girl Talk analysis

The Girl Talk postings on the index page of the GDX site contained 29 threads and were remarkably different to Boy Talk in several ways. First, they were more recent, the oldest posted twelve months prior to the date accessed (5 October 2009), and there were more members posting: 26 to Boy Talk's 20 over a longer period. Second, the "girls" posts, both the initial posting as well as the responses and comments within the threads, were notably longer. Consequently there was far more discussion – not merely of the facts, but of emotions and a greater disclosure of feelings, expressions of anxiety, and debate. This suggests that for MTF transpeople, this is a space that allows for deeper engagement than is evident on Boy Talk. What is enacted is consistent with the gendered behaviours and practices associated with women in our societies: a greater interest and need for communication, preparedness to state feelings and to give priority to them. The postings tended to deal with more than merely identifying an issue or stating the commencement of a stage of transitioning. Rather, if a stage was introduced, for example beginning a hormone regime, it also included expressions of anxieties and concerns both in terms of the physical and

personal changes as well as societal acceptance. For this reason a single post was less easily categorised and discussion of hormones were linked to discussions about breast size, and so on. In fact there was far more disclosure and openness.

While the postings were different to those in Boy Talk in many ways, there was a crucial similarity that related to the focus on achieving **milestones** in transitioning. Twenty of the posts foregrounded the processes of physical feminisation. Three of the posts were enquiries about endocrinologists and surgeons. The largest category – six of the posts (about 21% of them) – focused on hormones (oestrogen and progesterone) and the consequent and desired breast development. A further four were concerned with hair removal, and in these it was facial hair that was specifically discussed. Three report-backs on gender reassignment surgery were posted and dealt with pain and fear. Feminising facial surgery (FFS) was the focus of two posts, and another two topics focused on ongoing feminisation generally in relation to hormones and post surgery. Other than physical transitioning, three posts related to ladies' clothing and shoes and therefore the socio-cultural expectations of being feminine. One related to "tucking" or hiding the bulge of male genitals, while the balance were variously linked to transgender. One posted a "sad story" about the abuse by the medical profession of a Tanzanian transwoman on her deathbed, and finally there was one post that was difficult to follow.

A secondary similarity between Boy Talk and Girl Talk relates to postings that reflected on the challenges of transitioning or the **trans trajectory**. However, in Girl Talk the challenges of being transgender were not the focus of separate posts as in Boy Talk, but rather reference to them was made incidentally. When offering support to members who had expressed anxieties about acceptance of their process, the posts advocated positive attitudes, but slipped in phrases such as, "Inevitably there will be some bigots." As Cary recognised, it is not merely bigots but widely held attitudes that present challenges. For example, her mother "is in denial" and "religion plays a large part" in her mother's refusal to accept her position. Another member's mother "freaked out." Jeanli noted that a sex change was "definitely not for sissies" after her neglect in a state hospital. Susanna identified the need for a safe space and noted that "transition is not easy, and there are so many problems we encounter." It is arguably for this reason that GDX is such an important space!

A third theme emerging from Girl Talk, which was different from what was found in Boy Talk, related to an embracing of **sharing and empathy – a feminine role.** If Boy Talk presented an overtly celebratory

approach with members figuratively backslapping each other at reaching the various stages, this was markedly less pronounced in Girl Talk. On only two occasions were members who announced the commencement of hormones or surgery congratulated. However, support and empathy were evident and could be argued to be typical of feminine codes of conduct. In contrast to the more truncated communications in Boy Talk, the postings were long. They described and discussed the members' trans progress and articulated concerns and bad experiences in detail. Advice and reassurance were offered liberally with reference to the member's personal experiences. Consider one thread as an example:

Cary posts about eventually beginning hormones. She speaks of her emotional state: she is "so scared now, I think my fear overpowers my excitement." She keeps on "thinking about all the complications that lie ahead" and continues:

> What am I going to do about work, what is everyone going to think of me, how am I going to tell my mom, what is my sister going to say, will I have my voice trained fully by then etc. etc. Hell I'm even worried about what the security guards at the entrance to my complex are going to think.

If these are her concerns, Cary also expresses determination in a stream of consciousness kind of way:

> I know I can do this and I know this is right, I just keep on getting these depressive thoughts like it's all so much effort and it'd just be easier to off myself instead of carrying on with life, lol, I won't give in to those thoughts either though.

After expressing her anxieties and feelings, she moves to getting concrete advice about hormonal changes and voice training. Her initial post is 36 lines, Mina replies at length (58 lines), Cary picks up the thread again in a more optimistic vein (38 lines) but identifies concrete difficulties in relation to acceptance at work and home, Maggie generously provides more guidance again (35 lines), and there are two more expressions of support.

Another contrast to Boy Talk was the use of **feminine signifiers** in the language used in addressing each other in Girl Talk, which contrasted markedly with the "dude" of Boy Talk and were consistent with the feminine codes of conduct naturalised under patriarchy. In the interchange referred to above, Maggie addressed Cary twice as "hon". On occasions a member was addressed as "girl" or "sweetie" too. This marks a tendency in naming women as soft, sweet and little, a kind of sugar and spice and all things nice routine. Some posts ended affectionately with "hugs", again something absent in Boy Talk. Thus, an articulation of familiarity and affection was rehearsed in Girl Talk within the conventions of the dominant gender order. This was also evident in the aspects identified above, namely the communicative practices of offering elaborate explanations and easy self-disclosure and expression of emotions, whether anxiety or delight.

In terms of using GDX as **apprenticeship**, there was some "girl talk" about the aspects of feminine appearance such as cleavage, hair removal and importantly, clothing and makeup. Being able to ask questions about clothes, makeup and voice training was highly relevant to the lives of those posting on the site. The advice offered in one instance – to look at women around them and women's fashion magazines – was also indicative of the apprenticeship they were all engaging in for performing the gender they had chosen and for which their childhoods and adolescences did not equip them. Again, GDX provided that space of an apprenticeship in being feminine in a safe environment.

This brief account of some of the tendencies in GDX's Girl and Boy Talk highlights the concerns in the threads that weave together this transgender community. It is notable that the physical challenges and stages of transitioning (that is, sex change) are found to be central. For transgender people the sense of being female or male resides in the body in the first instance (and not merely in superficial appearance and dress as in cross-dressing), hence the need for medical and surgical interventions. The body is thus the *sine qua non* of masculinity or femininity. For transmen, the accomplishment of physical manhood is celebrated as it achieves the physicality that underpins hegemonic masculinity. For transwomen, the anxieties around feminine physical appearance reflect the more general anxieties all women face in defining themselves as feminine, again in relation to hegemonic masculinity.

In addition, gendered aspects are rehearsed. The communicative styles of talk, the interests and the practices are explicitly masculine in Boy Talk and feminine in Girl Talk. For the researcher, the outsider, this is striking precisely because it runs counter to their socialisation, which groomed them in other ways of being gendered. It would then be reasonable to anticipate that these older gendered ways of being would be more entrenched and evident. As anticipated, the transgender people interviewed feel that it comes naturally to them, as they are essentially the other sex or they attribute it to hormones. To the contrary and in line with conceptualising gender as socially constructed, we argue that one of the challenges for transpeople is precisely to learn to perform the gender they desire to have. A relevant point in this research relates to the very nature of internet communication. People posting are able to

articulate an idea and then review it and so, in the case of this kind of site, to consider the way they perform their gender, and edit or "improve" it.

GDX enables this. It allows transpeople to rehearse and enact their chosen gendered identities. It could be argued that it serves as a particular public sphere for a specific grouping whose members assume a non-heteronormative position and where patriarchal power and gender relations are variously negotiated. It also arguably conforms largely to the idea of "community" established earlier that includes emotional investment, social interaction and open channels of communication. While it is a non-heteronormative space in that people reject their assigned sex and gender, it is also ironically a space where the conventions and codes of practice of heterosexuality are enacted. Thus while it is designed to serve the interests of "gender non-conforming people" it does not necessarily challenge the values or codes of practice of patriarchy. The relationship of this trans community to the dominant gender order is thus multifaceted, nuanced and variable. Exploring and realising their chosen identities is similarly complex and complicated both for those who actively post and for those who lurk and ponder.

Interviews with transgender people

After the analysis of the Gender DynamiX site that set out to identify how this South African transgender site is used, a series of interviews were conducted to develop deeper understandings of the relevance of the internet in relation to the lives of transgendered people more generally and their sense of its significance, whether celebrated, feared or both. The interviews with transgender respondents followed a schedule of questions that was structured to cover five aspects. These included:

- Personal details related to identity and sexuality

- Internet access and attitudes to the internet

- Respondents' use and perception of the Gender DynamiX site

- Online/offline interactions

- Sex and the internet.

While this broad frame structured the interviews, it was not slavishly followed, as frequently, in answer to one of the questions, the respondents would incorporate other items identified later in the schedule. The interviews were conducted face to face in most cases, either in people's homes or a quiet venue identified by the respondent. They lived in different parts of the country, namely the provinces of Gauteng, Eastern Cape, KwaZulu-Natal and Western Cape. On two occasions, the interviews were conducted telephonically. On the day and at the time the telephonic interviews were scheduled, the area the researcher was working from experienced a lengthy power failure and they therefore were not recorded electronically, but through detailed note taking.

This discussion of the interviews is informed by the structure of the interview schedule, but uses the transitional stages as a structuring device for this discussion. In this way it is able to discuss internet usage at different moments of their lives and in response to different needs. As with much qualitative research, the intention was not to acquire generalisable information but to generate "thick description" or rich data.

Six MTF and four FTM respondents were interviewed and the interviews lasted from one to two and a half hours. The researcher relied on one of the key members of Gender DynamiX who introduced her, endorsed the research on the GDX website and identified respondents in the province of Gauteng. She subsequently interviewed three MTF and two FTM respondents in Gauteng, arguably the urban hub of South Africa. The researcher approached and interviewed two GDX members in KwaZulu-Natal, both MTF, and two FTM in the Western Cape, while one MTF in the Eastern Cape volunteered as an interviewee. Thus the respondents are identified here by pseudonyms we have attributed to them, and they are Fred, David, Themba and Matt (FTM) and Daniella, Helen, Vera, Maggie, Susanna and Clea (MTF).

As race with its interface with class remains a factor in South Africa, it is appropriate to note that four of the respondents were black and six white. Three of the FTM respondents were black, one white, while one of the MTF respondents was black and five white. They ranged in age from 23 to 56 years, and while most described themselves as in the process of physical transitioning, two described themselves as fully transitioned.[77] Their sexual orientations also varied.

If hegemonic masculinity is premised on heteronormativity, while most of the transgender narratives that unfolded during this research tended to assume gender as dichotomous, they did not take on the heteronormative insistence on heterosexuality as natural. With one exception, the FTM respondents identified their sexual orientation prior to transitioning as homosexual and as "liking girls". Subsequently, post-transition they identify as

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77 By mentioning this, we do not wish to suggest that there is a prescriptive set of procedures to complete before transitioning can be judged complete. In response to the frequently asked question (FAQ) on the Gender DynamiX website about what it means to transition, they respond as follows: "Transioning is the process a person choose to follow in order to align the physical appearance to match the way the person feels inside. This may include hormone therapy, surgery, name changing and changing of documentation. Not all people choose to transition to the same extend. Various options are followed, surgery is not always the only solution." [sic] www.genderdynamix.co.za/content/view/27/112

heterosexual, therefore still "liking girls". The exception identifies himself as "curious" or bisexual. Of the six MTF respondents, three identify as lesbian. Interestingly, Daniella, who was the married father of one child, identified as heterosexual prior to transition and views herself, while still in a relationship with her wife, as now "probably lesbian". Of the other MTFs, one identified herself as bisexual, one as heterosexual, and one as uncertain. The variance in sexual orientation was striking.

Internet access

The selection of the respondents through the Gender DynamiX website in a sense predetermines that they be internet users and it implies that they have some level of internet access, unlike the majority of the population of South Africa and indeed of the continent of Africa (see previous sections). All the respondents had access to the internet at work, with the exception of Susanna who was not employed and Maggie who was self-employed. They accessed the internet exclusively from home. Use of cybercafés was infrequent and considered useful at times for less private kinds of usage, such as, in Daniella's case, "to basically read email or the Gender DynamiX forum or my photographic society website and stuff like that." Daniella used work access in combination with her mobile phone. In some instances, for example David and Matt, they combined broadband access at work with using their mobile phones out of work hours, but less so to keep the costs down.

The amount of time spent on the internet varied from respondent to respondent and across periods of their lives and transition. The fluctuations in time were partly determined by their need for information and emotional support. While Daniella said that she only used the internet for perhaps half an hour a day, she added that:

> In the early days I used it a lot more when I was inquiring and digging and trying to find things. I spent a heck of a lot more time messing around with it. […] Once I've had final surgery or reached the final stage in the next few years there'll be a few places that I won't even visit anymore. I won't even be concerned about them because they have served their purpose.

Vera, who had recently completed tertiary education and found a job, had to rely on internet cafés in the township in which she lived. Access was not a problem, but at ZAR 5 for 30 minutes, the cost was. For her, before finding employment:

> [I]t was really hard because I didn't have any money to go and access the internet. I found that very frustrating. As a transgender person I have

to keep abreast with the latest developments in treatment in the transgender community.

The amount of time spent on the internet showed considerable variation among the respondents. In contrast to Themba, who used the internet for perhaps an hour or so a day, Maggie was a heavy internet user. She reported that her personal computer is on from the time she wakes up until she goes to bed at night and that she accesses a broad range of sites, from trans sites, to computer technology, hacking, science, psychology, etc. Similarly, Helen reported that she uses the internet for "at least six hours a day, that's Monday to Thursday. Friday night when I'm wired I'll be on the internet till three or four o'clock in the morning."

Experiences of internet use

The decision to transition is often accompanied by harsh challenges and was described in one posting on the GDX website as "not for the faint-hearted." In the course of the interviews, the respondents acknowledged their transitioning processes and lives as complex with ongoing sets of challenges. They narrated their experiences very much in line with the structuralist account of narrative (Todorov's narrative theory) that follows five narrative components or stages, consisting of an initial balance or equilibrium (stage one) which is disrupted (disequilibrium and stage two). The hero of the narrative (in this case the transperson narrating their life story) comes to recognition of the disruption (stage three) and takes action (stage four) before the narrative reaches closure with a new equilibrium (stage five).[78]

An account or narration that works from the premise that the subjects were female or male, but born into the wrongly sexed body (i.e. the disruption or upset) assumes and reinforces the hegemonic understanding of gender as a binary and essentialised system where subjects are already always male or female. Relevant to transgender narratives, Kaufmann notes that this "fabula" and the tendency to reproduce the discourse of the modern gendered subject as exclusively either male or female further reifies the modern subject and dichotomous gender.[79] This version of sexual dichotomy is not the only one possible, and she argues that it is possible for transgender people to position themselves outside this construction.

If the disruption (stage two of the narrative model above) relates to being in the wrongly sexed

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78 Jeanne Prinsloo "Textual Analysis: Narrative and Argument", in *Media Studies Volume 3. Media Content and Media Audiences* ed. Pieter J. Fourie, 204-253 (Cape Town: Juta, 2009)

79 Jodi Kaufman "Narrative and the Re/production of Transsexual: The Foreclosure of an Endured Emergence of Gender Multiplicity" *Cultural Studies <=> Critical Methodologies* 10, 2 (2009): 91-99

body, in the frequently articulated narrative of trans-people, the question was posed to the interviewees as to when they became "uncomfortable" with their sex assignment, when they encountered the idea of "transgender", and how they came to the recognition (stage three) that they were transgender. The interviews brought to light the significant role the media played in such recognition. While this stage of discomfort occurred before they had encountered the internet, for them, the responses provide important contextual details.

Interestingly, while one respondent recalled becoming uncomfortable with her assigned sex at puberty, most respondents described their discomfort (the disequilibrium) as occurring very young (Themba: "As long as I can remember."). The discomfort was often recounted as a desire to cross-dress, particularly by the MTF respondents. FTM respondents similarly used stereotypically masculine behaviours in line with patriarchal assumptions of society, such as being a tomboy and not liking dresses. In this way they tended to reinforce an essentialised discourse of gender as dichotomous. For example, Vera recalls:

> I first took notice of it in the first grade and that's when I first became uncomfortable with it. I say that because in the first grade I started "tucking". I didn't even know what tucking was, I just wanted to make it look very flat down there.

Susanna was more adamant in her recollections:

> Very young, from about the age of four. I was very aware that I wasn't masculine – I knew that I wasn't male. I knew that there was a difference between the genders and I didn't feel that I should be wearing shorts. I would take shirts and wear them as a two piece, so I had one shirt on as a blouse and another as a skirt.

Helen described becoming aware of her assigned sex at about six years of age and so becoming conscious of what boys do not do: "Boys don't play with dolls, boys don't sit down to pee, boys don't wear dresses, and boys play with other boys, the general stuff."

She used the metaphor of her "true" self being kept in a box and not allowed to appear. When the family made a big move to South Africa in her sixth grade at school, she hoped things would be better:

> I thought, "This is a new bunch of people, I'll be able to let some of me out of the box." We're talking standard 4, 1976. Already then I was keeping me in a box. I wasn't letting me out – letting her out – in public.

Helen describes her realisation that she needed to hide herself as follows:

> My brain sex was inclined to be female and the more I tried to be that, the more mother said "no" […] so it was very confusing not to be, not to feel that, or not to use that instinct. All I had to do was powder it up, pack it away and try and be whoever I was supposed to be in somebody else's eyes.

It is striking that the discomfort identified by the respondents relates to cultural signifiers such as dress, appearance and behaviours. In this way they articulate an essentialist discourse of biological sex informing practices, rather than recognising gendered practices (wearing skirts or dresses, for example) as socially constructed practices that vary across time and space. On questioning the ever thoughtful and probing Maggie in this regard, she provided the following explanation:

> I don't think it's intrinsic as much as it's just sub-conscious internalisation of cultural norms. If I had to make a guess about it, kids grow up seeing this marked presentational difference between the two genders, and so they naturally subconsciously start gravitating towards the dress of the gender they identify with, because they experience that to be the main differentiator. I'm sure there is a sexualised element to it once one enters puberty and beyond, especially when sexual orientation starts interacting with gender identity, but I think that very much has to do with the suppression aspects of it. I know for me, in primary school, hair and nails and dresses were really the only differences I perceived or understood between males and females, so I guess that I subconsciously favoured those presentational elements because I identified more with that gender. Genitals didn't really enter the picture until I became aware of the anatomical differences, which happened comparatively late for me.

The interviews also revealed recognition, a third stage of the narrative model which preceded any action directed at correcting the disequilibrium. In the case of transgender, recognition of the existence of such a category is a necessary stage in the quest for gender reassignment. Once the aspect of the disruption of experiencing discomfort was established, the next issue related to when and how they first heard about transsexuality or transgender, for they would need to encounter these ideas to name their journeys. What was remarkable was how it was frequently the media in its popular and often sensationalist forms that provided this recognition.

To illustrate, at age eleven Fred recalled reading a twelve-week series in a Sunday newspaper recounting the story of how a South African army sergeant

had changed sex. He was fascinated and made sure he followed the entire series. That gender transitioning was exceptional and sensational in conservative white South Africa during apartheid is evident in the extent of media coverage given to this person's life. Similarly, Maggie recalled encountering articles about sex change in doctors' waiting rooms in the kinds of magazines her mother considered trashy – the sensationalist *You* and *Personality*. She recalled that "it was always very sensationalist and very freaky and, you know, [I felt] 'I can't be THIS!'" For some, it was TV shows: Vera first encountered the idea of transgender when she was watching the interview of a transwoman on the Oprah Winfrey show.

What is evident is that it was the forms of media available, accessible and popular at those moments in history that provided the information and stories whereby these subjects could begin to imagine and develop this category of transgender. It was in various media forms that this particular counter-discourse was inscribed. What is significant is that transgender is frequently constructed as a discourse of deviance and it forms the topic of news and documentaries precisely on account of the discomfort it introduces, including among some of the well-intentioned celebrities. Such is the power of heteronormative discourse.

It is also relevant that it was the internet as a medium where transgender identities were encountered. In these instances, the sites that were accessed were trans-friendly and transgender was not framed as deviant nor was it sensationalised in order to draw audiences. Helen, for example, encountered the concept of transsexuality and transgender for the first time when she was already 44 while looking around on the internet for something to help her understand her discomfort with being a man:

> By a stroke of luck I started relating to stories of transgender people telling a story of how at a young age they battled, and how they – I thought, "Hang on a minute, this is describing me. Who stole my life here and who started entering that information into a public arena that I was trying to hide away?"

Maggie had a similar response when reading a web posting:

> It was written by a transwoman in America somewhere, about a young transwoman called Zoe who transitions in high school, and THAT was the beginning point for me. Reading the back issues and just "Well, this is me!" and "This is me!"

Many years after his first encounter with transgender and the army sergeant's narrative described above, Fred had other media encounters that are relevant to his transitioning. He recounts a discussion on a lesbian site with a transwoman that impelled his process and how one particular transman fired his imagination:

> I was on a lesbian forum, a South African lesbian forum and I just happened to run into a transgendered woman. I started to have conversations with her and, as usual, was totally fascinated with the subject. Drawn to it. Really on a visceral level. And I asked her questions, stupid questions that she in turn confronts me with and in turn questions my identity and I think she introduced me to the word transman, which I Googled. And I found the website of this famous bodybuilder and trans activist, Lauren Cameron.

With expanding access, it is probable that it will be the internet where increasingly more people will be able to access these ideas that do not constitute non-heteronormativity as weird or immoral.

Furthermore, as discussed above, part of the recognition of the disruption is the realisation of the harsh realities of being a transperson and thus the "Other". The cultural conservatism that exists in South Africa (and many other places) and particularly among black Africans under the guise of "culture" makes non-heteronormative existence difficult. This is acknowledged explicitly by two of the black respondents. For example, Themba was discussing the value of the internet in its provision of information which he considered important "especially for Africans" (and here he is implying black Africans). He notes that such gender variance was judged abnormal and even the result of bad magic: "Sometimes Africans […] think there's something wrong, that you're bewitched or something if you're not the norm."

Daniella and Helen described their decisions to transition using metaphors of violence or murder. Daniella had to decide whether to kill "him", "her" or both identities. Helen articulated her realisation of the decision as:

> You're going to kill the person you were, you're going to destroy your old life and you're walking into the unknown with no skills.

Fred described transmen's position as one of paranoia and thus emphasises the value of internet spaces and transgender communities where one can be open:

> You are totally dislocated from society. You've basically unplugged yourself from the two pillars [male and female] that we build everything on; you're adrift for a very long time. You have to calculate every interaction you have with every

single human being for a very long time. […] It's a very tiring position, so for somebody to have a community like that…

If transpeople themselves acknowledge at times that being trangender is complex and sometimes accompanied by pain and isolation, an awareness of its impact on partners, relations and friends was also clear. Helen expressed the realisation that she was not the only person who would be affected in graphic terms, using a war metaphor this time (throwing a hand grenade) to describe its devastating effect on her family.

> My married family don't want to know me. My birth family, my dad is not interested, my mom died a while ago. My children are OK, they're OK now. I'd spent a lot of time with them, and I think that saved [the relationship]. Don't get me wrong, it wasn't easy. You basically take a hand grenade and you throw it at the people you love and you say "Catch!" That's basically what happens. […] When the hand grenade goes off, all you can do is stand there and say, "I'm sorry; this is the way it's going to be."

When it comes to their previous marriage/romantic partnerships and family relationships, the respondents reported vastly different experiences, ranging from complete rejection and anger to acceptance and continued relatedness. The more fortunate respondents recounted acceptance after a disruptive period, as in Daniella's case:

> Previous to that I sort of came out to the family, telling them that. We had our little disruption; we had our little arguments and our little fights and stuff and all kinds of things. I think because in a way they thought they'd lose me and that the family would break up and that kind of thing. But eventually they, we all realised that wasn't going to be the case, we'd still be a family, I would still be a sort of "dad" in a sense to my son. Things like that. So there would just be a gender shift in my family role, but not the social role within the family, that stays the same, that will never change.

For others, their families have been accepting albeit with reluctance at times. Maggie came out to her mother first, who she described as "very shocked", but who "processed it and [...] she accepted it." Her response was, "We might not agree with you but we'll support you."

Remarkable in a conservative country were the accounts by two black transpeople: David's transition to male occurred at the same time as he felt a calling to be a *sangoma* (traditional healer). As his late grandfather had had the calling, David's calling was attributed to this ancestor. It was possible for the family to account for the desire for physical transformation alongside this religious experience.

In Vera's case, what is remarkable was the support given by both the school and the family to transition before she virilised much. That she had been considered a gay boy probably has much to do with this response. At puberty, when she began to grow facial hair, the school social worker and school-appointed psychologists supported her in her transitioning, a complex process that saw her gradual feminisation. She was "stealth", for she felt both gay and transgender people were discriminated against. She described her process as follows:

> So I went to high school and I was gay, I was openly gay, then all of a sudden [as a result of hormone supplements] my boobs start growing, my whole appearance is changing […] and then what happened was that many people, including some of my teachers, […] they all assumed that I was intersexed somehow. […] So I would have people come to me and ask me ridiculous questions like, "So which part is working?" [...] I have to confess that at the time it was actually comforting. [...] I hid behind it, as they would tolerate it better if they thought that I was intersexed. They'd think that you're born that way, it's a work of god, or something went wrong when you were born, it's not your fault. [This is] in contrast to transgender people and homosexual people where they actually believe that you're just like everybody else and you just decide that, well, now I woke up this morning, I'm going to be a woman from now on. So I actually hid behind that for a very long time.

Susanna described people's responses to transpeople as one of fear:

> There's a fear. There's a fear of people, especially around issues of trans or sexuality. It's a huge issue because families don't accept, friends don't accept. You know all my friends that I had when I was a male, they don't associate with me as a female. Not one of them.

For these participants, a further benefit of using the internet involved knowledge and information. The internet provided access to deeper understandings when respondents were feeling lonely in the early stages of their shifting awareness of gender. It is in relation to stage four of the narrative model where the protagonist takes action in light of the recognition of the disruption that forms the core of most narratives. In the transgender accounts, the quest is to transition and the postings on GDX foregrounded

the stages of this trajectory. Daniella spoke of the quest as a redefinition: "You want to look like a normal, average South African woman." She used a train journey metaphor to describe the process:

> It's like a journey with plenty of stations, a train journey with stops along the road […] and each stop is something in your life that you've got to sort out. Some people just want to get to the end of the journey, they don't want to sort out the little things and that's where the therapy becomes important.

To take action requires knowledge about the processes and procedures, their costs and their repercussions. It is precisely here that the internet was identified as vitally important by most. It also played different roles in the respondents' transitioning trajectories depending on access, age, and socio-economic conditions.

For some it presented a way to move their transitioning forward. Helen, formerly a married policeman and father, moved into a rave scene and then began to pursue information aggressively. She found her therapist online. Maggie relied very heavily on the internet for her transitioning. She spent large amounts of time seeking information from all possible internet sources while working in the Far East. While she had moved to the United Kingdom to begin transitioning, the support she had anticipated was absent. She consequently chose to begin chemical transitioning by purchasing hormones she accessed over the internet. In this way she disrupted the neat pathway charted by state medical care whereby it decides, on the recommendation of a psychological expert, if transitioning is appropriate and timely. Similarly, before she had surgery she explored some seemingly unlikely sites to inform her decisions. Her extensive research included a eunuch site, because, she explained:

> They [men desiring to be eunuchs] experience to some extent dysphoria about their genitals in a similar way that we do. […] There's this whole underground movement of men who identify as eunuchs, and so they're essentially trying to get an orchidectomy without medical approval. So they've got a lot of knowledge about the procedures because they often end up going to doctors who are not as trustworthy as they should be.

Daniella spoke about the general value of the internet in terms of hearing about the experiences of others that are not frequently out in the public domain: "The internet helped in this respect because you gain from the other people's stories and you learn from their mistakes, those that wrote them down."

Several of the respondents spoke of having reached a point of real despair. Helen viewed the internet as something that saved her life:

> Personally, it gave me an opportunity to find my life which I don't think would have otherwise come my way, at the time when I had one choice, end it, right now. It's not working, my life is not working and I have to end it now because where do I go to try and get this information. […] The internet gave me that access to information that I desperately needed. […] It gives freedom of access, freedom of information, which people tend to withhold from other people. It's the best thing that ever happened, thanks Bill Gates and all his cronies for making that possible.

Matt described how he became "addicted" to the internet and used it for chatting. He also:

> […] delved into stuff, found out a lot about transpeople and became friends with some transpeople. *I would have gone crazy without it.* I was in stealth and not a social person, hiding in my flat; cross-dressing – I was passing as male and never came out. For me it brought me out of myself. I was no longer alone. There were other people like me and there was even a chance to meet them.

David made the point several respondents made about the internet as transcending space and national boundaries:

> For transpeople information is very scarce in South Africa. The internet is good for researching, hearing about other people's experiences and about progress in other countries. I go to the sites of trans organisations – they have more developed movements overseas and most transpeople learn from online sites.

If the idea of access to information was a common strand in the responses, so too was a clear sense that it was the individual's responsibility to use the internet as a place to research. As Helen put it:

> There are a number of resources out there, transgender boards are great […] and other sources of information, different points of view. You should never accept one point of view. Nothing is gospel, you always go research, research and for that the internet is incredible.

Unlike the narratives of popular fiction, the ending for transpeople is not a simple "and they lived happily after." Rather, their narratives spoke of equilibrium deferred and of complex personal and emotional lives. For them, the internet continues to

play an important and valuable role in their affective lives and in allowing them a sense of not constantly being considered a freak. Helen spoke with passion about the role of the internet in her affective life and described some of the people on a site she visited as her closest friends:

> The value of the internet is enormous. We [trans-people] are a society that hides from ourselves. The fear, the self-loathing, the anger, the confusion, all of this makes it very hard for you to start speaking to strangers. And when you're so confused and caught up with what you're doing is wrong: it's "sick", it's "disgusting", it's "against society", but when you do it you feel so good. It makes you feel really great, and so to meet people online… it's great. You can tell people. There's a society, there's a community where you're not going to be judged, where you're not going to be mocked, where you're not going to be hurt, you're not going to be ridiculed, you're not going to be tortured, you're not going to be physically hurt. And you can get advice and you can get guidance. The biggest thing about it is you discover you're not alone. And when you're not alone, you're not a freak, because if there are other people like you then you can't be the only freak in the world and that's really important.

Maggie also spoke passionately about the internet's value in the following terms:

> It is the ultimate tool for democracy. It really is. It makes everybody equal. […] In the ten years since the internet has opened up – when I think about how other transpeople say the internet opened up the world for them, and when I think about how it's allowed me to connect with people in other spheres, like hacking, like my interest in robotics, all these things. [...] You know, it is such an important tool.

The interviewees spoke of their different pathways of transitioning, and one of the common challenges that was repeated was their struggle to become comfortable in their own bodies. The diversity of internet sites and blogs are part of its value for the respondents, providing rich sources of ideas and models for negotiating their identities. Fred discussed such diversity:

> I'm on five different transgender men live communities. They all have a different focus. One of them is showing off your body, it's called "Vanity", one of them is just general transgender men support, one of them is for gay transmen, one of them is for older transmen, [another is for] men interested in genital surgery. I've got a Google group, that's

men interested in genital surgery and then I'm on a trans-Africa Google group, Facebook, and then there's a new beautiful one, it's a really interesting site, it's called "The Men's Room".

The safeness of the internet as a space of experimentation and disclosure was repeatedly referred to as the following quotations indicate. David describes the internet as "awesome" and for him it also serves as a safe space:

> You can search for anything and you'll find it. For friendships […] you can develop them and reach out to people. Also, you can express your feelings openly as you are not seeing each other eye to eye [face to face]. You don't judge each other online.

Helen:

> I just threw myself into the website, I was just completely open and honest without any drama or tragedy and I was accepted, and I've been on that website for, going on seven years now, eight years I've been there and some of the people on that site are my closest friends.

Maggie:

> Well, the value for transpeople is that it just [...] shows you you're not alone. You know, I mean, when you're growing up in a little town, and you think you're the only one who feels this way except for the freaks in the *Huisgenoot* and the *You*, you know, which you don't want to be like, it – it's extremely lonely. And you know, if not for the internet I'd probably still be like that. [...] You know, there's an instant community – you join a forum, and you've got a community of people that know exactly what you're going through and can relate to it. [...] You know, that's something that you miss, being able to say to somebody, "I feel like this," and the person goes, "You know, back – you know, two years or three years ago I felt the same, and this is what I did." You know, somebody you can relate to on that very intimate and immediate level, and, ja, if not for the internet I wouldn't have that.

Daniella introduced the idea of performing identity. She recognised the internet as a space where one can perform an identity and in a sense practise being gendered. She first spoke of a transwoman who went to modelling classes to acquire feminine posture and gestures and this led to her viewing the internet similarly:

> I think the idea about the modelling was to break the masculinity that she built into herself or created in herself, to suppress it. By going into

modelling it was a case of relearning to be who you are. And that was her reason. On the internet I think you can do the same in a sense, you can practise, but it's not the same as practising in real life but you can practise.

Fred was explicit about the activist potential the internet has for transpeople. He described it as having:

> […] totally accelerated the worldwide transgender community, accelerated the liberty, […] bringing about the liberty of transpeople. […] Information liberates and it's turned around the whole script of a transgendered person's life. Before you were subject to how some heterosexist gendered medical professional would want to write your script: you can't be a man without a penis, you can't be a woman if you can't pass as a woman. […] And now we have communities. So we're able to stand up to that, write new rules. I would say the internet directly resulted in, for instance, the most prominent and most powerful transgender organisation in the world: WPATH. Activists now steer the future timelines of transgendered people's lives.

One of the important aspects of the internet is related to the *privacy* it allows people. Daniella pointed to another significant value for some transpeople in terms of an affective cyber existence even if they do not transition: "For some people that are either too scared or due to their circumstances cannot come out, they can at least live their life to a certain extent in cyberspace." Susanna stressed the importance of the privacy the internet allowed her:

> You can be who you want to be and you don't have to worry about people finding out your identity until you are safe, until you feel personally safe to reveal your identity. And you're in control of that information. You control access to what people know, which is great. It helps to build up confidence – being anonymous.

She emphasised the internet as a safe space, describing the way it allowed intimate disclosure between herself and a person in a European country who was at a similar stage of transitioning:

> We can show each other our bodies and discuss our bodies, like breast development, hip development, hair development. So being able to communicate in a very open and frank and safe environment, whereas you couldn't really do that anywhere else. Whereas bedroom to bedroom, 20,000 miles apart connected by a cable is fine.

Questions of privacy and pleasure extend to sexual encounters and interactions. In response to questions about sexual engagement, the range of responses to the questions indicate nothing more than that transpeople use the internet for dating or sex in much the same way as anyone else. While many were not interested in pornography there were no statements of puritanical objection. One respondent had found pornography with transgender actors as useful in considering sexual possibilities. Two FTM respondents were particularly interested in prostheses and sought out such sites to consider possibilities.

The numerous dating sites enable romantic and/or sexual relationships to be initiated. Some of the respondents spoke of long-term cyber relationships and others of cybersex. Susanna described the cybersex which she had on a weekly basis as: "It's fun, it's clean, it's harmless. You know, it's the safest sex you can get."

While they acknowledged the dangers of the internet, perhaps because of the sense of the importance of the internet in the lives of transpeople, the respondents were less vocal about the hazards the internet might pose. There was a shared sense that children could be at risk in terms of inappropriately explicit material and from prowlers seeking to exploit them. Themba commented:

> The scary part is that children or underage people can access information that is not suitable for them, like on Facebook, they can meet strangers that can get them into trouble.

However, contrary to the policy trajectory in South Africa, for these participants, the answer to this did not lie in additional censorship. Themba and Fred placed the responsibility with parents. For example, Fred argued:

> I would say the dangers of the internet are exactly the same that they are in the real world if it's pertaining to children. The dangers are parents that don't take care of their children properly, that don't create environments where their children are safe. […] If you're not taking measures, and you don't know what your child's doing, why are you making the state do it, why is the state the nanny?

Maggie stressed the importance of education:

> I believe you should, instead of trying to protect the disempowered, you should empower the disempowered, you know. So in other words, teach kids what to look out for to protect themselves on the internet, you know. Teach them, don't handle them with kid gloves – educate them. I'm very much a believer in educating people and empowering them through education.

In relation to dangers that the internet might pose to transpeople, there were some interesting points made. There are, in Fred's view, both safe and unsafe ways to get medication and hormones, and the internet can be a dangerous place to do this. Fred qualified this by pointing out that the real problem is not the internet but "existing constrictive medical access."

Two respondents spoke about the danger of being "outed" on the internet. Matt, for example, feared he would be asked to leave the halfway home he lived in if his housemates found out he was a transman. He also knew of someone being blackmailed as his employers did not know he was transgender. David also spoke about the vulnerability transpeople might experience, and noted that in their loneliness, they might look for friends and partners, get involved and find out they are married. They can, he suggested, end up in the wrong place.

Helen was harassed unkindly by someone on a chat site on hearing she was trans and she had to block him, although he tried to track her down in other ways too. For her the dangers of the internet relate to "hate, hatred" and anything that advocates harm:

> The dangers are that people are unprepared for what is out there on the internet, what can be out there on the internet. But it's not because of the internet, the internet is not the problem. [In terms of censorship and regulation] No, don't take things away, figure out what is the problem and teach people to watch out for that problem. You educate people to prevent trouble, you don't take things away from them to prevent trouble, those days are gone. We have to make sure that children are, from small, educated.

To summarise this section of the report, the respondents provide a clear account of the significance of the internet in their lives as transpeople. They are not blindly celebratory of all aspects of the internet, but its value is so clearly invaluable! That the idea of community operates here is also sufficiently clear. That there is both emotional investment and social interaction is clear from the above account. In terms of the third aspect identified in relation to what constitutes a community, namely open channels of communication, again while there is conflict (as in any grouping), they are certainly relatively open and so arguably function as a virtual community. These interviews along with the account of GDX postings provide us with a richer sense of the lives and engagements of transpeople on the internet.

Lesbian usage of the internet in South Africa

When the research on internet usage among South African lesbians was first envisaged, the intention was to explore websites that focused on lesbian issues and their usage. While this was a productive approach in the transgender section of this project, this approach has proved unproductive in relation to lesbian usage of the internet. Acquiring appropriate data relating to the lesbian online community has been a challenging and time-consuming process. The researchers have had to rethink their approach several times both in terms of the object of the research as well as the process of data collection, as other approaches resulted in inappropriate or insufficient data in relation to this project. There is reference to the lack of research into lesbian usage rather than male gay usage of the internet, but not of the difficulties of such an enterprise.

We worked from the assumption that we would access a dynamic and participative online lesbian community. This was based on our sense of an active South African lesbian online network both as a consequence of what had existed in the fairly recent past and on literature in the field pertaining to other countries. However, it became apparent that the online lesbian network was more fragmented and complex than anticipated, and this recognition then informed our research process. The stages of the research we report on include, first, establishing the South African lesbian web sphere. This leads to the second stage, an overview of pertinent websites and their activities. The third stage concerns the questionnaire stage which focused on lesbian usage of the internet. Finally, we sum up our findings and propose some implications of these in terms of gender justice and lesbian internet usage.

Lesbian web sphere

The introduction of the idea of a web sphere reminds us that the web or the internet presents us both with sites and "surfaces" for communicating with others. The surface or the sphere includes not merely a single site but a net of connected sites, like the threads of a spider's web. Foot describes a web sphere as "a collection of dynamically defined digital resources spanning multiple websites deemed relevant or related to a central theme or object" or "a focal point embedded-in-activity."[80]

In this case the focal point or theme is lesbianism in the South African context and the web sphere we are consequently concerned with is constrained by this object-orientation and location, as well being limited to a particular moment of time. It is, in

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80 Foot "Web Sphere Analysis", 88

FIGURE 2. Lesbian web sphere
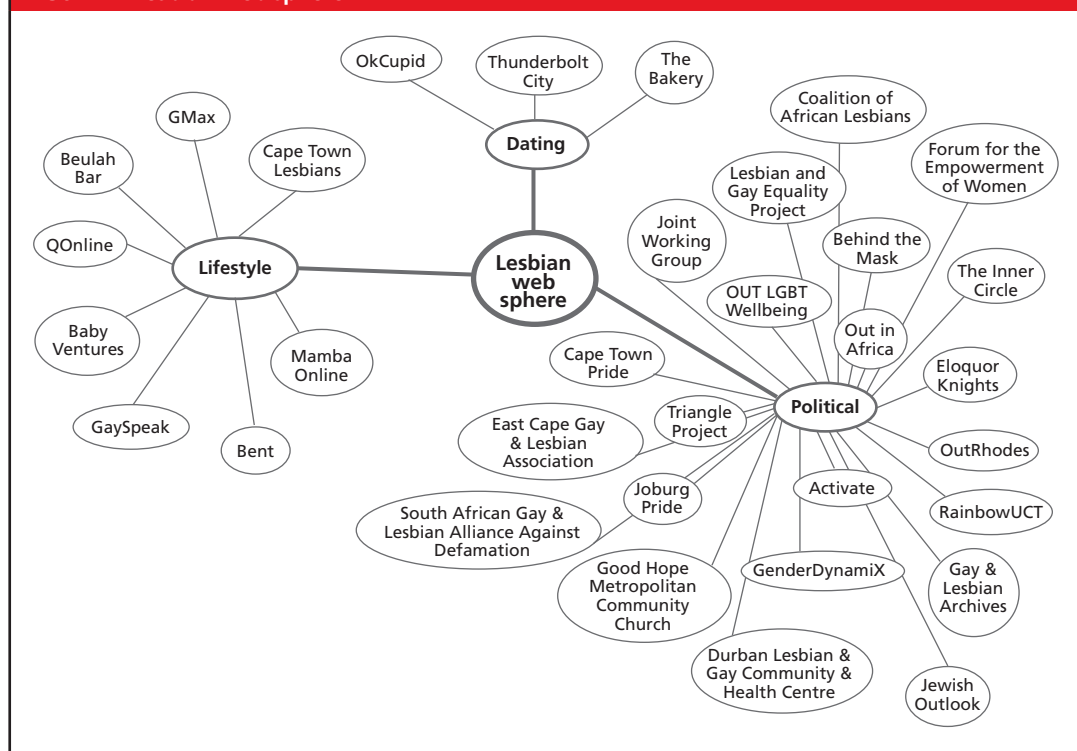
a sense, a kind of snapshot and it allows for subsequent comparative research to be done at later stages. The research approach that the idea of a web sphere allows is holistic, has the advantage of having multiple points of scrutiny, and can be more or less fully implemented with varying emphases on the content and relationships between producers and users. The process followed in this case includes a broad overview of the sites, and this is achieved through examining their own onsite statements and descriptions in relation to their intended users, and the structural and feature elements of the websites, particularly in terms of any interactivity they allow.

To construct the web sphere, two well-known South African lesbian websites were identified to begin with, in this instance the Coalition of African Lesbians (CAL) and Behind the Mask (BTM) websites. Then the links on those sites to other organisations listed under "links" or "partner organisations" were identified. In addition, the researcher followed this up by searching for the websites and links of other South African organisations that focus on gay and lesbian issues as well as sites she had used in the past or had knowledge of. These linkages as well as the sites identified by the respondents to the questionnaire were added to produce the "web" of interconnections. The resulting web or map (see Figure 2) charts

the connections between South African lesbian and lesbian-inclusive websites and organisations accessed in October 2009, during a two-week period from 15-29 October 2009.[81]

While the websites examined included a focus on lesbian interests, it was evident that there were different kinds of sites, including dating, lifestyle and political or activist sites, all addressing different interests. A brief overview of the identified sites is presented below, beginning with the dating sites before moving on to consider the lifestyle and political sites.

Dating sites

The dating sites address interest in romance and sexual partners and do not profess to do more than that. As the default assumption in the hegemonic gender order is one of heteronormativity, any statement that a person is straight is rendered unnecessary, whereas if someone is non-heteronormative, this becomes essential. In this sample, the dating sites were very varied and included those set up by individuals with very small memberships and very popular sites,

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81 At a later stage, when the questionnaires had been completed, the researchers returned to the web sphere to ensure that the South African sites that they mention were included, and if not, they were added.

as well as general dating and dedicated lesbian sites. A few brief descriptions present the different kinds.

One international site is OkCupid![82] which has a significant general South African membership, inclusive of an LGBTI category. Similarly, Thunderbolt City/Dating Buzz[83] is a general South African dating site used by LGBTI persons. In contrast, there are also dedicated gay and lesbian sites. The Gay Youth Corner[84] is billed as "The top gay teen community, profile, chat, article and resource site for young and teen gay, bisexual and lesbian people." It is explicitly orientated towards young LGBTI persons and so includes lesbian users. It targets gay youth in the "UK, USA, South Africa, Canada, Australia, Ireland, NZ and beyond," and has an internet chat room (which the researcher was unable to access) and so provides space for gay youth, in their words, to "talk to people, make friends, find love, and love life…"

Among the South African sites, there were two dating sites for black lesbians on the social networking site Blueworld. The Black Lesbian Group,[85] with only 25 members (as on 18 May 2010), identified itself as: "It's all about women loving themselves. Join us and discover love and be loved the way you should be loved." Free Black Lesbians, with a membership of fourteen, identified "sexuality" under common interests. While insignificant in terms of numbers, they do present a grouping of black lesbians as discrete from the general sites where whiteness might appear to be assumed. The postings were very brief and it is likely that they are posted from mobile phones. That they exist suggests the role the internet can play for black lesbians living in homophobic spaces, especially where township life has become synonymous with homophobia.

The dating sites are confined to dating and relationships and so operate specifically in the private sphere. It is easy to dismiss them as simply that, but to do so would be to overlook their significance as a space to articulate sexual identity, to potentially come out, forge friendship bonds and create a personal lesbian social network. Being a virtual space renders it physically safe particularly for those lesbians who find it necessary to hide their sexual orientation for self-protection. This sense of identity is also an essential precursor to any identity politics that might ensue.

Lifestyle or internet affinity portal

Lifestyle sites differ in that they are the products of niche marketing and thus have a strong consumerist impulse. They are hybrid sites with strands of dating and politics, albeit in the form of soft news stories.

The discussion is confined here to Mambagirl.com as it caters for a general lesbian membership unlike the more localised sites such as the Cape Town-based sites of Beulah Bar or Cape Town Lesbians. The popular Mambagirl.com site is sophisticated in appearance and design, consistent with its intention to operate as a lifestyle site that exploits a particular lesbian niche market. It is an offshoot of the gay lifestyle website Mambaonline.com, which identifies itself as "South Africa's stylish, leading gay lifestyle website". The press release of 19 April 2007[86] to announce the launch of Mambagirl.com in June 2007 allows a rare insight into the underlying intentions of the site, for it addresses both potential users and advertisers. It recognises the preferred site users as stylish and probably under 40, and sets out to provide "a sexy new online space for local girls to play in."

Mambagirl[87] sets out to attract a niche market and there is a convenient slippage between the idea of a community and consumerism: "The lesbian market is a highly active […] community." The metaphor of a community is sustained as Mambagirl seeks to "encourage interactivity, communication, participation and unity" in a "safe" environment. The web producers recognise the homophobic discourse that prevails and thereby claim their sensitivity to it. However, their intention is to provide not only a "safe, lesbian-only environment" but also one that is "exclusive" and described as "a reflection of acceptance and respect" for lesbians. While the notion of community is stressed, lesbians are recognised for their buying power and as an untapped niche market for advertisers in terms of the "pink rand". Class is clearly a significant factor in this construction as is access to the internet.

The design of the website includes an image of two Barbie-type dolls in a mid-shot, one black and one white, both with sleek (not Afro) hair. One can access three columns: "What's on" lists art, media, theatre and other events that might be of interest to lesbians; "Features" contains brief and light articles that relate to lifestyle as well as political issues and user-generated features; and "Headlines" presents breezy lesbian or LGBTI news, both local and international, but primarily around celebrities. It operates in effect as a classy tabloid with its focus on celebrities and personalities rather than in-depth news, analysis or commentary. In spite of its claims to community, Mambagirl allows little interactivity. It does not encourage deliberation but is friendly and light hearted in tone. There is also a constantly moving link to Mambabiz.com near the upper right-hand corner of the site that purportedly leads to

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82 www.okcupid.com

83 dating.thunderboltcity.com/s/home

84 www.thegyc.com

85 www.blueworld.co.za/groups/groups.aspx?id=626

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86 openforum.mweb.co.za/showflat.php?Cat=&Number=1801920481&Main=1801919576

87 www.mambagirl.com

gay-friendly professionals, lifestyle businesses, etc., no doubt in search of that pink rand!

In summary, Mambagirl is essentially an affinity portal. Campbell identifies this new online social formation as a "peculiar hybrid of community and commerce" and introduces the idea of an engineered community or "the internet affinity portal". This represents a "convergence of niche marketing and internet entrepreneurialism […] rendering online communities the hottest commodity in cyberspace."[88] Mambagirl, as is typical of such affinity portals, invokes a sense of (lesbian) community and invites emotional investment related to such a gender identity. With its news, events, features and proposed dating site, it seeks to structure "a total online experience around the portal." In doing this it is primarily concerned with consumers rather than citizens.

Critical scholars have questioned whether such sites can empower their patrons as citizens and this implies civic engagement. Mambagirl speaks to a particular emotional investment and provides information and the potential for relationships but does not seemingly enable meaningful participation. While members can post comments, they cannot publish their own pieces and so are limited largely to a consumerist role. Political discourse is constrained by the selections and constructions of content producers. While it consequently does not meet one of the criteria suggested as fundamental to an online community, open channels of communication,[89] this does not erase its relevance, and it would be short-sighted to ignore the significance for lesbian users' sense of community.

Political sites

The categorisation of sites as political was based on whether they were political in the first instance with postings relating to lesbian rights and struggles, although they might include forums for relationships or lifestyle components. Two political sites, Coalition of African Lesbians and Forum for the Empowerment of Women, are discussed here as relevant to South African lesbians specifically (and not GLBTI people generally).

The Coalition of African Lesbians (CAL)[90] describes itself as "a network of organisations committed to African lesbian equality and visibility." With over 4,000 members in May 2010, CAL consists of nineteen organisations in eleven African countries, of which eleven of the organisations are in South Africa, one in Central Africa, five in East Africa and two in West Africa. It declares its political position as African radical feminism. Its human rights framing is evident in its stated aim:

> [T]o transform Africa into a place where all lesbians enjoy the full range of human rights, secure in the knowledge that we are recognised as full citizens, with rich and diverse cultures, and a significant and respected presence in all spheres of life, through personal and organisational growth.

As an activist network, it recognises the relevance to its work of "research" alongside "the claiming of social and economic power." Accordingly it has a strong news orientation, but one that is notably different from the more tabloid style of news in the lifestyle site Mambagirl. Rather there is a strong sense of political activist engagement including in global forums.

It offers a discussion board billed as "A place for African Lesbians and friends to discuss pertinent issues" structured to include Feminism, HIV/Aids, and Human Rights Violation. At the time of conducting the research, the discussion forum was inactive, presumably as it had been heavily spammed by a US-based organisation identifiable as "teensagainstporn". CAL members were in effect censored. In the space of one day (25 July 2009), over 1,000 spam messages were posted on the forum by members of "teensagainstporn". Postings include comments on how lesbians are "evil" and "sinful", that women should "stop fornicating with other women and go to Jesus! He'll give you eternal pleasure!" and other comments that were both hateful and arguably obscene. It certainly could not, at the time of the research, serve adequately as a safe or comfortable space for its own members to discuss issues around being a lesbian in Africa, rendering it inactive and the members in a sense victimised rather than empowered. The potential for deliberation exists on CAL but it needs to be defended to be effective.

The Forum for the Empowerment of Women (FEW)[91] is a political NGO website, and focuses on news and issues around being a black lesbian in South Africa. The organisation describes its mission as:

> To ensure a world where lesbian, bisexual and transgender women know, access and enjoy their right to autonomy, dignity and equality in all aspects of their lives, both in the private and the public domain.

It runs advocacy, leadership and health rights programmes and provides news and information. It has no membership structure and offers no space for

88 Campbell "Virtual Citizens or Dream Consumers", 197
89 Ibid. 199
90 cal.org.za/joomla/index.php

91 www.few.org.za

free comment or discussion and so serves more as an authoritative informational service for lesbians and presupposes their social investment. While enabling for those who wish to be informed, it cannot be argued to constitute a lesbian community.

This was the case with all the political sites examined. Political sites were generally not exclusively issue-based, as some included social networking components. These forums can potentially serve both social and political purposes depending on how they are set up, whether to meet other lesbians or to discuss, debate and negotiate matters of interest to a lesbian community. While they assume an emotional investment by the members of the site, the other two criteria for a virtual community, social interaction and open channels of communication, are not adequately met.

Summarising the web sphere

The overview of the lesbian web sphere indicates an array of sites that range from dating and relationship sites with a very personal bias, to consumerist affinity portals and more politically motivated sites. It could be argued to offer a fairly bleak picture of a fragmented internet presence and engagement. The editor of the gay website Behind the Mask suggested that there has been a tendency for migration to Facebook since 2007. On exploring Facebook and the group pages for FEW (CAL did not have a group page), very little engagement was found on the part of South African lesbians there either. Few were contributing to discussions on the groups' walls or discussion pages. On other Facebook sites, such as SA GLAAD, Gay Girls SA, OutRhodes, and RainbowUCT, there was similarly little activity and postings tended to relate to announcements of gay events.

If one questions if these sites constitute a lesbian community, the answers need be tentative. Dating sites perform a particular and important role, and in that the personal is political, these sites enable the creation of personal networks, but they are not necessarily democratic in spirit. They enable the possibility of a safe coming-out process and the chance to develop a more assured identity as lesbian. Similarly, an affinity portal or lifestyle site might foreground a belonging, but this is done perhaps more cynically in pursuit of the pink rand. The normalisation of neo-liberal capital pervades sites such as Mambagirl. Its imagery of young, attractive (more femme) lesbians, none too Afro in appearance, reinforces this. At the same time, its news tends to magazine-type entries and there is no actual space for deliberation. There is no reason why this could not be the case, nor is there any reason why this should not be inclusive of issues that are political. They enable engagement with some ideas and this presumes an emotional

investment that goes beyond the strictly personal aspects of dating. However, it is in the political sites that one might well anticipate a concerted attempt to engage people's ideas and encourage a deliberative space, but this did not occur significantly.

The points being made should not be read to imply that there is an absence of a South African lesbian community. That there could be a more vibrant sense of community online is clear, but instead a sense of apathy seemed to prevail. With the migration to Facebook and the consequent erosion of such spaces, it is possible that some new or different space or surface could emerge as a deliberative space for South African lesbians both for the personal and the political.

Questioning lesbians about their use of the internet

As our initial intention had been to observe lesbian use of the internet on dedicated South African lesbian internet sites, we recognised that we would need to seek an alternative strategy. We decided to use the internet to attempt to engage lesbians in discussion around sexuality and the internet. To do this we created a Facebook group called Lesbians Online. The group gained 76 members, but of these only twelve engaged in discussion on the wall or on the discussion page, not including the two moderators for the group. In spite of our intentions, the Facebook group did not generate sufficient discussion for us to work with, and so we rethought our research strategy. While leaving the group up, we decided to send out an electronic call for lesbians to engage in the research. We constructed a questionnaire similar to the schedule of questions used to interview transgender people in the other leg of the research.

This call to complete a questionnaire went out to the internet sites and Facebook groups we were following, as well as to electronic mailing lists, NGOs and individuals who worked with lesbian issues or were lesbian acquaintances. We initially received eighteen completed questionnaires. What became clear was that most of these lesbians were white women in their early 20s. We felt it necessary to seek greater diversity in the respondents and purposively set out to ask black lesbians to engage in the research.[92] In a bid to engage more non-white lesbians, the researchers made use of several personal contacts and emphasised the need for more black respondents. One black lesbian who is deeply immersed in activism around gender and sexuality and has a

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92 The issue of race is a complex one and one has to be mindful that internet access is strongly linked to economic standing. However, we would argue that it goes beyond this too and it is important to probe this more deeply in order to understand better how the internet is being used. Now that this research has in effect established the complexities of the lesbian web sphere, this seems an important locus of research to extend and richen the insights.

large network of black lesbians sent out a call to her contacts, and while it resulted in two requests for questionnaires following that call, neither returned a completed questionnaire. A prominent gay rights researcher at the national research centre approached prominent figures at BTM and Durban Gay Centre and endorsed the research. In spite of endorsement and calls sent out by BTM, CAL and FEW, a very small number of black lesbians participated in the research. Drawing on the support of APC staff we continued to send out calls to groups which included Sexuality Studies in Africa, GWS Africa and SA Feminists.

Subsequently we attempted making use of "status updates" on Facebook to attempt to get lesbians to participate. One researcher posted the following update:

> Nyx McLean needs help with research regarding lesbian usage of the internet. If you're bisexual or lesbian and would like to fill in a questionnaire, email: lesbiansonline@gmail.com... and if you know of anyone that would be interested please forward this to them.

> Check out the Facebook group, Lesbians Online to find out more about the project under the info/description: www.facebook.com/#!/group.php?gid=216228498255&ref=ts.

Using this strategy we obtained four more requests for questionnaires, of which three were completed and returned. The final number of completed questionnaires we received in this way amounted to 28.

In retrospect it appears that it is necessary to use multiple strategies including exploiting Facebook to connect with South African lesbians online. We moved to using Facebook fairly late in our process when we realised the extent of the migration to Facebook by some South African lesbians. The creation of a group, the planting of calls on other group pages, messaging group administrators, and posting appeals to statuses and asking others to do the same need to be employed in unison. The use of Facebook is unlikely to work by employing only one aspect of Facebook; one really needs to exploit the site and all its functions to get a significant response. Moreover, getting the site to work as a research space required getting to know its functions better.

There are also limitations to the kind of information achieved in these ways. One of the consequences of such migration is a tendency to "SMS speak" and to respond in highly economic and non-expansive ways. When conducting research, the medium with its conventions and practices needs to be factored in with regard to the quantity and quality of the data it produces. More in-depth insights and rich data might need to be sourced in other ways.

The questionnaires used to investigate internet usage among lesbians in relation to sexuality included questions pertaining to personal details related to identity and sexuality; internet access and attitudes to the internet; respondents' use and perception of the relevance of the internet to gays and lesbians; online/offline interactions; and sex and the internet. The questionnaire includes quantitative and qualitative elements. The quantitative elements relate to time and forms of access. Many questions were open-ended and allowed for expansion on the issues. As with much qualitative research, the intention was not to acquire generalisable information, and it would be inappropriate to assume that such a sample could be representative of lesbian internet usage. It does however enable more information and deeper understandings of lesbian internet usage. It also forms the launch pad for deeper research as it poses more questions than it answers in many senses.

Of the 28 questionnaires we received, the respondents ranged in age from eighteen to 61 years of age with the majority (fourteen) being between the ages of twenty to 30, while there were five younger than twenty, five between 30 and 40, and two each between 40 and 50 and over 50 years of age. The higher number of younger lesbian responses might be consistent with the more extensive use of ICTs among those age groups for whom such technology has been accessible and become part of their social world from an earlier age. It could also be reflective of a greater interest in gay issues among younger lesbians in terms of coming out and forming a network, which older lesbians might feel less urgently about.

The questionnaire called for the respondents to state their race. We are mindful of the issues that arise in research in terms of race but consider this a central issue in internet research as access is skewed racially and reflective of unequal economic standing. In recognition of this we had qualified the question as follows: "We know this might seem offensive, but it relates to differences in access to the internet along race lines in SA. If not South African, nationality will do." In spite of this explanation, two respondents saw the identification of their race as irrelevant. Of the balance, most of the respondents (eighteen) were white, while six identified as black and two as Indian.

Unsurprisingly, since the questionnaire targeted lesbian respondents, most (24) identified their sexual orientation as lesbian, three as bisexual and one as "curious". In terms of their personal relationship status, nineteen identified as being in a relationship at the time of answering the questionnaire, seven as single and two were married, one in her 20s and the other in her 50s. The last statistic is interesting

as this marriage implies a same-sex union which has been made possible in South Africa by the Civil Unions Act. The response to the question about who they live with resulted in a range of living arrangements, with eleven living with their partners, some in digs or in university residence, and others living with their biological families (sisters, grandmothers, mothers, etc.). Three of the respondents had children of their own and one had a stepchild. This is a significantly low number and contributes to the idea of lesbians as a niche market in terms of consumerist lifestyle sites.

Internet access and attitudes to internet

A critical factor in terms of internet access in South Africa is the cost, and thus easy access links frequently to employment and middle-class salaries. In this regard, the questionnaires revealed that the respondents accessed the internet mostly though broadband connections (nineteen) and internet-enabled mobile phone (eighteen). Four used Wi-Fi in public places while two had dial-up internet connections. Of the 28 respondents, thirteen reported accessing the internet at home, while nine relied on campus facilities and eight accessed it at work. Only two used internet cafés and two mentioned using 3G cards on the road – while travelling.

The questionnaire attempted to establish if the respondents experienced difficulty with internet access. The kinds of problems identified in terms of access related to the technology in the first instance, but also to cost and restrictions of access. To start with, twelve respondents stated that they had no problems accessing the internet. Where problems were identified, nine of them identified slowness or bandwidth problems, while a further three experienced hassles with their 3G cards. Of these one related to cost ("I reach my limit very quickly and cannot afford to put up the limit"). In one other instance cost was implied, as in this case the respondent "share[d] a PC with my partner and we both often need to use the internet at the same time." Alongside technology and cost, regulation of site access was mentioned as a problem for some when accessing the internet at work or on campus. One respondent made the point that some LGBTI-related sites are blocked at work. Similarly, another noted: "At school (work), I am blocked from accessing certain sites such as gaydargirls, Facebook, etc." Two noted that on campuses access to Facebook is restricted. These restrictions are arguably not unreasonable in work and study contexts. However, they impact on access to social networking and dating sites and to other sites with specifically sexual content.

It was noteworthy that the respondents were not particularly heavy users of the internet. Ten used it for up to two hours a day, six for up to four hours, six for up to six hours and another six were heavy users, as they were on the internet for more than six hours. That some respondents were connected for that length of time does not indicate, however, that they were necessarily active on the internet, for some were automatically connected at work and their use of the internet for social purposes can be fairly restricted.

In response to the question that asked what sites the respondents browsed, several gave broad or general answers. Facebook was specifically mentioned by seventeen of the respondents. There were other identifiable tendencies too. For example, six mentioned browsing for the news, with some identifying the specific sites they used, and they ranged from BBC and the Association for Women's Rights in Development (AWID) to local South African online services, including the Mail and Guardian online and News 24. Other sites mentioned included Photobucket for video and photo sharing, CrimethInc (an anarchist site), and LiveJournal, a virtual community where internet users can keep a blog, journal or diary but which also has social networking features.

Respondents noted that they use the internet for research and this included formal research for work, but also many mentioned seeking information. Linked to this, frequent mention was made of Yahoo and Google, but also reference was made generally to information sites and sites relating to the particular interests of the respondents. These covered a wide range, including sites on tattoos and piercing, music, ceramics, movies, restaurants, art book reviews, health and equestrian news.

In response to the question that asked what they considered valuable about the internet, 25 answered and the majority of the respondents (23) identified the internet as providing information. It was expressed in celebratory tones as "access to info, news, people and the world", a "wide variety of information readily available", "instant answers, facts, advice and opinions on almost any question", "fast anytime access to a multitude of information and entertainment", "a wealth of knowledge", and "a lot of stuff in just a blink of an eye … rather than going to the library and searching for piles and piles of books".

There was no tempering of the celebratory tone or proffering a more cynical attitude to the form of knowledge available at this point. The internet's potential for enabling networking was also specifically identified by eight respondents. One noted:

I stumble across many interesting people and info that I would never have accessed in any other way – internet cuts across countries, cultures

and spaces in such an amazing way – I've had conversations with people I've never even met before around the world from completely different walks of life to mine which would have never happened without the internet.

This emphasis on crossing boundaries was repeated: "The potential to connect over distance and difference, the immediacy, the local and global nature, the way it can support and deepen networking"; "It can connect you with a community of people you won't necessarily have access to in your non-virtual life."

The positive tone was extended in five cases where respondents identified the privacy and anonymity that it enables as valuable:

> For those lucky enough, accessing the internet in the privacy of one's own room can help one gain much knowledge on important matters – even things one may be too hesitant to ever have asked in person.

> It is also discreet and anonymous, people who are shy or embarrassed to ask questions or to ask for information can get all they need.

One of these respondents acknowledged the limitations of this sense of freedom by noting that the privacy was "contested, I know, but privacy if you know how to make it as private as can be."

In addition, valuable aspects included enabling "people to express themselves in whatever way they like" and playing out or satisfying desires whatever they might be, whether it be "downloading music, reading the news or watching porn." Also, the convenience of online banking and shopping were identified as valuable aspects of the internet.

Respondents' use and perception of the relevance of the internet to gays and lesbians

One of the questions asked the respondents about which gay and lesbian sites they visit, and the responses included both international and local South African sites. Of the locally based sites, Mambagirl was mentioned most frequently at six times, Out In Africa (a gay and lesbian film festival) three times, Out similarly three times, and Q-Online only once. Mention was made of city-specific sites, thereby gesturing to an online/offline connection, and they included CT Pride, Joburg Pride, Cape Town Lesbians, Beulah Bar (an upmarket Cape Town-based gay venue) and Bent, for "monthly up-market parties for women who love women in Durban, South Africa".[93]

Responses were also indicative of particular respondents' interests or concerns. For example, two respondents mentioned Baby Ventures, which is a South African site for same-sex couples who are interested in starting a family. A number of respondents made specific reference to Facebook groups and two of them went on to list the kinds of groups they belong to, which ranged from lesbian photography, film and media to local issues such as the proposed anti-homosexuality legislation in Uganda and updates on court cases involving Zoliswa Nkonyana (a young South African woman brutally murdered by a mob for being a lesbian), One in Nine, and Eudy Simelane (the murdered Banyana Banyana lesbian soccer player). While others did not mention Facebook explicitly, it is possible that they are accessing the Facebook pages of the sites they visit as well, as most of them have Facebook links. This is consistent with the proposal above that many of the lesbians who used to access the websites have migrated to the Facebook groups that have been subsequently set up.

It was striking to note that while BTM was mentioned by four respondents, three of these were black lesbians, and unsurprisingly, considering its focus, FEW was identified as being accessed by three black respondents. The data on black lesbian usage is slight and needs to be recognised as in no way generalisable. Of the eight black respondents, one noted there were no gay or lesbian sites they visited and two did not enter anything there. Thus we have the very small number of five black respondents who completed this item. It is notable that none of the five identified CAL or the Blueworld black lesbian dating sites. They did mention the more political projects such as GALA, the Triangle Project, Out, and activist Facebook sites such as One in Nine and the Eudy Simelane memorial, alongside Mambagirl ("the favourite").

International sites were mentioned too. Of the specifically identified lifestyle news sites, AfterEllen got the thumbs up from two of the respondents, and PinkNews.co.uk was mentioned as well. Also mentioned were the online version of US lesbian magazine Curve and Cherry Grrl, a US online lesbian entertainment, news and culture magazine. The international dating site Gaydar and Head over Heels (a South African dating site that is not specifically gay) were also listed, as were the lesbian section of Literotica and Kathy Belge (lesbianlife.about.com).

When it came to identifying why the internet is valuable for gay people, the answers were indicative of its significance in their lives. Responses varied and are reflective of different lived conditions: whether they inhabit liberal and tolerant spheres, or live in fear of being outed and face the very real threat of macho discipline, including corrective rape, etc. One respondent

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93 www.bent.co.za

saw no particular value for gay people and feels that "the internet has the same value for all people in general." Apart from this singular voice, there was a sense that lesbians inhabit challenging contexts. They described lesbians as a "minority" or "marginalised group", "struggling with their sexuality", "afraid/shy to be out and open", confronting "the ever-prevalent fear of rejection among GLBT people", " feeling very lonely and isolated", "dealing with people judging and discriminating", "in places of severe repression and homophobia", and "fearful of persecution".

It is notable that in the first instance it was information that was considered most valuable. The internet is perceived as a source of "education about lesbian matters", helping to "inform people about gay issues", offering "easy access to a vast number of websites that offer support in various areas of GLBT life – from healthcare to the latest news on GLBT people in the celebrity world", accessing information on "gay issues and government policies". Among the kinds of information it offers there is "useful information on the best ways to come out to friends and family, how to deal with other people's reactions", but also information that is "important to our survival and political movement" and to "keep informed about gay political matters." Thus the information is seen as both personally valuable and relevant to gay and lesbian politics and activism.

Beyond the idea of receiving information was the sense of sharing information and ideas, two of the three aspects that constitute community, namely social interaction and open channels of communication:

> It's also great for exposure and it's a place where gays and lesbians who have access to the internet have a space and possibility to put their own voice out there to be heard, to communicate with other gay people.

The emphasis placed on social networking suggests emotional investment and enables a sense of connectedness for "creating networks" and "interacting with people of their same orientation", as "sharing views and experiences […] is comforting."

Surprisingly, the sense of connectedness was articulated in terms of a "community": "It keeps us in touch with our community," "It can create a virtual community," and "It acts as a meeting ground for people to find a sense of community which they would not necessarily find in the physical world." As noted earlier, a community is premised on emotional investment, social interaction and open channels of communication, which are vital elements in the formation of online communities.[94] Here the responses

validate the idea of the internet as such. This flies in the face of our more sceptical account of the South African lesbian web sphere as not serving as a community of lesbians. What is absent in the responses here is any discussion of how these conversations take place and where.

One of the responses drew together the aspects of the internet that are deemed valuable in a personal and clear manner:

> Yes, it helps to inform people (homosexual or straight) about gay issues, about what is going on in the rest of the world, it gives a space for freedom of expression for many, and hopefully allows one a safe space to express themselves. I guess this is especially so for those who are not able to "come out" or are in the process of accepting their sexual orientation. It also helps to spread love and goodwill within our community – connecting people, and helping those that are unsure – open them up to the idea that they may be gay. It helps to bring people together – I did a bit of the online dating thing at one stage – and I met and had some amazing connections as a result. […] This was also during a very hard time for me when I isolated myself from my friends and people around me, so the internet helped me to remain connected to reality and actually was instrumental in bringing me out of this space.

Internet and regulation

As there was such a clear positive response to the internet, it is unsurprising that few of the respondents perceived the internet as particularly dangerous. In response to the question of whether the respondent considered the internet dangerous, two respondents thought it was dangerous while other responses were very tempered by qualifiers such as "It depends", "It could be", "I guess it could be" and "I think guns are more dangerous than the internet." At the same time, aspects were identified that posed potential danger.

The most frequently repeated concern related to information, the very internet issue that was identified as so valuable. The concern was expressed as there being "incorrect information": "Much of the information is not tried and tested", "It is difficult for an individual surfer to judge the validity and possible content of sites" and "You can't take everything you read as fact." Then, for a number of the participants the danger of the internet pertained not to themselves but to others, specifically the young and the vulnerable, for they are at the mercy of "paedophiles or scammers". Other well-rehearsed dangers were identified, such as being "stalked, kidnapped, raped, etc." No one personally knew or referred to

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94 Campbell "Virtual Citizens or Dream Consumers", 199

such incidents. A single respondent felt that pornographic sites can promote "rough, unsafe and random" sex.

The disclosure of private financial information such as credit card or banking information was seen as risky behaviour, as was giving out personal contact details. Surprisingly few respondents (two of them) identified the risk of being outed on the internet as a problem for South African lesbians – a problem that is more severe among black lesbians and those in small conservative places. However, linked to this point, concern was expressed about "sharing information inadvertently with people who use it against you" (and this obviously can include photographs) and "suddenly your colleagues have compromising info about you." Surprisingly, homophobia was only mentioned once. Generally there was the sense that "if you use it safely then it is not dangerous."

However, when questioned about what content they did actually consider harmful, there were strong statements. Again, depiction of sex with children was identified most frequently – a concern for the vulnerable being evident here – and one respondent noted that "those fuckers need to be found and shot." Still in terms of sexual content, bestiality (two respondents), cybersex (one respondent), hardcore sex sites (one respondent) and dating sites (one respondent) were mentioned as presenting offensive content, but more generally pornography was not a major concern among consenting adults. There was considerably more concern expressed about hate speech (seven respondents) and this included speech that might be homophobic, racist or abusive in any way. Three respondents broadened the concern with hate speech to include content that is abusive of women in any way or undermines the rights they have achieved. Links were made between abuse of women and lesbians. One respondent answered in the following way:

> I consider the depiction of women as sexual objects both harmful and offensive. People don't realise how far-reaching the impact of this on young women/girls is. I consider "lesbianism" and the depiction thereof for the sole purpose of satisfying men's sexual fantasies extremely offensive as it once again turns women into subservient sexual objects and disregards the validity of real lesbian relationships that have nothing to do with satisfying men whatsoever. I also consider it offensive and harmful to people who truly are bisexual that there are people posing as bisexual when they really are just sex-crazed individuals who have nothing better to do with their time. It's just a pity they end up misleading real lesbians and hurting them in the process.

Against this background, it is interesting to look at the kinds of measures taken to protect their identity. Of the 26 responses to this question, for eight there seems to be no issue as they do nothing to protect themselves, although they might be taking for granted the conventions of PIN numbers and use of noms de plume. Several of the respondents exercise caution, with seven mentioning they do not reveal personal details. Others spoke more specifically of ways they ensured their privacy, for example, by ensuring that their settings and profile were set on private on Facebook. Some avoid sex sites, and others mentioned using noms de plume and strong PIN numbers and being careful about computer viruses.

The responses to the question of whether the internet should be regulated or censored more or less are difficult to interpret. Of the five who replied that the internet should be censored more, four of them were black. As they did not give any explanation it is difficult to have any sense of what aspects should be regulated further. The majority of respondents were against further regulation or censorship. In many cases they presented qualified responses, as the concern with children and vulnerable people leads them to desire their protection. The flip side of such protection can imply them being censored:

> That is so hard to say because if it is regulated more, who decides what should be regulated? If people are saying there should be no gay content on the web, where does that leave us? But in terms of, say, paedophilia, it maybe should be regulated. I say this because there have been studies to show that the internet has in some cases given people ideas about how to proceed in these matters and not get caught. So like a step-by-step guide on how to molest children. In that way I believe it should be monitored. But this question essentially comes down to who has the moral rights to limiting content on the internet and the answer really is no one does.

In response to this dilemma, mention is made on one occasion of the need for personal responsibility, but also of the necessity for education twice.

Online/offline interactions

The issue of online/offline interactions was of little significance for most of the respondents. Thirteen of the respondents have not engaged offline with people they met online at all, and for most of the others, those they did meet in person after meeting online were very few in number. One respondent, however, met her fiancée online before subsequently meeting her offline, and one or two respondents refer to an online/offline linkage with friends of friends:

I have met several lesbians on MXit, but not in chat rooms. Lesbian friends from offline who I chat to online have given their lesbian friends my number, and they have then added me on MXit. I have also introduced many of my lesbian friends to each other through MXit. I see many of them offline.

This relatively small online/offline interconnection could relate to the kind of respondents who might have well-developed lesbian networks, mostly, it seems, middle-class city dwellers. One respondent notes: "Joburg is small. You meet them in both places. I only ever dated one person I met online, but I have socialised with three or four others that I met at parties and recognised from chats online." In contrast, the respondent who identified herself as living in a "very conservative area and in a masculine dominant profession and at times it's hard to be bisexual" has no offline lesbian network at all.

Sex and the internet

Asked whether they visited sites of a sexual nature, four of the respondents omitted the item and eight answered that they had not. Of the remaining sixteen, two responses related to sexual health and five respondents reported using the internet for purchasing sex toys. Six respondents reported visiting pornographic sites, but this was a tempered response. While one respondent preferred gay male porn (Hung Daddy), others offered a more qualified response, preferring "good quality porn" or "lesbian erotica" (as distinct from pornography), and one identified the site Literotica in this regard:

I enjoy erotic literature, and this site has a number of sections including a lesbian section. What I enjoy about the stories is that many of them are written by lesbians. Most pornography claiming to be lesbian porn is directed/written by men for other men and I find it boring and fake. I also visit sections that are not exclusively lesbian. Some of my favourite stories come from the "toys and masturbation" and the "BDSM" sections, and many stories in these categories are also lesbian which means I can explore other sexual categories without having to read about men.

Consistent with the position most respondents took in terms of the internet as a relatively safe space, few reported experiencing harassment that they considered grave, although homophobia was encountered by a number of the respondents: "I have seen gay hate speech online especially in places like YouTube, but I see it more as ignorance than anything else", "Being verbally abused because I am an out lesbian", and "Nothing other than

ignorant homophobic people and their slanders, and the occasional old creep trying to lure me into communication." There was a single response that described the form of harassment she experienced as a response to her sexual orientation using MXit,[95] which while a mobile phone programme, has relevance to the topic:

Yes. On MXit flirt rooms people have the intent to find someone of the opposite sex, "go private" with them (by swapping phone numbers and adding each other outside of the chat room), swap sexy pictures and then have cybersex with each other. My online name is "catseyes"[96] and when I enter a chat room I immediately have guys asking for my ALR (age, location and race). They expect that I am there looking for men and so generally no one says "Hi, how are you" first or wastes time with pleasantries. I used to take the time to be polite and respond with "Hi, I'm sorry but I'm not looking to talk to guys. Are there any lesbians or bi girls who want to chat?" but I was often harassed by men using a variation of the same line: "I'm a lesbian too, I like girls!" or "Don't you miss penis?" or "I bet I can make you go straight, I'm really good in bed." When I ignore them or respond angrily then I usually get: "You're probably just a fat, ugly dyke anyway." Women are sometimes just as bad. Often I've entered a chat room and after asking if there were any lesbians or bi girls who wanted to chat I'm met with: "No. Go away", "Freak" or something equally rude.

Facebook

As the initial research around lesbian websites was less productive than anticipated and because there was a sense of migration to Facebook, the question was posed as follows: "Several gay websites have experienced a decrease in traffic. Many seem to have migrated to Facebook, etc. Do you think this has happened? If so, why?" Of the total 28 respondents, two did not complete this item and six did not realise that this had happened. The remaining 20 respondents commented on Facebook as a useful surface for communication. Facebook was compared to websites and described as "friendlier than having to negotiate a website." Gay websites were criticised for a "lack in their ability to attract us" because "creators of gay sites don't upgrade their pages and info, this in turn is boring, people would rather go to Facebook or Twitter."

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95 While MXit was not mentioned by any respondent among their "sites", it is clearly used by many to network, perhaps particularly black lesbians as was suggested by the Durban Gay Centre researcher, and this relates to ease of access and cost.

96 Name has been altered.

Several comments were made about Facebook as a "centralised hub" or a "one-stop shop". It was described as a "better interface for people to familiarise themselves with more quickly and the communication is instant."

It was also experienced as more enabling of a sense of community:

> In Facebook there is a bigger feeling of community – if you join a Facebook pride group for example – you can see pics of everyone else in the group, who's attending, who's not, you can post comments, you get messages from the group – you are connecting to people – and everyone seems to be on Facebook all the time so you feel a sense of everyone is "here" – it's the "popular place to be".

That it is more interactive was considered valuable too:

> Facebook is more interactive, has a campaigns section, has more spaces e.g. messaging, photos, is a social networking tool with different aspects which makes it more exciting than a relatively static website
>
> I think Facebook is a central networking site and it is easier to be heard there.
>
> I used to spend a lot of time on Gaydar but since Facebook I hardly ever visit the site. […] I think Facebook covers all aspects of life, there are groups for absolutely everything – it serves to integrate everything that life offers, it connects any "type" of person with another.

In addition it was noted that it is very easy to set up groups and that this is free:

> Groups on Facebook are easy to create and a vast number of people can almost instantly be interacted with (such as bulk message to members of groups). These groups can also easily be shared with friends. This means less admin for both the visitor/member and the moderator of the website to reach x amount of people in comparison to linking an external website. If the independent website has to pay for existence when they can have free hosting on Facebook and possibly attract more people, it would make sense for them to move.

What is apparent is that future research will have to take this recent migration and development in internet usage on board.

Perceptions of the Constitution

The South African Constitution is frequently hailed for its progressive stance and the tolerance it articulates. As established earlier, Section 9 disallows discrimination on the grounds of, among other things, sexual orientation, and has subsequently enabled same-sex civil unions or marriages to take place legally. Yet South African society remains remarkably intolerant of, among other issues, homosexuality, as the Pew report has indicated, and gender variance more generally, which is why it was relevant to probe the responses in relation to the Constitution.

Seven respondents felt that the Constitution had made no difference to minority rights. However, the balance of the respondents recognised the significance of the Constitution in varying degrees:

> Yes. We can marry, we are recognised and we have rights – I know that it hasn't benefited all, but it has made a difference.
>
> I think that it's awesome that South Africa has been the fifth country in the world to legalise gay marriage. That in itself is a rather large step forward and a good example to other countries.

However, most recognised the range of contradictions gay people encounter:

> It may have attempted but that change must be made culturally first, not bureaucratically.
>
> Yes definitely. There is more space to challenge homophobia, although crimes against black lesbians are horrific. So it is contradictory in a way. But there is at least the Constitution and courts bring cases and a consciousness and thinking around issues amongst the population, more so than before. And a greater sense of organisation also across racial lines.
>
> Our Constitution is apparently one of the most liberal and supportive of marginalised groups, which is a great first step, but it doesn't change that many people see homosexuality as wrong, mostly because of religion and patriarchal hegemony. […] People who feel uncomfortable about those they consider "different" use passages in the bible to legitimise their fears and teach their children to hate. At a political level yes, but this may not flow over to the social level – lesbians are still very wary of being affectionate in public or being openly gay at work.

In spite of progressive legislation, there are legislative issues considered defective still:

> We cannot register our children in both parents' names properly as the system still kicks out the ID numbers of two women, this needs to be

changed. I think we do enjoy a greater degree of protection now with the equality court and our human rights. It is society's mindset that needs to be changed, but perception is the most difficult thing to change.

In particular, public figures were seen as ignoring the spirit of the Constitution in their own expressed homophobia.

We have a Constitution but no one even really pays attention to it. Just the other week the minister of arts and culture said lesbianism was counterproductive to nation building. WTF! So if government officials aren't paying attention to the Constitution how then can we expect everyone else to?

That this is a partial victory was clearly acknowledged, and a couple of respondents recognised the need for continual struggle for rights:

[W]e fought to get it included into the Constitution but if that had not happened where would we be – like Zim[babwe] or worse. But we have to continually fight to exercise these rights. HAVING THEM THERE IS NOT ENOUGH.

Yes, however, the challenge is for us as civil society to advocate for these rights in the Constitution to be become a reality on the ground to end homophobia and violence on lesbians.

These comments are used to close the section on lesbian usage of the internet for they point precisely to the need for continued activist and political work to continue. That the internet can play a role in facilitating such political work is without question, and so it poses the question of what else can be done to ensure this space as an active space of deliberation for a "public" or "publics" linked to the LGBTI movement and other democratic processes.

Discussion

What has been reported on above consists of two sections. The first is a desk-based examination of the South African lesbian web sphere. The second considers the usage of the internet by lesbians according to their responses to several questions posed. The findings are, in a sense, contradictory.

When the web sphere was being constructed, the researchers were seeking to find the most productive site in terms of generating discussion, and so an eye was kept on the various aspects of the architecture of the sites in order to identify a productive discussion forum. The sites varied in nature from dating and lifestyle sites to more political ones. News was presented on both lifestyle and political sites. In the case of the lifestyle site Mambagirl, there is a strong celebrity focus. Other South African websites that cover LGBTI issues in depth such as Behind the Mask have a stronger concern with the politics of sexual orientation and lesbianism. However, while authoritative, they appear to be less frequently updated and have not managed to generate active participation or discussion.

What became apparent was that the dedicated lesbian sites were not generating much discussion and that lesbians appeared not to be engaging with these internet spaces as much as one might anticipate. This could be explained in numerous ways, from technological factors (lack of internet access, for example) to social and cultural ones (women's generally lesser engagement in the public sphere[97] or general apathy among lesbians regarding gay politics).

The examination of the web sphere did not provide empirical evidence of the internet operating as a community of lesbians. That it is valuable in terms of relationships, identity and information was clear. In contrast, the respondents believe it does provide a community space and some speak in terms of it serving as a counter-public and political space. If it is that, it is probable that the anticipated regulation of the internet proposed in 2010 by the South African deputy minister of Home Affairs[98] might well impact on their access. It is possible that faced with such challenges, the internet might well serve as a counter-public sphere that can be mobilised to confront the challenge and a strong sense of community will emerge around the issue to protect their precarious rights.

Putting lack of access aside, apathy or disinterest on the part of membership is another possible explanation. BTM and other NGOs have attempted to create spaces on their websites or failing that they have moved to Facebook, yet their members have not engaged actively. This needs to be understood better and this suggests the need for further research.

The responses to the questionnaires were in a sense contradictory. It was clear that access and usage vary widely among the respondents. The range of lesbian sites indicates both a social engagement and an interest in gay news. The lifestyle media featured prominently among most respondents and if looking at it through the lens of race, it is notable that few white lesbians were accessing BTM or CAL. Black lesbians were accessing these South African sites more, but again, as there were so few respondents it is impossible to extrapolate from this finding.

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97 Fraser "Rethinking the Public Sphere"

98 Rudolph Muller "Internet porn ban in SA on the cards?" *MyBroadband* 28 May 2010 mybroadband.co.za/news/internet/12711-internet-porn-ban-the-cards.html

Again that suggests areas for deeper research. What is clear is that lesbians have voted with the clicks of their computer mice for Facebook in a remarkable way. The previously used gay and lesbian sites have recognised this by setting up Facebook groups. One needs to establish what this means for research, as it is not possible to join private groups and the recording of such discussions that are not public or open introduces a range of ethical problems for research.

Finally, we need to return to the most problematic issue that the research has thrown up, namely the small number of black lesbian respondents prepared to participate in this research. To understand this will require more investigation. Several factors are relevant in considering the context of this reluctance. First, access is generally available to people who are middle class and employed. Then, if one has access that is reasonably private, particularly at home, this affects what the internet can be used for. We established earlier that access in South Africa is limited in the first instance and further skewed in terms of male users. It is unlikely that users who are paying for cybercafé access or eking time for social networking will readily use their time to complete questionnaires. We also noted that black lesbians face considerable challenges in coming out and this is more complex than for their white counterparts in many instances. Discursively, homosexuality is constructed as un-African and unchristian. It is arguably less threatening for many white people to be declared un-African and equally unchristian, as they often have been schooled in more liberal-humanist institutions or had access to these sets of ideas more frequently than someone who has encountered township schooling and life. Then, an important factor to hold is that the "experience curve" identified earlier[99] proposes that it takes five years for people to move from a functional approach to the internet to using it for social and retail purposes. It is probable that many of the respondents we were seeking are recent internet users. If these forecasts are correct, an increase in their internet usage can be anticipated.

While the response by black lesbians was limited, the argument can be made that it is precisely the internet that can offer a space where a lesbian identity can be negotiated, where a diversity of lesbians can be encountered and where deliberations and campaigns can be engaged in. It provides a platform to work towards moving the Constitution from a paper exercise to more of a reality, by enabling both the personal and, or which is also, the political.

Conclusions and limitations

This study has addressed South African transgender and lesbian usage of the internet in relation to its serving as a space for constructing and performing their identities. This has taken into account the specific context in terms of both national policy and socio-cultural norms and values. In particular, concerned with the impact of regulatory policy and censorship on sexualities and sexual rights, and informed by the notion that internet regulation policy must be based on empirical evidence in terms of what people's actual and not assumed internet usage is, the study has analysed policies and legislation that characterise the regulatory environment in which individuals and groups construct and perform their sexualities and exercise their sexual rights in South Africa.

Our analysis suggests contradictions between the enabling and progressive Constitution on the one hand and the punitive and censorial policies and regulatory framework. The censorial policies and regulatory framework constrain the potential of the internet's democratic and empowering potential, specifically for those who are marginalised in any way.

At the time of writing this report, the South African government was contemplating even more censorial legislation, whose intention is to protect mostly children from harm (from pornography). While such legislation is informed by the intention to protect from harm and to foster "moral good", it could potentially return South Africa to a framework as draconian as that of the apartheid regime. As a definition of what should constitute such a moral stance can never be agreed upon, it is reduced to a definition that serves a particular set of interests and not the notion of equality as identified in the Constitution. With particular reference to our discussion in this report, the anticipated legislation, which is increasingly receiving national and international civic attention, poses a real danger to freedom of expression and spaces for enacting sexual identities.

An understanding of gender as socially constructed underpins this study. Our analysis suggests that the policy framework is informed by essentialised notions of gender, where gender is construed as constituted by two poles binarily opposed, male versus female, or masculine versus feminine. Essential to this understanding and informed by patriarchal power relations is an insistence on heterosexuality. Other sexual identities are marginalised and rejected – as unnatural, un-African, ungodly and therefore unacceptable or deserving of sympathy. Within this environment, a policy and legislative framework that aims to protect and foster the "moral good", but also operates in a censorial and punitive manner, is seen

99 Goldstuck *Access in South Africa*, 6

as a fitting response. Unfortunately, this means that the liberatory potential of the internet and other media as alternative and safe spaces for marginalised groups to construct and perform their sexual identities is suppressed. For example, in the examination of usage of the internet by transgender people, the study included two foci, namely the Gender DynamiX (GDX) site and interviews with transgender women and men. It is striking how the respondents considered GDX and the internet as significant and, in fact, lifesaving even. GDX serves as a community forum in line with the definition above to a large extent. In addition, while the analysis of the lesbian usage suggests a degree of ambiguity and our research could not identify spaces that serve as a community forum (again as described above), the respondents vociferously defended the internet for its role in serving their "community" through providing access to information, social networks and deliberation.

We would argue that regardless of current internet usage (and we do not suggest this is necessarily insignificant), it is particularly at times of confrontation or when civil liberties are under threat (such as when society marginalises and violates the rights of sexual minority groups) that the internet is potentially a space for those struggles, a space where counter-publics can cohere and provide sufficient resistance to protect freedoms and human rights and to challenge the construction of the gender order. However, such a liberatory space is threatened by the introduction of censorial policies and laws such as those that exist and are being planned in South Africa.

As anecdotes by the respondents in this study suggest, this is evidenced by media representations of non-heterosexual people as freakish, or oddities to be viewed with suspicion and at best with caution. This study assumed that the internet could offer a different space, for different approaches and constructions – counter-ideas in essence. We refer to the literature around the internet as possibly enabling a sense of community that includes emotional investment, social interaction and open channels of communication.[100] However, the potential of the internet to offer such a space is limited not only by the existence of a censorial and punitive policy framework, but also by the willingness and/or ability of sexual minority groups to take advantage and utilise it. To illustrate, one of the findings in this inquiry relates to the lack of response by black lesbians to the invitation to participate in the study. This is of concern particularly as it is these women who face the most negative and violent responses to their sexual orientation. It is possible that their access

to the internet is constrained presently by economic and social factors. However, this is likely to change in the next decade. Accepting the predicted increase in access to internet in this period and the insights allowed by the "experience curve" discussed above, we can anticipate far greater internet usage. This also implies that it could serve as the space for information, support, social networking, romance, pleasure and political engagement – and this in a relatively safe space – for lesbians and transgender people.

Another concern is related to the apparent lack of recognition among both lesbians and transpeople of potential dangers of the internet (such as surveillance, being "outed", potential violence, etc.). They similarly seemed unaware of the dangers of censorship. Many felt the need for more regulation and appeared to have no clear sense of how censorship actually works in relation to freedom of ideas and performance of identities. This has implications for advocacy initiatives to develop broader understandings of the policy context as well as of the potential of the internet for the necessary activism to protect those spaces. Again, it would be short sighted to imagine that this is about protecting individual or group rights. It must go to the heart of the beast and must work to disrupt the dominant gender order and its hegemony. In essence, there is a need to develop "counter-publics of excluded discourse and the contestation of the discursive boundaries of the mainstream public sphere on- and offline."[101] ■

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100 Campbell "Virtual Citizens or Dream Consumers", 199

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Restricted access to information: Youth and sexuality

KEVICHA ECHOLS and MELISSA DITMORE, Sex Work Awareness

Background

The access to and restriction of access to information about sexuality is the focus of this report. To try to answer our questions about the effects of mandated filters on access to information in the name of preventing young people from accessing "harmful content", we conducted a study in a small number of libraries across the United States. Our goal was to see what material was being filtered, which technologies were in use, and what decision-making processes were at work, and from there, to analyse our findings and infer what we could about the implementation of these restrictions on access to information. This project incorporated terms addressing transsexuality, particular sex acts, and even penile implants, in order to gain an idea of what exactly were the ways information is restricted using public, federally funded computers. The results of our study are described in this paper.

While we are concerned about access to information using the internet, the issues we discuss – access to information, particularly sexual information, and how information is restricted – pre-date the internet. In the United States, information about sexual matters has a history of restriction, including Victorian-era censorship of information about birth control sent through the post, 20th century decisions about who could use the birth control pill, and now, discussions about sex education for school-age children and adolescents. Access to information about sexuality is an inherently feminist issue not only because of this history of censorship of materials about birth control, but because women disproportionately bear the brunt of the consequences of sexual activity, such as pregnancy, abortion, the effects of sexually transmitted infections on fertility, and the effects of motherhood on careers and long-term earning power, not to mention reputation and marriage prospects.

Internet use has become routine for Americans, but many people do not own computers and so many use computers at schools and public libraries. Government financial support for these institutions requires that steps be taken to restrict access to information for people under seventeen and eighteen years of age[1] to prevent their accessing content deemed "harmful".

However, what is harmful has not been defined. The implementation of strategies and techniques to restrict information accessible on the internet, such as filtering software, is mandated by law in certain cases, such as at public internet access locations including schools and libraries in the United States. The restrictions on information about sexuality are not systematic and therefore are very difficult to track. We found that the ways these restrictions are implemented vary so much as to be nearly random in effect.

US public libraries, sexual materials and censorship

The history of controversial information and public libraries in the US parallels the current debates of filtering sexuality material on the internet in public libraries.[2] Censorship per se was not considered in the early development of US libraries in the 17th century, but their focus was narrow.[3] Early public libraries were created in the United States to give guidance to Christians and offer salvation for non-believers.[4] Other libraries were created as well, though they too were narrowly focused. For example, the social library contained scientific and secular materials. This library was for men; women's numbers, if any, were few within the membership of the social library. Circulating libraries were created for the public to rent books, including novels. Gaining popularity in the 18th century, novels were then considered corrupting and even "diabolical".[5] These standards change: novels are now part of school curricula. Some librarians were for the freedom of information in libraries without imposing what *should* be read by the public as suggested by the materials that are acceptable based on the decisions made, for example, by school superintendents. School superintendents had the responsibility of restricting material deemed inappropriate for children by rejecting and dissuading such materials if librarians had collected them.[6]

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1 Different legislation stipulates different ages.

2 Gregory K. Laughlin "Sex, Lies, and Library Cards: The First Amendment Implications of the Use of Software Filters to Control Access to Internet Pornography in Public Libraries" *Drake Law Review* 51 (2003): 213-282

3 Ibid.

4 Ibid.

5 Ibid.

6 Ibid.

The core of the argument remains the same: the protection of youth from "harmful" or in other words sexual and inappropriate material. The concern may have stemmed from the fact that some of the early community libraries were housed in schools, thus came the idea of protecting material (for adults) from children. By the 19th century libraries began advocating the use of taxpayer funds to build and support public libraries that would be available to all citizens for use. However, the debate between the freedom to access information in public and the censorship of materials was growing. Librarians are typically at the forefront of struggles to promote access to information.

Conservatives and religious groups have been at the heart of many efforts to ban materials considered inappropriate, according to their definitions. These efforts extend to the contemporary sex education debates on what is considered appropriate for youth. Proponents of abstinence-only education may consider birth control information and other sexual information as harmful, as it has been interpreted as *promoting* sexual behaviour in youth and consequently "harms" them psychologically and/or physically because sex is considered appropriate only among consenting adults within the context of monogamy and marriage;[7] other possible harm could be contracting sexually transmitted infections (STIs) or HIV. The harm appears to be associated with the consequences of engaging in sexual activity more so than the information itself. However, comprehensive sex education advocates may see the lack of information as harmful if youth lack access to information that could otherwise save their lives, such as knowing where to take an HIV test, or having information about gay and lesbian communities for gay, lesbian, transgender or questioning youth, as this group of youth represents a high risk population, and a large number of new cases of HIV and STI infections are among those youth who have same-sex sexual interactions.[8]

Laughlin parallels this to today's debates about filtering by providing an example of an incident in the late 19th century involving a minister named James Hubbard. Hubbard, who also catalogued materials, accused the library of collecting immoral materials available for children. He proposed creating a censor board, in addition to a labelling system that would label inappropriate materials, as well as a "special card" for children to use for appropriate materials. Hubbard's efforts eventually had books including Shakespeare and the Old Testament of the bible censored. Hubbard even referred to the exclusion of materials based on the author's reputation. For example, after Oscar Wilde was arrested for homosexuality, his books were subsequently removed from libraries in Newark, New Jersey, and St. Louis, Missouri.[9] Afterwards an editorial article was published in the *Library Journal* asserting that works be banned based on content and not an author's personal matters. The St. Louis library subsequently put Wilde's books back on the shelf.

At the time of these debates, children were addressed as small adults, and held jobs. Many people by their teen years supported themselves and started families. Considering social mores of the time, concerns about children's exposure to sexual and inappropriate material are questionable, and the age required to obtain a library membership card ranged from fourteen to seventeen years of age. Today we consider this age group as adolescents or teenagers, rather than children. However, modern legal definitions typically use the age eighteen, which includes teenagers for some, while in casual use the word "child" refers to a younger age in early childhood or pre-adolescence. A "child" in typical usage is someone who needs to be taken care of, while an adolescent is expected to exercise agency and to take on responsibility gradually, while their bodies are becoming physically adult. Yet, today and in the past, concerns about offensive and sexual materials landing in the hands of youth have been articulated by individuals and groups promoting a specific moral agenda. In this case, the conflation of "children" with adolescents ignores the fact that adolescents are curious about their changing bodies, about exploring sexuality, and that this curiosity is normal.

Moral panics: The protection of women and children

Moral panics involve the reactions of several actors in society to groups or events that appear to be threats to social values and interests in society; the target of such panics have typically involved youth and women.[10] Special interest groups, or moral crusaders, are often the reactionary force behind defining an event or issue as a "problem" and thus organise and work toward addressing such problems, using figures and stories that exceed the actual available evidence of incidences.[11] Other actors include the media, who have the power to exaggerate and/or perpetuate an

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7   Chris Collins, Priya Alagiri, and Todd Summers *Abstinence Only vs. Comprehensive Sex Education: What Are the Arguments? What Is the Evidence?* (San Francisco: University of California AIDS Research Institute, 2002) ari.ucsf.edu/science/reports/abstinence.pdf

8   Ibid.

9   Laughlin "Sex, Lies, and Library Cards"

10 Erich Goode and Nachman Ben-Yahuda *Moral Panics: The Social Construction of Deviance*, 2nd ed. (United Kingdom: Blackwell, 2009)

11 Ronald Weitzer "The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade" *Politics & Society* 35 (2007): 447-476

issue or incident; the public, who may respond with fear or the desire to protect; and the agents of social control, such as law and policy makers, who create and introduce new rules in response to reactions to behaviours considered inappropriate that would threaten the moral fabric of society.[12]

Feminist history in the United States grew out of and parallels United Kingdom feminism. One burning issue for English-speaking feminists on both sides of the Atlantic in the 19th century was self-representation in political life, and women campaigned for the vote. A second important issue for 19th century feminists in the United States and the United Kingdom was the abolition of slavery.

Slavery was abolished in the United States in 1865. People who campaigned against slavery were known as abolitionists. The term abolitionist began to be used to refer to people who campaigned against prostitution, as the term "white slavery" was used to refer to prostitution of young women, implying situations of force and involving international traffic in women.[13] Contemporary to these efforts to abolish the regulation of prostitution was a moral panic about white slavery,[14] driven in part by a tabloid newspaper series called "The Maiden Tribute of Modern Babylon" published in 1885[15] and the gruesome murders of five prostitutes in East London in 1888.[16]

The grisly murders of five women led to street patrols by vigilante mobs of men who pushed women to stay home for their own protection rather than venture out at night,[17] again demonstrating the use of protective measures to restrict women's mobility and autonomy. These murders have never been solved, but imprisoning murderers would have accomplished far more effective protection than restricting women's mobility, and consequently their ability to exercise self-determination and to participate in public life.

This history is important because there is a new moral panic about trafficking in persons, the name for modern-day slavery, which is now being used to control women's movement.[18],[19] It is important to consider that the late 19th century saw "the rise of the social", the

emergence of social work as a profession, particularly for women.[20] Agustín demonstrates that most social work took the form of upper-class women telling lower-class women how to behave. This included stopping prostitution, and Agustín further points out parallels between early feminist responses to prostitution and the current panic about trafficking in women and the response of particular contemporary feminists called abolitionists who seek to abolish sex work and consider all sex work a form of trafficking, regardless of the self-determination of people who see sex work as a viable income-generating activity among limited choices.[21]

Parallels are visible online today. In the United States, minors who use computers in public libraries and school libraries may be restricted from accessing content deemed "harmful to minors". This harm is not clearly defined or located, but what is typically restricted is information about sexuality. There are a range of concerns about the dangers of sexuality and technology.[22] Moral panics about children and the availability of and exposure to pornography and paedophiles in cyberspace have been behind several efforts to control and/or censor the internet.[23]

According to Attwood, "The developing focus on children in the way pornography consumption is figured is consistent with a shift in the way moral panics are constructed."[24] Attwood further notes that companies that produce internet filtering software "draw on this figure of the young person in their marketing"[25] and that parents are enticed to protect their children from the luring porn producers. Recent moral panics about the availability of pornography on the internet project the figures of the child victim and cyberporn addict to symbolise the "dangerous" overwhelming wealth of sexual material online coming into the homes of families.[26]

Public access to the internet in the US

The internet was devised for its first use by the US military in the 1960s, remaining a military operation for decades. However, part of this operation was also a research project on educational networking.[27]

12 Goode and Ben-Yahuda *Moral panics*

13 Cecily Devereux "White Slavery" in *Encyclopedia of Prostitution and Sex Work* ed. Melissa Ditmore, 539-541 (Westport, CT: Greenwood, 2006)

14 Ibid.

15 Pamela Donovan "The Maiden Tribute of Modern Babylon" in *Encyclopedia of Prostitution and Sex Work* ed. Melissa Ditmore, 272-275 (Westport, CT: Greenwood, 2006)

16 Hilary Kinnell "Violence" in *Encyclopedia of Prostitution and Sex Work* ed. Melissa Ditmore, 525-528 (Westport, CT: Greenwood, 2006)

17 Ibid.

18 Melissa H. Ditmore and Helen J. Self "Abolition" in *Encyclopedia of Prostitution and Sex Work* ed. Melissa Ditmore, 3-4 (Westport, CT: Greenwood, 2006)

19 Jo Doezema "Abolitionism" in *Encyclopedia of Prostitution and Sex Work* ed. Melissa Ditmore, 4-7 (Westport, CT: Greenwood, 2006)

20 Laura Agustín *Sex at the Margins: Migrants, Labour, and the Rescue Industry* (London: Zed Books, 2007)

21 Ibid.

22 Feona Attwood "'Other' or 'One of Us'?: The Porn User in Public and Academic Discourse" *Participations: Journal of Audience and Reception Studies* 4, 1 (2007) participations.org/Volume%204/Issue%201/4_01_attwood.htm

23 Angus Hamilton "The Net Out of Control – A New Moral Panic: Censorship and Sexuality" in *Liberating Cyberspace: Civil Liberties, Human Rights and the Internet* ed. Liberty, 169-186 (London: Pluto Press, 1999)

24 Attwood "'Other' or 'one of us'?", 5

25 Ibid.

26 Ibid.

27 Barry Leiner et al. *A Brief History of the Internet* (Internet Society, 2011) isoc.org/internet/history/brief.shtml

Eventually, educational organisations and the National Science Foundation were the first to utilise the internet with accessible pages. The goal was educational networking. Consequently, when it was later introduced to the public, it was via colleges and universities (but first with those related to the project, i.e. Stanford University and the University of California at Los Angeles).[28] Therefore, early on, the internet was accessible to those enrolled in college in the mid-1990s. Thus, having such a privilege at the time, the educated population became the first public and regular users of the internet. It was also during this time that the internet began to expand, providing space and web URLs for sale to organisations and corporations.

As the internet became rapidly available in parts of the United States in the mid- to late-1990s, critics began to voice their concerns about the freedom of information flow in cyberspace and how children could possibly access information that is considered harmful and/or inappropriate on unfiltered public library computers.[29] The real concern was children's exposure to sexually explicit material, in addition to how the unrestricted availability of sexually explicit material could possibly affect persons and interpersonal relationships.

The rapid growth of the internet in recent years has transformed it from a niche technology used only by a few to an essential part of many people's daily lives. It offers not only communication channels such as email or instant messaging, but also knowledge and information, primarily through the World Wide Web. Much has been made of the potential benefit to both individuals and society as a whole of this unprecedented access to information, but this optimistic account has its converse as well. Those who do not enjoy equal access risk being electronically disenfranchised, cut off from up-to-date information and restricted in their ability to communicate. Populations that are already economically or situationally marginalised may find themselves further disadvantaged because they do not enjoy the same access to information or communications as others.

Unequal access is not merely a theoretical risk. Socioeconomic conditions can affect people's access to the internet, according to the 2007 Current Population Survey conducted by the US Census Bureau. The survey shows that for people with household incomes between USD 35,000 and 49,999, just over 65% access the internet, whether at home or elsewhere. This number increases with higher income: for example, 92% of people with household incomes of over USD 100,000 access the internet anywhere. At the same time, access decreases as incomes decrease. Among people with household incomes of less than USD 20,000 (which is just below the federal poverty line for a family of four), just over 35% access the internet at home or anywhere else. The numbers continue to drop with the level of income. Becker et al.[30] reported that nearly half of persons living below the federal poverty line accessed the internet using public library computers, and that 61% of young adults living below the poverty line reported using library computers and the internet for educational purposes. This report also found that 54% of seniors living below the poverty level used library computers to search for health and wellness information. Some limitations to access in the United States are geographical: for example, limited penetration of broadband in some US markets means that users in those areas do not have easy access to the high-speed connections necessary to make effective use of an increasingly multimedia-intensive and bandwidth-greedy World Wide Web. Others, however, are likely to be economic. Poorer members of society may not be able to afford a computer and a broadband connection. If they own a mobile phone, they are more likely to have a basic mobile phone than a more expensive internet-capable "smartphone" that might provide them another means of access to the internet. For internet access, they are dependent on facilities provided by others, such as public libraries.

This means that libraries, schools and other shared access points constitute a vital gateway between some people and the resources offered by the internet. The access that they offer is restricted in the following way: legislation designed to limit access to certain materials, particularly by minors, may oblige the providers of these access points to filter information. Given the importance of these shared resources to some users, it is important to ask what is being filtered, and on what basis. Who makes the decisions that determine what is to be filtered, and what is the real impact of those choices in terms of the information available?

Filtering primarily targets content that is considered inappropriate for minors or inappropriate for viewing in a public space. In practice, this typically means sex-related content. But filtering is an inexact science. In denying access to some content, there is the risk of also closing off access to other, useful information. For instance, a study of high school students researching health information for a school assignment found that sexually explicit materials are the main target of blocked information, where "socially controversial

28 Ibid.

29 Laughlin "Sex, Lies, and Library Cards"

30 Samantha Becker et al. *Opportunity for All: How the American Public Benefits from Internet Access at US Libraries* (Washington, DC: University of Washington Information School and the Institute of Museum and Library Services, 2010), 3 tascha.uw.edu/usimpact/documents/OPP4ALL_FinalReport.pdf

topics such as contraception, abortion, gay/lesbian issues, and smoking are also commonly blocked."[31]

The rise of the public's use of the internet in the United States over the past fifteen years coincides with the erosion of sex education in the United States in the past decade.[32] It is not coincidental that the laws requiring that minors' access to information be restricted arose at the same time as efforts to limit sexuality education to abstinence-only programmes, because these restrictions on content in education and in access to information were promoted by similar blocs of social conservatives in the United States. In 2000, around the same time the Children's Internet Protection Act (CIPA) was mandated into effect, one study found that of 412 tenth graders surveyed, the majority mostly sought the internet for information on sex and contraception.[33] A majority of US teenagers are avid internet users, with more than nearly 75% having home internet access.[34] However, more recently, a study conducted through the Guttmacher Institute reported that fewer than half of the teens in their research study (58 participants) sought sexuality information online, preferring instead to obtain information from school, family and friends.[35] While teens in this study reported a healthy scepticism about information online and the ability to discern which online sources are reliable, it nonetheless appears that the internet could be used by more teens to access information about sexuality. Though we cannot make a direct link to the implementation of CIPA and youth in the Jones and Biddlecom study, it is interesting to see the number of youth seeking sexuality information online decline within the decade that CIPA has been in effect, even with the small sample size of Jones and Biddlecom's study, compared to the number of youth seeking sexuality information online in the study of tenth graders in the prior decade. Jones and Biddlecom[36] acknowledge that over half the youth in their study willingly conveyed not being sexually active, without being prompted to give such a response. This might speak to the notion that they would not likely use the internet to find sexuality or contraceptive information unless it was for a school report. On the other hand, sexually active and experimenting youth might be more inclined to search for sexuality information online as an anonymous and privacy measure. The internet remains a vital source of information for many, including youth, and especially people seeking to discuss and discover non-heterosexual or non-mainstream community, such as for queer youth and adults.

How the United States benefits from internet use at libraries

According to a recent report conducted by the University of Washington Information School and the Institute of Museum and Library Services, "Over the past year, 45 percent of the 169 million visitors to public libraries connected to the internet using a library computer or wireless network during their visit, even though more than three quarters of these people had internet access at home, work, or elsewhere."[37]

Approximately 77 million people use the internet on public library computers.[38] Though many Americans have internet access at home, public library computers are still an important internet access point for many. The reasons for this vary from limited access at home (if there are multiple users) to faster internet speeds or having the technical assistance of a librarian.

Youth between the ages of fourteen and 24 years of age account for a quarter (25%) of all public library internet users, which is the largest percentage of any age group of users.[39] Becker et al.[40] reported that of fourteen- to eighteen-years-olds, almost half reported using a library computer in the last year, most commonly using library computers for school work, and of these, one quarter reported using library computers at least once a week or more. This indicates that libraries are an important internet access point for young people.

Some of the key uses of the internet they found were:

- Social connections: 74% of users report communicating with family and friends via internet, whether by social networking, email or other means.

- Educational purposes: educational interests such as college searches and online courses, and completion of schoolwork accounted for 42% of public library users.

31 Lynn S. Sutton *Blocked: Experiences of High School Students Conducting Term Paper Research Using Filtered Internet Access* (New York: Teachers College Record, 2005) michaelbatie.com/papers/Filtering%20Article.pdf

32 Rachel K. Jones and Ann E. Biddlecom "Is the Internet Filling the Sexual Health Information Gap for Teens? An Exploratory Study" *Journal of Health Communication* 16, 2 (2011) dx.doi.org/10.1080/10810730.2010.535112

33 Dina L. Borzekowski and Vaughn I. Rickert "Adolescent Cybersurfing for Health Information: A New Resource that Crosses Barriers" *Archives of Pediatrics and Adolescent Medicine* 155 (2001): 813-817

34 Shanyang Zaho "Parental Education and Children's Online Health Information Asking: Beyond the Digital Divide" *Social Science and Medicine* 69 (2009): 1501-1505

35 Jones and Biddlecom "Is the Internet Filling"

36 Ibid.

37 Becker et al. *Opportunity for All*, 3

38 Ibid.

39 Ibid.

40 Ibid.

- Employment: 40% of users relied on library computers for job searches and filling out applications, resume writing, and other career-related research.

- Health and wellness: finding health care providers, research on disease and medical conditions, health insurance, diet/nutrition, and other wellness-related topics were the focus of 37% of library computer users. Interestingly, nearly half of those searching for health care providers made appointments following their web search.

- Government: nearly 34% of users access government-related services, programmes and information on government officials.

- Community and civil: news, community events and politics were the focus for 33% of library computer users.

- Financial: 25% percent of users said they used library computers to manage personal finances or for other commercial purposes.

These findings were based on the total number (77 million) of library computer users (not limited to youth), and some library computer users may have more than one purpose for using the internet.

A brief history of US laws on internet regulation

The implementation of strategies and techniques to restrict information accessible on the internet, such as filtering software, is mandated by law in certain cases, such as at public internet access locations including schools and libraries in the United States. The law in question, the Children's Internet Protection Act (CIPA), is the product of a lengthy process aimed at controlling "acceptable" content on the internet, ostensibly motivated by concern for the wellbeing of minors.

With the rise of the internet, the US Congress proposed a number of laws that attempted to regulate content on the internet, particularly as it related to children. The first of these attempts was the Communications Decency Act (CDA), introduced by the US Congress in 1996. The CDA would have criminalised anyone who:

(1) in interstate or foreign communications knowingly […] (B) by means of a telecommunications device knowingly— (i) makes, creates, or solicits, and (ii) initiates the transmission of, any comment, request, suggestion, proposal, image, or other communication which is obscene or indecent, knowing that the recipient of the communication is under 18 years of age, regardless of whether the maker of such communication placed the call or initiated the communication […]

(2) by adding at the end of the following new subsections: (d) whoever […] (1) in interstate or foreign communications knowingly—(A) uses an interactive computer service to send to a specific person or persons under 18 years of age, (B) or uses any interactive computer service to display in a manner available to a person under 18 years of age, any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, regardless of whether the user of such service placed the call or initiated the communication.[41]

It was these two clauses that concerned the American Library Association, American Civil Liberties Union and Electronic Privacy Information Center (EPIC) and led them to challenge the constitutionality of this law in court. Several plaintiffs involved in the case described a number of ways that protected speech, including speech about sexual practices, could be considered indecent by some communities in spite of its social value.[42] Some plaintiffs represented organisations that were concerned about the right to free speech on topics such as safe sex practices, gay and lesbian issues, HIV/AIDS, and prison rape. One plaintiff, who operates the AIDS awareness website Critical Path – which had nearly 10,000 worldwide visitors per day – testified on the record that "the information that Critical Path provides saves lives of both teenagers and adults and any attempt to censor or restrict the free flow of this life-saving information would be a critical public health mistake," from his perspective.[43] Other plaintiffs described how use of language, for example stories of prison rape or gay and lesbian literature and/or magazines for sale, which may include graphic or street language common to such communities, could be censored under such law if the CDA was upheld.[44]

The CDA does not clearly distinguish or define "indecent" or "obscene", but equates them in the same sentence as if the terms are interchangeable. The two clauses do, however, clearly distinguish between the use of any telecommunication device and the use of a computer to transmit information. At the time of the introduction of the CDA, many telecommunications companies had not begun to provide the wide range of texting and internet capabilities now available on mobile phones. The growth

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41 These are excerpts from the CDA. The law in its entirety can be found at epic.org/free_speech/cda/cda.html

42 Reno vs. ACLU, 521 U. S. 844 Brief of Apellees (1997) epic.org/free_speech/cda/lawsuit/sup_ct_brief.html

43 Ibid. para 13

44 Ibid.

of mobile phone messaging systems and internet access via mobile phone could have led to still more alleged criminal offences.

A court in Philadelphia ruled that the CDA was unconstitutional, and that it infringes upon rights that are guaranteed by the First and Fifth Amendments.[45] The case was later appealed in the US Supreme Court, which unanimously agreed that the CDA was vague and overly broad. The Court supported the lower court's ruling deeming the CDA unconstitutional[46] and the law was struck down.

A second attempt by Congress to regulate internet content, the Child Online Protection Act (COPA), was passed and signed into law in 1998. COPA enacted "criminal penalties for any commercial distribution of materials harmful to minors."[47] The definition of commercial purposes referred to being "engaged in the business" of communications on the internet; and while an explanation is given for the definition of being engaged in the business, no clear explanation or definition was given for what was considered "harmful". Instead, it relied on "contemporary community standards" as a definition of what is harmful, leading the Third Circuit Court to conclude that the law was unconstitutional. The Supreme Court reversed this ruling in 2002, and sent the matter back to the Third Circuit Court, on the grounds that the clause that relied on community standards was not sufficient to render COPA unconstitutional. In 2007, a District Court judge again ruled COPA unconstitutional, a decision later upheld by the Court of Appeals. The government appealed to the Supreme Court, which declined to hear the case without explanation, thus effectively killing the law.[48]

The CIPA, however, was accepted and passed by Congress in 2001, and survived several legal challenges, being finally upheld by the Supreme Court in 2003. The law states that schools and libraries receiving federal funding to purchase computers used to access the internet and for related costs for accessing the internet must have in place:

[A] policy of internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects access through such computers to visual depictions that are (A)(i)

(I) obscene; (II) child pornography, or (III) harmful to minors; (ii) and is enforcing the operation of such technology protection measure during any use of such computers by minors.[49]

CIPA defines the term "minor" as "an individual who has not attained the age of 17."[50] A provision in the CIPA legislation allows for the disabling of filters by adult users under the conditions of "enabling access to bona fide research or other lawful purposes."[51]

While judged to be constitutional, the law is not without its problems. In particular, the definition of "harmful to minors" is similar to obscenity laws, which are subjective in nature and depend on context. CIPA provides this definition:

(2) HARMFUL TO MINORS.—The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.[52]

The notion of "harmful to minors" is itself problematic. Judith Levine[53] makes the case that restricting access to information, particularly about sex (the most commonly restricted topic) is what is actually harmful to minors, because lack of information renders them ill-prepared to face sexual experiences. As mentioned in previous sections, sex educators and public health advocates have been concerned about the lack of access to important sexual health information which can place already high-risk youth such as homeless youth and gay youth at higher risk for sexual behaviours that may expose them to HIV and STIs, and even sexual violence.[54],[55]

Another uncertainty has to do with the status of one particular class of users. Users aged between seventeen and 21 may be enrolled as students in public school systems (where computers may be most strictly monitored). According to the definition given in the law, these users are not minors, but they access

45 The First Amendment to the US Constitution guarantees freedom of speech, and therefore access to information. The Fifth Amendment protects against abuse of government authority, guaranteeing trial by jury and that a person is not obligated to incriminate themselves.

46 Electronic Privacy Information Center *The US Supreme Court Strikes Down CDA* (Washington,DC: EPIC, 2002) epic.org/free_speech/cda

47 Ibid.

48 Chloe Albanesius "Supreme Court Kills COPA Child-Porn Law" *PCMag.com* 21 January 2009 pcmag.com/article2/0,2817,2339314,00.asp

49 Children's Internet Protection Act, 3 ifea.net/cipa.pdf

50 Ibid. 5

51 Ibid. 7

52 Ibid. 2

53 Judith Levine *Harmful to Minors: The Perils of Protecting Children from Sex* (New York: Thunder's Mouth Press, 2003)

54 Collins et al. *Abstinence only*

55 Reno vs. ACLU, 521 U. S. 844 Brief of Apellees (1997)

the internet in an environment where filtering software is likely to be used. Are they considered adult users if they are enrolled in a kindergarten through 12th grade, elementary and secondary public school? It is unclear whether this particular group would classify as adult users, and thus be able to request that filtering be disabled for "research and other lawful purposes."

It should be noted that although public libraries have an obligation to adhere to legal rules about what people under seventeen years of age may access, libraries and library boards that do not request federal funding are not obligated to install software filters on their computers with internet access. Parents have the ultimate responsibility and right to monitor internet access and content viewing for their children.[56]

Filtering: An overview

The purpose of internet filtering software is to prevent certain classes of users – young people, library users, etc. – from accessing certain types of information that is considered inappropriate. Filters may provide some protection against harmful software such as computer viruses or spyware, but their primary purpose is to block specified types of content.

The American Library Association (ALA) describes blocking/filtering software as:

[A] mechanism used to restrict access to internet content, based on an internal database of the product, or […] through a database maintained external to the product itself, or […] to certain ratings assigned to those sites by a third party, or […] scanning text, based on keyword or phrase or text string, or […] scanning pixels, based on color or tone, or […] based on source of information.

Filtering software may run on the user's computer or on a remote machine such as a router or a gateway machine that acts as an intermediary between all the computers at one location and the internet at large. Filters could even be installed at an internet service provider (ISP), thus filtering the content available to all their customers. Some nations even filter content at the national level, in order to deny access to pornography or to political information that the government considers unacceptable. For example, the Chinese government filtered the word "jasmine" after the Jasmine Revolution in Tunisia spread throughout the Middle East and North Africa and

beyond.[57] In this paper and in our study, we focus on local filtering.

The software depends on a database of filters or rules that determine what information should be blocked or allowed to pass. In some cases, these rules may be organised into different sets, based on content type: the purchaser of the software may decide which of these manufacturer-supplied sets should be used. The simplest filters are based on blacklists that ban certain websites or web pages known to contain "inappropriate" content. Other filters may ban sites or pages based on certain keywords contained in the address of the site or page. Slightly more sophisticated filters may block sites or pages based on their content, typically by reference to a list of banned words or phrases. Finally, specialised filters may target particular types of content. For example, software designed to block pornographic images may analyse colours present in the image and take the presence of large areas of colour similar to certain skin tones as grounds for blocking the image.

The key point to note is that filtering is a hard problem. Anyone who has used a search engine such as Google has probably had the experience of typing in a particular keyword and getting back a large number of unrelated results. Filters face the same problem. Many words or phrases do not unambiguously identify concepts, posing a severe problem for keyword-based filters, but more sophisticated filters can also fall into similar traps.

To illustrate the pitfalls of simple keyword filtering, consider the frequently blacklisted word "anal". Because it may be associated with pornographic material depicting anal sex, filtering packages often block pages containing this word. However, simply blacklisting by keyword in this way also blocks health information pages about anal cancer, as well as non-pornographic – i.e. informative – pages that mention anal sex, including much HIV-education material, pages where the word "anal" is used to describe someone with an obsessive, detail-oriented personality, and even pages where "anal" is used as an abbreviation for "analysis".

Blocking specific terms or combinations of letters also has pitfalls. In an interview, Harriett Selverstone,[58] former president of the American School Library Association, offered some unexpected examples of blocking access to scientific information. "We had kids studying space information. There was a website dealing with Mars

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56 American Library Association Intellectual Freedom Committee *Statement on Library Use of Filtering Software* (Chicago: ALA, 2000) ala.org/Template.cfm?Section=IF_Resolutions&Template=/ContentManagement/ContentDisplay.cfm&ContentID=13090civi

57 Staff reporter "Jasmine Revolution Fails; Beijing's Censorship Succeeds" *Want China Times* 24 February 2011 www.wantchinatimes.com/news-subclass-cnt.aspx?id=20110224000056&cid=1501

58 Interviewed 10 April 2010

exploration. Now if you can write out the word Mars and the word exploration next to it, you have the little three letter word 'sex': marsexploration. A filter would pick that up and read it as 'sex' instead of marsexploration."

Fallibility is only one problem with filtering software. A second has to do with the design of the filter sets. A filter may match just as its author intended, but the author's intentions may be different from the expectations or wishes of the purchaser or user of the software. A library that buys filtering software to block pornography may not be aware that the software developer has chosen to include "controversial" topics such as abortion or homosexuality under the heading of offensive content.

Harriett Selverstone[59] observed, "We also have to realise that blocking software, that filter software is merely the brainchild of companies who employ people that review websites but may not have the intellectual trellis to know what they're blocking. So these are not educators who set up these filters. These are companies that set up these filters."

Personal or political biases may be expressed in the decisions made by the developers of filtering software. For example, the American Civil Liberties Union reports, "Some public schools are using web filtering software to block student access to positive info about LGBT issues and organizations."[60] Harriett Selverstone[61] commented:

> There were different filters like one called CYBERsitter or CyberPatrol that will block – the National Organization for Women, which is called NOW, was blocked because they had gay and lesbian rights pages on their website. […] People from the American Way have been blocked. It's a nonprofit group and it was blocked by another filter called Netshepherd. GLAAD, the Gay and Lesbian Alliance Against Defamation, was blocked. The funny one was, at one point the National Rifle Association, which is a very conservative group, had its own gun rights pages blocked because it was considered an adult site. Planned Parenthood, same-sex information had been blocked. There was an AIDS authority, AIDS awareness site that was blocked by CyberPatrol. HIV information sites had been blocked. If you think about how important that information is to get out to a community, then people would not have access to these sites.

A further problem with filters is that they may often be bypassed.[62] Young people – the main target of restrictive filtering – may in fact be the most technically adept at doing this. Technology such as proxy servers may offer a means to bypass content filters, but it may be simpler still just to use a different channel. Minors who are unable to access restricted content at school or at the library or even at home may be able to access the internet through their cell phone, an unfiltered platform. The heaviest impact of filters designed to protect children may thus fall on adult users, who find their access to information restricted by a technology that often fails to impede the main group at which it is targeted.

Perhaps the most significant objection to filtering is that it removes the possibility of choice. Harriett Selverstone observed, "Websites filtering, they're all very finite. They don't think for themselves. They are positioned to eliminate the opportunity for people. It removes the exposure for a lot of people to see what information is out there or 'How can I really access information?'"

Politicisation of access to information

The history of CIPA and its forerunners shows how access to information is politicised in the United States. The initiatives that led to the CDA, COPA and CIPA were the product of pressure from conservatives, who continue to press for stronger controls. William Buckley Jr., founder of conservative journal *National Review*, commented, "There are devices for the internet similar to those being attempted to bar porn from television screens. One system would block twenty thousand websites, another would authorize only three thousand, and both would require weekly adjustments to compensate for the ingenuity of young porn seekers." The Family Research Council, a socially conservative organisation that is very active politically, has advocated for strong filtering in libraries. Other organisations such as Family Friendly Libraries (FFL) have also argued for the support of filtering systems in public libraries.[63] In FFL's view, filtering does not equate censorship, and they complain that availability of free access to the internet also provides a "full range of pornography found in cyberspace."[64] A report entitled *Dangerous Access*[65] describes access to pornography in libraries and denounces the American Library Association for its lack of endorsement of internet content filtering. The

59 Interviewed 10 April 2010

60 American Civil Liberties Union *Don't Filter Me!* (New York: ACLU, n.d.) aclu.org/lgbt-rights/dont-filter-me

61 Interviewed 10 April 2010

62 Sutton *Blocked: Experiences of High School Students*

63 David L. Sobel *Internet Filters and Public Libraries* First Amendment Center First Reports 4, 2 (2003)

64 Ibid. 9

65 David Burt *Dangerous Access, 2000 Edition: Uncovering Internet Pornography in America's Libraries* (Washington, DC: Family Research Council, 2000) www.copacommission.org/papers/bi063.pdf

forward to this report asserts, "The following pages prove that library online services are being used by adults and children to access illegal pornography and that libraries are scenes of public masturbation and other sex crimes, often with full knowledge of library staff."[66] However, when it comes to making the case for strong access controls, the report is not entirely convincing. Several of the examples cited in the report relate to behavioural incidents such as men exposing themselves[67] rather than to computer use and access to information. Distressing behaviour such as people exposing themselves or reports of sharing pornographic URLs with other library patrons[68] or having sexual content onscreen where others may see it[69] and solitary masturbation in public restrooms in the library[70] or at computers[71] are clearly inappropriate, but these inappropriate actions are not dependent upon or possible to restrict via library information policies. The report cites instances in which law enforcement was called in by librarians and reports made with regard to inappropriate behaviour and accessing illegal content. The common characteristic of many of these incidents is that they relate to inappropriate behaviour on the part of library patrons, rather than to problems caused by open access to information. By juxtaposing these descriptions of inappropriate behaviour with a call for stronger filtering, the report seems intended to conflate two only loosely related issues in order to promote an agenda.

Some of the examples cited also illustrate questionable motives on the part of the reporters. "I looked back at him and inadvertently saw the word CHEERLEADERS scroll across the screen, and then an image started to appear," reads the description of one incident cited in the report, with no further detail about the image or any information beyond the fact that the person submitting the description was made to feel uncomfortable while he was watching *other patrons*.[72] Public masturbation and overt display of pornographic materials are clearly not the only inappropriate activities taking place in public libraries.

A particular concern for the Family Research Council is, of course, the sexual behaviour of minors. This focus on sexual behaviour of minors[73] may offer insight as to the true motivation behind their concerns about access to information. Limiting access

to information is part of a strategy attempting to control what people do and what people see as acceptable. In the report for The Sex Panic: Women, Censorship and Pornography, a conference sponsored by the National Coalition Against Censorship (NCAC), the Working Group for Women, Censorship and Pornography[74] recognised that sexual imagery and speech can be good for all, including men, women and children. Debra Haffner, executive director of the Sex Information and Educational Council of the US (SIECUS), explained that "young people are greatly hurt by the suppression of sexual speech."[75] Author Judy Blume, who is known for writing adolescent novels, also expressed at the conference that censorship hurts authors as well as kids. This was in response to those who attacked her books because some made references to masturbation, menstruation and sexual excitement.[76]

Many librarians oppose the calls for stronger filtering made by the Family Research Council, FFL, and similar groups. Librarians have historically been at the forefront of struggles promoting access to information and First Amendment cases. The American Library Association (ALA) opposes content filtering on the grounds that because filtering is imprecise, it limits information that is guaranteed by the First Amendment to the US Constitution.

The ALA is the largest and oldest library association in the world.[77] The ALA Intellectual Freedom Committee was at the forefront of defending the rights of Americans to have "unfettered" access to information on the internet. They argue that filtering software "blocks not only material that some people consider 'offensive', but also sites that provide useful information on subjects such as breast cancer, AIDS, women's rights and animal rights."[78]

The ALA created a Library Bill of Rights[79] to ensure the rights of the public to access information in the library. It states:

> The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

66 Ibid. vi

67 Ibid. 14, 16

68 Ibid. 15

69 Ibid. 10, 14-15, 37

70 Ibid. 10

71 Ibid. 21-22

72 Ibid. 17, 18

73 Ibid. 14

74 Working Group on Women, Censorship, and "Pornography" *The Sex Panic: Women, Censorship and "Pornography"* (New York: National Coalition Against Censorship, 2003) www.goddessheart.com/Sex%20Panic%20Manual.htm

75 Ibid. para 22

76 Ibid.

77 American Library Association Intellectual Freedom Committee "Libraries Should Not Regulate Internet Access", in *Mass Media: Opposing Viewpoints* ed. Byron L. Stay (San Diego, CA: Greenhaven Press, 1999)

78 Ibid. 137

79 American Library Association *Library Bill of Rights* Chicago: ALA, 1996 www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

The ALA Intellectual Freedom Committee holds that "use in libraries of software filters to block constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities." The Committee also declared, "The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights,"[80] and added, "Blocking internet sites is antithetical to library missions because it requires the library to limit information access."[81] They consider libraries as "places of inclusion rather than exclusion" and commended the US Supreme Court's decision on the CDA, stating, "The Court's most fundamental holding is that communication on the internet deserves the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox."[82]

In addition to the risk of blocking materials protected under the First Amendment, the Committee also recognised the danger that politically motivated selective filtering might impose a particular viewpoint, and the danger that the use of filters creates an expectation that minors will be fully protected from "inappropriate" content. In reality, the known limitations of filtering software mean that this can never be guaranteed.

Other groups have also argued that some material should be exempted from filtering. The Center for Technology and Democracy suggested that, with regard to tailored blocking (blocking based on criteria created to determine blocked and restricted content), "Certain broad categories of content – among them journalistic, medical, educational and public affairs information – should be exempted from filtering even if content involves a sexually oriented subject or contains visual depictions of sexual activity."[83]

Examining what content is actually restricted by filtering offers insight into the way access to information is politicised. One of the findings of the EROTICS research project was that sexual content appears to be restricted in some search modes, but that racist or violent content and sites are often not. This particular bias is reminiscent of the criminal registries that exist for sex offenders but not for offenders who have committed violent or racially motivated crimes, or of entertainment ratings systems that treat sexual content as more potentially corrupting than graphic violence. In the United States, people who might vocally protest if their children were able to access information and content considered "adult" (i.e. related to sex or sexuality) would be outraged at any attempt to restrict access to political content, even when it has racist or violent elements. It appears that sexual content and activity is more controversial in the United States than any other content or activity, however abhorrent. Because sexual information is more likely to be restricted than other information, this report focuses on restrictions on access to information about sexuality and the implications of these restrictions.

Access to information: The study

In the United States nearly all public and school libraries receive federal funding to cover operation and supply costs. Many libraries use these funds to purchase technology products including computers. In addition, internet services are offered at a discounted rate as part of the conditions for the federal money obtained. As discussed earlier, policies regulating the money granted to public libraries require libraries accepting federal funding to adhere to technology protection measures as part of the mandate in the Children's Internet Protection Act (CIPA).

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80 American Library Association Intellectual Freedom Committee "Libraries Should Not Regulate Internet Access" 138

81 Ibid. 139

82 Ibid. 138

83 Center for Democracy and Technology *Preserving the Freedom to Read in an Era of Internet Filtering. Principles for Implementation of CIPA Mandated Filtering in Public Libraries (Version 1.0)* (Washington, DC: CDT, 2004) www.cdt.org/speech/cipa/20040112filtering.pdf

Determination of how CIPA should be implemented is left up to individual libraries. Vague definitions, such as the term "harmful to minors" in the CIPA law, are subjective and vary from user to user, within communities, and among information technology (IT) staff people, leading to widely varying implementations. Because implementations differed from place to place, varying across city, county and state, access to information also varies widely from place to place. Some locations that we studied employed filtering, while others simply used a "terms of service" agreement to regulate user conduct. Some used off-the-shelf software with varying degrees of customisation and configuration, while others appeared to block specific sites, possibly in response to requests from users.

In order to gain some insight into the impact of CIPA on computer users, we visited a number of libraries and posted a survey online so that other library users could tell us what they could access in their localities. To assess access to information in different locations, the EROTICS team used search engines on library computers. We were also assisted by library patrons who used an online survey that we had devised. We also spoke with library and IT staff in person and corresponded with others using email to learn about the ways that filtering and terms of service have been implemented and the implications of these choices.

Methods

We implemented a short survey for use on library computers, fine-tuned with a pilot implemented at five locations, and interviewed seven library staff and experts about their work and their experiences. Library computers were chosen because they are affected by federal restrictions and we could access them easily, in contrast with school computers, to which we did not have access. Additionally, the public library is used by persons of almost any age from toddlers to the elderly, including most socioeconomic groups even if they have access at home.

Survey and pilot

We developed a library pilot search in order to determine if libraries in different states had the mandated content filters required by government funding regulations, and to test the content filters that are on library computers. The pilot study was conducted in public libraries located in six states in the eastern region of the United States: Connecticut, Delaware, Georgia, New Jersey, New York and Pennsylvania. These states were chosen due to their proximity and accessibility for the research team. The pilot was done with both filtered and unfiltered use on adult computers. The following search terms (keywords) were used: "breast health", "anal sex", "sex change", "vaginal intercourse", "birth control", "condoms", "abortion (counseling)", "bareback(ing)", "vaginal discharge", "sex worker rights"*, "exotic dancer"*, "penis implant"* and "menstruation"*.[84]

Terms were fine-tuned for a short online survey to be conducted on public computers in libraries. In addition to search terms we also included links to sites that referred to sexual matters that involved content that may have been filtered at sites in the pilot survey. We determined the websites based on the keyword search results. The research team tried to access websites generated from keyword searches. Websites that were blocked, or pages within websites that were blocked, were used as criteria to include websites on the survey.

Interviews

Librarians at branches were interviewed to learn how these policies are implemented. They were asked for specifics on policies at their libraries, whether filters were used at their libraries, and how these filters and policies were chosen and implemented.

Expert librarians on youth and on sexual content were consulted to offer insight on what these legal policies and library policies mean for access to information for everyone and for youth.

Findings

The pilot survey

The following is a summary of the pilot search we conducted in public libraries in order to inform the creation of the online survey.

Claymont, Delaware The computers in this local library were all in the same area, with both adults and children using the same computers. When you log onto the computer, a window opens to SAM™ Library Internet Access Program. In the window internet access options are given. The "unfiltered" option was automatically checked, and the other available options ranged across different levels of filtering (without explanation of what each level meant): safe harbor (most stringent filtering), minimum, maximum, unfiltered, blocked. A librarian informed me that the other selections were based on access to databases. For example, Tier 1, which is considered the "safe harbor" would allow access only to databases and not the internet; these are available to children as young as kindergarten level. Tier 2 refers to "minimum" and allows one to access databases and Microsoft Office, but not the internet. Tier 3 is full access, which is unfiltered use of the internet.

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84 Terms marked * were added after the very first library visit and were included in all other searches.

At this library parents must request the filtering option they wish for their children to have at the time of opening a library account and receiving the card. The library card has the information saved and automatically chooses the filter requested by the parent whenever the child accesses the internet. All search terms generated results via Google. No search term was blocked.

Decatur, Georgia Filters were only installed on children's computers in this library, which were separated from adult computers. As with the previous library, when you log onto the computer, a window opens to SAM™ Library Internet Access Program. There was an "Acceptable use policy" that included the following clauses: "I will avoid any behavior that may be disruptive to other patrons, such as displaying pictures unsuitable for a general audience" and "I will disable filter only for the purpose of doing bona fide research."[85] The access levels for filtered or unfiltered use were displayed but "Filtered Locked" was checked and the user was unable to change or select a different status. It was not possible for just anyone to have unfiltered access, and a staff person would need to intervene to change the status. When interviewing the librarian about filters, she informed me that one must be thirteen years of age for an adult library card. Parents can obtain the card for the child. This allows a youth thirteen years and older adult access to the internet. No search terms were blocked in this library. All search terms were accessible by Google search engine.

Jersey City, New Jersey This library had separate rooms for the use of children's computers and adult computers. However, teenaged youths were using the adult computers at the time of the visit by the research team. Once logged onto the computer, immediate internet access was available. No disclaimer, no permissions or options for filtered or unfiltered use were provided. The librarian informed the research team member that only the children's computers are filtered and that none of the adult computers have filters. Again all search terms were entered and Google results generated for each search term.

Brooklyn, New York In this local library all computers were located in the same area. Children and adults used these computers. Once logged onto the computer the user is asked to choose between the options of filtered or unfiltered use of the internet before access to the internet is allowed. Unfiltered use was selected. There were no problems looking up the terms, with the exception of the term "anal". When the term "anal" was entered, without adding the word sex, the following message popped up on the screen:

This website has been blocked. If you are an adult (17 years or older) you may choose unfiltered access.

• Close all Internet Explorer browser windows.

• Reopen it.

• Select unfiltered access.

If you are under 17 and believe that you have reached this in error, please consult a librarian.

To comply with the Children's Internet Protection Act (CIPA) BPL has installed filtering software on all computers. CIPA requires the library to block access to visual depictions of obscenity, child porn, and in the case of persons under the age of 17, materials that are "harmful to minors."

If you have any comments or suggestions or wish to request that a site be unblocked or blocked please fill out and submit this form.

All library users are expected to adhere to the Library's Policy and Guidelines for Responsible Internet Use. www.brooklynpubliclibrary.org/legal/Internet.jsp

When the term "bareback" was searched, it generated the term "anal sex" within the Google search results, though the term "anal" was blocked from being searched in Google. The website that showed the definition of the term "anal sex" was also accessible without being blocked.

Philadelphia, Pennsylvania The computers for public use in this library are located in several areas and departments. IT department staff were interviewed, and said that *all* computers have filters installed, regardless of whether they were used by adults or children. The filtering software used is SmartFilter. Librarians reported that the Administration of Public Services department determines what gets filtered. However, a library patron may ask for a filtered website to be unfiltered. SmartFilter can be disabled at the request of patrons that want unfiltered access. The IT personnel also mentioned the different categories of filtering used at this library: malicious software, phishing and pornography. The software or computer systems are checked and/or updated daily to monitor any changes.

The same terms used in previous searches were used in this library; however, we went a step further by clicking on select websites that were generated in the search results. Although all search terms were accessible, some websites that came up in the search results were blocked. For example, when searching the term "sex work" and "sex worker rights" the research team was able to access some sites such as www.sexwork101.org, but not able to access www.desireealliance.org. The message received when a website was blocked was:

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85 Dekalb County Public Library *Internet Terms of Use* (Decatur, GA: DCPL, 2009) www.dekalb.public.lib.ga.us

Site Not Available

We're sorry! The site you requested is not available at the Free Library of Philadelphia. Staff can refer you to useful sites and electronic resources on your topic.

In addition, some websites that were accessible contained pages within the site that were blocked individually.

Our library pilot provided brief insight on ways that libraries apply CIPA requirements, and how filtering is implemented in libraries located in different states. While we were able to document that filtering and other ways to comply with CIPA are not systematic and done very differently, additional information from libraries in other regions of the US would be required in order to make generalisations, if any, on how content filters affect accessibility of sexuality information on public library computers. In addition, further exploration was needed to clarify what is "harmful", as the pilot search did not give any indication nor generate any definitions of what information is considered harmful to minors.

We created a ten-item survey which included four sexuality terms – anal, transsexual, abortion and condom – and six sexuality related websites: www.sexworkersproject.org, www.sexetc.org, www.4exhale.org, www.abortionrecoverycounseling.org, www.feminizationsurgery.com and www.condomman.com. Using both search terms and websites would account for software that blocks websites based on URLs and those software programs that filter based on search terms and text strings. The terms and websites chosen were based on the pilot search terms and results, in addition to considering populations who may rely on public library computers to search for sexuality-related information, such as youth, transgender women and sex workers. The survey was available online, and we made a hard copy version of the survey available as a Microsoft Word document in case participants had difficulty using the online survey.

The research study details and survey were posted on the research team's website, as well as emailed to library association member lists, sexuality professional member lists, sex worker community lists, EROTICS partners and personal email lists, as well as posted on blogs.

Survey results

Twenty-five survey responses (23 online surveys and two hard copy versions of the survey) from sixteen states were received. Surveys were received from six northeastern states (six from New York, two from Massachusetts, and one each from Connecticut, Maryland, New Jersey and Rhode Island), three southern states (one each from Alabama, Arkansas and Florida), four midwestern states (two from Illinois, and one each from Iowa, Minnesota and Wisconsin) and three states in the western region of the United States (one from Hawaii, and two each from Oregon and Washington). A total of six surveys came from college/university library computers, and one from a public school computer. All others were conducted in public libraries with the exception of one survey response, which did not specify.

The surveys we collected generated responses we felt were worthy of brief discussion. One survey from Alabama was left blank on all responses in the survey with the exception of identifying their state. It is unclear whether this participant encountered problems with the survey or just left the answers to the items blank. Another survey from New York City, New York only answered two items in the survey; all other item responses were left blank. A participant who did the survey at the main library in Little Rock, Arkansas reported that they could not access the website for the survey. They said they were not able to get past the welcome page; however, they did complete the survey using our hard copy version, which could be printed from Microsoft Word.

When asked what web browser was used, ten surveys reported using Firefox, eleven surveys reported using Internet Explorer, and one survey reported using Chrome; two surveys did not respond to this item. When accessing websites, the results showed that two libraries were unable to access www.sexworkersproject.org (Brooklyn, New York and North Kingston, Rhode Island). All surveys reported being able to access www.sexetc.org with the exception of two blank responses. However, in Little Rock, Arkansas the participant reported that the images from this site had been filtered and only the text was available. All surveys reported being able to access www.4exhale.org with the exception of three blank responses. All surveys reported having access to www.abortionrecoverycounseling.org with the exception of two blank responses. One library was unable to access www.feminizationsurgery.com (West Palm Beach, Florida) and two did not respond. Four libraries were unable to access www.condomman.com (West Palm Beach, Florida, North Kingston, Rhode Island, Buffalo, New York and Brooklyn, New York) and two surveys left this blank. The last result was interesting because www.condomman.com is a website that sells different brands of condoms and uses a superhero-like figure on the website. There are no sexually themed pictures other than the examples of the condoms (inside the wrapper).

For the sexuality terms search all surveys reported using the Google search engine, although three did not respond. Only one survey reported not being able to search "anal" (University of Chicago-Chicago, Illinois) and one survey did not respond. One survey reported not being able to search "transsexual"

(University of Chicago-Chicago, Illinois) and two did not respond. All surveys reported the ability to search "abortion". All participants were able to search "condom", except for one response that was blank.

Another interesting observation was that libraries that were reported as having a website or search term blocked had more than one item in the survey blocked, with the exception of Buffalo, New York.

When we initially distributed the survey, only public libraries were included. We later revised the survey to include college and university libraries to generate more survey responses, because we did not want to exclude the responses received from schools and because they too may rely on federal funding. This still did not generate as many survey responses as anticipated. The number of surveys received is small and less than half of the 50 states in the United States were represented. In addition, with such a small number it is difficult to come to a conclusion on how libraries across the United States apply CIPA requirements and whether there is a pattern or common method with which public libraries employ filtering on their computers. This low number also prevented us from determining if a difference existed in the way local, rural or metropolitan library systems apply CIPA regulations. Interviews with librarians, IT staff, library association members, sexuality professionals and related research studies helped us understand more of what is happening.

While only a small number of surveys were received, they demonstrate great variety and inconsistency in the implementation of restrictions. The small number of surveys received may be because people with access on their own personal devices will not go elsewhere for access, and that people who do not have routine access to computers, the very people who may rely on library and other public computers, do not have facility with the internet. This is borne out by one respondent who explained that she did not understand how to open a window using a browser in order to complete the survey.

Another factor that may have influenced the low response rate was the fact that our invitations to participate were distributed through mailing lists. Many subscribers to these lists own their own computers. As a result, they were not motivated to visit libraries and use the library computers to complete our survey. One participant even reported that it was not possible for her to go to the library because it was only open during normal business hours, when she was required to be at work.

Blocked websites

We found that some libraries block specific websites. For example, New York City's Public Library (NYPL) and the library of a community in Rhode Island block the webpage of the Sex Workers Project at the Urban Justice Center (SWP), a site that has absolutely no sexual content. Other sites that do include sexual content and sex information are accessible in both places. Therefore, it is not possible to determine what criteria were used in these decisions to block this particular site; the word "sex" was not the cause.

In another library, in a large city located in the northeast, filtering software is installed on all computers for adult and child use. We went a step further at this library by clicking on select websites that were generated in the search results. Although we were able to search all terms, access was denied for some websites that came up in the search results.

Other examples are similarly idiosyncratic. In Palm Beach, Florida, it is not possible to access the website feminizationsurgery.com. Users of the Buffalo Public Library reported that they could not access the website for condomman.com. Users at these libraries reported being able to access search engine results for words like transsexual and condom, therefore it appears that these sites were specifically blocked, rather than sites referring to particular topics being blocked.

Another example was the search term "sex change", which blocked the website www.feminizationsurgery.com, yet allowed access to www.srsmiami.com, both websites providing information about sex reassignment surgery and/or about the service provided. In addition, some websites that were allowed may have contained individual pages within the website that were blocked. IT staff at this library informed us that the Administration of Public Services determines what is filtered. However, while a library patron may request that a website or term be filtered, a patron may also request that a filtered website be removed from the list of sites filtered and thereby unblocked.

The two examples of blocked websites mentioned above clearly show how people could potentially be affected by the blocking of information and influenced by incomplete access to information through the blocking of some sites but not others addressing a particular issue. For example, sex workers and transgender people may be affected by such restrictions to information if they rely on public library computers. Sex workers in the United States could access some information from Sex Work Awareness's sexwork101 site but be deprived of information about the Desiree Alliance, the national network of sex workers in the United States. People seeking information about sex reassignment surgery may find out about a particular specialist in Florida but be prevented from accessing the site comparing outcomes from a variety of surgeons.

It is not clear how the decisions to block these particular sites were made, but we do know that some libraries will block sites upon user request. This is troubling because if user requests determine what gets blocked, any site could potentially be blocked because someone does not like or approve of its content and complains. This could be used politically to suppress information or particular viewpoints, which is an important consideration in light of the history of restricted information in the US, such as earlier restrictions on information about birth control described above. This has particular relevance in the case of the SWP site: sex work is a hot-button issue in the United States, as is human trafficking, one of the fields addressed by the Sex Workers Project. Other sites that include content related to sex work are accessible on New York Public Library computers, so we speculate that individual complaints were behind the decision to block the site. This may also be the case with the blocking of condomman.com in Buffalo's public library and Palm Beach's library users being unable to access feminizationsurgery.com.

There are serious implications if sites are blocked by request and without clear criteria. If any user can request that a site be blocked, then access to any information may be arbitrarily restricted.

Blocked search terms

In some places, specific terms were blocked from search. One librarian interviewed reported that filtering software prevented access to a far greater number of sites than most users realise. For example, filtering software blocked access to many websites that use Roman numerals. The problem seemed to be the use of the symbol "XXX", which is the Roman numeral 30, a symbol for poison, a symbol for kisses, and the title of an action film… but which also stands for pornographic content. As a result, XXX is frequently filtered, often with curious results. People seeking information on the Super Bowl (an important annual US sporting event, with the year being indicated using Roman numerals, i.e. Super Bowl XXX, the thirtieth Super Bowl) could find information about Super Bowl XXIX and Super Bowl XXIV but not XXXI, XXXII or XXXIII. With the creation of the new domain .xxx, all .xxx sites might be blocked entirely.

Harriett Selverstone,[86] former president of the American School Library Association, offered an example of information about cancer being blocked in one library. "One issue is, a child's mother was diagnosed with breast cancer. And she wanted information. That's what the internet is [for], to provide information. But she was blocked because there

were so many sites that had been blocked because the word breast was there."

Another serious example comes from a Brooklyn Public Library branch, where it was not possible to search for the word "anal". This has far-reaching implications. One may presume that any justification for blocking searches for the word "anal" would be related to sexual content, but blocking the ability to search for the word "anal" affects far more than sexual content. For example, any search related to health would also be blocked. Other phrases that cannot be searched for include anal health, anal cancer, anal warts and anal sex.

Terms of service

In one small town in New England, there are no filters at all. At this library, all information can be accessed. However, computer users are asked to sign the terms of reference, which includes a clause explaining that minors use the library and that inappropriate content is not allowed. This means that users who access pornography or other material deemed inappropriate can be asked to stop. The librarian said that they have had very few problems, but that when she worked in a large city, this would not have worked and indeed pornography was accessed on their computers. She explained that in a small community in which everyone is familiar with each other, people including youth are not likely to overtly breach community standards. However, she added that in a large city with a certain level of anonymity, the same social strictures would not apply, and the use of library computers to access pornography demonstrated a potential case for the use of filtering software.

Filtering software

In addition to carrying out our study, we conducted a review of some of the software in use.

Boss[87] points out that the two criteria for CIPA include some form of blocking or filtering mechanism on all computers with internet access, and measures to protect against visual depictions; however, CIPA does not include a requirement for filtering of text. Much of the filtering and blocking software was developed before CIPA, and therefore it not only blocked or filtered images, but also text as well. Boss[88] asserted that different blocking and filtering programs originally designed for home use (which is client based) and organisational use (which is server based) have also been employed in libraries.

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86 Interviewed 10 April 2010

87 Richard W. Boss *Meeting CIPA Requirements With Technology* (Chicago: Public Library Association, 2004) www.ala.org/ala/mgrps/divs/pla/plapublications/platechnotes/internetfiltering.cfm

88 Ibid.

Who decides?

Our study and the interviews that we conducted raised some important questions about the way in which decisions about access to information are made. A key question is: Who decides what you can see?

The New England library where no filtering software was in use and users were required to sign a "terms of service" agreement represents one possible answer to this question. This "honour system" left users free to make their own decisions as to the content that they wished to view, subject only to a kind of social constraint expressed as an expectation that they would make appropriate use of the resources available.

The situation is different in the case of libraries that use filtering software. There, the decision might be made by librarians or IT support staff, or by a specific department within the library. The exact choices made might depend on local interpretation of CIPA (with its vaguely worded "harmful to minors" criterion), or on personal bias on the part of the decision makers.

There is no community standard established for the definition of "harmful". Communities across the US are varied and diverse within urban and rural areas. Thus interpretation of what is harmful is often subjective and dependent on the individual or community that interprets it. What is harmful information to one may be helpful information to another, as we have seen in earlier examples from conservative groups compared to sexual health advocates. What we do not know is the view or stance of persons or employees who make the decisions on what should be blocked or filtered, and how this affects what information becomes available. This renders the use of "harmful" as a criterion subject to abuse, if harm is interpreted overly broadly.

Depending on the software used for filtering, the decisions might also be made elsewhere. Some filtering programs make use of centrally maintained lists of banned sites or phrases, which are compiled by the makers of the software. The lists are often organised according to specific categories, allowing purchasers to decide which categories they wish to block. However, the software maker makes the decision as to which sites or phrases should be included in a category. If the developer has a particular social or political bias or agenda, or hopes their product will appeal to groups with such a bias or agenda, this may be reflected in the choices they make. Sites referring to controversial topics such as sex work, homosexuality or abortion, for example, might be classed with offensive or pornographic sites. In our interview with Harriett Selverstone, she described seeing gay rights sites blocked, apparently deliberately, by certain products. The option to override certain choices individually on a case-by-case basis cannot fully compensate for this kind of bias.

In some cases, it appeared that individuals could request that a particular site be blocked. This is also cause for concern, because it introduces a new decision maker into the process, one who can use the request mechanism as a way to impose their own values on other users. Requests of this kind may reflect personal concerns, but individuals may also act as agents of an interest group, submitting requests that reflect the group's agenda. For example, groups such as the Family Research Council would be happy to draw up a list of banned sites and so impose their particular values on library users. Liberal groups, of course, might do the same.

The question that arises is one of transparency and accountability. When anyone – librarians, administrators, software developers, individual activists, pressure groups – can determine what can and cannot be seen, the whole system becomes worryingly arbitrary. As Harriett Selverstone observed, some of these decision makers may lack the necessary understanding to make an informed decision, while others may explicitly seek to impose a particular value system through the choices they make. Determining why a particular site or page was blocked and undoing malicious or unhelpful choices may be close to impossible.

One final possibility is that no one makes the decision at all. Software bugs may cause filters to fail or to over-match. Filter rules may interact with each other in arbitrary and unexpected ways. When all these different influences are taken together, it can be extremely hard to predict what will or will not be blocked, or to work out why the filtering software yielded the results that it did.

Youth

Youth are treated exceptionally in most instances in the United States, and the CIPA, like the CDA and COPA before it, was motivated by a desire to prevent minors from accessing material that was considered "harmful" or "inappropriate". What is actually harmful and how it harms youth are never defined or described outright. The information that seems to generate most cause for concern is sexual in nature, hence the particular focus on sex-related materials in filtering schemes.

A central irony of the whole matter is that at a time in their lives when adolescents are seeking information that will help them to make sense of their own sexuality, so many legislative and technological resources should be deployed to prevent them accessing precisely the information that is of most interest to them. Many teenagers, unsure of the nature

or the mechanisms of their own sexuality and unable or unwilling to ask people around them, will look to the internet for confidential, anonymous advice. Filtering software, at home or in school or the library, can deny them access to useful information in the name of protecting them from harmful influences.

Some socially conservative or religious organisations advocate restricting youths' access not simply to sexual content but also to information about sexuality. For example, the Family Research Council has advocated restricting access to information about homosexuality. This kind of ban is not in the best interests of young people, because it may deny them information that they need to come to terms with their own sexuality and learn to express it in a responsible and positive way.

This is true for all young people, but for gay youth, who may be marginalised within their own communities, confidential access to this type of information may be particularly important. Harriett Selverstone, former president of the ASLA, told a story from her time as a school librarian that illustrates the critical importance of libraries and internet resources in providing relevant information to one young man:

> The morning that I was in one of the classes a youngster came to me and said "Can I speak to you in [your] office?" […] I could see he was troubled and I had a feeling where he was going. He said to me, "I'm gay but I have not come out. My friends don't know about it. My parents don't know about it." […] Because we did not have filters in my high school library […] I said, "We have information to give you. GLAAD has a lot of information." […] The issue for him was, I felt, where could he find information to help support him? To make him feel as though he was not abnormal, etc. I told him about lots of websites. […] Not only did I give him a bunch of websites, but also books from the library dealing with homosexuality. […] I told him that we had a gay and lesbian support group in the town in which I worked. But he said he was too young to drive there, so he could never get there. A month or two months later he came to see me and I could see he was a different kid. Whether it was information that got to him and told him how important information is, not only for his own edification, but just in terms of how important information is. He felt comfortable enough to tell his parents. He said not only were they accepting but his father drove him to that support group in town. It was an experience that not only made my day, it made my year. And I told this story to librarians too. I had talked around the country dealing with censorship, etc., telling

them, "If you don't think we make a difference, we do." And that was the point.

In our interviews, Harriett Selverstone[89] summed up the critical need for access to information across a wide variety of issues, saying, "For [the] gay, lesbian, bisexual, transgender, and questioning community, it's so important to have this information. It's so important to have information on any public health websites for women, dealing with bodily functions or issues with the word breasts, or vagina. You have organisations like Sex, Etc. where they trained kids to work with kids. So many websites have been blocked." Her examples derive from real-life experiences as an educator and librarian seeking to help students and library patrons find and use information about a variety of topics – science, health, sexuality, mental health and many more. Blocking access to that information inadvertently or purposefully would be detrimental to the quality of education and quality of life of real people, people of all ages, who are fully capable of judging information for themselves and using it accordingly.

The discourse of protection

The US legislation that we have discussed was motivated by a perceived need to "protect" young people – the word "protect" appears in the titles of both COPA and CIPA – from the potential harm caused by exposure to pornographic material or material considered indecent available online, although no consensus on what material is actually indecent for minors has been established.[90] The same discourse, about the necessity of protection, is used to sell software specifically targeted at youth. Some of these software packages predate formal legislative attempts to address the problem on the national level; several of the systems used in libraries today evolved from packages originally sold to parents for use in the home.

Like the legislation, some software developed to restrict and/or monitor youths' access to information has been marketed using what can best be described as "scare tactics". A common ploy is to market the software as if online interactions were physical interactions, and more dangerous than in-person interactions. However, online interactions may be *more* secure because they are online rather than in person, and therefore do not offer the opportunity for physical molestation. This is not to imply that all online interactions are benign or that there is no cause for concern about online interactions. However, software that restricts children's access may not be the most effective means of protecting them from potential predators.

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89 Interviewed 10 April 2010
90 Sobel *Internet Filters*

In a survey called "Parents' Top Concerns About Children's Online Computer Use" described in *Teen Online Exposure: A Snapshot Of Data,*[91] parental fears reported included exposure to pornography, predatory behaviour by strangers, inappropriate chat room or IM discussions, and access to violent sites. The National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com advocate greater communication between parents and children about online activity. Among their recommendations are: "Talk to your kids about what they are doing in cyberspace" and "Know who your kids are communicating with" and "Be aware of what your teens are posting publicly." Greater involvement by parents in their child's online life may not only reassure them as to their child's safety, but it may also alert them early to legitimate causes for concern. No software available on the market can be a substitute for this.

Software marketed for its "protective" value may not be effective. We have already seen that content that parents and educators might wish to restrict can often slip through filters. Furthermore, children may quickly become adept at exploiting weaknesses in the system to get access to restricted information. Once a means of gaining access to restricted content has been discovered, it will quickly be shared with other children. One school librarian in Massachusetts stated, "It's probably important to note that just about all the students here know how to get around the filters for most sites. The one we use, Astaro, is incredibly ineffective – for many site[s] (including Facebook) all you have to do is use https:// instead of http:// and you're in. Facebook and game sites are mostly why students go around the filters, though – I'm not seeing a lot of workarounds (by kids, at least) for other sites." The categories filtered at this school, that the librarian was aware of, were "alcohol, pornography, computer games and personal website[s]." However, they did note that Facebook does not actually have a blocking category, while YouTube was not blocked in this particular high school.

Sutton reports that older youth "understand that some, presumably younger, children may need guidance in sorting out 'bad' materials on the internet. But they resent a poorly conceived and disastrously implemented artificial device that prevents them from accessing needed information without any input into the decision or any effective way to redress inequity."[92]

Controlling more than access to information

In a survey of teens (13-19 years) and young adults (20-26 years), conducted by the National Campaign to Prevent Teen and Unplanned Pregnancy,[93] 20% of teens and 33% of young adults responded that they have sent or posted nude or semi-nude video and/or photos of themselves. Of these numbers, 22% were teen girls and 36% were young adult women. The majority of respondents who had sent/posted sexually suggestive content or images sent them to a boyfriend or girlfriend; 71% of teen girls and 83% of young adult women reported this. Nearly half of the respondents in the survey reported that it is common for sexually suggestive content and/or nude images to be viewed by people other than the person the original message is intended for. Many adults worry with good reason that young people may not understand the consequences that may arise from sending sexual content and images, even if sent only to someone that they trust.

Of particular concern is the practice of "sexting": sending and receiving mobile phone messages with sexual content, including photographs taken with camera phones or digital cameras.[94] Media research company the Nielsen Group reported that 77% of US teens own a mobile phone, 83% of teen mobile users use text messaging, and 56% use picture messaging. Within a two-year period texting among teens went up 566%, with the average teen sending or receiving an average of 2,899 text messages per month. Nielsen also reported that 37% of US mobile subscribers aged thirteen to seventeen accessed the internet on their phone.[95] Mobile phones provide a widely used medium of exchange not just for trivial content, but also for sexual content whose distribution may have far-reaching consequences.

The most obvious dangers are that sexual content such as images with personally identifying information attached can attract unwelcome attention, cause embarrassment or harm the subject's reputation. The ease and rapidity with which information can be shared electronically means that any such image, once sent, may and probably will be rebroadcast. Moreover, once the content is "out there", containment is impossible.

91 The Anti-Drug *Teen Online Exposure: A Snapshot of the Data* (2008) www.theantidrug.com/resources/pdfs/Teens-Tech-Factsheet.pdf

92 Sutton *Blocked: Experiences of High School Students*, 2

93 The National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com *Sex and Tech: Results from a Survey of Teens and Young Adults* (Washington, DC: The National Campaign, 2009) www.thenationalcampaign.org/sextech/pdf/sextech_summary.pdf

94 CBS News "'Sexting' Shockingly Common Among Teens" *CBSNews/Associated Press* 11 February 2009 www.cbsnews.com/stories/2009/01/15/national/main4723161.shtml

95 The Nielsen Company *How Teens Use Media: A Nielsen Report on the Myths and Realities of Teen Media Trends* (New York: The Nielsen Company, 2009) blog.nielsen.com/nielsenwire/reports/nielsen_howteensusemedia_june09.pdf

More seriously, however, possession or distribution of such images may cause young people to fall foul of child pornography laws. One young man in the state of Florida had received some pictures of his girlfriend without any clothes on. At the time he received the pictures he was seventeen years old. When he subsequently broke up with his girlfriend, he unwisely decided to send her pictures to his list of contacts. Just a few days after his eighteenth birthday, he was met by police authorities and arrested and charged with nearly 75 counts of child pornography.[96] In another case in Pennsylvania, three teen girls and three teen boys, fourteen to seventeen years in age, were charged with child pornography because the teen girls had sent nude photos of themselves to the boys by mobile phone.[97] The particular status of child pornography in US law exposes senders and recipients to draconian punishments and to lasting consequences, such as being required to register as a sex offender.[98] Laws designed to protect young people from adult predators can and are used to punish young people for what are best described as youthful indiscretions, and to punish them very severely.

Accordingly, many adults perceive a growing need to control not merely what information young people may access, but also what information they may transmit. Existing internet filtering software may contain some features related to this. At least one private company also offers software applications that enable supervision of mobile phone use (www.mykidissafe.com/homepage.php). The homepage of the site declares that the software was "developed by parents for parents." A variety of types of supervision are offered, including a filter for sexting. The filter for mobile phone sexting claims to be able to detect nudity in images, presumably using techniques similar to those employed by image filtering software. As previously discussed, such techniques may be error prone: for example, if skin tone is used to determine whether nudity is present in a photo, people with darker skin tone may *always* be tagged as nude.

The software can also be used to forward questionable messages automatically to a supervisor, intended to be a parent or guardian. This feature is itself subject to potential abuse. Spouses or partners of adult supervisors may also be targeted by their spouses or partners or former partners using the surveillance features of the software, sometimes without benign intent or effects.

In general, any surveillance feature raises the potential for abuse. In one current case, it is alleged that a supervisor working for a Philadelphia school district used software installed on school-mandated laptop computers to spy on children. The software was intended to control use of the computers by children and provide a security mechanism in case of theft. Instead, complainants allege that employees of the school district used the software to surreptitiously take photographs of children in their own bedrooms, a very serious violation of their privacy.[99]

Technical solutions?

Our research and findings have demonstrated that the reliance on technical solutions for social problems requires deeper analysis and investigation into the motivations of the solutions provided. Some technological proposals promote a socially conservative agenda limiting important access to information about sexuality and sexual behaviour, particularly among youth. Another danger, highlighted by some of the examples above, is the abuse of technology, particularly surveillance software, by family and spouses or educational authorities. Ultimately, more interpersonal communication rather than less about sensitive topics may be the best option. Protecting digital privacy may be more effective for protecting people from harm, particularly actual physical harm rather than digital information interpreted as harmful. This requires equipping youth with the ability to judge what is appropriate to share and to realistically assess what could actually harm them. Teens are very concerned with privacy and open to these messages and discussions.[100]

An opportunity for future research: Information collection and use

We earlier asked the question: "Who decides what information we may see?" The converse of this question is, "Who decides what information we will reveal?" The best protection of rights is not the restriction of content but protection of the right to privacy, including online privacy. This means online safety, and the ability to use the internet anonymously, in order for internet users to exercise their rights. However, surveillance and control software targeted at young people answers this question differently. The principle behind such software is that, for young people at least, parents and guardians should be the

96 Gina Harkins "One-size-fits-all Laws for Sex Offenders Miss the Mark" *Medill Reports Chicago* 15 February 2011 news.medill. northwestern.edu/chicago/news.aspx?id=178523

97 Associated Press "Judge Puts 'Sexting' Prosecution on Hold" *CBSNews* 30 March 2009 www.cbsnews.com/stories/2009/03/30/ national/main4905250.shtml?source=RSSattr=HOME_4905250

98 Deborah Feyerick and Sheila Steffen "'Sexting' Lands Teen on Sex Offender List" *CNN* 7 April 2009 articles.cnn.com/2009-04-07/ justice/sexting.busts_1_phillip-alpert-offender-list-offender- registry?_s=PM:CRIME

99 Robbins vs. Lower Merion School District *Court filing* United States District Court for the District of Eastern Pennsylvania 2010

100 Danah Boyd and Alice Marwick "Social Steganography: Privacy in Networked Publics" (paper presented at the International Communications Association, Boston, USA, 28 May 2011) www. danah.org/papers/2011/Steganography-ICAVersion.pdf

ones to manage and control what young users are able to reveal about themselves. However, a better solution would be to create an online environment in which real privacy is offered to all and information about protecting one's privacy would be easily available and easily implemented by internet users.

As adult users of computers, we are not typically subject to the same level of control or surveillance. There is no one looking over our shoulders, so to speak. Yet we would do well to ask the same question, because the answers about who controls what we reveal online are less clear-cut than we might expect.

Legislative initiatives in the United States attempting to restrict access to information by individuals – particularly young people – have not been matched by similar initiatives designed to protect personal information. Our access to information about the world may be legally restricted; other people's access to information about us is much less tightly controlled, at least in the US. Some other countries have much stronger legal protections for privacy and personal information than we do.

This means that individuals need to exercise considerable caution with respect to what they choose to reveal about themselves online. Some types of self-disclosure can have negative consequences. For example, sex bloggers and advocates for harm reduction or safe working conditions for sex workers have been fired from other occupations as a result of what they revealed online.[101]

Many users may not be aware of the risks or, if aware of them, uncertain how to respond. Ironically, young people, who may be more comfortable sharing personal or intimate information online than older users, are also typically more savvy about using social networking tools and using features of the platform to manage the information that they disclose. Anecdotal reports, such as from one of our informants who described difficulty with the survey because of not knowing how to open another search engine window or tab, seem to indicate that many who came to social networking and other sites later in life lack this level of comfort, but also this level of ability at information management. Uncertainty may lead them to choose not to participate fully or at all in social networking contexts. Alternatively, lack of knowledge may lead them to unintentionally reveal more than they would like.

Historically, information shared and stored online has not enjoyed the same legal protections as oral information or information committed to paper. US corporations have made the most of this, and have in fact actively advocated against creating any kind

of expectation of online privacy. For example, Facebook creator Mark Zuckerberg has stated – perhaps self-servingly – that privacy is no longer a norm.[102] He has used his own perception of the erosion of the standard of privacy to justify reselling Facebook users' information. The Electronic Frontier Foundation has published a timeline showing how Facebook's terms of service have changed continuously,[103] with each change unilaterally granting the company the right to make available increasing amounts of user information on its own terms. Over a decade earlier, Sun Microsystems CEO Scott McNealy claimed, "You have no privacy anyway."[104]

What does it signify that spokespeople for companies that stand to gain mightily from data collection, storage and analysis have advocated against the standard of privacy that has prevailed for three centuries in the United States? It is worth noting that the state of affairs that they would like to take for granted is by no means universal. McNealy's analysis is rooted in experience in US corporations; European privacy laws restrict information storage and use, although this is little comfort with US software dominating the market.

Kieron O'Hara[105] ably describes the history of perspectives related to information now relating to digital information. He describes privacy rights and "privacy responsibilities" as well using sociological perspectives to contextualise inherent trusting versus proven trustworthiness and the role of these conceptualisations of trust for the individual and for communities. These are the responsibilities emerging for native digital users as they join the workforce and seek private gain and private property. Having something to lose (such as a job, property or custody of children) may be the real difference between people who share intimate details and those who do not, rather than growing up online.

As we have observed, Facebook, which has access to large amounts of personal information about its users, has shown some inclination to use that information to suit its own purposes. The continuous changes to the company's terms of service tend to favour the company's business interests over the interests of individual users, each change making Facebook more attractive to advertisers and increasing its visibility to search engines such as Google. Publicly

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101 Private conversation about dismissal from a major US publication

102 Bobbie Johnson "Privacy No Longer a Social Norm, Says Facebook Founder" *The Guardian* 11 January 2010

103 Kurt Opsahl "Facebook's Eroding Privacy Policy: a Timeline" *Electronic Frontier Foundation* 28 April 2010 www.eff.org/deeplinks/2010/04/facebook-timeline

104 Stephen Manes "Private Lives? Not Ours" *PC World* 18 April 2000 www.pcworld.com/article/16331/private_lives_not_ours.html

105 Kieron O'Hara "Intimacy 2.0: Privacy Rights and Privacy Responsibilities on the World Wide Web" (paper presented at WebSci10: Extending the Frontiers of Society On-Line, Raleigh, NC, USA, 26-27 April 2010) journal.webscience.org/294

Facebook pays lip service to privacy concerns, but in private conversation founder Mark Zuckerberg has sometimes been openly contemptuous of users. In one notorious IM message, a young Zuckerberg is reported to have written about users of the embryonic Facebook service: "They 'trust me'. Dumb f*cks."[106]

Yet it would be wrong to single out Facebook as the only or even the worst offender in this respect. When Google launched a micro-messaging system named Google Buzz, poor design choices led to private user contacts being publicly exposed. The goal was to increase take-up of the Buzz system, then in its infancy, but the effect on users was not carefully considered. For example, one woman was stalked by her abusive ex-husband using the new service for which she had never created a profile but which enabled her stalker to see whom she had recently corresponded with and follow her and these other people online.[107],[108] It is also important to consider government interventions at this level: when Facebook realised that Tunisian accounts were being surveilled during the recent revolution, Facebook implemented secure access using HTTPS to protect users in Tunisia from surveillance.[109] This is one example of government use of Facebook. It has also been used as evidence in criminal cases, including domestic violence cases in the United States.[110]

The example of Facebook's action to protect political resistance in Tunisia[111] strongly contrasts with the corporation's inaction and occasionally regressive policies compared to standards across the United States. In the US, content that is regarded as sexual within the corporation but is not actual sexual content in nature, such as breast feeding – images of infants and toddlers being breastfed are routinely removed from Facebook[112] – and men kissing, may merely reflect the perspective of the young man who created the site and owns the company. The fact that Facebook is globally used means that its policies are symbolic and may influence others. Facebook is not the only example of such a platform or a company with possibly unintended sexism in its policies, but its current position as a dominant social networking site makes it a useful example because many readers may have seen it. Google's lack of awareness of the need for privacy reflects a lack of understanding of particular dangerous dynamics such as the predatory and territorial nature of cyberstalking, by which women are more likely to be victimised than men.[113]

When users register with a social networking service such as Facebook, they typically enter into a contract represented by a terms of service (TOS) or terms of use (TOU) agreement or similar code of conduct. In addition to advising users of the limits of acceptable behaviour, these contracts also absolve the company of liability for what the user posts and allow the owners to delete content or cancel accounts in the event of any infringement. Yet the code of conduct is not even-handed. At the same time that it frees the company from liability for content posted by the user, it may also claim ownership of user content. Problematic content is the responsibility of the user; desirable content is the property of the company. Terms of service, like national legislation, leave some terms vague. The power to determine when content is infringing rests with the company, and decisions cannot typically be appealed.

Information posted by users and information about users are the stock in trade of social networking companies such as Facebook. The business model of Facebook and its peers hinges on monetising that information as effectively as possible. That may include reselling it to advertisers or other third parties, or using user-supplied content and personal information to draw visitors to the site. For this reason, it is critical for the company to retain the greatest possible freedom to use the information in whatever way it chooses. The company's interests in this respect may run directly counter to the interests of users in managing disclosure of their own information.

Social networking sites such as Facebook, as the name implies, are based on a network of connections between people. The complex information-sharing model used by Facebook means that information may "spread" in ways that users do not anticipate. A user who elects not to "friend" her mother because she does not want to reveal personal information may inadvertently disclose her secrets by marking them as visible to "friends of friends" and then "friending" a near relative who has in turn "friended" her mother.

Even users who pay close attention to the potential risks may find their information disclosed by

106 Nicholas Carlson, "Well, These New Zuckerberg IMs Won't Help Facebook Privacy Problems" *Business Insider* 13 May 2010 www.businessinsider.com/well-these-new-zuckerberg-ims-wont-help-facebooks-privacy-problems-2010-5

107 Charles Arthur "Google Buzz's Open Approach Leads to Stalking Threat" (*Technology Blog: The Guardian*, 12 February 2010) www.guardian.co.uk/technology/blog/2010/feb/12/google-buzz-stalker-privacy-problems

108 Harriet Jacobs "Fuck You, Google" *Fugitivus*, 11 February 2010 fugitivus.wordpress.com/2010/02/11/fuck-you-google

109 Alexis Madrigal "The Inside Story of How Facebook Responded to Tunisian Hacks" *The Atlantic* 24 January 2011 www.theatlantic.com/technology/archive/2011/01/the-inside-story-of-how-facebook-responded-to-tunisian-hacks/70044

110 William Glaberson "Abuse Suspects, Your Calls Are Taped. Speak Up" *The New York Times* 25 February 2011 www.nytimes.com/2011/02/26/nyregion/26tapes.html

111 Madrigal "The Inside Story"

112 Jenna Wortham "Facebook Won't Budge on Breastfeeding" *The New York Times* 2 January 2009 bits.blogs.nytimes.com/2009/01/02/breastfeeding-facebook-photos

113 Tom Zeller Jr. "A Sinister Web Entraps Victims of Cyberstalkers" *The New York Times* 17 April 2006 www.nytimes.com/2006/04/17/technology/17stalk.html

others. A Facebook user might "tag" a photograph to identify the people shown in it, not all of whom would necessarily have agreed to have their information aggregated and distributed by Facebook. A savvy Facebook user who chooses not to run apps (small interactive programs) on the platform, knowing that this gives the app creator access to personal information, may find that some of their information is disclosed anyway because a friend has chosen to run the app. Some social platforms invite new users to upload their email address book so that the platform can send out invitations to connect to all their friends. This convenience feature can expose real-world relationships that one or both parties might prefer to conceal.

Effectively managing personal information available through the internet requires constant vigilance as well as a detailed knowledge of the minutiae of the different platforms used. The criteria used to determine when information will or will not be revealed are often obscure. They may even constitute a moving target; we have seen how Facebook has continuously changed its own terms of service, always in the direction of greater disclosure. An analysis of the effect of these changes by the Electronic Frontier Foundation (EFF)[114] summarises the effect of the changes by saying, "This allows far more people than ever before to see this information, regardless of whether you want them to."

Using a given platform is conditional on agreeing to the terms of service, which typically grant the company extensive rights to make use of the information provided by users. Some features of the platform may extend this still further. For example, users who wish to share certain information on Facebook are obliged to use the Connections application, which overrides the user's previously chosen settings. Facebook Connections are shared with everyone, including people not on Facebook, no matter what the user's previous settings were. EFF[115] explains that the end user can no longer restrict the use of this information, saying, "The new privacy controls only affect your information's 'Visibility,' not whether it is 'publicly available'." Facebook's policy statement says, "Such information may, for example, be accessed by everyone on the internet (including people not logged into Facebook), be indexed by third party search engines, and be imported, exported, distributed, and redistributed by us and others without privacy limitations."

Even leaving the service does not guarantee that information will be removed. Facebook stores Connections even after they have been deleted by the user. This is retention and storage and archiving of significant information, and Facebook has put this information to use: EFF[116] described receiving reports that "Facebook continues to use deleted profile information to help people find you through Facebook's search engine." Connections may also be created inadvertently, through the use of Facebook's "Like" button, or be triggered by the use of terms, names and other items. With Facebook making surreptitious Connections in ways not under the control of the user, the scope for spreading information grows further still. The EFF warns, "Your posts may show up on a Connection page even if you do not opt in to the Connection." [117]

Once again, control over information has been taken out of the hands of the individual user. We do not choose what we disclose about ourselves: other people or corporations make the choice for us and our ability to prevent it may be partial or entirely non-existent. The US lacks strong personal privacy laws to constrain what companies may or may not do with the information that they collect about us. For the moment, corporations – not just Facebook and other players in the social networking space, but also advertising companies such as Doubleclick and even internet service providers – have more or less free rein to make use of the information that they collect. Without a strong legal framework, their use of this information is subject only to privacy policies that they design to serve their own interests, which are by no means guaranteed to match ours.

In our discussion of access to information, we showed how decisions determining access to information were made not by individuals, but by corporations, committees or interested third parties. The same pattern applies in the case of other people's access to information about us. While many people might be willing to accept that others may decide what information certain groups (such as young people or library users) should be able to access, should we be so ready to accept that we do not and cannot control our own personal information? This presents an opportunity for further research, research that is quite urgent in a time when common behaviours including sexting and online activity could lead to youth being registered as sex offenders. As user-generated content can be analysed and repurposed for corporate intentions, representing a loss of control of content including pictures and textual information, these gaps in control of one's information may

114 Kurt Opsahl "Six Things You Need to Know about Facebook Connections" *Electronic Frontier Foundation* 4 May 2010 www.eff.org/deeplinks/2010/05/things-you-need-know-about-facebook

115 Ibid.

116 Ibid.

117 Ibid.

call attention to youth practices that may be common but also jeopardise youth because of this risk. For example, if mobile phone and social networking site contents are used to document interactions between someone who has recently turned eighteen years old and someone who has not yet reached the age of majority, this could be used in ways that were not intended with the creation of sex offender registries, which were created out of concern for intergenerational activity.

Conclusion

During the time since the EROTICS project was announced, the US and global economies have contracted. Greater numbers of people are now dependent on shared access to the internet through public libraries. These "new library internet users" may be people whose familiarity with information technology is limited for reasons related to age, level of education, economic status or other factors. They do not have the same facility as younger users at avoiding the roadblocks placed in their way in the form of electronic filters and other access restrictions.

The potential for creating a "digital divide" is considerable. On the one hand, there are people who control their own internet access and enjoy essentially unrestricted access to information. On the other, there are those who are dependent on others and whose access is limited by technical solutions set in place in response to vaguely worded legislation proposed in the name of protecting children. For these electronically disenfranchised users, there is the risk that reduced access to information will deepen their marginalisation and make it harder for them to keep pace with people fortunate enough to enjoy unhindered access.

Unfortunately, our study has revealed that the situation with respect to access to information is arbitrary and confusing. It is difficult to say with certainty what information will or will not be available at any given location. The factors that influence access are obscure, and those responsible for making decisions are hard to identify and often unaccountable for the choices that they make.

We have seen in this paper that control over access to information is not necessarily in the hands of the individual. Instead, it may be determined by others – library committees, software developers, interest groups and other third parties. In the same way, the information that we reveal about ourselves may also be controlled by others, in this case large corporations whose interests in the management of our personal information may be in direct conflict with our own wishes.

These are, or should be, issues of concern for everyone. The benefits that the internet can bring are considerable, but those benefits can be outweighed by issues of uncertainty, unequal access and loss of control. By conducting our survey and by discussing some of the issues in this paper, we hope to have shed some light on the issues and provided a basis for further discussion.

Acknowledgments

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