

ISSN 17590043

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

Volume 22, 2023



www.britsoccrim.org



British Society of Criminology
PO Box 501, The Nexus Building
Broadway
Letchworth Garden City
Hertfordshire
SG6 9BL

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

2023 Conference (27 – 30 June 2023)

Sustaining Futures: Remaking Criminology in an age of Global Injustice
Hosted by the University of Central Lancashire.

Editorial Board

Marian Duggan (Editor)

*PGR co-editors: Anda Solea, Natalie Quinn Walker, Lily Graham, and
Chloe Butler*

Steven Rawlings

With grateful thanks to all our anonymous peer reviewers.

Published annually and available free online at www.britsoccrim.org

© the authors and the British Society of Criminology

Vol. 22

ISSN 1759-0043

Disclaimer: This publication is made available on the understanding that the publisher, editors and authors will not accept any legal responsibility for any errors or omissions (express or implied) that it may contain. The views and opinions expressed are those of the authors and do not necessarily reflect those of the British Society of Criminology.

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

Volume 22, 2023

Contents

Editorial

<i>Marian Duggan</i>	5
----------------------------	---

Panel Papers

Taking on the World: Tackling Gender-Based Violence in the Online Space

<i>Susan Watson</i>	8
---------------------------	---

Necropolitics and Necroresistance: A Qualitative Research with Gypsy, Traveller and Roma Communities during the COVID-19 Pandemic

<i>Rachel Stuart, Pippa Grenfell, Alicia Renedo, Catherine R. McGowan, Charlotte Kühlbrandt, Sam Miles, Cicely Marston</i>	24
--	----

Hate Crimes as Crimes against Dignity

<i>Jen Neller</i>	39
-------------------------	----

Postgraduate Papers

Situating OnlyFans within Wider Landscapes of Pornography

<i>Laura Polley</i>	54
---------------------------	----

Mass Shootings: Defining by Numbers and the Implications for Policy

<i>Sarah Watson, Peter Squires, Helen Poole, James Treadwell</i>	68
--	----

Zemiology in the Age of Surveillance Capitalism: toward an understanding of the Ultra-Fast Fashion industry

<i>Jessica Rose Elias</i>	83
---------------------------------	----

Behind the Scenes of Migrant Smuggling: Qualitative Insights from Indian Smugglers

<i>Manikandan Soundararajan, Siva T, R Rameshkannan, Ajith V B, James Treadwell</i>	95
---	----

Under AI Watch: Understanding Online Behaviors under Supposed AI-Surveillance <i>Yasmine Ezzeddine and Petra Saskia Bayerl</i>	110
BSC 2024 conference information.....	128
BSC Online Journal 2024 information.....	129

Papers from the British Criminology Conference

© the author and the British Society of Criminology

www.britsoccrim.org

ISSN 17759-0043; Vol 22

Editorial

Editorial

Marian Duggan

The theme of the BSC's 2023 conference was *Sustaining Futures: Remaking Criminology in an age of Global Injustice*. From 27 to 30 June, the University of Central Lancashire hosted hundreds of international delegates at its Preston campus. From postgraduate papers through to panels and plenaries, speakers explored topical debates relating to justice, globalisation, and the future of criminology. Stream themes included understanding transforming stop and search; desistance and compliance; crimes of the powerful; decoding racism and coloniality in contemporary penalty; criminological interpretations of public inquiries; and zemiology: law, justice and resistance. The 2023 BSC Outstanding Achievement Award was presented to Professor Loriane Gelsthorpe, Emeritus Professor of Criminology and Criminal Justice at the Institute of Criminology, University of Cambridge. Other conference keynote speakers included Paul Stretesky on green criminology and sustainability and Denise Wilson on women living under state violence. Two of the plenaries were panel-based, one exploring systems of oppression and abolitionist perspectives, and the other reflecting on the sustainability of criminology. We were also treated to a wonderfully moving theatre performance by Certain Curtain Company powerfully showcasing the realities of domestic abuse.

The journal is divided into two parts this year: panel and postgraduate papers. The panel section contains three papers presented as part of the main conference. Susan Watson's timely paper explores the dynamics of gender-based violence in online spaces. She demonstrates that while there is support for regulation of social media platforms to protect women from technology-facilitated gendered violence at the grassroots, it remains unclear how legislation such as the recently enacted Online Safety Act 2023 will operate in practice to protect women from abuse. Rachel Stuart and colleagues explore the impact of COVID-19 on exacerbating harms against members of Gypsy, Traveller and Roma communities, while demonstrating the importance of social and familial bonds to ensure the most socially excluded community members were still able to access information and support. Finally, Jen Neller explores the concept of hate crime through a framework of dignity violation, arguing that hate

crime laws should sit apart from punitive ideologies and instead work alongside strategies aimed at reducing and ameliorating hatred and prejudice more effectively.

The second set of papers are from members of our BSC postgraduate researcher (PGR) community, as a way of sustaining the future of criminology is through investing in our PGRs. The early postgraduate part of the conference was well attended, with a full house for the 'Publishing' workshop session. During my facilitation of this session, I invited PGRs to assist with the production of this year's Online Journal. I'm delighted that four excellent PGRs – Anda Solea, Natalie Quinn Walker, Lily Graham, and Chloe Butler – took me up on this offer and became part of the editorial team for this edition. Here, Anda, Natalie and Lily reflect on the experience:

Co-editing this year's BSC Online Journal was a highly rewarding experience for me. As an early career researcher, I was previously unfamiliar with the process of journal editing and publication, and this opportunity has been truly enlightening. I enjoyed being able to read remarkable emerging research within my field and collaborate with my fellow postgraduate researchers in assembling the journal. I wholeheartedly recommend this experience to all postgraduate researchers!

Anda Solea

I've had the opportunity to support and work on the online journal, and it has been an insightful experience. The opportunity assisted in my knowledge of the critical thinking and analysis of reviewers. This prompted me to recognise some areas within my research I needed to restructure or reframe for future publication. It provided me with further insight in terms of the publishing industry. I have previous publications which are public health-focused, but my research has shifted to a criminology focus. Therefore, I have had the opportunity to see the different recommendations that are prompted. As well as this, I've been able to widen my knowledge on a variety of diverse criminology fields and a number of these fields. I have no previous knowledge of and it's prompted me to do additional reading on areas such as Zemiology. As noted, a number of the articles that are explored in the journal I've been able to have the opportunity to recognise the implications of different types of research within criminology, which had not previously considered.

Natalie Quinn Walker

After a break from academia, coming back into a full-time PhD felt like a new world. A common phrase I kept hearing was the process of a 'peer review' system. Notably, I heard that it was a difficult yet often rewarding process. As someone who has not submitted work to an academic journal and has spent some time away from academia, I wanted to refresh my knowledge and get to grips with this system. Therefore, the opportunity to support with the Online Journal was perfect in allowing me a behind the scenes role. After being allocated the two articles I was interested in, the first task was to recruit peer reviewers. I found, as a postgraduate student, this process was useful as it benefitted my understanding and knowledge of key academics within the field. It also supported with tackling the familiar

'imposter syndrome' by allowing me to communicate with a diverse set of academics holding various roles and titles.

After recruiting peer reviewers, they submitted their feedback to myself, and I then synthesised this to return to the author. It was valuable to see the kinds of comments reviewers provided, especially as many of them drew on their own research and concepts to support this feedback. It was further insightful to see how authors responded to feedback and how their contributions changed to reflect this. As a first year PhD student in the midst of my literature review, I found that it helped me to think critically and anticipate potential comments. It was really rewarding to see how the peer review process worked. Participating in the work provided me with the confidence to submit a short piece for the PGR Newsletter and to feel ready to respond to feedback from the editor.

Lily Graham

There are five submissions in the postgraduate section of the journal. We begin with Laura Polley's paper exploring the evolution of OnlyFans and its positioning in relation to wider pornography landscapes, suggesting that this new medium may not be the game-changer for the pornography industry that media discourses present it to be. Next is Sarah Watson and colleagues examining the phenomenon of mass shootings and the policy implications of variable determinations followed by Jessica Rose Elias who adopts a zemiological approach in addressing the range of harms inherent in the ultra-fast fashion industry. Manikandan Soundararajan and colleagues demonstrate the complex dynamics of travel agents' evolution to become involved in migrant smuggling in India, and finally Yasmine Ezzeddine and Petra Saskia Bayerl examine the impact of artificial intelligence on people's behaviours while online.

All submissions to the online journal went through rigorous peer review, with those deemed suitable for publication included in this year's edition. Our thanks to the reviewers for their careful engagement with submissions and helpful suggestions for improvement, and to all who submitted pieces for consideration. As ever, the timeline for the journal is short and its production would not be possible without the support of all involved, so thanks go to my BSC PGR co-editors for their assistance with getting the journal ready in time.

The 2024 BSC conference takes place from 10 to 12 July at Strathclyde University. The theme is: *Criminology in Times of Transition*. If you're planning to present at the conference, then please see the information provided about submitting your paper for consideration in the 2024 Online Journal.

Marian Duggan, University of Kent, December 2023

Taking on the World: Tackling Gender-Based Violence in the Online Space

Susan Watson¹

Abstract

Gendered online abuse communicated via social networking sites is a global issue. This study investigates the online abuse received by women serving in academia, journalism, policing, and politics in the UK, USA and EU. It reveals that online abuse consists of seven elements: defamation, emotional harm, harassment, threat, belittlement, silencing, and criticism of appearance. Online abuse is misogynistic, frequently includes violent threats, and dismisses women's contributions to online discussions. The study also reveals that the abuse directed at women varies by occupation, with police officers most likely to receive abuse that denigrates their ability or appearance; politicians and journalists more likely to receive violent threats, and academics receiving both. The paper concludes by setting this empirical investigation in its wider context, with an overview of the regulatory and legislative response to online abuse across the globe.

Key words: Online abuse; technology facilitated gendered violence; misogyny; public sphere; social media.

Introduction

Gendered online abuse communicated via social networking sites (SNS) has increased substantially over the past 20 years (Vera-Gray, 2017). However, there has been scant

¹ Susan Watson is Lecturer in Criminal Justice and Social Policy in the School for Business and Society at the University of York. Her current research focus is on the role of online abuse in gender-based violence, investigating the impact of abusive behaviour executed via new technology.

examination of this form of cybercrime, particularly in the UK context, with a dearth in robust investigation of the online abuse of women that occurs in the public sphere. The huge changes in communication brought about by the assimilation of SNS into everyday life provides the means for members of the public to interact directly with individuals working in public facing occupations, including academics, journalists, police officers, and politicians. There are numerous studies that confirm the centrality of online communication mechanisms to the contemporary operation of the public sphere (e.g. Mellado and Hermida, 2021; Terren and Borge-Bravo, 2021; Shirky, 2011). However, whilst it is true that SNS have provided a mechanism for the public to communicate with those working in the public sphere; whilst also offering feminist and other campaigning groups an effective platform from which to develop and publicise their work (Micalizzi, 2021; Banet-Weiser, 2018; Weathers et al., 2016), this openness has come at a substantial cost, in the shape of online abuse.

Online abuse encompasses a range of behaviours that targets strangers on the internet for harassment (Todd, 2017) – behaviour which is almost always gendered (Jane, 2014). For whilst men working in the public sphere may also experience abuse when interacting in the online space (e.g. Bardall, 2011; Binns, 2017; Veletsianos, 2016), they do not do so because they are men (Mantilla, 2015).

This research has discovered that gendered online abuse frequently consists of seven elements, which appear in whole or in part, within every abusive encounter. These elements are defamation, emotional harm, harassment, threat, belittlement, silencing, and criticism of appearance. This study further demonstrates that the online abuse directed at women is misogynistic, frequently includes violent threats, and dismisses women's contributions to online discussions. The research also reveals that the abuse directed at women varies by occupation, with police officers most likely to receive abuse that denigrates their ability or appearance; politicians and journalists more likely to receive violent threats, and academics receiving abuse of all types. When viewed together, these seven elements provide a representation of and explanation for the online abuse directed at women in public facing occupations.

The behaviour outlined here has malign emotional, financial, physical, and professional impacts. The often-criminal nature of these communications brings online abuse within the realm of cybercrime and gender-based violence, although as will be illustrated, this categorization has frequently failed to be reflected in the development of policy, with the very real risks faced by women on a daily basis (Lumsden and Morgan, 2017) routinely ignored.

This paper will discuss the results of a study into the online abuse of women working in public facing occupations, placing this empirical investigation within a wider evaluation of the legislative and regulatory responses to online gendered violence. This paper further reveals the extent of offences occurring beyond jurisdictional borders from technologies that are constantly evolving, and contemplates the myriad challenges that this presents.

Background

The huge changes in communication brought about by the assimilation of SNS into everyday life provides the means for the public to interact directly with representatives across the public sphere, offering the potential to make it more responsive to grassroots concerns (Dey, 2020). Furthermore, a key benefit frequently proposed for the widespread use of social media platforms across the public sphere is the opportunity it provides to bring opinion formers and members of the public together. It has been argued that the expansion of technology extends traditional notions of the public sphere and strengthens the concept that there is a space between society and the state where the public can organise, and opinion can be formed (Barker and Jane, 2016).

Just as the internet was hailed as offering the opportunity “for the sharing of multiple views and public opinions” (Harel et al., 2020: 2), it was similarly posited that the growth in online platforms would provide a mechanism to advance women’s equality, with the internet “hailed as a place where offline prejudices and abuse could be negated and destroyed” (Poland, 2016: 159). The reality is rather less egalitarian, with research confirming an online perpetuation of traditional (offline) gendered differences in engagement. Men remain more politically active online than women, a difference resulting from an enduring gendered inequality in resources that the internet has failed to overcome (Ahmed and Madrid-Morales, 2021). Whilst it is true that SNS have offered feminist and other campaigning groups a platform, this has come at a substantial cost, in the shape of online abuse. There is an emerging body of research evidencing the phenomenon of online abuse in public facing occupations (e.g. Gorrell et al., 2020; Krook, 2020; Pathé et al., 2014). This work often shows that abuse is causing women to withdraw entirely from the public arena (Yelin and Clancy, 2021; Watson, 2019; Lewis et al., 2017), the opposite of what was intended.

The academic investigation of online abuse as a form of gendered violence has predominantly considered its occurrence in the domestic realm. Work by Southworth et al. (2007) provides early evidence of the use of technology in relation to stalking. This early scholarship was

bolstered in 2015 by the UN, which added hacking, impersonation and harassment to the catalogue of nefarious online activity (United Nations Broadband Commission for Digital Development Working Group on Broadband and Gender, 2015). Understanding of the ways technology is used to abuse women online was further developed by Henry and Powell's definition of "technology facilitated sexual violence" (Henry and Powell, 2015: 105), which identified different activities that encompass the malign creation and distribution of sexual imagery within broader themes of violence, harassment and structural misogyny. Nevertheless, there has been little academic consideration of the nature and impact of gendered online abuse directed at women in the course of their work, a gap which this research aims to fill.

Methods

The aim of this study was to investigate the extent to which SNS have perpetuated a permissive climate towards gender-based violence, and to explore the wider impact that such online abuse has. The objective of the research was to gather a range of evidence in order to make recommendations to address the problems arising from online abuse, which could be implemented across the public sphere. The aims and objectives of the research were operationalized as two research questions:

1. How are women in public facing occupations targeted online?
2. What effect does online abuse have on interactions with the digital world?

In order to answer the research questions, fifty semi-structured interviews were held with women employed across academia, journalism, policing and politics in the UK, the EU and the USA. A comprehensive review of the literature, combining a traditional thematic approach and an interdisciplinary scoping review was also undertaken. Ethical approval for this research was granted by the University of York in September 2019, following which recruitment of interviewees occurred via Twitter. Once initial participants were recruited, snowball sampling was used to recruit further interviewees (Sturgis, 2016). All participants were active online. The adoption of a semi-structured interview format enabled a wide-ranging discussion to take place with each participant (Aberbach and Rockman, 2002), and interviews lasting between 60 and 90 minutes took place between January and June 2020.

Reflexive thematic analysis (Braun and Clarke, 2019) was adopted as the analytical framework, driven by the social justice motivations of the researcher, and the desired prominence of participants' voices. It was also important to adopt an analytical approach that

was both iterative and flexible, and which situated the researcher as a “storyteller” (Braun et al., 2019: 844) entrusted with participants’ experiences. Braun and Clarke’s (2006: 87) “six phases of analysis” provided a framework for this process, as illustrated in Table 1.

Phase	Description
1. Data familiarisation	Reading and re-reading transcripts noting initial ideas.
2. Generating codes	Coding relevant features of the data, collating data relevant to each code.
3. Constructing themes	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes	Confirming that the themes answer the research questions without obvious gaps.
5. Defining themes – linking themes to research questions	
6. Producing the report	Final analysis and selection of vivid, compelling extract examples.

Table 1: Phases of thematic analysis (Source: Braun and Clarke, 2006: 87)

This research adopts an explicitly feminist perspective, focusing solely on the online experiences of women, with a robust rationale for excluding men. Women’s online experiences are overwhelmingly underpinned by misogyny and gendered discrimination (Poland, 2016), and there is a clear link between online abuse, gender-based violence (Salter, 2017), and the misogynistic aim to silence women’s contributions in the public sphere (Mantilla, 2015). The gendered characteristics of the online abuse received by women means that to include men in this sample would risk creating a “false symmetry between men’s and women’s experiences” (Krook, 2020: 107).

Findings

Analysis of the interview data confirmed that receiving online abuse is a common occurrence for women serving at all levels of public life. All the women interviewed for this study had received pernicious communication, the overwhelming majority of which was perceived by recipients to be gendered. The research revealed that online abuse differs by occupation, with politicians and journalists most likely to receive physical and sexualized threats, and police officers more likely to be the subject of negative comments regarding their appearance, competence, or integrity. Women academics appeared to receive abuse of both kinds. Such

communication was regarded as hugely damaging. The scale of abuse, when coupled with its impact, is dangerous at a number of levels. For individuals, it causes a degree of emotional harm that has been linked to suicidality, post-traumatic stress disorder and social isolation (Rothman et al., 2023), with women frequently recounting that being exposed to online abuse has a deleterious effect:

I got to the point where I was genuinely fearful about going on the train, fearful of walking my dog, fearful of going to events... social media had made me feel unwanted in my home, it made me feel that I couldn't go to the pub because I didn't know who was sitting at the table next to me. I didn't want to go anywhere on my own. [Phyllis, Member of Parliament until December 2019]

There was about three months where I didn't go to the constituency on my own at all. I was too nervous about staying overnight in the house. [Beth, Member of Parliament until December 2019]

The episodes recounted here confirm the findings of both Sambasivan et al. (2019) and Chen et al. (2022), which discusses the damage wreaked by gendered violence in the online space. Abuse is also damaging at an institutional level, as women leave their professions in response to the abuse. This was illustrated in the number of women MPs who left politics at the last General Election (Watson, 2019). Moreover, it is not an exaggeration to describe online abuse as a potential threat to democracy (Majó-Vázquez et al., 2021), as it may stop women from choosing to take on positions of power and responsibility and acting confidently within them.

Analysis of the data and related literature led to the identification of six elements that are common features of the abuse directed at women in the public sphere. These six elements are emotional harm (Dragiewicz et al., 2018); harassment (Bailey and Burkell, 2021); threat (McGlynn and Rackley, 2017; Jane, 2014); belittling (Camp, 2018); silencing (Galpin, 2022); and criticism of appearance (Backe et al., 2018). In addition, analysis of the empirical data collected for this study uncovered a seventh element of online abuse not common in existing literature: defamation. This research has found that women were also subjected to abuse that denigrated their professional reputation.

In a typical example of the defamatory attacks on women's professional standing, an academic spoke of the unexpected consequence of winning a large research grant:

Yeah, I got some criticism saying ... wow what a horrible use of money, or suggesting that I would use the money irresponsibly. [Eileen, Academic at a European university]

The empirical evidence discussed here confirms that the harm caused by gendered violence frequently transcends the assumptions made by law enforcement and other agencies (Fernández-Fontelo et al., 2019), particularly in the online space (Jane, 2014). Of the seven factors outlined in this paper, emotional harm is the most common form of online abuse, having a huge impact on individual wellbeing:

I don't know anyone who's trying to do socio-political activism who's not utterly worn down... like ground down to a paste from having to deal either from active abuse or the fear of abuse and having to sort of tie themselves into knots and take elaborate measures to avoid it. [Sophie, Academic and Journalist, USA]

Furthermore, women found their professional abilities under constant scrutiny, feeling that there was a deliberate attempt to undermine them:

You know nothing, you're just a daft lassie who couldn't hack it in politics... [Julia, Politician in Scotland]

Julia provides a striking example of the online abuse she received. It is worth noting that this example of online abuse contains no obscenities, or any other overtly discriminatory tropes that can be identified as abuse by either text filters or human moderators. Nevertheless, this type of malign communication has a clear purpose, namely, to undermine public confidence in women tasked with making important decisions, and consequently it can be hugely damaging.

The accounts of online harassment provided here reveal systematic campaigns of intimidation targeted at different individuals, which is frequently perpetrated by one person or group (Edström, 2016). Whilst equally responsible for causing emotional harm, harassment is nevertheless subtly different. The harassment described here fits within Walklate's (1995) typology of sexual harassment: a form of violence that is precipitated by gender and occurs within public gaze:

Hordes of men, sometimes thousands, coordinate with each other on various online forums and come together to attack a woman. [Tiprat, Academic based in the USA]

Another characteristic of the online abuse that participants shared was physical threats –most commonly directed at politicians – strengthening the work of Backe et al. (2018) and echoing the findings of Krook (2020):

I had someone post a picture of a gallows with somebody hanging and my name next to it; tweets with guns ... and one person was trying to find out where I lived... it's just absolutely horrendous. [Loretta, Member of Parliament]

As Galpin and Vernon (2023) have found, many of these threats were sexualised:

Much of the abuse I get is very, very graphic ... descriptions of how people would harm and rape me. Going into really specific details, as if they'd really thought about it. [Peggy, Member of Parliament]

Threats emanating online were often perceived to present a risk in the physical space, as Peggy explained:

I can't get on public transport on my own anymore. The risk assessment of my security is that I am meant to travel in a car or travel in with people. I'm not meant to be on my own. [Peggy, Member of Parliament]

Such security restrictions increase the gap between politicians and the public, creating a vicious circle that contributes to political populism (Ceron, 2017). This study also demonstrates that a significant amount of online abuse focuses on physical characteristics. The literature recognises that a focus on appearance is often central to the abuse that women receive (e.g. Watson, 2022), as a consequence of sexism and wider misogyny (Jennings and Coker, 2020), and the dominance of physical characteristics as a focus for abuse is further corroborated here.

It's just an obsession with commentating on how you look all the time. I've had a group of trolls who became really obsessed with my front teeth.

Every time I post anything, they did a zoom in of my teeth and commented on them. It was really quite bizarre. [Sarah, Senior Police Officer]

Another consequence of online abuse evidenced by this study is the silencing of women working in public facing occupations. The act of silencing online can take a variety of forms. These methods are overt and unmistakable:

Because I have an opinion, he's trying to shut me up. But what happened was, in that panic, you feel helpless, you know? His motivation [for the abuse] was to silence me, to scare me, to say that you're weak. [Kerry, Local Councillor]

However, sometimes the bid to silence is more implicit, with the pressure exerted on an individual to moderate their contribution in the online space:

I think the structural impact is similar to the ways that women have been silenced throughout history. It creates an effect where women are more afraid to speak out, more afraid to put their necks out, more afraid to give opinions, more afraid to occupy political office or positions of authority. [Tiprat, Academic based in the USA]

The evidence provided here confirms previous work (e.g. Mantilla, 2015) demonstrating how the attempt to silence is integral to the misogyny that underpins online abuse. Silencing operates in a more insidious manner than other forms of online abuse, coercing women to silence themselves by leaving the online space. This silencing is multi-faceted, and can be overt or implicit. When viewed collectively, the silencing of women has a greater consequence than removing the voices of influential women from the online space.

Despite the multifarious malign effects discussed here, there remain huge benefits from maintaining an online presence. The evidence identifies three key benefits of online interaction as a facet of work in public facing occupations: its value as a communication tool, the importance of having and maintaining a voice in the online space, and opportunities for mutual support, especially from other women. The benefits of using online tools to communicate are multiple, but at the most basic level include the opportunity to interact directly with the public, beyond the confines of traditional media (Coleman, 2005); and to measure public opinion far more quickly (Soontjens, 2021).

This research further confirms that women routinely find support and encouragement online (Hodson et al., 2018; De Kimpe et al., 2020). Women create their own coping strategies for dealing with malign communication by forming alliances with others:

When I see women are receiving some sort of negativity, I always chip in with a positive comment ... and you can see other people doing that as well. [Smita, Local Councillor]

By viewing online abuse through the seven lenses of defamation, emotional harm, harassment, appearance, belittling / undermining, silencing, and threat, the scale of the situation faced by women working in public facing occupations is quantified. Adopting these lenses also enables the divergence in the types of abuse sent to women holding different positions within the public sector to be more readily identified.

Discussion

Much of the abuse catalogued here surpassed geographical borders, and participants shared examples of abuse that they had received from perpetrators who were based in different countries:

"It's not just abuse, it's harassment because it's thousands of messages from all over the world." [Peggy, Member of Parliament]

"On certain topics, people pile on from around the world... something you posted ages ago gets picked up by one very influential person on Twitter and suddenly all their followers are piling on and there's nothing you can do. I was threatened by somebody in America. It was impossible for the police to do anything about it." [Linda, UK-based journalist]

The international nature of the promulgation of abuse has important consequences for the policing of online abuse and technology facilitated gendered violence, as police officers are frequently unable or unwilling to investigate cases that occur beyond their jurisdictional boundaries. This highlights the inadequacy of a policing and judicial system that was founded in the 19th Century (Newburn, 2017) dealing with offences that are born out of technological advancements that have occurred in the 21st Century. Consequently, the legislative and regulatory response to this form of cybercrime has been sporadic and piecemeal (McGlynn and Rackley, 2017).

In England and Wales, there remains no unified response to addressing gendered violence perpetrated online. A pertinent example is provided by the Domestic Abuse Act, which became law in April 2021 (Legislation.gov.uk, 2021), and which contains no mention of either technology facilitated sexual violence (Henry and Powell, 2015), or technology facilitated coercive control (Dragiewicz et al., 2018). The Online Safety Act, proposed in 2017, only became law in October 2023 (Legislation.gov.uk, 2023). In the six years that it took for the legislation to make its way through Parliament it was heavily diluted, with successive Prime Ministers and Culture Secretaries removing aspects of the original legislation (Elgot, 2022). The Act is now predominantly focused on protecting children, with the original plans to protect adults, such as the proposal to impose criminal sanctions on senior executives whose platforms enabled misogynistic abuse, disappearing completely. The new Online Safety Act will only address existing illegal harms, and makes minimal mention of violence against women (Glitch, 2023). Indeed, it appears that the UK has gone from seeking to be the “safest place in the world to be online” (DCMS, 2017:1), to being overtaken in this aim by numerous other countries.

In contrast, the Digital Services Act, which was passed by the European Parliament in July 2022 (Mazúr and Grambliková, 2023), will bring comprehensive regulation of digital platforms into law across all Member States on 1 January 2024. The Digital Services Act promises to provide a “uniform level of protection throughout the Union” (Turillazzi et al., 2023: 86) involving the regulation of content and strict rules for social media companies to follow, underpinned by a system of fines. It is not only in the EU that regulatory and legislative activity of SNS is occurring. In 2019, the Kenyan government appointed a Data Protection Commissioner to enforce strict data governance regulations. According to Amnesty International, this legislation, which includes strict rules on the activities of social media companies, places Kenya ahead of both Europe and the USA in terms of data governance (Houghton, 2023). Over the past two years, both Australia and New Zealand have sought to strengthen regulations around the use of the online space. In 2021, the Australian Online Safety Act introduced a number of safeguards designed to improve online safety. In contrast to the UK’s Online Safety Act, this legislation tackles adult cyber abuse, with specific provisions outlawing technology-facilitated gendered violence against adult women (Gizzo et al., 2022). Meanwhile, in New Zealand, the government is currently undertaking a public consultation in order to review all existing laws around media platforms, in order to provide safer online services – including specific reference to outlawing misogynistic hate speech that occurs online (New Zealand Department of Internal Affairs, 2023).

Despite the support for the regulation of the online space expressed in this study, the issue remains highly contested. Many concerns are based around issues of freedom of speech, particularly in the USA (Mantilla, 2015). Furthermore, there is a concern that the introduction of regulation could lead to greater surveillance from both corporate and state bodies (Duffy and Chan, 2019). This has led to a wider discussion about the potentially malign consequences of online engagement on individuals' privacy (Marwick and Hargittai, 2018), personal information, and wider freedoms (Trottier, 2015). In addition to these ideological concerns is the practical challenge of how global platforms that are owned by private corporations, can be effectively regulated, and policed by individual nation states (Yar and Steinmetz, 2019). This dilemma has arguably led to the fragmented regulatory response (Phillips, 2009) outlined here.

Whilst libertarians insist that the internet remain a bastion of freedom (Wessels, 2010), the reality is more complicated. There is an argument that suggests that the way that online platforms are operating is in itself in opposition to freedom of speech (Poland, 2016). This opinion posits that, rather than viewing online platforms as a medium designed to extend freedom on the internet, social media companies can instead be viewed as a central point of control, acting as "intermediaries [that are] providing citizens with access to the digital public sphere" (DeNardis and Hackl, 2015: 761). Furthermore, the predominance of wealthy white men leading social media companies (Suzor et al., 2019), their location and focus on a North American audience (ibid.) means that only some voices are being heard. Analysis of the accounts suspended by Twitter for infringing their terms and conditions in three national elections that were held in France, Germany, and the UK in 2017 (Majó-Vázquez et al., 2021) showed that it was only those from the most extreme ends of the political spectrum that were sanctioned, and that action was overwhelmingly focused on accounts that were believed to be spreading misinformation, rather than personally abusive or violent tweets (Majó-Vázquez et al., 2021). The same study revealed that decisions regarding the suspension of social media accounts were predominantly made "unilaterally by private, for-profit companies with little accountability, oversight, or transparency" (Majó- Vázquez et al., 2021: 13). This confirms that technology is not value neutral (Murray, 2000), and that it instead magnifies issues of everyday life, absorbing and amplifying the beliefs and experiences of those responsible for its design (boyd, 2015).

Conclusion

This paper has employed both the scrutiny of a wide interdisciplinary corpus, and empirical data gathered from women working in the occupations of academia, journalism, policing and politics to identify the content and consequences of the online abuse of women serving in the public sphere. This study has shown that gendered online abuse consists of seven elements: defamation, emotional harm, harassment, threat, belittlement, silencing, and criticism of appearance. This research further demonstrates that the online abuse directed at women is misogynistic, frequently includes violent threats, and dismisses women's contributions to online discussions. This abuse varies by occupation, with police officers most likely to receive abuse that denigrates their ability or appearance; politicians and journalists more likely to receive violent threats, and academics receiving abuse of all types. The consequences of abuse are felt at an individual, organisational and structural level, having a malign impact on women's contributions to public life in multiple ways. Whilst there is support for regulation of social media platforms to protect women from technology-facilitated gendered violence at the grassroots, it remains unclear how the new regulatory regime in the UK will operate. Developments in other countries are leading to a bifurcation in approach, with some places likely to prove better locations for women to work in public facing occupations than others, with the UK and USA being rapidly overtaken.

References

- Aberbach, J. D. and Rockman, B.A. (2002). Conducting and coding elite interviews. *PS, Political Science and Politics*, 35(4), 673–676.
- Ahmed, S, and Madrid-Morales, D. (2021). 'Is it still a man's world? Social media news use & gender inequality in online political engagement. *Information, Communication and Society*, 24(3), 381–399.
- Backe, E. L., Lilleston, P. and McCleary-Sills, J. (2018). Networked individuals, gendered violence: A literature review of cyberviolence. *Violence and Gender*, 5(3), 135-146.
- Bailey, J. and Burkell, J. (2021). Tech-facilitated violence: thinking structurally and intersectionally. *Journal of Gender-Based Violence*. <https://doi.org/10.1332/239868021x16286662118554>
- Banet-Weiser, S. (2018). *Empowered: popular feminism and popular misogyny*. Duke University Press Books.
- Bardall, G. (2011). *Breaking the mould: Understanding gender and electoral violence*. IFES.
- Barker, C., and Jane, E. A. (2016). *Cultural studies: Theory and practice* (5th ed.). Sage.
- Binns, A. (2017). Fair game? Journalists' experiences of online abuse. *Journal of Applied Journalism and Media Studies*, 6(2), 183–206.
- boyd, d. (2015). What world are we building? *Everett C Parker Lecture*. Washington, DC, 20 October 2015. [Online]. Available at: <http://www.danah.org/papers/talks/2015/ParkerLecture.html> [Accessed 17 July 2020].
- Braun, V. and Clarke, V. (2019). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health*, 11(4), 589–597.
- Braun, V. and Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
- Camp, R. A. (2018). Pursuing accountability for perpetrators of intimate partner violence: The peril (and utility?) of shame. *Boston University Law Review*. *Boston University. School of Law*, 1677–1736.
- Ceron, A. (2017). *Social media and political accountability: bridging the gap between citizens and politicians*. Germany: Springer International Publishing.

- Chen, J.X., McDonald, A., Zou, Y., Tseng, E., Roundy, K.A., Tamersoy, A., Schaub, F., Ristenpart, T., and Dell, A. (2022). Trauma-Informed Computing: Towards Safer Technology Experiences for All. In Proceedings of the 2022 CHI Conference on Human Factors in Computing Systems (CHI '22). Association for Computing Machinery, New York, NY, USA, Article 544, 1–20. <https://doi.org.libproxy.york.ac.uk/10.1145/3491102.3517475>
- Coleman, S. (2005) New mediation and direct representation: reconceptualizing representation in the digital age, *New Media and Society*, 7 (2): 177–198.
- DCMS (2017). *Making Britain the safest place in the world to be online*, GOV.UK. Available at: <https://www.gov.uk/government/news/making-britain-the-safest-place-in-the-world-to-be-online> [Accessed: 12 June 2023].
- De Kimpe, L., Ponnet, K., Walrave, M., Snaphaan, T., Pauwels, L. and Hardyns, W. (2020). Help, I need somebody: Examining the antecedents of social support seeking among cybercrime victims. *Computers in Human Behavior*, 108, 106310.
- DeNardis, L. and Hackl, A. M. (2015). Internet governance by social media platforms. *Telecommunications Policy*, 39 (9): 761–770.
- Dey, S. (2020). Let there be clamor: Exploring the emergence of a new public sphere in India and use of social media as an instrument of activism. *The Journal of Communication Inquiry*, 44(1), 48–68.
- Dragiewicz, M., Burgess, J., Matamoros-Fernández, A., Salter, M., Suzor, N. P., Woodlock, D., and Harris, B. (2018). Technology facilitated coercive control: domestic violence and the competing roles of digital media platforms. *Feminist Media Studies*, 18(4), 609–625.
- Duffy, B. E. and Chan, N. K. (2019). “You never really know who’s looking”: imagined surveillance across social media platforms. *New Media and Society*, 21 (1): 119–138.
- Edström, M. (2016). The trolls disappear in the light: Swedish experiences of mediated sexualised hate speech in the aftermath of Behring Breivik. *International Journal for Crime, Justice and Social Democracy*, 5 (2): 96–106.
- Elgot, J. (2022) ‘UK minister defends U-turn over removing harmful online content’, *The Guardian*, 29 November. Available at: <https://www.theguardian.com/technology/2022/nov/29/minister-defends-u-turn-over-removing-harmful-online-content-online-safety-bill> [Accessed: 29 November 2022]
- Fernández-Fontelo A, Cabaña A, Joe H, Puig P and Moriña D. Untangling serially dependent underreported count data for gender-based violence. *Statistics in Medicine*. 2019; 38: 4404–4422. <https://doi.org/10.1002/sim.8306>
- Galpin, C. and Vernon, P. (2023) ‘Post-truth politics as discursive violence: Online abuse, the public sphere and the figure of “the expert”’, *British Journal of Politics and International Relations*, p. 13691481231202641.
- Galpin, C. (2022). At the digital margins? A theoretical examination of social media engagement using intersectional feminism. *Politics and Governance*, 10(1). <https://doi.org/10.17645/pag.v10i1.4801>
- Gizzo, C., Weinstein, L., Bolderas, K., and Rooney, S. (2022). *Australia takes the international lead in social media regulation*, *Social Media Law Bulletin*. Available at: <https://www.socialmedialawbulletin.com/2022/02/australia-takes-the-international-lead-in-social-media-regulation/> [Accessed: 21 June 2023]
- Glitch (2023). *UK Online Safety Bill*. Available at: <https://glitchcharity.co.uk/uk-online-safety-bill/> [Accessed: 28 July 2023]
- Gorrell, G., Bakir, M. E., Roberts, I., Greenwood, M. A. and Bontcheva, K. (2020). Which politicians receive abuse? Four factors illuminated in the UK General Election 2019. *EPJ Data Science*, 9(1), 18.
- Harel, T. O., Jameson, J. K. and Maoz, I. (2020). The normalization of hatred: identity, affective polarization, and dehumanization on Facebook in the context of intractable political conflict. *Social Media + Society*, 6(2), 2056305120913983, 2.
- Henry, N. and Powell, A. (2015). Beyond the ‘sext’: technology-facilitated sexual violence and harassment against adult women. *The Australian and New Zealand Journal of Criminology*, 48 (1): 104–118.
- Hodson, J., Gosse, C., Veletsianos, G. and Houlden, S. (2018). I get by with a little help from my friends: The ecological model and support for women scholars experiencing online harassment. *First Monday*, 23(8).

- Houghton, I. (2023). *Social media platforms will lose for disregarding code of practice*, Amnesty Kenya. Available at: <https://www.amnestykenya.org/social-media-platforms-will-lose-for-disregarding-code-of-practice/> [Accessed: 21 June 2023].
- Jane, E. A. (2014). 'Back to the kitchen, cunt': speaking the unspeakable about online misogyny. *Continuum*, 28(4), 558–570.
- Jennings, F. J., and Coker, C. R. (2020). 'I just don't think she has a Presidential look:' The influence of sexism on candidate image. *Information Communication and Society*, 23(9), 1353 – 1367.
- Krook, M. L. (2020). *Violence against women in politics*. Oxford University Press.
- Legislation.gov.uk. (2023). Online Safety Act 2023. Available at <https://www.legislation.gov.uk/ukpga/2023/50/contents/enacted> [Accessed 10 November 2023]
- Legislation.gov.uk (2021). Domestic Abuse Act 2021. Available at <https://www.legislation.gov.uk/ukpga/2021/17/contents> [Accessed 10 November 2023]
- Lewis, R., Rowe, M. and Wiper, C. (2017). Online abuse of feminists as an emerging form of violence against women and girls. *The British Journal of Criminology*, 57(6), 1462–81.
- Lumsden, K. and Morgan, H. (2017). Media framing of trolling and online abuse: Silencing strategies, symbolic violence, and victim blaming. *Feminist Media Studies*, 17(6), 926-940.
- Majó-Vázquez, S., Congosto, M., Nicholls, T. and Nielsen, R. K. (2021). The role of suspended accounts in political discussion on social media: Analysis of the 2017 French, UK and German elections. *Social Media and Society*, 7(3), 1-20.
- Mantilla, K. (2015). *Gender trolling: How misogyny went viral*. Praeger.
- Marwick, A. and Hargittai, E. (2018). Nothing to hide, nothing to lose? Incentives and disincentives to sharing information with institutions online. *Information, Communication and Society*, 22(12), 1697-1713.
- Mazur, J. and Grambličková, B. (2023) 'New regulatory force of cyberspace: The case of Meta's Oversight Board', *Masaryk University Journal of Law and Technology*, 17(1), pp. 3–32.
- McGlynn, C., and Rackley, E. (2017). Image-Based sexual abuse. *Oxford Journal of Legal Studies*, 37(3), 534–561.
- Mellado, C. and Hermida, A. (2021). 'The promoter, celebrity, and joker roles in journalists' social media performance', *Social Media + Society*, 7 (1) p. 2056305121990643.
- Micalizzi, A. (2021). Exploring gender and sexuality through a Twitter lens: The digital framing effect of the #fertilityday campaign by female users. *Information, Communication and Society*. 24(8), 1157–1174.
- Murray, D. E. (2000). Protean communication: the language of computer-mediated communication. *TESOL Quarterly*, 34 (3): 397-421.
- New Zealand Department of Internal Affairs (2023). *Media and online content regulation*, New Zealand Department of Internal Affairs. Available at: <https://www.dia.govt.nz/media-and-online-content-regulation> [Accessed: 21 June 2023].
- Newburn, T. (2017). *Criminology*. (3rd Edition). Abingdon: Routledge.
- Pathé, M., Phillips, J., Perdacher, E. and Heffernan, E. (2014). The harassment of Queensland Members of Parliament: A mental health concern. *Psychiatry, Psychology and Law*, 21(4), 577–84.
- Phillips, D.J. (2009). Location surveillance: embracing the patterns of our lives. In A. Chadwick and P. N. Howard (Eds.). *The Routledge handbook of internet politics*. Abingdon: Routledge.
- Poland, B. (2016). *Haters: Harassment, abuse and violence online*. Potomac Books.
- Rothman, E.F., Sheridan-Johnson, J. and Ma, P. (2023). 'Stress, suicidality, post-traumatic stress disorder, emotional distress, and social isolation among U.S. adults experiencing online abuse or harassment', *Violence and Gender*, 10 (3), 144–152.
- Salter, M. (2017). *Crime, justice and social media*. Routledge.
- Sambasivan, N., Batool, A., Ahmed, N., Matthews, T., Thomas, K., Sanely Gaytán-Lugo, L., Nemer, D., Bursztein, E., Churchill, E. and Consolvo, S. (2019). "'They Don't Leave Us Alone Anywhere We Go": Gender and Digital Abuse in South Asia', in *Proceedings of the 2019 CHI Conference on Human Factors in Computing Systems*. New York, NY, USA: Association for Computing Machinery (CHI '19), pp. 1–14.
- Shirky, C. (2011). 'The political power of social media: technology, the public sphere, and political change', *Foreign Affairs*: 28–41.

- Soontjens, K. (2021). The awareness paradox: (why) politicians overestimate citizens' awareness of parliamentary questions and party initiatives, *Representations*, 57 (1): 75–94.
- Southworth, C., Finn, J., Dawson, S., Fraser, C. and Tucker, S. (2007). Intimate partner violence, technology, and stalking. *Violence Against Women*, 13 (8): 842–856.
- Sturgis, P. (2016). *Researching Social Life*, (4th ed.). N. Gilbert and P. Stoneman (Eds.). Sage.
- Suzor, N., Dragiewicz, M., Harris, B., Gillett, R., Burgess, J., and Van Geelen, T. (2019). Human rights by design: the responsibilities of social media platforms to address gender-based violence online. *Policy and Internet*, 11 (1): 84–103.
- Terren, L. and Borge-Bravo, R. (2021). 'Echo chambers on social media: a systematic review of the literature', *Review of Communication Research*, 9, pp. 99–118.
- Todd, M. (2017). Virtual violence: cyberspace, misogyny and online abuse. In: T. Owen, W. Noble, and F. C. Speed (Eds.). *New perspectives on cybercrime*. Cham: Springer International Publishing.
- Trottier, D. (2015). Vigilantism and power users. Police and user led investigations on social media. In D. Trottier and C. Fuchs (Eds.). *Social media, politics and the state*. Abingdon: Routledge.
- Turillazzi, A., Taddeo, M., Floridi, L. and Casolari, F. (2023). 'The digital services act: an analysis of its ethical, legal, and social implications', *Law, Innovation and Technology*, 15 (1): 83–106.
- UN Broadband Commission for digital development working group on broadband and gender. (2015). *Cyber violence against women and girls: a worldwide wake-up call*. New York: United Nations.
- United Nations (1993). *Declaration on the elimination on all forms of violence against women*. New York: United Nations.
- Veletsianos, G. (2016). *Social media in academia: Networked scholars*. Routledge.
- Vera-Gray, F. (2017). 'Talk about a cunt with too much idle time': Trolling feminist research. *Feminist Review*, 115(1), 61 – 78.
- Walklate, S. (1995). *Gender and crime: an introduction*. Hemel Hempstead: Prentice Hall / Harvester Wheatsheaf.
- Watson, S. (2022). Investigating the role of social media abuse in gender-based violence: The experiences of women police officers. *Criminology and Criminal Justice: The International Journal of Policy and Practice*, 17488958221087487.
- Watson, S. (2019). Analysis shows horrifying extent of abuse sent to women MPs via Twitter. *The Conversation*, November 6. <https://theconversation.com/analysis-shows-horrifying-extent-of-abuse-sent-to-women-mps-via-twitter-126166>
- Weathers, M. R., Sanderson, J., Neal, A. and Gramlich, K. (2016). From silence to #whyistayed: Locating our stories and finding our voices. *Qualitative Research Reports in Communication*, 17(1), 60–67.
- Wessels, B. (2010). *Understanding the internet: a socio-cultural perspective*. Basingstoke: Palgrave.
- Yar, M. and Steinmetz, K. F. (2019). *Cybercrime and society*. (3rd Edition). London: Sage.
- Yelin, H. and Clancy, L. (2021). Doing impact work while female: Hate tweets, 'hot potatoes' and having 'enough of experts'. *European Journal of Women's Studies*, 28(2), 175–193.

Necropolitics and Necroresistance: A Qualitative Research with Gypsy, Traveller and Roma Communities During the COVID-19 Pandemic.

Rachel Stuart,¹ Pippa Grenfell², Alicia Renedo², Catherine R. McGowan², Charlotte Kühlbrandt², Sam Miles³, Cicely Marston²

Abstract

In this article based on participatory research, we demonstrate how members of the Gypsy, Traveller, and Roma communities experienced the pandemic during a period of increasing criminalisation. Our investigation of responses to the COVID-19 pandemic among community members was enriched by having a criminologist from a Gypsy/Traveller background as part of the research team. The rich data gleaned during interviews provided insight into the broader context of the lives of Gypsy, Traveller, and Roma communities during the pandemic. Using Mbembe's theory of necropolitics to consider how these marginalised communities were experiencing the pandemic, we illustrate necroresistance, small acts of resistance to the pandemic and Governmental responses by communities and individuals. This article explores how individuals took responsibility for their families and broader networks' survival during the pandemic in conditions exacerbated by escalating systemic hostility.

Key Words: Necropolitics, Necroresistance, Dead Spaces, Gypsy, Traveller, Roma

Introduction

In 2021, the National Institute for Health Research Policy Research Programme funded a research project to explore the experiences and responses to the COVID-19 pandemic among

¹ College of Business, Arts and Social Sciences, Brunel University London

² Faculty of Public Health & Policy, London School of Hygiene and Tropical Medicine

³ Barts & The London School of Medicine and Dentistry, Queen Mary University London

members of Gypsy, Roma, and Traveller communities and migrant workers in precarious employment. The Dialogue, Evidence, Participation, and Translation for Health (DEPTH) research team undertook participatory qualitative research with community members to gain insights into their responses to COVID-19, focusing on testing, contact tracing, and vaccination. The main health-related findings from the work are published in a report "Routes: New ways to talk about COVID-19 for better health" (Marston et al., 2022) and several journal articles (Kühlbrandt et al., 2023; Renedo et al., 2023; Miles et al. 2023). This article discusses findings that came to light during the interview phase because of the inclusion of a criminologist from a mixed Traveller/Gypsy background, thus providing crucial insights into the lives of marginalised communities who were experiencing increased criminalisation during the COVID-19 pandemic.

Including a criminologist from a mixed Traveller/Gypsy background with close family ties to her community and familial connections to Roma community members enriched the research team's participatory and interdisciplinary nature, which included researchers with backgrounds in sociology and public health. The richness of the data discussed in this article demonstrates that researchers from marginalised backgrounds with connections to the communities they research are better positioned to access hard-to-reach data than researchers who do not share commonality with the communities they are studying (Zavella 1996; Zinn 1979). The inclusion of a researcher from a shared background highlights the importance of including marginalised researchers in all stages of research to allow "new perspectives from previously obscured angles" (Hall and Winslow 2015, p1) to facilitate greater insight into complex underlying structures that are systemically and inherently harmful (Hall et al., 2020, p5).

Criminalisation and COVID-19

According to Achille Mbembe (2003, p49), his theory of necropolitics compensates for what he describes as the inadequacies of Foucault's theory of bio-power to account for "forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead". Mbembe (2019, p34) describes democracy as having a history of consigning marginalised populations to racially stigmatised and stigmatising liminal spaces that he describes as "outside social existence"; spaces he posits as both literal and figurative, situated at the very edge of life (ibid p96) and which he describes as "dead spaces". We posit that Gypsy and Traveller communities in the UK are being pushed into "dead spaces" by being subjected to similar marginalisation, exclusion and criminalisation as irregular migrants and refugees (Round and Kuznetsova-Morenko 2017; Davies, Isakjee, and Dhesi 2017).

The process of forcing groups and individuals into "dead spaces" results from power-infused, dynamic assemblages of institutions, policies, and social forces working in tandem to discipline and ultimately force populations into the margins (Grenfell et al., 2022). The notion of assemblages has been explored by Jagannathan and Rai (2022), who accuse the neo-liberal state of using the COVID-19 pandemic as an opportunity to marginalise and criminalise populations that exist on the margins of society to deflect from its abdication of responsibility in making healthcare accessible to vulnerable members of society. They describe necropolitics embedded in "neoliberal frameworks as states and corporations collude to create precariousness for marginal communities" (ibid 2022 p429). They argue that necropolitics is embedded both within the neoliberal state and on its margins, theorising that Mbembe's dead spaces within neoliberal economies are created through the structuring of precariousness, inequality, state violence, deregulation, the weakening of trade unions, and nationalism.

Members of the Roma community have long dwelt in Mbembe's "dead spaces", having experienced enslavement, ghettoisation, enforced assimilation, and genocide periodically during their 800-year history in Europe. Perhaps the most significant episode to date is the Holocaust of the twentieth century when a substantial proportion of European Roma were murdered (McGarry, 2017). James (2014, p242) describes the exclusion, discrimination and marginalisation experienced by Gypsy, Roma, and Traveller communities as part of historical "othering" processes that function to provide settled communities with an "acceptable scapegoat for their fears and insecurities" (ibid p237). According to James, the extreme levels of social harm experienced by the different communities are "multiple and varied, normalised and complex" (James 2020, p503). She (2014, p241) asserts that state agencies are complicit in the exclusion and social harm experienced by Gypsies, Travellers, and Roma, which is exacerbated by the racial hatred Gypsies, Travellers, and Roma experience due to public belief in stereotypes of their criminality, lifestyles, and mobility (James 2014, p242).

All communities we interviewed are currently over-represented in the criminal justice system, a "dead space" *par excellence*. The 2022 Bromley Briefing identified that 5% of men and 7% of women in prison said that they were Gypsy, Roma, or Traveller despite comprising an estimated 0.1% of the general population in England⁴. More than one in seven children (15%) in secure training centres said they were Gypsy, Roma, or Traveller—over a hundred times their proportion.⁵ A further 8% of children in Youth Offender Institutions are also identified as

⁴ <https://prisonreformtrust.org.uk/wp-content/uploads/2022/02/Winter-2022-Factfile.pdf> p.32

⁵ Ibid

Gypsy, Roma, or Traveller, and they are also over-represented in the care system.⁶ In 2017, Gypsy/Roma children and those of Irish Traveller heritage were 2.55 times more likely to live in care than children from other ethnic groups (Brassington 2022). This situation has been exacerbated by the introduction of the Police, Crime, Sentencing and Courts Act (PCSCA). An act that effectively criminalises Travellers/Gypsies who wish to pursue their traditional nomadic lifestyle. Part Four of the PCSCA changes "trespass" from a civil to a criminal offence; Gypsy/Travellers stopping anywhere outside of government-endorsed sites are now breaking the law. The PCSCA carries a tariff of up to three months imprisonment, a fine of up to £2,500 and grants police the power to confiscate vehicles, including caravans, effectively rendering those prosecuted potentially homeless (Brassington, 2022).

Utilising the theory of necropolitics as a framework to highlight the marginalisation of the communities we researched through the lens of health provision during the COVID-19 pandemic also highlighted an inherent weakness in Mbembe's (2003) theory. Namely, Mbembe's apparent assumption of a passive acceptance by those individuals and communities who find themselves in the dead spaces or that resistance, when Mbembe acknowledges it, is posited in terms of grand-scale resistance such as terrorism. This work draws from the work of Rodríguez Madera (2022) to discuss the notion of necroresistance and its manifestation in small but significant acts of resistance. A theory that is itself drawn from the work of Skorzak (2019), who argues that the strategies of survival and endurance in the necropolitical dead spaces are embedded in the everyday activities of those whose lives are considered "disposable".

Methodology

Between October 2021 and February 2022, RS and CK interviewed 45 participants who identified as either Roma, Traveller, or Gypsy or articulated that they identified as a combination of those ethnicities. A further two participants were later interviewed by a researcher who also identified as Gypsy/Showperson, bringing the total of participants to 47. The majority of Interviews (n=45) were conducted in person at locations convenient to the individual participants. Often, these were home spaces; we conducted interviews in people's apartments, caravans, and chalets. Sometimes, these were on private or council-owned sites; other times, participants opted to be interviewed on the premises of activist groups. All interviews were audio recorded and professionally transcribed. We interviewed in five geographical locations across England (East, Northeast, Southeast, Southwest, and West

⁶ <https://prisonreformtrust.org.uk/wp-content/uploads/2022/02/Winter-2022-Factfile.pdf> p.42

Midlands). Interviewing in person allowed us to overcome restrictions placed on some communities by digital marginalisation and poverty and maximised the advantage of having insider researchers. Using technology would have diminished the ability to develop rapport and adhere to cultural observances. We often spent considerable time talking with participants about mutual connections and extended networks before interviewing, which would have been difficult with remote interviewing.

Responses to key topics, including COVID-19 testing, self-isolation, test and trace, vaccination, and demographic information, were explored via *a priori* questions. However, we allowed time within the interview setting for the organic pursuit of spontaneously shared data about participants' lives beyond COVID-19. We analysed the data using a combination of deductive *a priori* codes and inductive, thematic coding of issues that had spontaneously surfaced during the interviewing process. The team discussed preliminary findings with members of Gypsy, Roma and Traveller communities and community stakeholders in dialogue sessions and subsequent publications, which were circulated with community stakeholders and community members for feedback. What follows is a discussion of data revealed during the interview phase that fell outside of issues of testing, isolation, and vaccination, which are discussed in our other outputs (Renedo et al., 2023; Kühlbrandt et al., 2023; Marston et al., 2023; Miles et al., 2023).

It should be noted there was a heavy emotional burden on the insider researcher; the sometimes-extreme examples of marginalisation and criminalisation were often distressing, particularly for her, and gave rise to many discussions among the team about the researcher's positionality. The insider researcher deemed the opportunity to share the experiences of the communities she identified as belonging to was worth the emotional toll. The project highlighted for the team that employing researchers from marginalised communities, although vital, can be problematic for those researchers because of the additional emotional burden and the self-perceived weight of responsibility. Neither should it be assumed that the presence of a researcher from one of the communities that fall under the umbrella term Gypsy, Roma, or Traveller will facilitate equal access to all communities. Wherever possible, researchers from the separate communities should be included in projects to explore the very different issues experienced by the various communities. This approach will also challenge the problematic situation that sees these communities grouped under the initialism GRT as homogenous, thus disguising the different issues the separate communities experience.

Experiences of Marginalisation

Participants described how, before the pandemic, they experienced levels of marginalisation and discrimination that resonated with James's (2014, p237) observation that Gypsy, Roma, and Traveller communities experience some of the highest levels of discrimination in Europe. A seventy-year-old man responded "gyppo" when asked how he self-identified and discussed how he perceived he was viewed by society, "you're the manure pile of society, right? We're the shit of society". A sentiment that his daughter, who was in her forties and who identified as a Traveller, expanded on when she described the marginalisation she experienced, "you get racism if you're a Traveller, you're a minority, you're labelled a lower class, that's the stigma that you're stuck with every single day, and you're not even allowed to break the mould". Their experiences highlighted the prejudice described as insidious and embedded in British society so that overt "vilification of Gypsies and Travellers remains routine across institutional, public and everyday settings" (Taylor and Hinks 2021, p269). A male respondent in his twenties who described himself as "Pikey, Gypsy, Traveller, whatever you want to call us...I live in a trailer" described his experiences shopping in the town close to the site where he lived "When you go into a shop, people can't half tell you're a Traveller, just by the way you look and talkso yeah, it's a bit shit going into the shops because everybody's watching you like you're shoplifting".

One woman who identified as Gypsy and Traveller described a Traveller Liaison Officer employed by her local council displaying overt hostility towards Travellers by denying their heritage:

She don't class my children as Traveller children; she classes them as Gorger [Non-Gypsy/Traveller] children, and I asked how are they Gorger children when they live with two relatives who are Travellers. It's their heritage, you know. When you come to the pitch now, if you apply, you've got to prove your status, that you've travelled for so many years or so many months, and once you've proved that you've travelled, once you move on here and you're settled, and you've got a mobile, [static trailer] they take that Traveller status away.

Before the pandemic, participants described culturally insensitive and sometimes discriminatory behaviour from individuals within institutions charged with supplying medical care. A female participant who identified as an Irish Traveller described how, when she was seventeen, her concerns about fertility were treated disrespectfully and dismissively when she

sought advice after being diagnosed with a reproductive health condition that can affect fertility. Her GP told her to "come back when you want kids, which won't be long". She described how she felt her concerns were being disregarded because "they hear your accent; they don't take you seriously because you're a Traveller.... they think you're an Irish Traveller and you're ignorant".

Along with unsatisfactory medical care, interviewees discussed how they were marginalised and targeted by the police. One British-born woman who identified as both Gypsy and Traveller described being pulled over by police who claimed they had received an anonymous call that she was transporting drugs. She was not arrested or charged; the following incident occurred when the participant was in the car with her three teenage children.

They picked me up; they carried me across the road into the back of the van. They took me up to the police station and stripped me. I was embarrassed like hell cos I was on my period at the time. When they realised I had nothing, they searched my car, ripped my car to pieces, and stripped me naked; I was so embarrassed. And they didn't do it in a cell; they did it in an office room with cameras. I am scared to death that they got that on camera, you know. But they don't give a shit.... left my three kids on the side of the road whilst they were searching the [car brand] and whilst they could take me to a police station and strip search me.

The levels of policing that participants experienced before the pandemic meant that for some, the COVID-19 lockdown offered a respite, and several described the lockdown as a favourable time because it allowed them to escape police attention. A female participant who also described herself as a Gypsy Traveller detailed the lockdown in positive terms, "I'm quite a homebody anyway, and to tell you the truth, I was quite glad we all had to stay in, my kids and me because I knew that they'd be safer in here than they are out there because of the police". Other participants also highlighted the benefits that they felt the lockdown facilitated. A Slovakian Roma woman told us how the lockdown had been a positive experience for her family, allowing her children to re-connect with cultural values she felt were being eclipsed by schooling; "it had some advantages, the kids were much cooler because when they're in school, they get crazy, but when they're home, they are taught their morals and standards of behaviour".

Marginalisation Exacerbated by the COVID-19 Pandemic

While for some participants, the lockdown provided respite from interactions with hostile institutions, for others, the state-led responses to the COVID-19 pandemic exacerbated the marginalisation that Gypsy/Traveller and Roma communities were experiencing. One woman who identified as an English Traveller and who lived in a council property described how her neighbours used the police to harass her family: "I'm in a house now, they (neighbours) all kept on ringing up the police, and the police kept on turning up at my house". She further described how the police were continuously "turning up, saying that there were people who shouldn't be in the property" despite only her family being present. She described police behaviour as somewhat contradictory, given that the police were not wearing masks on at least three occasions when they came to her home during the lockdown.

For participants living on council-run sites, the lockdown was particularly onerous, and one woman who described herself as being of both Traveller and Gypsy heritage shared that when her husband became seriously ill with COVID-19, the ambulance could not access the site because the fixed bars intended to keep out non-approved trailers could not be opened. Her brother cut through the lock with an angle grinder to allow the ambulance access. He has since been threatened with legal action by the Traveller Liaison Officer attached to the site where they both live. Another female Traveller described the experiences of her elderly father, who was hospitalised during lockdown because of an existing heart condition. She described how her frail 70-year-old father was forced to leave the hospital at 3 a.m. at the height of the pandemic. When he protested, police were called, and he was forcibly ejected from the hospital despite being unwell. Another woman who identified as an Irish Traveller described how her elderly father fell out of his bed while in hospital and was left lying on the floor. On another occasion, she described how, despite her father suffering from an acute bowel condition, he was left unattended and rang his daughter crying, "I've been ringing the buzzer for hours to go to the toilet, and they're not allowing me like they're just saying yeah, one minute we'll be over" he relayed that "they're just sitting there talking, he said they're not doing anything, no one's coming to help me".

While basic medical needs were not being met for some community members, others described increased hostility from police and other agencies. An English-born man who described himself as a Traveller described police harassment - under the guise of enforcing COVID-19 regulations - when attempting to comply with a police request. He described how he often acted as an appropriate adult for younger community members when the police arrested them. He described receiving "a £400 coronavirus fine from the courts" after a minor

was arrested and the police contacted him to be the appropriate adult (a person over the age of 18 who needs to be present for the police to interview someone under the age of 17 or who is identified as vulnerable).⁷

He got arrested, so they rang me up and asked, "Can you be his appropriate adult? Because I'm the one that does all the police station for the younger lot. I've gone down to be his appropriate adult, I've got it on video, and then they've ended up pulling me over, they put the handcuffs on me, searched my car, and then give me a fine for breaching Coronavirus regulations. They've rung me and asked me to go down there, as well. Old Bill [police]rang me up and asked, "Oh, can you come down and be XXXX's appropriate adult, please? He's been arrested.

It is important to note that this occurred in a small town where the participant was known to the police as a community representative. A Slovakian-born Roma woman in her late 20s who had lived in the UK for 18 years described her experiences with immigration authorities during the lockdown. She had twice appealed a deportation order and had the order overturned by a judge. She had to travel to London frequently to report to immigration officials during the lockdown period because immigration elected to ignore the court order. She described the anxiety she experienced as a single mother with a young son: "I'm just waiting to see if the immigration is going to appeal the Judge's decision again". Not only was she facing leaving her son behind but her whole family, given that she had lived in the UK since childhood along with her extended family, "I'm thinking, like, oh, if they do deport me, what am I going to do? I haven't got nowhere to go; I don't know no one there. I can't even speak Slovak properly because we speak Gypsy".

Taking Responsibility for Family and Community during COVID-19

Participants spoke of shouldering the responsibility of ensuring that family members remained safe because government communications were inaccessible for some community members. A British woman who described herself as a Traveller explained the difficulties that COVID-19 presented for her family members. She highlighted internet literacy and communication issues when English was a participant's first language, but they had insufficient literacy to understand essential communications that could be vital to their continued well-being, a disadvantage

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117682/appropriate-adults-guide.pdf

exacerbated by digital exclusion; "My in-laws ain't got no one, no manner around technology whatsoever, and nor has our mum. My dad can't even text". An Irish Traveller woman described taking responsibility for ensuring that family members could access the pandemic-related resources they needed because she felt that if she did not provide the support they needed, it would not be met by the available government provisions.

I'm lucky enough. I can read and write, but my sister has dyslexia and didn't know how to book a test, so I had to do that for her. But what about if I couldn't do that for her? She wouldn't know how to; she was confused about how to do everything, so I did that for her. My mother and father-in-law can't read or anything, so we booked for them. They've had their vaccine, they've had their booster and everything else, but I think, if they didn't have someone who could read and do things for them, they would be a bit, they would be a bit lost of how to get a test.

Most people who participated in this study had been vaccinated at least once, and the rationale they supplied varied. Despite misgivings, participants described compliance with government mandates, with one of the justifications for compliance being the importance of fully engaging in the cultural aspects that form part of their identity. An English Gypsy/Traveller described how he chose to vaccinate because he wanted to move back from his council-owned flat to his family-owned site during the lockdown, "our dad and mum was refusing me to come on to the site; basically, if I didn't have it done, if I didn't get it done, they were saying, you're barred, you're not coming in. So, it was either not seeing everybody or getting jabbed up". The justification for being vaccinated that several Roma described was family-orientated and related to being able to travel to visit dispersed family members. A Slovakian male Roma participant in his mid-twenties who works as a cab driver described his decision to be vaccinated as being influenced by his need to travel and his responsibilities to his family. It was "purely because I wanted to travel; I travel a lot. Especially with my wife's family, all of them are in [country]. That's why I got vaccinated. Not because I thought, oh, it's going to save me".

Discussion

Including several social scientists in a public health research project that sought to understand the COVID-19 experiences and engagement with the COVID-19 public health response among members of some of the UK's most marginalised communities was further enriched by one of those social scientists being a criminologist of mixed Traveller and Gypsy heritage. This

inclusion facilitated a comprehensive and nuanced understanding of the life experiences and wider context in which the COVID-19 pandemic was situated for these communities. Their COVID-19 experiences must be understood through and against this broader context and life experiences. Both the COVID-19 pandemic and this research occurred at a particularly seminal moment for members of the Gypsy/Traveller community who wish to pursue a traditional nomadic lifestyle.

The PCSCA represents an attack on the culture of those wishing to pursue a traditional nomadic lifestyle. Preventing Gypsy/Traveller communities from pursuing traditional lifestyles by criminalising those who pitch outside of government-approved stopping spaces while simultaneously failing to provide adequate stopping spaces is likely to see members of the Traveller/Gypsy community being pushed deeper into the dead spaces of incarceration. Before the bill's introduction, Gypsies/Travellers in the UK struggled to find pitches. In 2021, 1696 households were waiting for pitches, but only 59 permanent and 42 transit pitches were available.⁸ Families without a pitch were forced to live on the roadside; the PCSCA now criminalises those families. The legislation affects at least 10,000 people, including a high proportion of children (40 per cent of the Gypsy/Traveller community is aged under 20).⁹ Evading prosecution, for instance, by pitching in isolated spaces, leaves individuals and family groups vulnerable to health issues related to homelessness, e.g., violence and criminal victimisation, as well as health issues related to lack of access to water and other services. The criminalisation of the nomadic lifestyle and the lack of site provision for nomadic communities is likely to see family groups pitching up in places where they can evade detection, and that is likely to put pressure on the extended family networks on which Gypsy, Roma and Traveller communities have traditionally been able to rely for care and support.

Sandset (2021) describes the pandemic as entangled with necropolitical factors that preceded the pandemic and that these existing factors added to the disproportional vulnerability of marginalised communities. Our research supports this observation; we heard accounts of the COVID-19 lockdown being experienced as a relief from heavy policing for some whilst exposing those on council-run sites to increased surveillance. It also highlighted that living in the physically marginal space of council-owned sites where mail and other services were not delivered, and ambulances could not gain access increased vulnerability. Our research has echoed the observation made by Howard (2021, p2) that COVID-19 has brought necropolitics

⁸https://www.gypsy-traveller.org/wp-content/uploads/2022/05/Briefing_Accommodation-issues-facing-Gypsies-and-Travellers-in-England.pdf

⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/report-files/36005.htm>

out of the shadows, making visible who in society is expendable by exposing them to avoidable death through a lack of basic healthcare provisions. Our findings also resonated with the observations of Jackson (2013, p209), who describes the difference between those members of society who experience the state's biopolitical power and those who experience the state as necropolitical as affected by their status as "other".

Both Jackson (2013) and Mbembe (2019) concur that biopolitics and necropolitics are not oppositional; instead, they operate along a continuum, with one form of power (i.e., biopolitics) enabling the exercise of the other (i.e., necropolitics). Our research reiterates the idea of a necropolitical continuum. At one end of the continuum, we observed the biopolitical intentions of the Government being experienced as necropolitical when participants described family members being unable to access COVID-19-related information even when widely disseminated. People unable to access state-disseminated information because of digital exclusion or lack of literacy were experiencing the state necropolitically. Information designed to protect citizens in the event of a pandemic or more mundane health issues leaves some bodies vulnerable to disease and potential death when they cannot access that information or distrust information generated by the Government. At the other end of the continuum was aggressive and targeted policing and the introduction of the PCSCA, which is likely to put traditional family networks under severe strain.

Helping family members understand government communications and other community responses to the pandemic (Renedo et al., 2023; Marston et al., 2023; Kühlbrandt et al., 2023) are examples of both a fight for survival and resistance. This form of resistance, ensuring that everyone can protect themselves by individuals taking responsibility for disseminating information, highlights one of the inherent weaknesses of the theory of Necropolitics (Mbembe, 2003). Mbembe appears to assume a passive acceptance of necropolitical conditions on the part of the individual or that resistance is expressed on a grand scale in the form of terrorism. Neither of these responses reflects the many incidents of micro-resistance that participants described to us. The term *necroresistance* responds to a reconceptualisation of resistance, which, instead of focusing on heroic or exceptional actions to challenge oppression, explores its manifestation in small but significant acts of resistance. Rodríguez Madera argues that *necroresistance* resides in the mundane manifestation of small acts and is where the transgressive nature of *necroresistance* is most evident (Rodríguez Madera, 2022).

Conclusion

Mbembe (2019, p.96) describes 'dead spaces' such as internment camps, reservations, and prisons as racially coded, stigmatised liminal spaces where the true nature of democracy is unmasked. In the dead spaces, biopolitics gives way to necropolitics because here, the state does not seek to protect life and, at times, facilitates death because democracy does not value the lives of those in the dead spaces in the same way as those citizens within the body politic. These are places where millions of people have been consumed by violence, overwork, and contagion but where some have survived and have done so through resistance. Gypsy, Traveller, and Roma people have long experienced life on the margins; their existence is a testimony to their ability to survive on the edge of society. We witnessed survival achieved through reliance on community and family ties rather than government assistance. The resistance of the necropolitical state played out in small acts of responsibility, such as ensuring family members had the information needed to protect themselves from infection. One member of a network or family sharing information transmitted by government agencies in ways that were often inaccessible to communities that experience heightened levels of digital poverty and illiteracy could be viewed as an act of survival in a hostile environment. Small acts of resistance allowed the most socially excluded community members to access information that was beneficial but which they would have otherwise been excluded from if other community and family members did not support them.

The information that participants shared with us painted a picture of institutional assemblages, creating a situation where some participants we spoke with face a future where they risk being pushed deeper into Mbembe's dead spaces. Community members shared their experiences of heavy policing and inadequate and insensitive healthcare provisions, forming an assemblage of institutions that had already created a hostile environment before the pandemic. The hostility of the environment has been exacerbated by government responses to COVID-19, which our participants experienced in terms of aggressive policing, prevention of access to sites by ambulances and dissemination of health-related information in ways that were inaccessible. The introduction of legislation that criminalises the pursuit of traditional nomadic lifestyles along with a lack of provision of suitable stopping places exacerbates an already hostile environment, particularly when one considers the over-representation of the different communities in both the criminal justice and care systems.

Despite oppressive conditions exacerbated by governmental responses to COVID-19 and increased criminalisation for some participants, our research revealed necroresistance, rather than passive acceptance, in the acts of responsibility for family and other members of their

community. In small but significant acts, necroresistance took place, participants getting vaccinated so they could continue to engage with their culture, ensuring that their relatives could take a test when testing information served to exclude those unable to engage. These are acts of resistance and survival, pushback against an assemblage of societal institutions that appear to be intent on pushing Gypsy, Traveller, and Roma communities beyond the margins of society and further into the dead spaces. However, necroresistance, not just to pandemics but to hostile institutional assemblages, may no longer be an option for nomadic members of the Gypsy/Traveller community, even on the micro level of communicating information to prevent the spread of infectious diseases. As their culture becomes undermined by the PCSCA, even the micro acts of resistance that allowed community members to protect themselves and each other from infection may no longer be possible.

Funding

This paper is independent research commissioned and funded by the National Institute for Health Research Policy Research Programme. The views expressed in this publication are those of the authors and not necessarily those of the NHS, the National Institute for Health Research, the Department of Health and Social Care or its arm's length bodies, and other Government departments.

References

- Brassington, L. (2022). Gypsies, Roma and Travellers: The Ethnic Minorities Most Excluded from UK Education. HEPI Report 151. *Higher Education Policy Institute*.
- Davies, T., Isakjee, A., and Dhesi, S. (2017). Violent inaction: The necropolitical experience of refugees in Europe. *Antipode*, 49(5), 1263-1284.
- Grenfell, P., Stuart, R., Eastham, J., Gallagher, A., Elmes, J., Platt, L., and O'Neill, M. (2022). Policing and public health interventions into sex workers' lives: necropolitical assemblages and alternative visions of social justice. *Critical Public Health*, 1-15.
- Hall, S., and Winlow, S. (2015). *Revitalising Criminological Theory: Towards a new Ultra-Realism*. Oxford and New York: Routledge.
- Hall, S., Kuldova, T., and Horsley, M. (Eds.). (2020). *Crime, Harm and Consumerism*. Oxford: Routledge.
- Howard, M. (2021). The Necropolice Economy: Mapping Biopolitical Priorities and Human Expendability in the Time of COVID-19. *Societies*, 12(1), 2.
- Jackson, J. L. (2013). Sexual Necropolitics and Prison Rape Elimination, *Signs* 39(1): 197–220.
- Jagannathan, S., and Rai, R. (2022). The necropolitics of neoliberal state response to the Covid-19 pandemic in India. *Organisation*, 29(3), 426-448.
- James, Z. (2007). Policing marginal spaces: controlling Gypsies and Travellers. *Criminology and Criminal Justice*, 7(4), 367-389.
- James, Z. (2014). Hate crimes against Gypsies, Travellers, and Roma in Europe. In *The Routledge International Handbook on Hate Crime* (pp. 237-248). Routledge.

- James, Z. (2020). Gypsies' and Travellers' lived experience of harm: A critical hate studies perspective. *Theoretical Criminology*, 24(3), 502-520.
- Kühlbrandt, C., McGowan, C. R., Stuart, R., Grenfell, P., Miles, S., Renedo, A., and Marston, C. (2023). COVID-19 vaccination decisions among Gypsy, Roma, and Traveller communities: A qualitative study moving beyond "vaccine hesitancy". *Vaccine*.
- Marston, C., McGowan, C., Stuart, R., Kühlbrandt, C., Miles, S., Grenfell, P., Dix, L. and Renedo, A. (2023). Routes: New ways to talk about COVID-19 for better health. Focus on Gypsy, Roma and Traveller communities and migrant workers. *NIHR*.
- Mbembe A (2003) Necropolitics. *Public Culture* 15(1):11–40.
- Mbembe, A. (2019). *Necropolitics*. Durham and London: Duke University Press.
- McGarry, A. (2017). *Romaphobia: The last acceptable form of racism*. Bloomsbury Publishing.
- Miles, S., Renedo, A., Kühlbrandt, C., McGowan, C., Stuart, R., Grenfell, P., Marston, C., (2023). Health risks at work mean risks at home: spatial aspects of COVID-19 among migrant workers in precarious jobs in England. (2023). *Sociology of Health and Illness*. (IN PRESS)
- Renedo, A., Stuart, R., Kühlbrandt, C., Grenfell, P., McGowan, C.R., Miles, S., Farrow, S. and Marston, C. (2023). Community-led responses to COVID-19 within Gypsy and Traveller communities in England: A participatory qualitative research study. *SSM-Qualitative Research in Health*, 3, 100280.
- Rodríguez Madera, S. L. (2022). From Necropraxis to Necroresistance: Transgender Experiences in Latin America. *Journal of Interpersonal Violence*, 37(11-12), NP9115-NP9143.
- Round, J., and Kuznetsova-Morenko, I. (2017). Necropolitics and the Migrant as a Political Subject of Disgust: The Precarious Everyday of Russia's Labour Migrants. In *Politics of Precarity* (pp. 198-223). Brill.
- Sandset, T. (2021). The necropolitics of COVID-19: Race, class and slow death in an ongoing pandemic. *Global Public Health*, 16(8-9), 1411-1423.
- Skorzak, J. (2019). Resisting necropolitics: Reconceptualising agency in Mbembe and Agamben. *E-International Relations*, 21.
- Taylor, B., and Hinks, J. (2021). What field? Where? Bringing Gypsy, Roma, and Traveller history into view. *Cultural and Social History*, 18(5), 629-650.
- Zavella, P. (1996). Feminist insider dilemmas. In D. L. Wolf (Ed). *Feminist Dilemmas in Fieldwork*. Boulder: Westview Press.
- Zinn, M. B. (1979). Field research in minority communities: Ethical, methodological, and political observations by an insider. *Social Problems*, 27(2), 209-219.

Hate Crimes as Crimes against Dignity¹

Jen Neller²

Abstract

When hate crime laws are criticised for being ineffective, it is often because they do not result in many convictions. However, the main consequences of a conviction for a hate crime is an increased financial or carceral penalty. This paper explores whether it is possible to reconcile hate crime law with abolitionist perspectives that contest the efficacy of such responses. In particular, I examine the potential for a dignity-centred approach to reframe how hate crime law is understood, in terms of the purpose of such legislation, its corresponding scope and its relationship with other areas of law. Ultimately, I suggest that framing hate crimes as crimes against dignity could prompt ‘non-reformist reforms’ that move us towards greater alignment with abolitionist ideals.

Key words: hate crime, dignity, abolitionism

Introduction

This paper began as an attempt to think through how centring concepts of dignity might affect how we understand hate crime and, consequently, how we rationalise and determine the boundaries of hate crime law. However, there was a dissonance I could not initially grasp around the ethos of protection and equality that is embedded within articulations of hate crime law and the inherent violence of the criminal justice system. How could a concept of dignity

¹ With gratitude to stream convenors, co-panellists, panel chairs and audience members for their generous engagement with this paper at the British Society of Criminology Conference hosted by the University Central Lancashire, Preston, and the Socio-Legal Studies Association 2023 conference hosted by Ulster University, Derry-Londonderry. Many thanks also to Dr Kay Lalor and anonymous reviewers for their feedback on earlier versions of this paper.

² Dr Jen Neller is a Senior Lecturer in Law at Manchester Law School, where she teaches public law, human rights and research methods. Her PhD, which she completed at Birkbeck University of London in 2020, has recently been published in the Palgrave Macmillan Hate Studies series as ‘Stirring Up Hatred: Myth, Identity and Order in the Regulation of Hate Speech’.

be used to reform an area of law that increases exposure to the indignity of imprisonment? The British Society of Criminology Conference 2023, in terms of both formal presentations and informal conversations, prompted me to embrace this dissonance and to think about what a dignitarian *and* abolitionist perspective on hate crime law might look like.

In doing so, I came to think of dignity as a means of forging a pragmatic pathway from the current societal conditions and structures within which hate crime law operates and towards a utopian ideal where hate crime law is obsolete. However, I recognise that concepts of dignity are employed more prominently in other criminal contexts, such as in relation to torture, sexual offences and medical settings (EU Charter of Fundamental Freedoms, 2000; Fikfak and Izorova, 2022). I therefore propose a category of crimes against dignity that encompasses such applications to foster a cohesive approach to dignity within criminal law.

Sections one and two of this paper set out critiques of hate crime law from perspectives that take seriously both the problem of hatred and the uneven violence of law. Sections three and four then introduce the concept of dignity and explore the possible scope of a category of crimes against dignity. Finally, I consider the implications for hate crime law of placing dignity at the centre of its rationale.

Critique of hate crime law

For some, hate crime law is inherently problematic because it exacerbates social divisions (Jacobs and Potter, 1998), punishes thoughts, feelings or character traits (Gellman, 1991; Larner, 2010; Hurd, 2001) and/or breaches principles of equal treatment (Heinze, 2009; Morgan, 2002). Such positions tend to treat hate crime law as exceptional, as though all other areas of criminal law operate without any regard to emotion, identity or character. Yet, not only is such regard often overt, as in language of malice or remorse, but for decades entire fields of critical theory have been documenting ways in which law is embroiled in social difference and division.

Additionally, as Swiffen (2018) argues, ‘mainstream’ objections *and* advocacy of hate crime law present law and violence as opposed, rather than taking seriously the (unevenly distributed) violence inherent in law (Benjamin, 1986; Cover, 1986; Moran and Skeggs, 2004). Criminal law incarcerates, expels, monitors and penalises, and this violence is justified by the characterisation of its targets as criminal, foreign, dangerous, suspicious, incapable or undeserving. In such characterisations we are taught who and how to hate, and how to

maintain our innocence by delegating violence against the objects of our hatred to the state. More pointedly, in the enactment of hate crime law, we are told not to act on our hatreds but to celebrate the additional punishment of those who do. Hate crime law therefore positions the state as protecting against hatred, while simultaneously stoking fear and hatred of others to justify its systems of violence against them (Raj, 2020, p. 65; Moran and Skeggs, 2004, p. 29). Moreover, the narrative of a good, progressive state legislating for justice against a few 'bad apples' works to occlude state complicities as well as wider structural conditions that facilitate and promote certain hatreds (Ashley, 2018; Fitzpatrick, 1987; Lamble 2008; Swiffen, 2018). Thus, in addition to the state monopoly on violence (Weber, 2004, p. 33; Benjamin, 1986, p. 281), we might also think of a state monopoly of hatred, provoking the question of whether hate crime law reduces hate or merely redirects it along channels that are more palatable to the state.

While hate crime law is supposed to bring recognition, validation and protection for targeted communities, these benefits are limited in practice in several ways. Firstly, harsher penalties for crimes involving bias or hostility against the victim's identity characteristic(s) supposedly respond to the additional harms of hate crime, but they do not prevent them. The deterrent argument for enhanced penalties under hate crime law absurdly suggests that perpetrators perform pre-emptive cost-benefit calculations with full awareness of the law (Spade, 2011). Moreover, where hate crime law results in longer sentences, these do nothing to address the prejudice that leads to violence and exclusion in the first place (Ashley 2018; Hall 2013). Indeed, prisons are precisely the kind of insecure and socially stratified environments within which hatreds thrive (Gerstenfeld, 2004; Lamble 2021; Levin and McDevitt, 2002).

Hate speech law can be seen as a more prevention-oriented subset of hate crime law, but this leads us to a further criticism: those subject to hate crime penalties, as with criminal law more generally, tend to be the most marginalised in society (Lamble, 2021; Meyer, 2014; Spade, 2011). Politicians can express prejudice while carefully avoiding criminal charges, and the wealthy can mount expensive defences or motivate high profile cases should they be victimised. Meanwhile, those who are less affluent and less valorised are those most likely to be convicted and the least likely to receive 'justice' when they are victimised (Ashley 2018; Swiffen, 2018). Thus, any level of recognition and protection that hate crime law provides to marginalised communities should be understood in the context of criminal justice systems that disproportionately direct their violence against members of those communities (Malik, 2009, p. 105).

Abolitionism and hate crime law

If “law without violence is impossible” (Swiffen, 2018, p. 139), we must turn our focus beyond law, and indeed beyond dominant social structures, to find alternative means of ameliorating violence and prejudice (Akbar, 2023, p. 2511). For this, we can draw on the work of prison abolitionists. Abolitionism can be viewed as providing a dual response to the problems of mass incarceration. On the one hand, there is the idealism of abolishing prisons, punitive forms of redress and cultures of stigma and shame, and replacing it with restoration, reparation, compassion and care. On the other hand, there is acute awareness of current limitations.

If we take as our end goal the utopian ambition of abolishing hatred, and we accept that criminalisation is a form of violence, then reforming hate crime law to produce more convictions is surely counterproductive. However, just as we can anticipate there would be problems if we released all prisoners tomorrow, we can anticipate the immediate abolition of hate crime law would be problematic. If hate crimes send a message that certain people are not valued, and hate crime law counters that they *are* valued (Perry, 2001), what message would be sent by the act of repealing hate crime law? Advocating such action in current circumstances seems decidedly unlikely to move us towards hate-free societies.

While the goals of a prison-free or hate-free society are utopian in the sense that they may be unattainable, reforms oriented towards these ends will be more emancipating than those valorising imprisonment. In abolitionist discourse, these are described as ‘non-reformist reforms’: “changes that ... unravel rather than widen the net of social control through criminalization” (Gilmore, 2007, p.242). In the remainder of this paper, I explore how dignity could shape an abolitionist horizon towards which reforms to hate crime law can be oriented.

A concept of dignity

The term dignity encompasses and elicits a variety of different approaches and perspectives. For this reason, it is sometimes criticised as too nebulous to be useful (see Engel and Lyle, 2021, p. 10), especially in legal contexts where human rights can be seen as a more precise legal manifestation of the concept and ethos of dignity. Indeed, if the protection of human dignity is seen as the purpose and end goal of human rights law, then the concept of dignity must precede the law which is premised upon it. It is precisely this extra-legal quality that I propose makes dignity a useful concept for an abolitionist approach to hate crime law. To make this argument, it is necessary to first establish my approach to dignity, which, in brief, figures it as inherent and inviolable (rather than variable), as requiring respect (rather than as

a measure of respectability), as more expansive than human rights, more prescriptive than 'equality', and as relational.

Different understandings of dignity are perhaps most apparent in the conflict between dignity as something that is unwavering and inviolable and dignity as something that is fragile and prone to being violated (Killmister, 2020, p. 1-2). One approach to reconciling this tension is to determine that these are two different types of dignity, or different uses of the term, rather than contradictory characteristics of a singular concept: on the one hand there is the status-dignity that is inherent to all human beings, and on the other hand there is the condition-dignity that may be conferred or depleted (Gilbert, 2015). Therefore, it is because humans possess status-dignity that they deserve human rights to secure a minimum standard of condition-dignity (Killmister, 2020, p. 8).

In my view, it is neither necessary nor helpful to fracture the concept of dignity. If dignity is understood as an inviolable essence of human life, then violations of dignity can be seen as failures to recognise and respect it, rather than as acts that diminish it (Warner, 2000, p. 36). In Kantian terms, if a person is treated as a means rather than as an end, this is disrespectful of their dignity, but their inherent dignity remains the reason why such treatment is immoral. The language of undignified conditions or behaviour, or of violations of dignity, is therefore metaphorical. We might say that someone's dignity has been violated or breached just as we might say that they were treated like animals; this does not mean they came to have 'less dignity' any more than it means they became animals. From this perspective, dignity itself cannot be diminished, but it can be disregarded and disrespected in more or less abhorrent ways and with more or less devastating consequences.

The benefit of viewing dignity as inherent and inviolable is that this places its existence beyond law and politics; it is not something that is subject to conferral or refusal by the state or other powers. Such a concept of dignity is more widely and uniformly applicable than human rights: rights are variable and can be conferred, enforced, refused, breached or diminished, but dignity is inviolable and can only be (dis)regarded, (dis)respected or denied. Furthermore, competing rights may be pitted against each other and subject to majoritarian 'balancing' exercises (Neller, 2022a, 264-5), whereas inherent dignity can never be treated as zero sum (Carozza, 2008, p. 938). Ideally, a question before a court or a legislature would never be whether a particular group should be conferred dignity, but whether and how the law recognises and respects their dignity. Thus, it is helpful to think of dignity in Carozza's (2008, 934-5) terms as involving an ontological claim that precedes law (all human beings possess

an inherent and inviolable dignity) and a normative principle that may be subject to legal determination (what the implications of the ontological claim are for the state). Human rights laws respond to the normative principle, albeit incompletely due to all the limitations intrinsic to law's form and politics.

Yet, the notion that a person's dignity is a matter of degree is widespread. This likely reflects the extent to which dignity is only a concern in law when there has been a failure of recognition or respect (Kaufmann *et al.*, 2011). Additionally, while the notion that dignity is inherent and deserving of respect is perhaps more useful for activists and human rights defenders, conceptions of dignity as something that can be lost or gained, taken or conferred, is more useful as a disciplining tool of governmentality. Thus, hierarchies of culture, class and race have been embellished by a spectrum of dignity – or dignified-ness – that ranges from revered superiority to abject depravity. As Engel and Lyle (2021, p. 4) point out, “to name something or someone as having dignity or as being dignified serves to exclude or to mark a boundary.” Dignity can be used rhetorically to describe or justify what is perceived as normal and desirable, and thereby to discipline and to exclude behaviours and people who are deemed to fall beyond its boundaries.

Moreover, dignity is not immune from appropriation as a tool of *neoliberal* governmentality. In the context of LGBTQ+ rights, Engel and Lyle (2021, p. 9) describe how “multiple governing authorities have undermined notions of community, public responsibility, and long-standing historical and structural forms of inequality and replaced them with a neoliberal discourse of individual rights and individual responsibilities.” In its unsubstantiated promise of meritocracy, neoliberalism erases pasts and presents of difference and pushes responsibility for living a ‘dignified’ life onto the individual. Thus, dignity in neoliberal discourse equates to respectability, and thereby becomes a means of determining who is a ‘good’ citizen, worthy of rights, and who is not.

In resisting notions of dignity as variable, dignity is decoupled from respectability and loses its power as a disciplining and excluding tool of governmentality. What is variable is the extent to which dignity is respected, not dignity itself. Thus, while we may debate what respect of an individual's dignity looks like, the subject of this debate is the normative implications of dignity rather than the ontological claim that all individual's possess it equally and inherently. In Carozza's (2003, p. 1082) terms, this is the ‘working out of the practical implications of human dignity in varying concrete contexts,’ rather than an assessment of respectability or other such personal attributes. Thus, understanding dignity as inherent and inviolable deploys the

retorical power of the concept to advocate universal *minimum standards* of treatment, material conditions and autonomy. In this way, it is more prescriptive than 'equality', which can be used in ways that amount to equal disregard, the negation of difference or as a means of shaming those who 'fail' despite being granted 'equal opportunities'.

A final point to note about dignity is the extent to which it is relational and collective. Questions of respect for dignity are about the extent to which we treat each other as humans that are fundamentally of equal worth. But the universality of that fundamental equal worth also provides us with a collective stake in its inviolability. Just as "injustice anywhere is a threat to justice everywhere" (King 1963a), the disregard of any individual's dignity sullies the society which has enabled it. Correspondingly, because dignity is never zero-sum, no one can ever lose out from the recognition of another's dignity.

Additionally, respecting an individual's equal worth entails appreciation of different positionalities, needs, abilities, desires and choices, insofar as these do not disregard the dignity of others. This can also be described as respect for individual autonomy, but a corollary is that respect for an individual may require respect for their membership of various groups. Therefore, while the language of dignity can be co-opted into atomising neoliberal discourses, it can also be used to bolster more anti-neoliberal notions of collectivity and solidarity.

Crimes against Dignity

Having established an approach whereby dignity is viewed as inherent and inviolable, and whereby respect for dignity entails respect for the equal worth and autonomy of individuals, in this section I explore what a category of crimes against dignity might encompass by surveying prominent uses of the term in international criminal law and European human rights contexts. Article 5 of the Rome Statute of the International Criminal Court identifies the four "most serious crimes of concern to the international community": genocide, crimes against humanity, war crimes and the crime of aggression. The collective ethos of dignity is apparent in the category of crimes against humanity, which Robertson (2008, p. xxv) describes as "a crime with a particular horror deriving from the fact that fellow human beings are capable of conceiving and committing it, thereby diminishing us all." Here there is a notion that the very status of our humanity is undermined by egregious failures to respect human life and dignity. A notion of dignity is also explicitly engaged in the category of 'war crimes' through the prohibition in Article 8(2)(b) of "outrages upon personal dignity, in particular humiliating and degrading treatment" (see also Common Article 3(1) of the Geneva Conventions). This is

expanded upon in Protocol II of the Geneva Conventions, which applies to non-international armed conflicts. Article 4(2)(e) thereof prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.” A clear understanding is established here, and in the international case law concerning these provisions, of sexual offences and other forms of torture as crimes against dignity. However, the crimes addressed by the Rome Statute and the Geneva Conventions are ‘mass atrocities’, involving widespread, systematic and/or officially sanctioned violence. In a category of crimes against dignity, I am proposing a codification of the next tier, encompassing crimes that are deeply harmful beyond the instance of their commission but that fall short of the scale and systematic nature that would bring them within the jurisdiction of the International Criminal Court. Uses of the term in EU and ECHR contexts provide some useful groundwork for this.

‘Dignity’ is the title of the first chapter of the EU Charter of Fundamental Rights. Article 1 provides a simple statement of both the ontological claim and the normative principle: “Human dignity is inviolable. It must be respected and protected.” The following articles then set out the right to life (Art 2) the right to the integrity of the person, specifically in medical settings (Art 3), a prohibition on torture and inhuman or degrading treatment or punishment (Art 4) and a prohibition on slavery and forced labour, including human trafficking (Art 5). While the Court of Justice of the European Union has applied Article 1 of the Charter beyond the subset of civil and political rights identified in Arts 2-5, such applications mostly concern the rights of asylum seekers and persons under international protection (Neffe, 2019), and are therefore beyond the remit of criminal law.

While the European Convention on Human Rights does not explicitly mention dignity, it is present in a significant portion of the jurisprudence of the European Court of Human Rights (Fikfak and Izvorova, 2022). This is especially so in cases concerning the ‘core’ rights contained in Articles 2 (the right to life), 3 (the prohibition of torture, inhuman and degrading treatment) and 4 (the prohibition of slavery and servitude) of the ECHR (Buyse 2016). Additionally, ‘Crimes against Human Dignity’ was used for the title of a conference organised by the Council of Europe in co-operation with the Russian Federal Bar Association and the International Commission of Jurists in 2019. In the conference agenda, crimes against human dignity were defined as:

egregious violations of human rights which require robust remedies in both national and international law. Such violations may primarily affect physical and moral integrity of a person,

notably through ill-treatment, domestic violence, trafficking in human beings and other forms of modern slavery.

From this brief overview, we can observe considerable alignment in how dignity is understood in international criminal law and European human rights discourses. A category of crimes against dignity could therefore encompass torture, sexual offences, enslavement and other forms of humiliating and degrading treatment, whenever these fall short of the scale and systematicity that would render them mass atrocities. With reference to the common aspects of these crimes and to definitions of dignity explored above, crimes against dignity could be defined as:

crimes that are premised on the disregard or denial of a victim's equal value and personal autonomy, often on the basis of their perceived vulnerability and/or identity characteristic(s).

Hate crimes match this description in two ways. Firstly, at the individual level, hate crimes violate the dignity of the individual by treating them as a fungible member of a group: the deindividuation of the victim is a refusal to recognise their personal autonomy. Secondly, at the collective level, hate crimes violate the dignity of a group by treating all those possessing a particular identity characteristic as intrinsically of less value. Hate crimes would therefore fit neatly within a category of crimes against dignity, but what would be the benefit of this?

Dignity-centred non-reformist reforms

As concepts, both abolitionism and dignity share a utopian ethos. They represent desire for a better life for all, free from the pains of violence, degradation and abandonment. In what ways, then, might incorporating hate crimes into a category of crimes against dignity help us to work towards abolitionist ideals from within the constraints of contemporary justice systems? Two primary effects are intended. Firstly, a statement would be made about the gravity of hate crimes by placing them alongside other crimes universally recognised as egregious. Secondly, dignity would be placed at the centre of how we understand the purpose of hate crime law. In this section, I explore the implications of these effects in relation to some prominent concerns about hate crime law.

Backlash against hate crime laws as 'special treatment' for minorities

This is more of a populist critique of hate crime law than an academic one, but it is relevant to the question of whether hate crime laws reduce hatred. The premise of this critique is that hate crime laws provide something extra for minorities and thereby exacerbate feelings of

resentment between groups or lead to a legal ‘hierarchy of victims’ (Mason 2014; Jacobs and Potter, 1998). Although legislation tends to be framed in ways that apply to both majorities and minorities – e.g. they prohibit all forms of racial hatred rather than specifically anti-black hatred (see Pap, 2021) – it would be disingenuous to argue that such legislation is not enacted with the protection of certain minorities in mind. Dignity can help us to more clearly articulate how hate crime laws are compatible with equality by explaining that they do not provide something extra for particular groups, but rather aim to address common failures to recognise and respect dignity. Therefore, by centring dignity, hate crime law can be framed as remedying certain deficits and establishing a minimum level of protection, rather than providing any kind of advantage.

Which identity categories should be included

This is a particularly intractable debate. Various scholars (e.g. Mason, 2014; Bakalis, 2017; Walters, 2022), along with the UK Law Commission (2021, p. 63) and Lord Campbell for the Scottish Government (2018), have emphasised the importance of rationalising the selection of identity categories due to the risk that over-inclusion will dilute the ‘special symbolic power’ of hate crime law. Centring dignity in how we conceive of hate crime law does not produce universal answers regarding which identity categories should be included, but it may provide some helpful guidance that can be applied in specific jurisdictions.

In the UK, there is a particular concern with whether misogyny or gender-based hatred should be recognised as a ground for hate crime (see Zempi and Smith, 2021). There is a clear argument about the necessity of doing so where the lack of recognition of the equal value of women and girls results in widespread violence (Tudor, 2023). However, some commentators argue that sexual offences are better dealt with in separate legislation, rather than attempting to bring them within a rubric of hate crime law that does not attend to their specificities (see Law Commission, 2021, pp. 126-210). If there existed a category of crimes against dignity that included sexual offences, this might help to clarify the relationship between the two areas of law, with both recognised as egregious and hate crime law perhaps acting in a residual capacity. Thus, a rape would be charged as a sexual offence, and a misogynistic but non-sexual assault would be charged as a hate crime, with both being classified as crimes against dignity.

Other categories that have been raised for inclusion in UK hate crime law include age and homelessness. Here, debates become embroiled in questions of whether it is vulnerability rather than hatred that is at issue (Chakraborti and Garland, 2012), and then whether it is

problematic to attribute vulnerability to all persons possessing certain characteristics (Mason, 2014; Wilkin, 2023). A dignity-centred approach would consider the extent to which crimes are motivated by disregard for the equal value of elderly or homeless persons.

A further point to note on this issue is *how* identity categories are specified in law. My research into the distinction between ‘stirring up’ racial and religious hatred in the Public Order Act 1986 illustrates how law can become embroiled in defining who does and who does not belong to a ‘racial’ group (Neller, 2022b). Such policing of identities is entirely unnecessary in determining the nature of hatred, i.e. whether the *hatred* was racial or not (see also Pap, 2021). Furthermore, siloed ‘either/or’ approaches to identity in hate crime law fail to account for how identities intersect and evolve (Moran, 2014). Such overdetermination of identities by the state is contrary to individual autonomy, and thus contrary to a dignity-centred approach. While Walters (2022, p. 111) argues that hate crime law should focus more flexibly on whether “individuals are commonly targeted” due to a characteristic that “gives rise to a sense of collective identity”, this still risks calling on the state to rule on matters of identity (is there a sense of collective identity around homelessness, old-age or sex, for example?). A dignity-centred approach would instead focus on the crime, i.e. whether it was premised on a disregard of the victim’s equal value and personal autonomy on the basis of their (correctly or incorrectly) *perceived* vulnerability and/or identity characteristic.

Additionally, dignity may help us to rationalise the limits of hate crime law, similarly to Mason’s (2014) ‘politics of justice’ criterion. If hate crimes are understood as crimes against dignity, this should act as a brake on uses of hate crime law to reinforce dynamics of oppression and marginalisation; the application of hate crime law comes to include analysis of whether the perpetrator was ‘punching up’ or ‘punching down’. This facilitates attention to nuance and wider contexts, such that a white person calling someone a ‘Muslim invader’ and an indigenous person calling someone a ‘white invader’ would not be deemed equivalent where the former denies the equal value and autonomy of a group and the latter seeks to challenge disregard for their own equal value and autonomy. This is not to say that members of a majority/dominant group can never be victims of a hate crime under a dignity-centred approach, but rather that, by virtue of their dominance, crimes against them are *less likely* to be premised on the disregard or denial of their dignity on the basis of their perceived vulnerability and/or identity characteristics.

Investment in ‘more punishment’

Low recording, prosecution and conviction rates are often noted as evidence that hate crime laws are not as effective as they should be. However, from an abolitionist perspective, more punishment is not a desirable outcome. If dignity in general is prioritised, it makes no sense for a 'crime against dignity' to be redressed by harmful and degrading penalties (Walters, 2022, pp. 209-210); the dignity of a victim cannot be upheld by disregarding the dignity of the perpetrator. There is therefore a tension between the desire for hate crime law to be effective and competing ideas about what an effective response to hate crime entails.

To be compatible with abolitionist goals, hate crime law must be decoupled from sentencing uplifts. This has implications at the level of both the individual perpetrator and the wider society. For the individual, if hatred is identified as a problem then ameliorating hatred should be the solution. Longer prison sentences are not intended to achieve this: the punishment does not fit the crime. Conversely, emerging work on applying restorative justice in hate crime contexts holds great promise as an alternative approach that is better aligned with abolitionist and dignitarian goals (see Walters, 2014). Moreover, centring dignity provides a clear articulation of the rationale of restorative approaches, whereby the aim is to 'restore' respect for the dignity of the victim in ways that do not disregard the dignity of the perpetrator.

At the societal level, recording hate crimes can be an important means of identifying patterns of hatred. Recognition of such patterns should then prompt measures designed to proactively promote wider respect for dignity rather than to reactively demonise and exact retribution on individual perpetrators. Indeed, addressing hatred at the societal level demands wider accountability from state actors, with enacting and enforcing punitive hate crime law no longer seen as the primary indicator of an adequate state response to hatred.

Conclusion

This paper asks whether centring dignity in approaches to hate crime could facilitate the development of 'non-reformist reforms' that reorientate hate crime laws away from carceral and retributive practices and towards abolitionist goals.

Currently, while dignity is present in justifications for hate crime law, it appears to be absent in how such law is formulated, executed and appraised. Instead, hate crime law is dominated by neoliberal concerns to impose evermore punishment on individuals marked as deviant. Thus, while their reactive nature, hollow symbolism and lack of deterrent capability mean that hate crime laws fail to protect minorities, their punitive responses contribute to the systems

that disproportionately imprison them (Meyer, 2014; Spade, 2011). Whether we demand that hate crime law improves respect for dignity and in no way contributes to its disregard, or whether we simply expect hate crime law to reduce hatred, current models of hate crime law fail.

Including hate crime within a category of crimes against dignity could help to simultaneously boost the symbolic power of hate crime law and encourage a stronger emphasis on dignity within such law. Through the definition of a crime against dignity that I propose, we can more clearly envisage what a utopian, hate-free society entails: respect for individual autonomy and recognition of the inherent equal value of all. Framing hate crimes as crimes against dignity therefore provides a clear articulation of the need for preventive strategies and for remedies that focus on healing, rehabilitation and reconciliation. Moreover, an understanding of dignity as inherent, relational and collective asserts that respect for the dignity of some cannot be secured through the denial of another's dignity. In the words of Martin Luther King (1963b), "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." Criminal law alone cannot create a hate-free society, but where hate crime law exists it must be decoupled from punitive ideologies and work alongside other strategies beyond law to reduce and ameliorate hatred and prejudice more effectively.

References

- Akbar, A. (2023) 'Non-Reformist Reforms and Struggles over Life, Death, and Democracy', *Yale Law Journal*, 132, pp. 2497-2577.
- Ashley, F. (2018) 'Don't Be So Hateful: The Insufficiency of Anti-Discrimination and Hate Crime Laws in Improving Trans Well-Being', *University of Toronto Law Journal*, 68, pp. 1-36.
- Bakalis, C. (2017) 'The Victims of Hate Crime and the Principles of the Criminal Law', *Legal Studies*, 37(4), 718-738.
- Benjamin, W. (1986) *Reflections: Essays, Aphorisms, Autobiographical Writings*. New York: Schocken Books.
- Buyse, A. (2016) 'The Role of Human Dignity in ECHR Case-Law', *ECHR Blog*, 21 October. Available at: <https://www.echrblog.com/2016/10/the-role-of-human-dignity-in-echr-case.html> (Accessed 31 August 2023).
- Campbell, A. (2018) *Independent Review of Hate Crime Legislation in Scotland: Final Report*. Edinburgh: The Scottish Government.
- Carozza, P. G. (2008) 'Human Dignity and Judicial Interpretation of Human Rights: A Reply', *European Journal of International Law*, 19(5), 931-944.
- Carozza, P. G. (2003) 'My Friend is a Stranger': The Death Penalty and the Global *Ius Commune* of Human Rights', *Texas Law Rev*, 81, pp. 1031-1089.
- Chakraborti, N. and Garland, J. (2012) 'Reconceptualising Hate Crime Victimization through the Lens of Vulnerability', *Theoretical Criminology*, 16(4), pp. 499-514.
- Council of Europe, (2019) 'Conference: 'Crimes against Human Dignity: Interaction of International and National Remedies'', *International Commission of Jurists*, 28 March. Available at: <https://www.icj.org/russian-federation-conference-on-remedies-for-violations-of-human-rights/> (Accessed: 31 August 2023).
- Cover, R. (1986) 'Violence and the Word', *Yale Law Journal*, 95(8), pp. 1601-1629.
- Engle, S. and Lyle, T. S. (2021) *Disrupting Dignity: Rethinking Power and Progress in LGBTQ Lives*. New York University Press.

- Fikfak, V. and Izvorova, L. (2022) 'Language and Persuasion: Human Dignity at the European Court of Human Rights', *Human Rights Law Review*, 22(3), pp. 1-24.
- Fitzpatrick, P. (1987) 'Racism and the Innocence of Law', *Journal of Law and Critique*, 14(1), pp. 119-132.
- Gellman, S. (1991) 'Sticks and Stones Can Put You in Jail, But Can Words Increase Your Sentence? Constitutional and Policy Dilemmas of Ethnic Intimidation Laws', *UCLA Law Review*, 39, pp. 333-196.
- Gerstenfeld, P. B. (2004) *Hate Crimes: Causes, Controles and Controversies*. Thousand Oaks, CA: Sage.
- Gilabert, P. (2015) 'Human Rights, Human Dignity, and Power', in Cruft, R., Liao, M. and Renzo, M. (eds.) *Philosophical Foundations of Human Rights*. Oxford University Press, pp. 196-213.
- Gilmore, R. W. (2007) *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.
- Hall, N. (2013) *Hate Crime*. 2nd edition. London and New York: Routledge.
- Heinze, E. (2009) 'Cumulative Jurisprudence and Human Rights: The Example of Sexual Minorities and Hate Speech', *International Journal of Human Rights*, 13, pp. 193-209.
- Hurd, H. (2001) 'Why Liberals Should Hate 'Hate Crime Legislation'', *Law and Philosophy* 20(2), pp. 215-232.
- Jacobs, J. and Potter, K. (1998) *Hate Crimes: Criminal Law and Identity Politics*. New York: Oxford University Press.
- Kaufmann, P. et al. (2011) 'Human Dignity Violated: A Negative Approach – Introduction', in Kaufmann, P. et al. (eds.) *Humiliation, degradation, Dehumanization*. Springer, pp.1-5.
- King, M. L. (1963a) 'Letter from Birmingham, Alabama jail', 16 April.
- King, M. L. (1963b) *Strength to Love*. New York: Harper Collins.
- Killmister, S. (2020) *Contours of Dignity*. Oxford University Press.
- Lamble, S. (2008) 'Retelling Racialized Violence, Remaking White Innocence: The Politics of Interlocking Oppressions in Transgender Day of Remembrance', *Sexuality Research and Social Policy*, 5(1), pp. 24-42.
- Lamble, S. (2021) *The False Promise of Hate Crime Laws*. Available at: <https://abolitionistfutures.com/latest-news/the-false-promise-of-hate-crime-laws> (Accessed: 29 august 2023).
- Larner, J. (2010) 'Hate Crime/Thought Crime', *Dissent*, 57(2), pp. 72-79.
- Law Commission (2021) *Hate Crime Laws: Final Report*. Law Com No 402, London: House of Commons.
- Levin, J. and McDevitt, J. (2002) *Hate Crimes Revisited: America's War on Those Who Are Different*. Colorado: Westview Press.
- Malik, M. (2009) 'Extreme Speech and Liberalism', in I. Hare and M. Weinstein (eds.) *Extreme Speech and Democracy*. Oxford University Press, pp. 97-120.
- Mason, G. (2014) 'Victim Attributes in Hate Crime Law', *British Journal of Criminology*, 54, 161-179.
- Meyer, D. (2014) 'Resisting Hate Crime Discourse': Queer and Intersectional Challenges to Neoliberal Hate Crime Laws', *Critical Criminology*, 22, pp. 113-125.
- Moran, L. and Sharpe, A. (2004) 'Violence, Identity and Policing: The case of violence against transgender people', *Criminal Justice*, 4(4), pp. 395-417.
- Moran, L. and Skeggs, B. (2004) *Sexuality and the Politics of Violence and Safety*, London: Routledge.
- Morgan, J. (2002) 'US Hate Crime Legislation: A legal model to avoid in Australia', *Journal of Sociology*, 38(1), pp. 25-48.
- Neffe, A. (2019) 'Protecting Human Dignity is the EU's Top Job', *Euractiv*, 17 October. Available at: <https://www.euractiv.com/section/freedom-of-thought/opinion/protecting-human-dignity-is-the-eus-top-job/> (Accessed: 31 august 2023).
- Neller, J (2022a) *Stirring Up Hatred: Myth, Identity and Order in the Regulation of Hate Speech*. London: Palgrave Macmillan.
- Neller, J (2022b) 'Race, Religion, Law: An Intertextual Micro-genealogy of 'Stirring Up Hatred' Provisions in England and Wales', *Critical Discourse Studies*, 20(3), 282-293.
- Pap, A. (2021) 'Neglect, Marginalization, and Abuse: Hate Crime Legislation and Practice in the Labyrinth of Identity Politics, Minority Protection, and Penal Populism'. *Nationalities Papers*, 49(2), 221-239.
- Perry, B. (2001) *In the Name of Hate: Understanding Hate Crimes*. New York: Routledge.
- Raj, S. (2020) *Feeling Queer Jurisprudence: Injury Intimacy, Identity*. Oxford University Press. Social Justice.
- Robertson, G. (2008) *Crimes against Humanity*. Penguin Books.
- Spade, D. (2011) *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn: South End Press.
- Swiffen, A. (2018) 'New Resistance to Hate Crime Legislation and the Concept of Law'. *Law, Culture and the Humanities*, 14(1), 121-139.

- Tudor, S. (2023) 'Tackling Violence against Women and Girls in the UK', *House of Lords Library*, 22 June. Available at: <https://lordslibrary.parliament.uk/tackling-violence-against-women-and-girls-in-the-uk/> (Accessed: 31 August 2023).
- Walters, M. A. (2014) *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms*. Oxford University Press.
- Walters, M. A. (2022) *Criminalising Hate: Law as Social Justice Liberalism*. London: Palgrave Macmillan.
- Warner, M. (2000) *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. Cambridge, CA: Harvard University Press.
- Weber, M. (2004) *The Vocation Lectures*. Indianapolis: Hackett.
- Wilkin, D. (2023) 'The Binary of Vulnerability', presented at the British Society of Criminology Conference, 29 June, University of Central Lancashire.
- Zempi, I. and Smith, J. (eds.) (2021) *Misogyny as a Hate Crime*. London: Routledge.

Situating OnlyFans within Wider Landscapes of Pornography

Laura Polley¹

Abstract

This article explores OnlyFans – a digital platform used to exchange sexually explicit content in the contemporary world. Traditionally, pornography has been director-led, with various individuals and organisations profiting from the production of pornographic content. However, in a technologically advanced world, and a post-covid market economy, pornography has broadened in scope and self-produced adult content has risen in popularity. As such, the very definition and nature of pornography has evolved and now includes user-led platforms such as OnlyFans. This paper will offer considerations of how OnlyFans can be defined and discussed as a form of pornography, situating the platform within the wider landscape. Whilst pornographic content has been a feature of society for centuries, the use of digital technology and user-led platforms has increased its accessibility, therefore making it important to consider the dynamics of self-produced pornography.

Keywords OnlyFans; Pornography; Power; Digital Technology; Risk

Introduction

In 2016 OnlyFans emerged as a content subscription website where access to digital content is restricted by a paywall. It was positioned as a platform within a broader social media influencer culture where some users could monetise their virtual presence (Abidin, 2018). The platform's business is modelled on direct-to consumer selling and collects revenue through charging 20% of all transactions. OnlyFans can only be accessed as a webpage,

¹ Laura is a Criminology Lecturer at the University of Suffolk. She is currently undertaking a PhD exploring the experiences of the OnlyFans platform in the context of digital pornography.

differentiating it from other social media platforms which operate using app-based software such as Facebook, Instagram, and X (formerly Twitter). Whilst the terms and conditions set by OnlyFans do not mention adult content explicitly, the lack of prohibition of this content, like many other social media sites, offers tacit permission for the production and exchange of sexually explicit content (van der Nagel, 2021). Traditionally, adult content has been mass produced and marketed by production companies who employ professional pornography performers to engage in sexual acts which are recorded and sold as films or short videos. More recently, popular pornography websites such as PornHub have developed a hybrid model which has enabled amateur pornographic content to be uploaded alongside this more traditional work. Whilst both professional pornography and self-produced content on OnlyFans share the same broad aims of eliciting sexual pleasure, whilst creating revenue within the market economy (Perdue 2002; Barss 2010). Onlyfans commercial success, has in part, been based on their unique selling point of offering direct messaging and 'tipping' thus creating a more interactive and authentic connection with audiences (Nayar, 2017).

Situating OnlyFans use within the Landscape of Pornography

Within a criminological framework it is important to consider the OnlyFans platform in light of image-based abuse and harassment within digital spheres (Bond and Tyrrell, 2021) and what is known in relation to pornography and harm (Cawston, 2019). Thus, to adequately consider these factors, we must consider what OnlyFans is, within the wider landscape of contemporary pornography. As such, this paper will explore how OnlyFans mimics popular pornography websites which do not adopt an interactive model (PornHub, RedTube), as well as how OnlyFans deviates from these websites in terms of its functions.

Firstly, there is a need to explore online pornography consumption and the growth of the OnlyFans platform during the Covid 19 pandemic. Ofcom (2021) reported that 49% of the UK adult population, (equating to c.26 million adults) visited an adult content website or platform during a single month period ending September 2020. This usage is inherently gendered with 50% of all UK males accessing pornography within the same period, compared to 16% of all UK females. The same report also noted that on average UK adults in general spend 3.5 hours a day online, more than any other European country and surpassed only by the USA and Canada. Thus, in this context, it is no surprise that the consumption of pornography spiked during the pandemic with citizens confined to their residences, relying on the virtual world for much of their interactions (Ofcom, 2021). It is more difficult to breakdown how this translated in relation to OnlyFans as little information was published by Ofcom in 2021 concerning the

platform usage or engagement, during their 2021 data collection. However, amidst the pandemic the correlation of financial uncertainty and job insecurity it is of note as is OnlyFans revenue increasing by 553% in the year to November 2020 (Ofcom, 2021). Underlying this is an increase in broader pornography consumption and OnlyFans engagement during the pandemic.

OnlyFans: A game-changer for the pornography industry?

It is evident that pornography has become a more accessible fixture within popular culture (Boyle, 2010). In 2022 YouGov reported a third of men (36%) consume pornographic content at least once a week, compared to 4% of women, further supporting this consumption difference. Further, 26% of men in Great Britain have consumed pornography at some stage, whilst 40% of women state they have never consumed pornographic content. Breaking down consumption again, this time by age, the survey found the most avid consumers were 18–24-year-olds (YouGov, 2022). Whilst statistically, younger people are more likely to consume pornography, there remains a gendered difference across varying age categories. As such, younger women are more likely to consume pornography than older women (35% versus 2%), however this remains far from the pornography consumption of men (62%).

It has also become more visible and marketable to the public. For example, in August 2023, OnlyFans content creator Eliza Rose Watson was granted permission by the Advertising Standards Authority to keep billboards advertising her work on OnlyFans, including a picture of herself dressed in underwear across boroughs of Greater London (The Independent, 2023a). This demonstrates the physical presence of adult content across society, whilst being mirrored within digital spheres such as on social media (Fasoli et al, 2018).

Gareth (2020) notes a multitude of websites which provide an array of pornographic content to consumers, casting a wide net across the web to encourage individuals to engage with pornography. As detailed in the Pornography Usage Measure (PUM), this ranges from suggestive posing, descriptions of sexual encounters and content depicting masturbation to videos showing sexual encounters involving multiple individuals, with graphic depictions of genitalia (Busby et al, 2020). In the last decade, this net has expanded its borders to take up space within social media sites. Sexually explicit content is now a dominant feature of social media platforms, serving to bolster the construction of sexualised personas online (Gareth, 2020). It is on OnlyFans that there is an enigmatic discourse of sexualised personas and self-made pornography as a form of empowerment and entrepreneurialism (Gareth, 2020), hidden under the guise of the ‘influencer’ phenomenon (Stubb, Nyström and Colliander, 2019). Nayar

(2017) claims that OnlyFans has allowed for greater accessibility to the pornography industry than ever before due to its mimicry of social media in terms of user interface. Furthermore, the platform utilises the 'influencer' identity, whereby a demand is placed upon anyone who uses social media to engage in a form of aesthetic labour. Although this is characteristic of social media more broadly, the aesthetic labour applied to and expected of content creators on OnlyFans is arguably heavier, due to the monthly subscription tied to consumption of their content. The financial implications for consumers creates an increasing demand on content creators to fulfil consumers desires (Gareth, 2020).

OnlyFans has become a talking point across both news and social media since its conception. News outlets frequently publish stories concerning women joining the platform, and the financial success associated with their production of explicit content (see The Sun, 2023; The Independent, 2023b; The Daily Mail, 2023; The Tab, 2023; TalkSPORT, 2023; Business Insider, 2023b; The Mirror, 2023; Metro, 2023; Daily Express, 2023; New York Post, 2023). These were identified in a single google search, expressing the sheer amount of news articles discussing the lucrative nature of selling pornographic content using OnlyFans. As these articles demonstrate, women are often presented within the media as having achieved financial security, or even freedom through using the platform (ITV, 2022). Such discourses which promote financial freedom may not be conveying the realities of creating content on the OnlyFans platform. Whilst OnlyFans takes a 20% cut of all content creators' earnings, the current owner Leonid Radvinsky made £338million in 2022 (Business Insider, 2023a), however some content creators struggle to attain a reasonable wage using the platform (ITV, 2022). Further, some content creators have disclosed feeling stigmatized by others due to their involvement in selling sexually explicit content, whilst others have disclosed feeling unsafe or subjected to verbal abuse and harassment on the platform (ITV, 2022).

These media discourses highlight that women feel empowered and in control when using the platform, finding self-expression and sexual liberation in engaging with the pornography industry in an autonomous and entrepreneurial way. These discourses resonate more widely with the pro-pornography perspective, often adopted by liberal feminists who support women making their own choices regarding sex and sexual labour (Rowland-Serdar and Schwartz-Shea, 1991; Haysom, 2012; Coopersmith, 2000; Wasserman, 1996; Daskalopoulou and Zanette, 2020). Under neo-liberal capitalism, women have become engaged with the pornography industry, earning extortionately high salaries for their performances. For example, actress Bella Thorne earned \$2million in a week exchanging explicit content on OnlyFans (The Standard, 2020). When considering the concept of autonomy, such relates to

the freedom to make choices with individual integrity (Gill, 2007). However, the concept of autonomy must be considered within heteronormative constructs of femininity (ibid), as utilising autonomy, particularly when considering pornography, can still be regarded as problematic. Haysom's (2012) discussion of pornography giving women agency and the feeling of empowerment resonate here as women have routinely stated their engagement with pornography is empowering (Weinberg et al, 2010; Haysom, 2012). Additionally, Gill's (2007) discussions concerning two examples of female empowerment draw relational connections to the context of pornography. On one hand, empowerment may relate to women taking control through using their sexual power. Conversely, women empower themselves through making choices which benefit them and make them feel good (Gill, 2007).

In the context of OnlyFans, both empowerment and autonomy appear as common themes in stories published by news outlets about women's engagement with the platform. Autonomy in the context of OnlyFans relates to women having and exercising the freedom of choice regarding the content they post. In terms of empowerment in this same context, women are in some ways taking control of a traditionally male-dominated industry in terms of its management and production (Bernstein, 2019), whilst making choices which benefit them in terms of financial success. Although notions of both empowerment and autonomy may be present within the OnlyFans platform, it arguably remains within the wider context of pornography and as such, these notions conflict with broader notions which refer to the objectification and commodification of women in the pornography industry (Dworkin and MacKinnon, 1988). Furthermore, although platforms like OnlyFans may be making the production of pornography safer for women, who can create their own content and manage their own pornography production, such platforms create space for new forms of control to emerge (Moore and Joyce, 2019).

Moreover, OnlyFans content can be placed in contrast with traditional pornography for reasons such as heightened authenticity and intimacy, as well as increased interactivity with the performance through instant messaging functions available on the OnlyFans website (Nayar, 2017; van der Nagel, 2021). These elements of OnlyFans appear to serve content creators and pornography performers who utilise the platform in a positive way, increasing their levels of autonomy and control regarding the content which they share. Although this may contribute to a more empowering experience for women in the industry, OnlyFans and its direct messaging functions has made amateur pornography performers far more accessible than their professional counterparts (van der Nagel, 2021), creating space for abuse and

harassment to manifest in messaging interactions between creators and consumers, much like other social media platforms (Celuch et al, 2022; Gosse et al, 2021).

The wider landscape of Pornography

Previous discussions concerning OnlyFans have highlighted that media discourses and anecdotal discussions point to such being a positive addition to the pornography industry. However, to accurately situate OnlyFans as pornography, the wider landscape of pornography must be considered. Broadly, liberalism supports the notion that pornography is a form of expression and pro-pornography feminists understand pornography as an element of sexual fantasy (Watson, 2010). Further, Daneback, Træen and Månsson Sven-Axel (2009) argue that consuming pornography creates a more open sexual environment. Willoughby et al (2016) extends these discussions by concluding that the consumption of pornography may improve couple's sexual intimacy. Conversely, Bridges and Morokoff (2011) suggest that the consumption of pornography may lead to reduced relationship satisfaction. Further to this, pornography consumption has been linked to a greater risk of infidelity, lower mental health, and an increased likelihood of having paid for sex (Maddox, Rhoades and Markman, 2011; Willoughby et al, 2016; Wright, 2013). There are competing ideas about the nature and harmfulness of pornography, which broadly align with either pro-pornography or anti-pornography sentiments. These will now be briefly dissected to consider how such sentiments can be applied to the OnlyFans platform.

The Anti-Pornography Perspective

Pornography has been a topic of sociological exploration for more than half a century, with some arguing that pornography is inherently harmful to consumers and performers (Cawston, 2019; Dworkin and Mackinnon, 1988; Fisher et al, 2013). A prominent example of such can be seen in the case of Linda Lovelace – a female pornography actress who starred in Deep Throat, a movie which although seemingly depicts consensual pornography, documents a rape from beginning to end (Russell, 1993). This demonstrates that violence and rape have the capacity to exist within the production of pornography. Most radically, feminists have routinely denounced pornography as coerced sex and at times, rape (MacKinnon, 1987). Although some pornography may not represent non-consensual activity, Eaton (2007) argues a causal relationship between pornography consumption in men and rape or violence against women. Fisher et al (2013) echoed this, arguing that pornography consumption in men can lead to aggression towards women.

Moreover, there is a significant body of literature representing the physical harms associated with the production and consumption of pornography. However, consideration must also be made to the nonviolent, often subtle harms associated with pornography that are not inherently physical. For example, Eaton (2007) argues that repeated exposure to pornographic materials can lead to the development and reproduction of sexist attitudes and misogynistic ideals. As such, pornography carries the potential to promote and exacerbate gender inequality within the wider society (Cawston, 2019). Additionally, Arakawa et al (2012) explored whether levels of gender equality across three different countries impacted on the levels of empowerment present in a sample of each country's pornographic content. It was found that countries which had a lower gender equality score were more likely to represent women in 'disempowered' positions within pornography. Conversely, they found that in countries where gender equality scores were higher, pornography represented women as 'empowered' (ibid.). This reiterates the links between gender equality and pornography, as such pornography, and the abundance of such in a contemporary and technologically advanced society (Longstaff, 2013) may perhaps play a part in the development or maintenance of sexist attitudes towards women.

The Pro-Pornography Perspective

As discussed, anti-pornography sentiments discuss the problematic, and potentially harmful elements of pornography. However, whilst these discussions have taken place, pornography has only increased in popularity and revenue (Ofcom, 2021). As such, an abundance of literature exists which promotes pornography as positive (Rowland-Serdar and Schwartz-Shea, 1991; Haysom, 2012; Coopersmith, 2000; Wasserman, 1996; Daskalopoulou and Zanette, 2020). Some writings have even characterised pornography as a celebration, and a vehicle for change (Wasserman, 1996; Coopersmith, 2000).

Rowland-Serdar and Schwartz-Shea (1991) argue that pornography can be an empowering experience whereby women take responsibility for their choices and as such, the choice to engage with pornography as both consumers and performers. By engaging with pornography, women are "reclaiming their stories" (ibid, p.622) and promoting the existence of choice for women to be represented in pornography. Empowerment has been defined as a woman's ability to "construct, and take responsibility for, [their] gendered identity, [their] politics, and [their] choices" (Alcoff, 1988, p.432). As part of this debate, pornography is seen to represent sexual agency for women, characterising pornography as a way of celebrating sexual desire, as well as assisting consumers in confirming their own desires and creating sexual scripts

(Weinberg et al, 2010). Similarly, McKee (2012) conceptualises pornography as a method of education and exploration concerning sexual identity and practices. Indeed, some pro-sex feminists have challenged radical anti-porn views by framing such as another example of women's bodies being policed and controlled. Budat (1998) has discussed how the anti-porn movement undermines free speech by way of censoring pornography or women's choices to engage in pornography. Although the consensus amongst liberal feminists is that pornography can be a positive and empowering experience, pro-pornography research continues to establish connections between pornography and the patriarchal discourses it represents (Daskalopoulou and Zanette, 2020). Thus, women may be involved with, or consuming pornography as a way of navigating sexual identity, pleasure, or sexuality, but this remains permeated by structural and gendered inequality.

Situating OnlyFans – old wine in new bottles?

Thus far, the popular discourses of OnlyFans have been presented, demonstrating how media narratives and anecdotal discussions tend to glamourise OnlyFans as a wholly autonomous and empowering experience, which offers individuals the opportunity to earn a limitless income through direct-to consumer selling of sexually explicit content. Discussions of the wider landscape of pornography have been presented, to assist in contextualising the following discussions about how we can situate OnlyFans. Within this section, the differences, and similarities between OnlyFans and the wider pornography landscape will be presented.

Generally, there are similarities which can be drawn from OnlyFans to the wider landscape of pornography, which enables the situating of this platform. In terms of defining what pornography is, Feinburg states that it is not only sexually explicit representations, but it also must be “designed entirely and plausibly to induce sexual excitement.” (1984, p.110). Further, Rea (2001) argues that for an object to be pornographic, it must be sexually explicit, consumed to illicit sexual arousal or gratification, as well as being devoid of intimacy. These characteristics of sexual explicitness resonate across the pornography landscape, including the lack of prohibition of such content on OnlyFans. Moreover, testimonials from OnlyFans content creators identify the creation of such content for the purposes of their consumers sexual gratification (Weinberg et al, 2010). Despite similarities being present across the wider landscape of pornography and OnlyFans, it remains difficult to offer a definition of pornography which not only captures the complex ways it is situated within society, but also how it functions as a product of cultural context, which inevitably shifts across time (Jensen, 2016).

A clear crossover has emerged between creating content on OnlyFans as well as the pornography industry more broadly. Pornhub now features popular pornography performers OnlyFans account details within video content, demonstrating that pornstars in the traditional sense are also utilising OnlyFans as an additional income stream. It is also interesting to consider not only the cross over between pornography performers and OnlyFans content creators, but also the consumers of such. Ofcom (2021) identified that 49% of the UK adult population visited a pornography website in the year to September 2020, with 33% of all UK adults visiting the Pornhub website specifically. However, OnlyFans usage is far lower, at 4.1% of the UK adult population for the same period. At present, no statistics have been identified to explore whether individuals consume both pornography and OnlyFans content, however such is possible given the advertising of OnlyFans accounts on popular pornography sites (Pornhub, n.d).

The inherent difference between traditional, director-led pornography and content found on OnlyFans is the nature of its production. Traditional pornography often involves professional porn actors/actresses, filmed in studios with contractual agreements between the directors and the performers. However, content on OnlyFans is often self-produced, whereby content creators deploy self-branding practices to deliver authentic and personable experiences for consumers (Senft, 2008). Often, this is conducted within domestic spaces such as the content creator's bedroom, which offers a candid experience for consumers (Nayar, 2017). The authenticity which characterises OnlyFans content creates further differences from the wider pornography landscape, in that consumers can request personalised content to suit and fulfil their sexual desires. Traditionally, pornography websites cater to a broad range of desires through presenting content in a categorised format, as detailed in Busby et al's (2020) Pornography Usage Measure (PUM). Translating this into practice, pornography websites such as Pornhub and Redtube present explicit content in categories such as "lesbian; amateur; anal; mature; group; and bondage" to name a few (Redtube.com, n.d; Pornhub.com, n.d). However, OnlyFans diversifies the range of pornography content even further by creating space for content to be created and personalised upon request through the use of a direct messaging function. OnlyFans content creators have discussed the requests they have received and fulfilled using the platform, including masturbation and personalised content whereby the consumers name is to be written on the content creators' body (ITV, 2022). Furthermore, the structure of OnlyFans as "the paywall of pornography" (Bernstein, 2019) commodifies the consumption of pornography within the market economy. OnlyFans content is readily available to whomever subscribes to a page, thus representing the immediacy of

exchanging monetary values for an object – in this case, the object is pornography tailored to consumers desires.

Sexualised labour is a routinely feminized experience, which demonstrates the gendered exploitation of online platforms profiting at the expense of adult content creators within a patronage economy (Rouse and Salter, 2021). On OnlyFans, this success is often unevenly spread with the most successful content creators gaining the most visibility, obscuring the disparity between those who achieve economic viability and success through monetizing adult content on OnlyFans, and those who do not. In this way, OnlyFans mimics the wider pornography landscape in terms of the relationship between popularity and success. Arguably, the entire pornography industry is reflective of a popularity contest, with success being defined by and heavily reliant on consumer engagement (Weitzer, 2010). Various anecdotal discourse points to OnlyFans as an empowering experience for women, who report to have full control over what they post and most importantly, how explicit their content is (Hamilton et al, 2022). However, dynamic power networks exist across all corners of the pornography industry – in this case, between content creators and subscribers. In wider pornography landscapes, power dynamics exist between pornography performers and the directors or producers of the content. Whereas in the context of OnlyFans, power dynamics are woven through direct contact between consumers and content creators, offering consumers the ability to direct their own pornography experience through requesting personalised content (Jensen 2016). As such, the assumption of autonomy very much depends on the satisfaction of subscribers, which in turn correlates to financial success.

In consideration to the physical risks to women's safety which are so common in traditional pornography, it could be suggested that OnlyFans offers a safer way of exchanging pornographic content, reducing interactions to merely virtual (Hardy and Barbagallo, 2021). However, this has the potential to downplay the effects of malicious communications, stalking, and incidences of image-based abuse which are commonplace on the website (ITV, 2022). Arguably, the platform operating in a digital economy may offer a sense of security and safety, but as such may play down the risk of abuse or exploitation which is possible through social media platforms (van der Nagel, 2021; Bond and Tyrrell, 2021).

Conclusion

In conclusion, OnlyFans mimics the wider landscape of pornography in some respects, whilst some aspects of the platform present clear differences. OnlyFans can be situated within the wider landscape of pornography in terms of the general nature of the content presented on

the platform, that is content which is sexually explicit. Furthermore, there are various ways in which the individuals using OnlyFans, either as consumers or content creators also engage with pornographic content more broadly, demonstrating that there are not distinct boundaries between those who use OnlyFans and those who engage in other forms of pornography. Moreover, OnlyFans mimics the wider pornography landscape in terms of success and the viability of such. Both OnlyFans and pornography more broadly rely on consumer engagement for financial success (Weitzer, 2010; van der Nagel, 2021).

Alternatively, OnlyFans differs from the wider pornography landscape in terms of its self-produced and personalised nature, which derives from the accessibility of content creators through direct messaging from consumers. Further, OnlyFans may mitigate against the physical safety risks of wider pornography landscapes through operating in digital spheres (Hardy and Barbagallo, 2021). Moreover, the media discourses of OnlyFans present this platform as an opportunity to gain financial freedom through exchanging sexually explicit content, potentially glamourising this engagement with the pornography industry. Ultimately, OnlyFans may not be the game-changer for the pornography industry that media discourses present it to be. Although differences are apparent, the concept of exchanging sexually explicit content for the purposes of sexual gratification remain the same, as does the interplay of power dynamics. However, the self-produced, entrepreneurial nature of OnlyFans warrants further academic exploration to identify the different forms of control it may utilise, as well as the ways that such patronage economies impact pornography production and consumption.

References

- Abidin, C. 2018. *Internet Celebrity: Understanding Fame Online*. Emerald: Bingley.
- Arakawa, D. R., Flanders, C., and Hatfield, E. 2012. Are variations in gender equality evident in pornography? A cross-cultural study. *International Journal of Intercultural Relations*, 36(2), 279-285.
- Alcoff, L. 1988. Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory. *Signs*. 13 (3), 405-436.
- Barss, P. 2010. *The Erotic Engine: How Pornography has Powered Mass Communication, from Gutenberg to Google*. Toronto: Doubleday.
- Bernstein, J. 2019. "How OnlyFans Changed Sex Work Forever" in New York Times. Accessed from: https://www.nytimes.com/2021/09/06/opinion/onlyfans-sex-work-safety.html?fbclid=IwAR2LBmuzQ_7Z9X1HbZlIsStr234NKyQN7SaS-17QTK1NgGHzeajCNI2dY4E
- Boyle, K. 2010. *Everyday Pornography*. 1st edn. London: Routledge.
- Bond, E. and Tyrrell, K. 2021. "Understanding Revenge Pornography: A National Survey of Police Officers and Staff in England and Wales," *Journal of Interpersonal Violence*, 36(5-6), 2166–2181.
- Bridges, A. N. A. J., and Morokoff, P. J. 2011. Sexual media use and relational satisfaction in heterosexual couples. *Personal Relationships*, 18(4), 562–585.
- Budat, J. 1998. Marked xx: censorship and pornography. *Agenda: Empowering Women for Gender Equity*, 38(38), 85–92.

- Busby, D. M. et al. 2020. "Measuring the Multidimensional Construct of Pornography: A Long and Short Version of the Pornography Usage Measure," *Archives of Sexual Behavior: The Official Publication of the International Academy of Sex Research*, 49(8), pp. 3027–3039.
- The Business Insider. 2023a. "OnlyFans' reclusive owner made \$338 million last year as the adult site's popularity surges" Accessed from: <https://www.businessinsider.com/onlyfans-reclusive-owner-made-338-million-last-year-2023-8?r=US&IR=T>
- The Business Insider (2023b) "How much money OnlyFans creators make" Accessed from: <https://www.businessinsider.com/how-much-money-onlyfans-creators-make-real-examples-2023-1?r=US&IR=T>
- Cawston, A. 2019. The feminist case against pornography: a review and re-evaluation. *Inquiry*, 62(6), 624–658.
- Celuch, M., Savela, N., Oksa, R., Latikka, R., Oksanen, A. 2022. Individual factors predicting reactions to online harassment among Finnish professionals. *Computers in Human Behavior*, Volume 127.
- Coopersmith, J. 2000. Pornography, videotape, and the internet. *Technology and Society Magazine*, 19, 27–34.
- The Daily Mail (2023) "I'm a mother-of-two making \$60,000 every month on OnlyFans and other parents shame me for it - but I'll do anything to provide for my kids" Accessed from: <https://www.dailymail.co.uk/tvshowbiz/article-12516689/OnlyFans-Lucy-Banks-mum-shamed-adult-platform.html>
- Daneback, K., Træen, B., and Månsson Sven-Axel. 2009. Use of pornography in a random sample of norwegian heterosexual couples. *Archives of Sexual Behavior: The Official Publication of the International Academy of Sex Research*, 38(5), 746–753.
- Daskalopoulou, A., and Zanette, M. C. 2020. Women's consumption of pornography: pleasure, contestation, and empowerment. *Sociology*, 54(5), 969–986.
- Dworkin, A. and MacKinnon, C. 1988. *Pornography and civil rights: A new day for women's equality*. Minneapolis: Organizing against pornography.
- Eaton, A. W. 2007. "A Sensible Antiporn Feminism." *Ethics* 117 (4): 674–715.
- The Express (2023) "I'm a OnlyFans star who raised \$7000 for Maui through nude photographs" Accessed from: <https://www.express.co.uk/life-style/life/1804536/onlyfans-hawaii-wildfires-fundraiser-donations>
- Fasoli, F. Durante, F. Mari, S. Zogmaister, C. and Volpato, C. 2018. Shades of sexualization: when sexualization becomes sexual objectification. *Sex Roles*, 78(5-6), 338-351.
- Feinberg, J. 1984. *Harm to Others: The Moral Limits of the Criminal Law*. New York: Oxford UP.
- Fisher, W. A. et al. 2013. "Pornography, Sex Crime, and Paraphilia," *Current psychiatry reports*, 15(6), pp. 362–362.
- Gareth, L. 2020. 'Detached desires' - resituating pornographic and celebrity persona online. *Persona Studies*, 6(1), 9–11.
- Gill, R. 2007. Postfeminist Media Culture: Elements of a Sensibility. *European Journal of Cultural Studies*, 10 (2). Pp. 147-166.
- Gosse, C., Veletsianos, G., Hodson, J., Houlden, S., Dousay, T. Lowenthal, R. Hall, R. 2021. The hidden costs of connectivity: Nature and effects of scholars' online harassment. *Learning, Media and Technology*.
- Hamilton, V., Soneji, A., McDonald, A., and Redmiles, E. M. 2022. "Nudes? Shouldn't I Charge for These?" Motivations of New Sexual Content Creators on OnlyFans. *Proceedings of the 2023 CHI Conference on Human Factors in Computing Systems*. Hamburg, Germany.
- Hardy, K and Barbagallo, C. 2021. Hustling the Platform: Capitalist Experiments and Resistance in the Digital Sex Industry. *South Atlantic Quarterly*, 120 (3). pp. 533-551.
- Haysom, L. 2012. Editorial: women's sexuality and pornography. *Agenda: Empowering Women for Gender Equity*, 263 (93), 1–7.
- The Independent. 2023a. "Model's Only Fans billboards cleared after complaints children could see them". Accessed from: <https://www.independent.co.uk/news/uk/asa-advertising-standards-authority-model-global-witness-onlyfans-b2397639.html>
- The Independent. 2023b. "The Sopranos Actor Drea de Matteo Joined OnlyFans to 'Save her Family'" Accessed from: <https://www.independent.co.uk/arts-entertainment/tv/news/drea-de-matteo-onlyfans-sopranos-b2412033.html>
- ITV. (2022). Olivia Attwood: Getting Filthy Rich. Accessed from: https://www.itv.com/watch/olivia-attwood-getting-filthy-rich/10a2084?gclid=Cj0KCQiAqOucBhDrARIsAPCQL1YrA6fq6eiFkAnSO7Hdatn_NkhG9L7lgmV3-7FVr-zWV-DolsXS3Q0aAtPMEALw_wcB

- Jensen, R. 2016. Pornographic Values: Hierarchy and Hubris. *Sexualization, Media, and Society*, 2(1).
- Longstaff, G. 2013. 'From reality to fantasy: celebrity, reality TV, and pornography', *Celebrity Studies. Special Issue: Sex and the Celebrity*, vol. 4, no. 1, pp. 71-80.
- MacKinnon, C. 1987. *Feminism unmodified: Discourses on life and law*. Cambridge, MA: Harvard University.
- Maddox, A. M., Rhoades, G. K., and Markman, H. J. 2011. Viewing sexually-explicit materials alone or together: associations with relationship quality. *Archives of Sexual Behavior: The Official Publication of the International Academy of Sex Research*, 40(2), 441–448.
- McKee, A. 2012. Pornography as entertainment. *Continuum: Journal of Media and Cultural Studies* 26: 541–552.
- The Metro (2023) "Kerry Katona reveals OnlyFans income and she's absolutely raking it in" Accessed from: <https://metro.co.uk/2023/07/29/kerry-katona-reveals-onlyfans-income-and-shes-absolutely-raking-it-in-19214665/#:~:text=Appearing%20on%20The%20Matt%20Haycox,has%20since%20racked%20up%20millions>
- The Mirror (2023) "Piers Morgan slams 'shameless' OnlyFans star who says her kids can 'cry in a Ferrari'" Accessed from: <https://www.mirror.co.uk/tv/tv-news/piers-morgan-slams-shameless-onlyfans-30172685>
- Moore, P. and Joyce, S. 2020. Black box or hidden abode? The expansion and exposure of platform work managerialism *Review of International Political Economy* 27:4, 926-948.
- Nayar, K. I. 2017. 'Working It: The Professionalization of Amateurism in Digital Adult Entertainment.' *Feminist Media Studies* 17 (3): 473–488.
- The New York Post (2023) "I made hundreds of thousands of dollars on OnlyFans — but now I'm quitting this unstable industry" Accessed from: <https://nypost.com/2023/08/31/i-made-hundreds-of-thousands-of-dollars-on-onlyfans-but-now-im-quitting-this-unstable-industry/>
- Ofcom, 2021. Online Nation; 2021 Report, Available from: https://www.ofcom.org.uk/data/assets/pdf_file/0013/220414/online-nation-2021-report.pdf
- Perdue, L. 2002. *EroticaBiz: How Sex Shaped the Internet*. Bloomington: iUniverse.
- PornHub (n.d.) pornhub.com
- Rea, M. C. 2001. What is pornography? *Noûs*, 35(1), 118–145
- RedTube (n.d.) Redtube.com
- Rouse, L., and Salter, A. 2021. Cosplay on Demand? Instagram, OnlyFans, and the Gendered Fantrepeneur. *Social Media + Society*. 1-14.
- Rowland-Serdar, B., and Schwartz-Shea, P. 1991. Empowering women: self, autonomy, and responsibility. *The Western Political Quarterly*, 44(3), 605–624.
- Russell, D. E. H. 1993. *Making violence sexy: feminist views on pornography* (Ser. Athene series). Teachers College Press.
- Senft, T. M. 2008. *Camgirls: Celebrity and Community in the Age of Social Networks*. New York: Peter Lang.
- The Standard (2020) "OnlyFans is sex work and pornography — stop calling it 'empowering'" Accessed from: <https://www.standard.co.uk/comment/comment/onlyfans-sex-work-pornography-empowering-bella-thorne-a4545501.html>
- Stubb, C., Nyström, A.-G., and Colliander, J. 2019. Influencer marketing. *Journal of Communication Management*, 23(2), 109–122.
- The Sun (2023) "Who is OnlyFans Star Elsa Thora?" Accessed from: <https://www.thesun.co.uk/news/23916591/onlyfans-star-elsa-thora-who/>
- The Tab (2023) "Right, just how much money does Lottie Moss make on OnlyFans?" Accessed from: <https://thetab.com/uk/2023/09/04/lottie-moss-money-earnings-on-onlyfans-326800>
- TalkSPORT (2023) "I'm a former UFC star and bare-knuckle boxer, but I made more money from OnlyFans in 24 hours than entire fight career" Accessed from: <https://talksport.com/sport/mma/1552088/paige-vanzant-ufc-bkfc-onlyfans-money/>
- Van der Nagel, E. 2021. Competing platform imaginaries of NSFW content creation on OnlyFans. *Porn Studies*. 8 (4), 394-410
- Wasserman, M. 1996. Positive, powerful pornography. *Agenda: Empowering Women for Gender Equity*, 28(28), 58–65.
- Watson, L. 2010. Pornography. *Philosophy Compass*, 5(7), 535–550.
- Weinberg, M.S., Williams, C.J., Kleiner, S. et al. 2010. Pornography, Normalization, and Empowerment. *Arch Sex Behav* 39, 1389–1401.

- Weitzer, R. J. 2010. *Sex for sale: prostitution, pornography, and the sex industry* (2nd ed.). Routledge.
- Willoughby, B. J., Carroll, J. S., Busby, D. M., and Brown, C. C. (2016). Differences in pornography use among couples: associations with satisfaction, stability, and relationship processes. *Archives of Sexual Behavior: The Official Publication of the International Academy of Sex Research*, 45(1), 145–158.
- Wright, P. J. 2013. U.S. males and pornography, 1973-2010: consumption, predictors, correlates. *Journal of Sex Research*, 50(1), 60–71.
- YouGov. 2022. "How often do Britons watch porn?" Accessed from:
<https://yougov.co.uk/topics/society/articles-reports/2022/07/01/how-often-do-britons-watch-porn>

Mass Shootings: Defining by Numbers and the Implications for Policy

Sarah Watson,¹ Peter Squires, Helen Poole, James Treadwell

Abstract

Public Mass shootings shock, disturb and provoke enormous and controversial debate, often causing significant public and media resonance/reaction, becoming the subject of intense discussion in political culture (Böckler et al, 2013). At times they provide an impetus for legislative amendments to European frameworks and policies (Duquet, 2016; Hurka, 2017), often in distinct ways that routine gun violence does not. Certain mass shootings can be seen to be 'signal crimes', acts that change the way people and institutions think about safety and security (Innes, 2004). This can be seen in the cases of Hungerford, Dunblane and Antwerp for example, where legislative/policy change occurred as a result of the incidents. Conversely, there are some mass shootings that despite also resulting in multiple deaths, generate nothing other than an intensely short-lived media response, with no change to legislation/policy, leading us to question: what events matter under what circumstances.

Key words: Mass-shootings; Victims; Definitions; Policy; Multiple-Streams-Framework (MSF)

Research Aims

This paper presents an outline of a research project that explores public mass shootings, how they are framed and conceptualised and how this shapes policy change across Europe. The

¹ Sarah is a Senior Lecturer and Course Leader for the Professional Policing degree at Staffordshire University. Sarah is currently a part-time PhD researcher examining mass shootings across Europe and what factors contribute to policy change. Sarah has published a paper in Criminology and Criminal Justice; a chapter that explores the impact of firearms on society and development; and she also produced content for the UN Office of Drugs and Crime Education 4 Justice firearms programme.

research aims to provide a comprehensive overview of the nature and extent of mass shootings in different European countries. It examines historical data, statistics, and case studies to analyse patterns, trends, and variations. Understanding how mass shootings are defined and categorised is crucial when assessing how they are framed and responded to. This involved examining definitions, legal frameworks, and differences in stances to shed light on the factors that influence the understanding and perception of mass shootings in varying contexts. Mass shootings research frequently focuses on the psychological profile of the perpetrator, their social isolation, masculinity, mental ill health, consumption of violent media (Krach, 1999) and the role of the media in the portrayal of mass shootings. There is little exploration of the impact of mass shootings on firearms policy (for exceptions see Doran, 2014 and Hurka, 2017). The research utilises a blended approach to provide a criminological evaluation of key scholarly debates, policymaking and modification following mass shootings, intertwined with qualitative interviews.

The research delves into the policymaking processes and legislative responses that follow mass shootings in Europe. By analysing existing laws, regulations, and policy measures that are implemented in different countries, it provides insights into the approaches and strategies employed to address mass shootings. This exploration helps to uncover similarities, differences, and evolving practices across Europe. The final objective focuses on opening a conversation and narrative surrounding responses to mass shootings. It involves analysing media coverage, public discourse, and societal reactions to gain a comprehensive understanding of perspectives on mass shootings. By exploring diverse viewpoints, the research sheds light on the societal, cultural, and political factors that shape responses to these incidents.

Introduction

Mass shootings are often considered rare violent crimes (Bowers, Holmes, and Rhom, 2010). Nonetheless, they are the most visible form of firearms violence (Studdert *et al*, 2017). Mass shootings shock, disturb and provoke enormous and controversial debates and can be seen to be 'signal crimes', changing how crime and security are viewed (Innes, 2004). They often occur in a public space that is very much 'close to home', unlike much of what transpires in the criminal underworld that is often at a distance from everyday life (Duquet, 2016, p. 3). Fox and Levin (2003, p. 49) however, argue that it is not as rare an occurrence as it is often assumed to be; an assertion supported more recently by scholars who comment on the rising

frequency of incidents, and the increase in fatalities, primarily in North America and Europe, in the last two decades (National Centre for Victims of Crime [NCVC], 2018).

The issue of firearm regulation, or the lack thereof, features prominently in discussions concerning the USA, and it is here that most of the research into mass shootings has been conducted (Chappell, 2014). The US have approximately 5% of the global population, yet 31% of all mass shootings (Willingham and Ahmed, 2017). Despite their frequency, mass shootings in the American context rarely led to legislative change, thereby fuelling the ongoing firearm control debate (Schildkraut, Elsass, and Stafford, 2015). Contrary to Lott's (1998) assertion that the more firearms Americans possess, the lower the crime rate will be, not only do mass shootings show no sign of abating, they are also often portrayed as an intrinsic part of American culture, analogous to baseball or apple pie (Alvarez and Bachman, 2014). Although recent studies challenge the notion that mass shootings are exclusively an American phenomenon (Anisin, 2022).

Nonetheless, mass shootings are a broad concept. There are considerable differences in the range of definitions used by researchers, such as: spree killing (HMIC, 1987), multiple victim public shootings (Lott and Landes, 1996), mass murder, mass shooting (Webster and Vernick, 2013), rampage shooting (Newman *et al*, 2004), mass shooting episode (Shultz *et al*, 2014, p. 4), amok killings (Levin and Madfis, 2003), massacres, autogenic massacres (Mullen, 2004), mass public shootings, public mass shootings (Lankford, 2016), active shooter incidents (Blair and Schweit, 2013), pseudo commando mass murder (Dietz, 1986) and mission-orientated maximum violence (O'Toole, 2014). Mass shooting is a phrase that is propagated by the media, by government papers and scientific and psychological journals, and yet currently a universal definition does not exist (Turner, Lockey and Rehn, 2016, p. 1).

There are also conflicting perspectives regarding what constitutes a 'mass' shooting. A rather arbitrary fatality threshold is often applied to definitions. Mass shootings are quantified by many according to the number of fatalities (see Table 1. below), frequently, a minimum of four fatalities in a single incident by an individual (Krouse and Richardson, 2015). It is this definition that is often used in studies of mass shootings (Reuter and Mouzos, 2003). This corresponds with the FBI (2018) definition of mass murder, and as such is frequently adopted within much of the mass shooting literature (see Lankford, 2016). This changed to three or more victims in 2012, although many continue to use the original definition (Lott, 2018).

Author	Term Used	Fatalities	Period Investigated	Total Incidents
Lankford	Public mass shooter/ Active Shooter/ Rampage Shooters	Four or more	1966-2012	292 (Global)
Kelly	Active shooter	At least one	1966-2012	230 (USA)
Hurka	Rampage shootings	At least two	1990-2010	17 (Global)
Duquet	Public shooting/ Mass shooting/ School shooting	At least four	2009-2015	19 (Europe)
FBI	Active shooter	Three or more	2018	27 (USA)

Table 1. Variations in Terminology and Fatality Counts (Watson, 2022)

Shootings that fall outside of this threshold often fail to generate sufficient interest. Subsequently, the cases with the lowest number of victims generate the least amount of attention and are most likely to be missed in data collection, rendering them least noteworthy, least important in terms of social and political consequences (Kelly, 2012).

Reliable data is not only notoriously difficult to obtain, but it is often not comparable with other data sources. There is difficulty counting incidents; results can be sensitive to definitions and the data sources used (Webster and Vernick, 2013, p. 166). Definitions can reduce or increase the number of mass shootings recorded, and how they appear within data sets. For example, should a perpetrator kill up to three people it would be described as a single, double, or triple murder, rather than a mass shooting (Bjelopera *et al*, 2013) and as such would be excluded from many of the data sets. Additional challenges can occur when attempting to compare mass shootings, as individual countries measure them differently (Schildkraut and Elsass, 2016), frequently based on how they are defined. Fatality counts, and a combination of factors mean most mass shootings fit into one or more categories of shootings but are also excluded from others, which serves only to compound the lack of clarity.

There is a lack of agreement regarding the number of victims and fatalities (see Table 2. below). For example, following the Liège shooting, the number of fatalities and injuries ranged between 3 and 6, and 120 and 125, respectively. Additionally, there was uncertainty as to whether the victims were shot or injured due to the grenades, or if the total included the perpetrator or the cleaner who was killed earlier at the perpetrators' residence.

Author	Date	Fatality	Injured	Total
Sabbe	2020	6	130	136
Kelly	2012	6	125	131
Safarik & Ramsland	2022	6	125	131
Jadot	2011	5	125	130
Deighton	2011	4	125	129
The Evening Standard	2011	3	125	128
Duquet & Goris	2018	5	123	128
Bauwens & Burke	2014	5	123	128
The Daily Record	2011	5	122	127
The Telegraph	2011	5	122	127
Traynor	2011	4	at least 122	126
Nurmi	2014	6	no mention	6
Duquet	2016	6	no mention	6
Mannaerts	2020	6	no mention	6
The Guardian	2011	4	dozens injured	?
Duquet & Van Alstein	2016	?	120	?

Table 2. Variations in Victim Counts: Liège Shooting in Belgium (Watson, 2022)

The aforementioned issues highlight a need to understand the mass shooting landscape, and the impact of such incidences on policy change. They also highlight a clear need to develop a consensus definition of mass shootings (Shultz *et al*, p. 2014), or at least a typology, to help understand how mass shootings are conceptualised and counted across Europe. A clear and consistent definition is needed in the interests of a better evidence base to reduce harm.

Rather than limiting our understanding by focusing on this arbitrary threshold, definitions should consider all direct victims and not just fatalities. Mass shootings are intentional, planned events using firearms to kill or injure multiple victims (Schultz *et al*, 2014). The objective is to shoot as many people as possible. The fact that there are not more victims is not a result of the perpetrator carefully aiming. The lethal intent is clear, for this reason, the researcher suggests that the definition should be: **‘shootings that occur in the public and or semi-public space perpetrated by one offender and resulting in three or more victims randomly selected with at least one fatality’**. Our understanding should not be limited by negating mass shootings that do not meet the requisite fatality threshold; the wider impact must also be considered. The trauma and impact of mass shootings can be profound

(Javanbakht, 2021), leaving emotional and mental scars on survivors, witnesses, the emergency services and, according to Javanbakht (2021), millions of others.

Overview of Methods

The study consists of two distinct stages, each serving as an integral component of the research design. The first is an exploration of the case studies; the mass shooting incidents that occurred in four European countries (see Table 3. below). The research builds upon Cavadino and Dignan's (2006) typology of late-modern capitalist societies.

LOCATION	COUNTRY	REGIME	DATE	FATAL.	INJURIES	PERPETRATOR	AGE	CASE
Bogaarden	Belgium	CC	May-87	7	3	Michel Van Wijendaele	28	-
Hungerford	Great Britain	NL	Aug-87	16	15	Michael Ryan	27	+
Monkseaton	Great Britain	NL	Apr-89	1	14	Robert Sartin	22	-
Euskirchen	Germany	CC	Mar-94	6	8	Erwin Mikolajczyk	39	-
Dunblane	Great Britain	NL	Mar-96	17	17	Thomas Hamilton	43	+
Dillingen	Germany	CC	May-99	5	11	Gunter Hermann Ewen	37	-
Bad								
Reichenhall	Germany	CC	Nov-99	4	8	Martin Peyerl	16	-
Erfurt	Germany	CC	Apr-02	16	0	Robert Steinhäuser	19	+
Antwerp	Belgium	CC	May-06	2	1	Hans van Themsche	18	+
Jökela	Finland	SD	Nov-07	8	12	Pekka-Eric Auvinen	18	-
Kauhajoki	Finland	SD	Sep-08	10	1	Matti Juhani Saari	22	+
Winnenden	Germany	CC	Mar-09	15	9	Tim Kretschmer	17	-
Espoo	Finland	SD	Dec-09	5	0	Ibrahim Shkupolli	43	+
Cumbria	Great Britain	NL	Jun-10	12	11	Derek Bird	52	-
Lörrach	Germany	CC	Sep-10	3	18	Sabine Radmacher	41	-
Liege	Belgium	CC	Dec-11	5	125	Nordine Amrani	33	+
Hyvinkää	Finland	SD	May-12	2	7	Eero Samuli Hiltunen	18	-
Imatra	Finland	SD	Dec-16	3	0	Joi Lasonen	23	-

Table 3. Overview of Case Studies: Positive and Negative Cases (Watson, 2022)

Based on an analysis of Esping-Anderson's (1990) regime tripartite framework it compared welfare states, broadly categorising them as; neo liberal (NL), conservative corporatist (CC) and social democratic (SD). The utilisation of the framework served as a valuable tool in structuring and organising the case studies. It provided a classification system that helped to analyse and compare how each society aligned with the identified category, helping to

understand the unique features, challenges and dynamics present in each society allowing for meaningful comparisons and contrasts.

Stage 1: The Case Studies

Eighteen mass shooting incidents were identified between May 1987 and December 2016. This period was selected to capture data across a larger period, and specifically to include Hungerford in 1987, one of two defining incidents with significant changes to firearms legislation following the shooting. All but one were perpetrated by men. A total of 137 people were killed and 260 injured, resulting in 397 direct victims. The selection of cases includes examples of what Hurka (2017) calls positive (led to legislative change), and negative cases (did not result in legislative change), in each of the four countries (see Table 3.).

Information was gathered in relation to each event, this enabled a comprehensive analysis of the 18 mass shootings. The data came from a variety of sources including but not limited to; databases that cover academic studies in political science, criminology, public health, law, and sociology, doctoral theses, papers, and reports published by those researching firearms crime and policy, governments, and the Independent Police Complaints Committee (IPCC), now the Independent Office for Police Conduct (IOPC). LexisNexis, ProQuest, and Global News Stream were also used to locate and analyse news and media sources, to contribute to an understanding of how the incidents were portrayed and framed.

Mass shootings are a prime example of an external shock that holds particular significance for firearm policy (Hurka and Nebel, 2013), at times providing an impetus for legislative amendments, often in distinct ways to routine firearm violence. If certain events highlight the need for reform, then policy change becomes more likely, as illustrated by Kingdon's (1984) Multiple Streams Framework (MSF). The MSF examines the convergence of problem recognition, policy solutions, and political feasibility, shedding light on why certain policies are adopted or rejected (Kingdon, 2003). The focus on agenda setting, policy entrepreneurs, and how three independent streams (problem, policy, and politics) join together is particularly pertinent for this research.

Parliamentary debates were analysed to examine the political landscape and narratives around firearms legislation following mass shootings in different countries, contributing to a deeper understanding of policymaking and legislative actions. The comparative analysis of these debates revealed similarities, differences, and variations in how countries addressed

such incidents. By integrating academic literature, media sources, and parliamentary debates, the research gains a stronger empirical foundation, wider contextual understanding, and inclusion of diverse perspectives, thereby enhancing the analysis of mass shootings. In addition to the plenary debates, information regarding the case studies was obtained from those working within Finnish and Belgian parliaments, this provided real-world data and strengthened the empirical foundation of the research. Using MSF provides valuable insights into the policymaking processes and responses to mass shootings, and as such was considered the most useful framework for the case study stage of the research.

Case Study: Germany

A combination of factors are required to bring an idea to policy fruition (Kingdon, 1984, p.81) and there are important intervening variables that can increase or decrease the potential scope for the ensuing political reaction (Hurka, 2017, p. 33). By applying MSF to the case studies, the research could explore how policy agendas are formed; the role of various actors and institutions, and the factors that shaped legislative responses in the different countries and the individual mass shootings. However, this paper will focus solely on the case study of Germany, due to time and word constraints.

According to MSF, policy change is more likely where policy windows open simultaneously in both the problem and policy streams. Following the Euskirchen, Dillingen, Bad Reichenhall and Lörrach mass shootings the policy window opened only in the problem stream. If a policy window opens only in the problem stream, it could indicate that there is a lack of agreement over the existence of a problem, or the lack of will to address it. Equally, it could be that policy entrepreneurs failed to occupy those key political positions necessary to bring about change, or that they were unable to access or influence policymakers (Eckersley and Lakota, 2021).

Germany is classified as a classical consensus democracy (Lijphart, 2012) with a resistance to change that is inherent in conservative welfare regimes, and often adaptations occur incrementally and slowly. To change any regulatory approach requires the consent of the Bundesrat, where the 16 Länder government are represented (Hurka, 2017, p. 116). Unlike majoritarian democracies such as Great Britain, these features mean policy change processes not only take longer but require more compromise. Subsequently, profound policy change is unlikely. Strong judicial review, two-chambered legislature, and a multi-party system has mostly resulted in a coalition government (Hurka, 2017, p.124) and this dispersed political power makes rash policy change less likely (Tonry, 2009, p. 390).

Those in favour of stricter legislation face opposition from all sides. The firearms industry is an example of an oligopolistic marketplace that sees the majority of money in very few hands (Eitches, 2018). The arms lobby is able to use its privileged access to government, and with it the lobbying strategies that bring together key representatives and influential politicians, the largest and most important status groups dominating any political discussion. There are also those who are keen to emphasise how strict legislation does not prevent people from acquiring and using firearms illegally (Elder, 2022). Firearms law by definition is only concerned with legal owners, because unlike criminals, they stick to the law. Although this does not take into consideration that 61% of perpetrators, 11 of the 18 mass shootings, acquired their firearms legally. Attempting to use the law to avoid disadvantaging those who abide by the law, yet ensuring you regulate those who do not, is a paradox that a law maker just cannot solve (Knight, 2015).

National legislative procedures and institutions shape individual beliefs about how people are and to which communities they belong (Zahariadis, 2016, p.6). Identities help to explain popular support under certain conditions for greater firearms control, or less. Germany's population exceeds 80 million, of which almost two million own in excess of 5.5 million legal firearms (German Culture, 2022), Germany's firearm culture, historical engagement with and love of shooting, combined with their political institutions presents significant challenges that mean policy change is exceedingly difficult to achieve. Global and economic changes affecting most developed countries provide a backdrop, however more persuasive explanations of why policies change or not in particular places can be found only in the histories and cultures of those places (Tonry, 2009, p. 376). Long-standing pro-firearm lobby groups have regularly opposed attempts to tighten firearms legislation, and it was not until Erfurt that any meaningful anti-firearm interest groups were formed, highlighting the dominance of pro-firearm interests in the German political system.

Reference to the shootings as 'American-style school shootings' (Kirschbaum, 2016), led to debates around the suitability of firearm legislation. The focus on increasing enforcement rights by the police defused the firearm control debate and for many the changes were either seen as incremental or cosmetic (Frankfurter Allgemeine Zeitung, 2009). However, they were policy changes, nonetheless. Windows opened in both the problem and policy streams. A review of regulation was on the agenda prior to Erfurt, which indicated that a suitable alternative was already available. The number of victims highlighted the severity of the incidents, particularly when combined with support from the media and public (Von Beyme, 1998), making it politically necessary to address it (Hurka, 2017, p.102).

A number of factors could be said to have resulted in the policy changes following Erfurt and Winnenden, and indeed the other mass shootings. To develop a comprehensive understanding of the phenomenon being studied the research adopted a mixed methods approach, to combine breadth and depth and enhance the credibility of the study (Carter *et al*, 2014). Semi-structured interviews can play a significant part in building informative narratives (Zachariadis, Scott and Barrett, 2013, p.864). Using multiple sources of data but also multiple approaches to analysing the data, or methodological triangulation, involves the use of more than one data collection method (Denzin, 2017). Combining the case study analysis with qualitative interviews will enable the researcher to triangulate the findings and gain a more comprehensive understanding of the nature of, and responses to mass shootings in Europe.

Stage 2: The Qualitative Interviews

Semi-structured qualitative interviews can aid in comprehending participants' experiences, and knowledge about mass shootings, including definitions, policy responses, challenges, and potential areas for improvement. They can offer rich, nuanced perspectives, providing deep insights into the complexities, motivations, and decision-making processes involved in addressing mass shootings across different European contexts.

Purposive sampling ensured that participants were selected based on their significance to the research question (Gray *et al*, 2007), in this case, their possession of specific knowledge in the area of firearms, legislation and/or mass shootings (see Table 4. below). Participants included those from the law enforcement sector, advocates and adversaries of firearms possession, acquisition and use, those individuals who are directly affected by legislative revisions.

Participant	Gender	Country	Affiliation	Role	Group	Anon.
1	M	US	Anon	Firearms co-ordinator	Law enforcement	Yes
2	M	UK	NABIS	Lead Forensic Scientist	Law enforcement	No
3	M	SEE/EU	United Nations/SEESAC	UNDP/SEESAC	Researcher	No
4	M	UK	University	Executive Dean	Researcher/Shooter	No
5	M	Norway	PRIO	Research Fellow	Researcher	No
6	F	Finland	Anon	Post Doc Researcher	Researcher	Yes
7	M	Belgium	Flemish Peace Institute	Senior Researcher	Researcher	No
8	M	UK	GCN	Member	Victim/Anti-lobby	No
9	M	UK	BSSC	Secretary	Pro-lobby	No

10	M	UK	GCN	Member	Victim/Anti-lobby	No
11	M	UK	Home Office	Head of Firearms Policy	Policy	No

Table 4. Overview of Participants

NABIS: National Ballistics Intelligence Service,
GCN: Gun Control Network

PRIO: Peace Research Institute Oslo
BSSC: British Shooting Sports Council

To ensure a wide range of views from multiple perspectives the sample also included researchers and those studying firearms crime or engaged in efforts to reduce firearm-related violence and influential entities in policy development and legislative modifications. Additionally, the often-overlooked perspectives of mass shooting victims, those who have lost family members due to a mass shooting, were also included.

Eleven interviews were conducted, each lasted between 40 and 90 minutes. Most of the participants work in organisations located outside of the UK, consequently only four interviews took place in person, the remainder took place remotely via Skype or Teams. All participants except one were male, they were not asked for age nor ethnicity. All interviewees were volunteers and whilst anonymity is of the utmost importance to protect participants, the interviewees were given the option either for them and/or their affiliated organisation to be named. This is unusual compared to the vast proportion of research projects where anonymity is the norm. Although this is something undertaken by Doran (2014) during her research into media constructions and policy implications of school shootings in the US. The rationale for this was simple, although the research involved the sensitive topic of firearms crime and specifically mass shootings, those being interviewed were not criminally involved in firearms crime, in fact, quite the opposite. Given the research aims and the fact that participants were primarily tasked with advocating against firearms violence, the notion considered was similar to that of Doran (2014), removing the option for the participant's identity to be available presupposes vulnerability about them. It might also offer a conduit for their voices to be heard with the reassurance that they would have control over what is published.

The inclusion of case studies has contributed to a more comprehensive contextual framework and facilitated a rigorous policy analysis. Simultaneously conducting interviews has facilitated the acquisition of first-hand perspectives from key stakeholders actively engaged in their respective field. This combination will allow for a more nuanced exploration of the research question and objectives and capture different dimensions of the issue. Using more than one method of data collection or analysis is a well-established tradition in the social sciences (Alexander *et al*, 2008). Multiple methods can capture the complexity of distinct aspects of the

phenomenon (Mason, 2006) in pursuit of contextual depth (Kelliher, 2005, p.129). The case study analysis is in the final stages, once this has concluded, the analysis of the qualitative interview data will begin. By integrating critical realism, NVivo and thematic analysis the researcher can conduct a rigorous and comprehensive analysis of the qualitative interviews, enabling the researcher to gain a deeper understanding of the factors associated with mass shootings and firearms policy.

Summary

The use of a case study analysis provides valuable insights into the policymaking process and responses to mass shootings. The MSF examines the convergence of problem recognition, policy solutions and political feasibility shedding light on why certain policies are adopted or rejected. Applying this framework to the case studies helped to explore how policy agendas are formed, and the role of various actors, and institutions, and the factors that shaped legislative responses, or not, in the different countries. The application of MSF, to understand the policymaking processes and legislative responses to mass shootings in specific European countries, reveals the factors that influence agenda setting, policy formulation and implementation.

The perspectives and experiences of researchers, law enforcement officials and policymakers in addressing mass shootings will contribute to the existing literature offering insights. Additionally, the integration and synthesis of these two methods will provide a comprehensive analysis of mass shootings, combining the macro-level policy analysis and micro-level perspectives. The unique combination of case study analysis using the MSF and qualitative interviews allows for a comprehensive understanding of mass shootings in Europe from multiple perspectives and levels of analysis. Incorporating the information obtained from the case studies and interviews will enhance the comprehensiveness and depth of the research. It will provide real-world data and insights from policymakers, allowing a rich and full analysis of the policymaking processes, whilst allowing for a comparison of responses across countries, but also evaluating the effectiveness of legislative actions in addressing mass shootings.

The research utilises a combination of methods to explore important academic discussions and the connection between policies. Combining academic literature, media sources, and parliamentary debates, the research gains a stronger empirical foundation. However, the incorporation of qualitative interviews adds valuable insights from the policymaking context,

wider contextual understanding, validation through triangulation, and inclusion of diverse perspectives. This integration enhances the depth, breadth, and relevance of the research, contributing to a more nuanced and robust analysis of mass shootings.

References

- Alexander, V.D., Thomas, H., Cronin, A., Fielding, J. and Moran-Ellis, J. (2008) 'Mixed Methods' in Gilbert, N. (eds) *Researching Social Life*. London: Sage, pp. 125-144.
- Alvarez, A, Bachman, R. (2014) 'As American as Apple Pie'. In: Alvarez A, Bachman R (eds) *Violence the Enduring Problem*, 2nd edn. London: SAGE, pp.1–24.
- Anisin, A. (2022) 'Do Mass Shootings in Central and Eastern Europe Differ from U.S. Mass Shootings? Insights from the MSCEE Data Set', *Journal of Mass Violence Research*.
- Bjelopera, J.P., Bagalman, E., Caldwell, S.W. (2013) *CRS Report for Congress Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy Specialist in Organized Crime and Terrorism Analyst in Health Policy*. Available at: https://journal.istresource.org/wp-content/uploads/2013/03/MassShootings_CongResServ.pdf (Accessed: 11th July 2017).
- Blair, J. P. and Schweit, K. W. (2014) *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*. Washington, DC: Texas State University and Federal Bureau of Investigation, U.S. Department of Justice.
- Bowers, T.G., Holmes, E.S., and Rhom, A. (2010) 'The Nature of Mass Murder and Autogenic Massacre'. *Journal of Police and Criminal Psychology* 25(2): 59–66.
- Burns, R. and Crawford, C. (1999) School Shootings, the Media, and Public Fear: Ingredients for a Moral Panic. *Crime, Law and Social Change* 32: 147–168.
- Cairney, P. (2018) 'Three Habits of Successful Policy Entrepreneurs', *Policy and Politics*, 46 (2), pp.199-215.
- Carter, N., Bryant-Lukosius, D., DiCenso, A., Blythe, J. and Neville, A. J. (2014) The Use of Triangulation in Qualitative Research, *Oncology Nursing Forum*, 41(5), pp. 545-547.
- Cavadino, M. and Dignan, J. (2006) 'Penal Policy and Political Economy'. *Criminology and Criminal Justice*. 6(4), pp. 435-456.
- Chappell, D. (2014) 'Firearms Regulation, Violence and the Mentally Ill: A Contemporary Antipodean Appraisal'. *International Journal of Law and Psychiatry* 37(4): 399–408.
- Denzin, N.K. (2017) *The Research Act: A Theoretical Introduction to Sociological Methods*. Oxon: Routledge.
- Dietz, P.E. (1986) 'Mass, Serial and Sensational Homicides', *Bulletin of the New York Academy of Medicine*, 62(5), pp. 477-491.
- Doran, S.E.M. (2014) *News Media Constructions and Policy Implications of School Shootings in the United States*. PhD Thesis, University of Glasgow.
- Duquet, N. (2016) *Armed to Kill: An Exploratory Analysis of the Guns Used in Public Mass Shootings in Europe*. Brussel: Flemish Peace Institute.
- Eckersley, P. and Lakoma, K. (2021) 'Straddling Multiple Streams: Focusing Events, Policy Entrepreneurs and Problem Brokers in the Governance of Fire and Rescue Services', *Policy Studies*.
- Eitches, E. (2018) The Protection of Lawful Commerce in Arms Act: Precipitating the World's Most Dangerous Game. Available at: <https://ssrn.com/abstract=3009413> (Accessed: 2nd January 2023).
- Elder, F. (2022) Berlin Bulletin: Homework for Scholz – Procurement Deal – Gun Lobby, German Style. Available at: <https://www.politico.eu/newsletter/berlin-bulletin/homework-for-scholz-procurement-deal-gun-lobby-german-style/> (Accessed: 24th January 2023).
- Esping-Anderson, G. (1990) *The Three worlds of Welfare Capitalism*. Princeton: Princeton University Press.
- Federal Bureau of Investigation (2018) *Active Shooter Incidents in the United States in 2016 and 2017*. Available at: <https://www.fbi.gov/file-repository/active-shooter-incidents-us-2016-2017.pdf/view> (Accessed: 16th July 2019).
- Fox, J.A. and Levin, J. (2003) 'Mass Murder: An Analysis of Extreme Violence'. *Journal of Applied Psychoanalytic Studies* 5(1): 47–64.
- Frankfurter Allgemeine Zeitung (2009) No 'Kneeling' to the Gun Lobby. Available at: [https:// www.faz-net.translate.goog/aktuell/politik/inland/koalition-weist-kritik-zurueck-kein-kniefall-](https://www.faz-net.translate.goog/aktuell/politik/inland/koalition-weist-kritik-zurueck-kein-kniefall-)

- vorderwaffenlobby-1802746.html?_x_tr_sl=de&_x_tr_tl=en&_x_hl=en&_x_tr_pto=sc (Accessed: 6th April 2023).
- German Culture (2022) Gun Laws in Germany. Available at: <https://germanculture.com.ua/daily/gun-laws-in-germany/> (Accessed: 6th September 2022).
- Gray, P. S., Williamson, J. B., Karp, D. A. and Dalphin, J. R. (2007) *The Research Imagination: An Introduction to Quantitative and Qualitative Methods*. Cambridge: Cambridge University Press.
- HMIC (1987) Hungerford Shooting Incident Report. Available at: https://jesip.org.uk.uk/uploads/media/incident_reports_and_inquiries/Hungerford%20Shootings.pdf (Accessed: September 2022).
- Hurka, S. (2017) *Rampage Shootings and Gun Control: Politicization and Policy Change in Western Europe*. London: Routledge.
- Hurka, S. and Nebel, K. (2013) 'Framing and Policy Change After Shooting rampages: A comparative analysis of discourse networks'. *Journal of European Public Policy* 20(3): 390–406.
- Innes, M. (2004) 'Signal Crimes and Signal Disorders: Notes on Deviance as Communicative Action', *The British Journal of Sociology*, 55(3), pp.335-355
- Javanbakht, A. (2021) Mass Shootings Leave Emotional and Mental Scars on Survivors, First Responders and Millions of Others. Available at: <https://theconversation.com/mass-shootings-leave-emotional-and-mental-scars-on-survivors-first-responders-and-millions-of-others-157935> (Accessed: 18th July 2023).
- Kelliher, F. (2005) 'Interpretivism and the Pursuit of Research Legitimation: An Integrated Approach to Single Case Design', *Electronic Journal of Business Research Methods*, 3(2), pp. 123–132.
- Kellner, D. (2013) 'Media Spectacle and Domestic Terrorism: The Case of the Batman/Joker Cinema Massacre', *The Review of Education, Pedagogy, and Cultural Studies*, 35, pp. 157-177
- Kelly, W. R. (2012) *Active Shooter: Recommendations and Analysis for Risk Mitigation*. New York: New York City Police Department.
- Kingdon, J.W. (1984) *Agendas, Alternatives and Public Policies*. New York: Longman.
- Kingdon, J.W. (2003) *Agendas, Alternatives and Public Policies*, 2nd edn. New York: Longman.
- Kirschbaum, E. (2016) After its own Mass Shootings, Germany Beefed up Gun Control Laws. The Number of Shootings Dropped. Available at: <https://www.latimes.com/world/europe/la-fg-germany-gun-control-20160615-snap-story.html> (Accessed: 17th June 2019).
- Knight, B. (2015) German Shooting Clubs Lobby Against EU Gun Control. Available at: <https://www.dw.com/en/german-shooting-clubs-lobby-against-eu-gun-control/a-18933020> (Accessed: 25th January 2023).
- Krach, W. (1999) Martin was Always Nice. Available at: <https://www.spiegel.de/politik/der-martin-war-immer-nett-a-0b2afee3-0002-0001-0000-000015045612> (Accessed: 19th September 2022)
- Krouse, W.J. and Richardson, D.J. (2015) *Mass Murder with Firearms: Incidents and Victims, 1999-2013. Congressional Research Service Report, July*. Available at: <https://fas.org/srg/crs/misc/R44126.pdf> (Accessed 16 July 2019).
- Lankford, A. (2016) 'Public Mass Shooters and Firearms: A Cross-National Study of 171 Countries', *Violence and Victims* 31(2): 187–199.
- Levin, J. and Madfis, E. (2009) 'Mass Murder at School and Cumulative Strain: A Sequential Model' *American Behavioral Scientist*, 52(9), pp.1227–1245. Available at: <http://abs.sagepub.com> (Accessed: 23rd June 2017).
- Lijphart, A. (2012) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries USA*: Yale University.
- Lott, J. (1998) *More Guns, Less Crime*. London: The University of Chicago Press.
- Lott, J. (2018) Comparing the Global Rate of Mass Public Shootings to the US's Rate and Comparing their Changes Over Time. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3289010 (Accessed: 22nd June 2019).
- Lott, J. and Landes, W. (1996) Multiple Victim Public Shootings. Available at: <https://ssrn.com/abstract=272929> (Accessed: 15th August 2017).
- Mason, J. (2006) 'Mixing Methods in a Qualitatively Driven Way', *Qualitative Research* 6(9), 9-25.
- Mullen, P.E. (2004) 'The Autogenic (Self-generated) Massacre', *Behavioural Sciences and the Law*, 22(3), pp. 311-323.
- National Centre for Victims of Crime (NCVC) (2018) *Mass Casualty Shootings Fact Sheet*. Arlington, VA: NCVC.
- Newman, K., Fox, C., Roth, W., Mehta, J. and Harding, D. (2004) *Rampage: The Social Roots of School Shootings*. New York: Basic Books.

- Nurmi, J. (2014) *Let Go and Remember: How Finnish Communities Experienced and Memorialized School Shootings*. Available at: <https://www.utupub.fi/bitstream/handle/10024/98994/AnnalesB390Nurmi.pdf?sequence=2&isAllowed=y> (Accessed 30 January 2018).
- O'Toole, M. E. (2014) 'The Mission-Oriented Mass Shooter: A New Type of Mass Killer', *Gender and Violence*, 1(1), pp. 9-10.
- Reuter, P. and Mouzos, J. (2003) 'Australia: A Massive Buy-back of Low-risk Guns'. In: Ludwig, J. and Cook, P. (eds) *Evaluating Gun Policy: Effects on Crime and Violence*. Washington, DC: The Brookings Institute Press, pp. 121-156.
- Schildkraut, J. and Elsass, H.J. (2016) *Mass Shootings: Media, Myths and Realities*. Denver, CO: Praeger.
- Schildkraut, J., Elsass, H.J. and Stafford, C. (2015) 'Could it Happen Here? Moral Panic, School Shootings, and Fear of Crime Among College Students'. *Crime, Law, and Social Change* 63(1-2): 91-110.
- Shultz, J., Thoresen, S., Flynn, B.W., Muschert, G.W., Shaw, J.A., Espinel, Z., Walter, F.G., Gaither, J.B., Garcia-Barcena, Y., O'Keefe, K. and Cohen, A.M. (2014) 'Multiple Vantage Points on the Mental Health Effects of Mass Shootings', *Current Psychiatry Report*, 16, pp. 469.
- Studdert, D.M., Zhang, Y., Rodden, J.A., Hyndman, R.J., and Wintemute, G.J. (2017) 'Handgun Acquisitions in California after Two Mass Shootings', *Annals of Internal Medicine*, 166(10), pp. 698-706.
- Tonry, M. (2009) 'Explanations of American Punishment Policies: A National History' *Punishment and Society* 11(3), pp. 377-394.
- Turner, C.D.A., Lockey, D.J. and Rehn, M. (2016) 'Pre-hospital Management of Mass Casualty Civilian Shootings: A Systematic Literature Review', *Critical Care*, 20, pp. 1-11.
- Von Beyme, K. (1998) 'Interest Groups in Parliamentary Decisions in the German Bundestag', *Government and Opposition*, 33(1), pp. 38-55. doi:10.1111/j.1477-7053.1998.tbh 00782.x
- Watson, S. (2022) Mass Shootings, Fatality Thresholds and Defining by Numbers: Political and Social Consequences. *Criminology and Criminal Justice*, Available at: <https://journals.sagepub.com/doi/full/10.1177/17488958221110812> (Accessed: 1 July 2023).
- Webster, D.W. and Vernick, J.S. (2013) *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Baltimore, MD: The John Hopkins University Press.
- Willingham, J.A. and Ahmed, S. (2017) *Mass Shootings in America are a Serious Problem – and These 9 Charts Show Just why*, CNN. Available at: <http://www.cnn.com/2016/06/13/health/mass-shootings-in-america-in-charts-and-graphs-trnd/index.html>. (Accessed: 1 July 2023).
- Zachariadis, M., Scott, S. and Barrett, M. (2013) 'Methodological Implications of Critical Realism for Mixed-Methods Research' *MIS Quarterly: Management Information Systems*. 37(3), pp. 855-880
- Zahariadis, N. (2015) Multiple Streams Approach: An Introduction. Available at: <https://www.youtube.com/watch?v=JUlvvBVoJil> (Accessed: 15th August 2022).
- Zahariadis, N. (2016) 'Delphic Oracles: Ambiguity, Institutions, and Multiple Streams', *Policy Sciences*. 49(1), pp.3-12.

Zemiology in the Age of Surveillance Capitalism: toward an understanding of the Ultra-Fast Fashion industry

Jessica Rose Elias¹

Abstract

This paper addresses the need for zemiology to modernise through the recognition of deeper levels of harm being inflicted through surveillance capitalism (Zuboff, 2019). Emphasising a needs-based approach to zemiology (Pemberton, 2016) highlights the existential threat being faced through the utilisation of surveillance mechanisms and the normalization of their presence in our lives. The right to our identities and our autonomy must be defended – and for this to be possible, studies of power and harm must develop. This draws upon a case study of ultra-fast fashion to provide an anchor point through which new harms can be explored, bringing criminological awareness to an exceptionally harmful industry at the forefront of globalisation. Through this, the preliminary theoretical findings from a doctoral study interrogating the intersection between technological development and harm production are shared, culminating in an invitation to a unique theoretical orientation and emerging field of study: Digital Zemiology.

Key Words: digital zemiology, zemiology, fast fashion, surveillance capitalism, digital society

¹ Jessica Elias is a PhD candidate in Criminal Justice at Liverpool John Moores University and a lecturer in Criminology at Manchester Metropolitan University. Her research interests lie at the intersection between technologization and harm production, investigating the impacts of surveillance capitalism and the implications of this for human autonomy and identity.

Introduction

This article presents the initial theoretical findings from an ongoing doctoral study investigating the impacts of surveillance capitalism (Zuboff, 2015; 2019) on consumer identity and autonomy in the digital age through a case study of the ultra-fast fashion industry. By interrogating the intersection between developments in digital technology and harm production, this article aims to acknowledge the proliferation of normalized corporate surveillance through a new system of capitalism (Zuboff, 2015; 2019) and to outline opportunities for theoretical development presented by the digital context, drawing upon works within zemiology (Pemberton, 2016) and surveillance studies (Brusseau, 2019; 2020) to present an invitation to both a unique theoretical orientation and an emerging field of study. This article will provide a succinct introduction to the issue of fast fashion, the harms of the industry, and the development of ultra-fast fashion; this is followed by an introduction to surveillance capitalism and the implications of this for studies of crimes of the powerful (Tombs and Whyte, 2020) and zemiology (Pemberton, 2016; Tifft and Sullivan, 2001). The intersection between clothing consumption and identity construction is interrogated, with the implications for studies of relational and autonomy harms (Pemberton, 2016) explored. This article concludes with an invitation to the discipline to embrace an interdisciplinary approach in addressing the deepening harms of technologization.

The Harms of Fast Fashion and the Rise of Ultra-Fast Fashion in the Digital Context

Characterised by quick response times, high product turnover, and ever lowering production costs (Sull and Turconi, 2008), the fast fashion business model rapidly rose to dominate the clothing industry following the turn of the millennium, becoming ubiquitous on our high streets and in our wardrobes. Embodied by household-name brands such as Primark, H&M, and Zara, the fast fashion corporations of the high street battle to maintain the lowest prices to entice consumers into a cycle of constant consumption, with the every-shortening trend cycle deviating from the traditional two-season structure of the fashion industry and allowing for accelerated product turnover. This has proven to be a hugely financially successful business model, as the industry has expanded to international markets and now comprises of fashion conglomerates, with numerous smaller brands operating under more recognisable names. However, mass production on this scale has not come without cost; as the industry has grown, so too have the harms of cheap clothing.

The harms of the industry are widespread and well-documented, having been the subject of countless industry exposés and mass protests in recent years. As highlighted through green

criminological enquiry, environmental harms constitute a major threat to human survival yet are often ignored by mainstream justice systems (Lynch and Stretsky, 2014) – a regard in which the fast fashion industry is an avid contributor. Clothing manufacturing can be seen to contribute to global pollution more than aviation, naval travel, and all other transportation methods combined (Stallard, 2022), being responsible for one fifth of industrial water pollution and 8% of global carbon emissions (UN Environment, 2019). However, the environmental impacts of the industry are not confined to the supply chain but span the entire lifecycle of each garment. The land and water usage required to produce enough raw materials to mass manufacture clothing at this scale is astronomical, with the industry being responsible for 20% of all pesticide use (McKinsey, 2020) in meeting manufacturer demands. Such pesticide use has run-off effects, polluting water sources and inflicting irreversible damage to land resources and wildlife. The environmental harms of the industry continue post-consumer, with 3 out of 5 garments being disposed of in landfill within a year of their purchase (Remy, Speelman and Swartz, 2016), with these landfill sites being housed in the very same countries as manufacturing thus rerouting further environmental harms back to the populations suffering from the industry the most (Bick, Halsey, and Ekenga, 2018). Not only does this allow for the obfuscation of the harms of the industry to consumers in the Global North but is indicative of the vast asymmetries of power between manufacturing states and the Northern corporations. The heavy use of cheap synthetic fabrics within the industry further contributes to water pollution, as with each wash of a garment micro-plastic particles are released into water systems (European Environment Agency, 2022).

Further to this, human rights abuses within the industry are a commonplace recurrence. Instances such as the 2012 collapse of the garment factory Rana Plaza in Bangladesh, an incident in which 1,134 people lost their lives and over 2,500 more were injured (Clean Clothes Campaign, no date), have prompted calls for industry accountability. However, whilst case studies like this are important in recognising the harms of the industry, the prevailing emphasis on such deadly incidents runs the danger of presenting them as isolated and ‘exceptional’ tragedies. This distracts from the everyday, ongoing ways in which risks to health mark the routine workings of the ‘global sweatshop regime’ (Mezzadri, 2017). Audits have found workplace codes of conduct commonly flaunted, with workers forced to exceed legal limits on working hours, often being paid grossly below legal minimum wage, and child labour still used despite being banned. The lack of health and safety measures means that workers are routinely exposed to fumes and chemicals, with leather tannery workers having a 20-50% greater risk of cancer due to working with the toxic chemicals without protective equipment (The True Cost, 2015). High levels of depression, anxiety, and exhaustion are routinely

reported among garment workers (Lynch and Strauss, 2007; Ashraf and Prentice, 2019), whilst the lack of a living wage negatively impacts the health of the workers as the cost of maintaining health is greater than wages earned (McMullen, 2013).

In the interest of preventing further similar incidents, the focus since the collapse of Rana Plaza has been on improving the physical infrastructure of garment manufacturing. The most intensive efforts have taken place in Bangladesh, where a range of new safety initiatives - including the Accord on Fire and Building Safety (Reinecke and Donaghey, 2015a; 2015b) – have sought to enforce safer working conditions. The Accord is a legally binding agreement between the international corporations sourcing from Bangladesh and national trade unions, this attempts to strengthen labour standards by holding international corporations accountable for the safety of the factories from which they source. The Accord has been widely criticised, both nationally in Bangladesh and internationally by advocacy groups, for focusing only on the Bangladeshi industry, for creating a semi-private system that undermines the state's responsibility to audit factories and protect workers, for failing to account for the vast number of informal garment units, and for further strengthening corporate power by proportioning more control to corporate entities over their business practices (Anner and Bair, 2016; Scheper, 2017). Whilst this opt-in, soft law approach may have been intended to raise labour standards in a deregulated neoliberal market (Tombs and Whyte, 2020) by pressuring corporation to act in a socially responsible manner (Palpacuer, 2017; Sabel et al., 2000), in practice this has proved to be a weak governance system with in-built conflicts of interest. Powerful corporations have the ability to appropriate such agreements, further reinforcing the asymmetries of power between international corporations and the nation states from which they source. Such systems continue to allow for quick 'tick-box' approaches to garment worker's health and safety, allowing corporations to continue to avoid accountability for malpractice in the event of wrongdoing being discovered and to easily sever ties with manufacturers in the event that mistreatment is uncovered. It is clear that dynamics of corporate harm are at play here, and, in this way, the fast fashion industry represents a grossly under-researched area of corporate crime (Simončič, 2021). This is a distinct harm of globalization (Tombs and Whyte, 2020), with criminological knowledge production remaining focused on the Global North to the comparative neglect of the Global South within which these harms are disproportionately proliferated (Carrington, 2016).

However, this is not to say that no harms occur in the Global North due to this industry, in fact the harms of the industry are also experienced by consumers. The fast fashion industry has led to higher rates of consumption (Pierre-Louis, 2019), with consumers wearing items less

frequently (Remy, Speelman, and Swartz, 2016). They are also increasingly unwilling to pay for ethically and sustainably produced garments (Albouy and Adesida, 2018) due to the normalization of undervalued garments. Further harm is inflicted on consumers themselves through the psychological influence of fast fashion marketing and the emphasis on constant consumerism (Kasser and Kanner, 2004), which has been found to be linked with lower well-being and higher rates of depression (Dittmar and Kapur, 2011), body-image issues and low self-esteem (Halliwell and Dittmar 2004; Kim and Lennon 2007; Tiggemann and Lynch, 2001).

The industry, however, shows no signs of modifying their harmful business model and has instead accelerated these practices within the online market. The digital context has ushered in the era of ultra-fast fashion, embodied by brands such as boohoo, Pretty Little Thing, and SHEIN. These corporations forego the physical retail space of the high street to operate entirely within an online market. Through this they have quickly surpassed the traditional fast fashion companies and have risen to dominate the industry, boasting ever-increasing profits amid the continued outcry from sustainability advocates whilst capitalising on social media marketing and globalisation to access an international consumer base and accelerate the consumption cycle tenfold. The use of targeted advertising to drive these profits is widespread, with the predictive capabilities of machine learning and algorithmic influence allowing consumers to be targeted by marketers constantly and with unprecedented success rates of purchases. And, of course, with greater accessibility to consumers comes higher rates of consumption and thus an aggressive acceleration of the aforementioned harms to the environment and garment workforce. For example, the ultra-fast fashion giant SHEIN's contribution to air pollution in 2021 alone amounted to an estimated 6.3 million tons of carbon dioxide, with almost all of this impact taking place in its supply chain (Kent, 2022). Meanwhile the company has also been subject to many controversies for its exploitation of workers (Channel 4, 2022), public relations weaponization to neutralize consumer concerns (Ng, 2023), and is facing numerous lawsuits for the plagiarism of clothing designs from small independent designers (Bain, 2023).

The digital context allows such brands unprecedented access to consumers, and whilst the use of advertising to influence consumer behaviour is not a new concept (Arrington, 1982), the rate of exposure to advertising is increasing through social media (Lee and Hong, 2016). Thus this possesses a new value in terms of social control. Social media platforms such as Instagram, YouTube, and TikTok, and search engines such as Google have become the new arena for consumer targeting as online shopping rapidly replaces the high street. This has coincided with the societal shift toward technologization and our increasing reliance on digital

devices. This accelerating technologization is symptomatic of a new system of capitalism, and with this comes new modes of power in which the capitalist ideology and logic of accumulation has mutated beyond our prior understandings of neoliberalism. Surveillance capitalism (Zuboff, 2015; 2019) is the system within which this takes place, with the world's largest corporations generating revenue through the collection and selling of user generated data. Profit derives from the surveillance and analysis of our online behaviour, utilising the predictive capabilities of machine learning and monetizing this through the selling of access to real-time online activity to directly influence and modify consumer behaviour for corporate profit (Zuboff, 2015; 2019). We commonly witness this in the form of targeted advertising; however, this extends far beyond a singular mechanism and instead forms an all-encompassing manipulation of digital space to further corporate gains. The use of predictive analytics has made the market *knowable*; in this way, the market is no longer open to the ebbs and flows of consumer choice and autonomy but is instead rigged for the constant expansion of surveillance profits (Zuboff, 2019).

This surpasses our prior understandings of corporate harms that are anchored by an understanding of the neoliberal capitalist ideology (Michalowski and Kramer, 2006; 2007; Tombs and Whyte, 2015; 2020), with an individualistic justification for wealth accumulation and a meritocratic fallacy fostering its palatability. Comparatively, surveillance capitalism represents a drastic departure from this as a new collectivist ideology has risen to dominance. This serves to neutralise concerns for the loss of individual freedoms and the use of private data for corporate interests by pitching the benefits of unregulated use of personal data to consumers as societal efficiency, convenience, and for the 'greater good'. This form of power is instrumentarian (Zuboff, 2019), indifferent to the attitudes and beliefs held by users as long as data continues to be generated and control continues to be enacted. By eliminating the need for a reciprocal relationship between corporation and user, this creates an asymmetry of knowledge within which users are entirely knowable whilst the corporation maintains a faceless obscurity. This asymmetry extends to the state/corporate relationship, as the role of the state as regulator can no longer be fulfilled through a failure to develop knowledge and understanding of these mechanisms, and a lack of economic power to restrict or penalize the conduct of surveillance corporations (Paul and Bhuiyan, 2023).

Surveillance is inescapable as the apparatuses of surveillance capitalism see a far more diffuse form of power that is enacted through various mechanisms surpassing the binary of the online and the offline. However, our current understandings of the digital maintain an outdated online/offline binary (Powell, Stratton and Cameron, 2018). This treats these as

separate spaces when the reality of modern life has long since started to blur the line between the two. The prevalence of entry points into the digital within our daily lives serve as the apparatuses of ubiquity through which surveillance powers are enacted (Zuboff, 2019). Each of our devices is a gateway both into the digital and through which mechanisms outflow into the physical space, eliminating the possibility of reprieve from surveillance. The digital, in its diffuse simultaneously online and offline form, is a space of control within which the user and the data they produce are commodified, identities consolidated and dissected into knowable, marketable demographics which, once reassembled, no longer represent the human being once behind them (Brusseau, 2020; Hammond, 2016). Nowhere is this more tangible than through the ultra-fast fashion system, as the construction of identity through clothing is now subject to corporate manipulation and commodification.

Clothing, Harm, and the Construction of Identity in the Digital Age

Within the context of ultra-fast fashion, we see these new harms take form. The fracturing of identity to serve algorithmic influence is an assault on human autonomy through which we witness direct corporate profiteering. Clothing has long been one of the most powerful forms of non-verbal communication we have at our disposal, as the ways in which we dress convey to others our personalities, our emotions, our states of mind, forming a key part in the everyday formation and communication of our identities (see Kaiser, 1990; Raunio, 1995). Our clothing is the only item that we allow to sit with such close proximity to our corporeal selves and yet we barely notice it, we often feel and perceive the world through our clothing - it becomes a part of us. This key pillar of our identity formation and self-expression is now one of the many ways in which surveillance capitalism manipulates who we are for the sake of corporate profits. Our decisions about how we express ourselves and how we form our identities are decided for us by an algorithm, with even a rejection of this feeding into future predictions of behaviour (Zuboff, 2019). It is the predictive capabilities of machine learning which fuels the mass overconsumption of clothing – further fuelling the previously mentioned and identified harms of the fashion industry. The ultra-fast fashion industry provides a tangible case study through which to investigate the harms of this system within the digital context and with an applied understanding of the mechanisms of surveillance capitalism. To be broken down into a knowable set of interests and demographics that can be efficiently marketed to impacts our construction of self and our understandings of ourselves (Brusseau, 2019), and with these very interests and attitudes that shape our identities being subject to hidden influence, we begin to see this system for the existential threat that it is.

The ability to present one's own identity as we wish is a vital facet of self-actualization, with the obstruction of this comprising a key form of relational harm (Pemberton, 2016). Relational harm denotes 'harms resulting from enforced exclusion from social relationships, and harms of misrecognition' (Pemberton, 2016:30). Within the current context, we begin to see a reframing of relational harms through which the individual faces forced exclusion from their own identity construction and misrecognition in the wake of identity commodification. This moves the focus of the 'relational' away from an externalized conceptualization and allows this to also account for the relation to the self. In this way, the ability to construct our own identities is a human need to which surveillance capitalism is an existential threat. Algorithmic influence directly interferes with and obstructs the formulation and presentation of self, manipulating user choice toward those options most profitable for the corporation and undermining self-actualization. This is not an inherently new concept and is not a mechanism unique to the ultra-fast fashion industry, as persuasive marketing has long been a tool utilized by corporations to sway consumer choice. However, the point of departure lies with the knowability and behaviour modification now possible within surveillance capitalism. The knowable market of surveillance allows for algorithms to target users to achieve guaranteed outcomes, this has the capability to directly interfere with the development of personal attitudes, beliefs, and self-image, through the consumption of products and information algorithmically determined to guarantee surveillance profits. The evidence of this capability has long been publicized by surveillance corporations themselves (Bond et al., 2012). This signifies a deeper level at which relational harms are now able to be inflicted and requires a broader understanding of identity formation to fully conceptualize.

Furthermore, the ability to formulate our own attitudes and beliefs is fundamental, as Pemberton states: 'self-actualization is predicated on the achievement of a sufficient level of autonomy insofar as an individual possesses the ability to formulate choices and has the capacity to act on these' (2016:29) – this is a capacity to which surveillance capitalism is an existential threat. Autonomy within this system is diminishing as it becomes increasingly difficult to escape the hidden influence of surveillance and the internalization of our commodified identities. The disparity between *perceived* autonomy and the capacity for true autonomy within the digital space is distinct (Wertenbroch et al., 2020), as the imbalance between the two continues to widen in the wake of mechanisms fostering perceived autonomy in users. This allows for apathy and indifference in the face of surveillance, as perceived autonomy furthers surveillance's normalization and the continuing widespread reliance on technological convenience. Through any other less normalized mechanism, such corporate manipulation would be seen for what it is. However, the mechanisms through which this

operates are so deeply entrenched within our experiences of modern life that this becomes difficult to confront and acknowledge.

Pemberton's 'needs-based' approach to harm (2016) allows for these abstract and internal harms to begin to be recognised. This reorientates the focus of social harm conceptualisations away from singular events of harm, instead identifying human needs that through their deficit result in identifiable harms (2016:27). However, whilst the framework itself is orientated around a philosophical approach to harm, it is clear from this analysis that conceptualisations of harm require deeper consideration to fully grasp the harms of technologization. We now face the urgent need to deepen the levels to which harm is recognised through the acknowledgment and incorporation of the digital context into our understandings of harm production.

Taking the Digital Seriously: Towards a Digital Zemiology

Herein lies an opportunity. The implications of this system for modern life are insidious; corporate manipulation has reached deeper, far more internalized, and hidden levels than previously conceptualised and is able to inflict harm through a seemingly infinite number of mechanisms. In the wake of this, contributions can be made to our understandings of harm by exploring the implications of surveillance capitalism for the formulation of identity, the expression of self, and the present and future of human autonomy. Zemiology has long been the critical gaze most equipped to be applied to a wide and varying array of instances and inequalities, providing a lens through which harms can be articulated and rearticulated to address systems and abuses of power. However, the emergence of surveillance capitalism has been such an extreme point of departure from the familiar systems within which our understandings of harm were originally formulated that developments must be made before these harms can be conceptualised. From this discussion it is clear that the digital context is a ubiquitous site of harm production. Diffuse in its mechanisms and modes of power it is able to inflict harm continuously, whilst being decentralised from a singular entity and location, with harm often inflicted upon many users simultaneously without awareness. This requires a bespoke approach to comprehend, as the fluidity of this form of harm is a drastic deviation from prior understandings. Current understandings of the digital within criminology transpose pre-existing frameworks into the digital context, based on the assumption that dynamics of harm remain the same and therefore these fail to account for harms that are not inflicted by another human being on the other side of a screen (Powell, Stratton and Cameron, 2018). This approach needs to develop in order to fully grasp the harms of technologization and the current digital context.

In the wake of this, we face the urgent need for the development of a Digital Zemiology – a zemiology informed by the modern era and built upon an understanding of this new system of capitalism. To embed the digital into our understandings of harm would by no means be a limiting factor for its applicability, but instead represents a framework through which the distinctly contemporary and widespread harms of technologization, and the many forms this takes outside of a strictly ‘online’ context, can finally be recognised. To do so would be to develop not only a theoretical orientation which recognises digital harms but would constitute an approach to the digital society at large. This holds a transformative capacity, as in order to confront these harms it is the voices of users and those with the experiential knowledge of this system which must be amplified. This represents new frontiers in the development of research methodologies that are specific to the digital context - allowing criminology to embrace innovative and creative methodologies that utilise the many languages of the digital space by exploring the visual and curatorial expressions prevalent within online sharing. Finally, it must be addressed that to develop a digital zemiology would not be a case of splitting theoretical hairs but would represent a distinct contribution to the field. To do so is a matter of urgency as in order for the rights to our identity and autonomy to be defended criminology must develop.

References

- Anner, M. and Bair, J., 2016. The bulk of the iceberg: a critique of the OStern Center’s Report on worker safety in Bangladesh. *State College, PA: Center for Global Workers’ Rights*.
- Arrington, R. (1982). *Advertising and Behavior Control*. *Journal of Business Ethics*, 1(1), 3-12.
- Bain, M., 2023. Why the Shein Lawsuit Is Going After Its Algorithms’, *Business of Fashion*, 19 July. Available at: <https://www.businessoffashion.com/articles/technology/why-the-shein-lawsuit-is-going-after-its-algorithms/> (Accessed: July 22 2023).
- Bick, R., Halsey, E., and Ekenga, C., 2018. *The global environmental injustice of fast fashion*. *Environmental Health: A Global Access Science Source*, 17(1), p.92.
- Bond, R.M., Fariss, C.J., Jones, J.J., Kramer, A.D., Marlow, C., Settle, J.E. and Fowler, J.H., 2012. A 61-million-person experiment in social influence and political mobilization. *Nature*, 489(7415), pp.295-298.
- Brusseau, J., 2019. Ethics of identity in the time of big data. *First Monday*, Volume. 24, Number 5. Available at: <https://firstmonday.org/ojs/index.php/fm/rt/prinTerFriendly/9624/7756> (Accessed: July 29 2023)
- Brusseau, J., 2020. Deleuze's Postscript on the Societies of Control: Updated for Big Data and Predictive Analytics. *Theoria*, 67(164), pp.1-25.
- Carrington, K., Hogg, R. and Sozzo, M., 2016. Southern criminology. *The British Journal of Criminology*, 56(1), pp.1-20.
- Channel 4, 2022. *Inside the Shein Machine: UNTOLD*. October. Available at: <https://www.channel4.com/programmes/inside-the-shein-machine-untold> (Accessed: March 22, 2023).
- Clean Clothes Campaign, no date. *Rana Plaza*. Available at: <https://cleanclothes.org/campaigns/past/rana-plaza> (Accessed: June 1 2023).
- Dittmar, H. and Kapur, P., 2011. *Consumerism and well-being in India and the UK: Identity projection and emotion regulation as underlying psychological processes*. *Psychological Studies*, 56(1), pp.71-85.

- European Environment Agency, 2022. *Microplastics from textiles: towards a circular economy for textiles in Europe*. Available at: <https://www.eea.europa.eu/publications/microplastics-from-textiles-towards-a> (Accessed: June 1 2023).
- Halliwell, E., and H. Dittmar. 2004. Does size matter? The impact of model's body size on women's body-focused anxiety and advertising effectiveness. *Journal of Social and Clinical Psychology* 23, no. 1: 104–22.
- Hammond, P.W., 2016. Social Groups as Deleuzian Multiplicities. *The Journal of Speculative Philosophy*, 30(4), pp.452-467.
- Kaiser S. 1990. *The Social Psychology of Clothing. Symbolic Appearances in Context*, 2nd edn. Macmillan: New York; USA.
- Kasser, T.E. and Kanner, A.D., 2004. *Psychology and consumer culture: The struggle for a good life in a materialistic world*. American Psychological Association.
- Kent, S., 2022. 'Shein Outlines Plans to Reduce Emissions', *Business of Fashion*, 29 September. Available at: <https://www.businessoffashion.com/news/topics/shein-sustainability-emissions-global-warming-fast-fashion/> (Accessed: October 2 2023).
- Kim, J., and Lennon, S., 2007. Mass media and self-esteem, body image, and eating disorder tendencies. *Clothing and Textiles Research Journal* 25, no. 1: 3–23.
- Lee, J. and Hong, I.B., 2016. Predicting positive user responses to social media advertising: The roles of emotional appeal, informativeness, and creativity. *International Journal of Information Management*, 36(3), pp.360-373.
- Lynch, A. and Strauss, M., 2007. *Changing fashion: a critical introduction to trend analysis and cultural meaning*. Berg.
- Lynch, M.J. and Stretesky, P.B., 2014. *Exploring green criminology: Toward a green criminological revolution*. Ashgate Publishing, Ltd..
- McKinsey, 2020. 'The State of Fashion 2020', *Business of Fashion*, 1 October. Available at: <https://www.mckinsey.com/~media/mckinsey/industries/retail/our%20insights/the%20state%20of%20fashion%202020%20navigating%20uncertainty/the-state-of-fashion-2020-final.pdf> (Accessed: July 29 2023).
- McMullen A., 2013. *Shop til they drop: fainting and malnutrition in garment workers in Cambodia*. Joint report by Labour Behind the Label and Community Legal Education Centre. <https://cleanclothes.org/resources/national-cccs/shop-til-they-drop>; 2013.
- Mezzadri, A. and Srivastava, R., 2015. Labour regimes in the Indian garment sector: capital-labour relations, social reproduction and labour standards in the National Capital Region.
- Michalowski, R., and Kramer, R., 2006. *State-corporate crime: Wrongdoing at the intersection of business and government*. Rutgers University Press.
- Michalowski, R., and Kramer, R., 2007. State-corporate crime and criminological inquiry. In *International handbook of white-collar and corporate crime* (pp. 200-219). Boston, MA: Springer US.
- Ng, K., 2023. Influencers face backlash for promoting Shein factory during PR trip in China. *The Independent*, 27 June. Available at: <https://www.independent.co.uk/life-style/fashion/shein-factory-tour-influencers-trip-b2364739.html> (Accessed: July 1 2023).
- Palpacuer, F., 2017. Voluntary versus binding forms of regulation in global production networks: exploring the “paradoxes of partnership” in the European anti-sweatshop movement. *Unmaking the Global Sweatshop: Health and Safety of the World's Garment Workers*, pp.57-86.
- Paul, K., and Bhuiyan, J., 2023. TikTok hearing: CEO Shou Zi Chew testifies before US Congress amid looming ban – as it happened', *The Guardian*, 23 March. Available at: <https://www.theguardian.com/technology/live/2023/mar/23/tiktok-ceo-hearing-ban-congress-live-updates> (Accessed: March 30 2023).
- Pemberton, S.A., 2016. *Harmful societies: Understanding social harm*. Policy Press.
- Pierre-Louis, K., 2019. 'How to buy clothes that are built to last', *New York Times*, 25 September. Available at: <https://www.nytimes.com/interactive/2019/climate/sustainable-clothing.html> (Accessed: March 30 2023).
- Powell, A., Stratton, G. and Cameron, R., 2018. *Digital criminology: Crime and justice in digital society*. Routledge.
- Raunio A. 1995. Favorite clothes – a look at individuals' experience of clothing. In *Clothing and Its Social, Psychological, Cultural and Environmental Aspects, Proceedings of Textiles, Clothing and Craft Design*, Helsinki, 1995, Suojanen U (ed.). University of Helsinki; 179–194.

- Reinecke, J. and Donaghey, J., 2015a. After Rana Plaza: Building coalitional power for labour rights between unions and (consumption-based) social movement organisations. *Organization*, 22(5), pp.720-740.
- Reinecke, J. and Donaghey, J., 2015b. The 'Accord for Fire and Building Safety in Bangladesh' in response to the Rana Plaza disaster. In *Global governance of labour rights* (pp. 257-277). Edward Elgar Publishing.
- Remy, N., Speelman, E., and Swartz, S., 2016. 'Style that's sustainable: A new fast-fashion formula', *McKinsey Sustainability*, October 20. Available at: <https://www.mckinsey.com/capabilities/sustainability/our-insights/style-thats-sustainable-a-new-fast-fashion-formula> (Accessed: July 15 2023).
- Sabel, C., O'Rourke, D. and Fung, A., 2000. *Ratcheting labor standards: Regulation for continuous improvement in the global workplace*. Available at: SSRN: <https://ssrn.com/abstract=253833>
- Scheper, C., 2017. Labour networks under supply chain capitalism: the politics of the Bangladesh Accord. *Development and Change*, 48(5), pp.1069-1088.
- Simončič, K., 2021. Fast Fashion: A Case of Social Harm and State-Corporate Crime. *The Howard Journal of Crime and Justice*, 60(3), pp.343-369.
- Stallard, E., 2022. Fast fashion: How clothes are linked to climate change, *BBC News*, 29 July. Available at: <https://www.bbc.co.uk/news/science-environment-60382624> (Accessed: March 30 2023).
- Sull, D and Turconi, S (2008). Fast fashion lessons. *Business Strategy Review*, 19(2), pp. 4–11.
- The True Cost*. (2015). [Online] Directed by Andrew Morgan. United States: Untold Creative.
- Tiftt, L. and Sullivan, D., 2001. A needs-based, social harms definition of crime. *What is crime*, pp.179-206.
- Tiggemann, M. , and Lynch, J., 2001. Body image across the life span in adult women: The role of self-objectification. *Developmental Psychology* 37, no. 2: 243–253.
- Tombs, S. and Whyte, D., 2015. *The corporate criminal: Why corporations must be abolished*. Routledge.
- Tombs, S. and Whyte, D., 2020. The shifting imaginaries of corporate crime. *Journal of white collar and corporate crime*, 1(1), pp.16-23.
- Wertenbroch, K., Schrift, R.Y., Alba, J.W., Barasch, A., Bhattacharjee, A., Giesler, M., Knobe, J., Lehmann, D.R., Matz, S., Nave, G. and Parker, J.R., 2020. Autonomy in consumer choice. *Marketing letters*, 31, pp.429-439.
- Zuboff, S., 2015. Big other: surveillance capitalism and the prospects of an information civilization. *Journal of information technology*, 30(1), pp.75-89.
- Zuboff, S., 2019. *The age of surveillance capitalism: The fight for a human future at the new frontier of power*. Profile books.

Behind the Scenes of Migrant Smuggling: Qualitative Insights from Indian Smugglers

Manikandan Soundararajan¹, Siva T,² R. Rameshkannan,³ Ajith V B,⁴ James Treadwell⁵

Abstract

The implementation of stricter immigration policies by many countries has increased the number of people searching for alternative routes, such as seeking assistance from travel agents or migrant smugglers. This shift has created a new opportunity leading to an increase in travel agents and migrant smugglers, particularly in countries like India. This paper is based on ethnographic research with travel agents, who are running the migrant smuggling business in India. We have found that they initially operated as conventional travel agents providing services such as ticket booking and visa assistance. However, due the profitable and economically rewarding opportunities in illicit migrant smuggling, they have expanded into this lucrative business. Further, this paper explores their interpretations of migrant smuggling as a service provided to their clients, and the ethics they follow in their enterprises.

Key Words: Migrants Smuggling, Irregular Migrants, Human Trafficking, Illegal Migration

Introduction

Migrant smugglers are well-established networks in practically every part of the world, and they offer their services to desperate migrants who seek to move to a destination country

¹ Staffordshire University, UK

² Independent Researcher, India

³ Kamaraj College, Tamil Nadu, India

⁴ University of Madras, India

⁵ Staffordshire University, UK

without any documentation (Triandafyllidou, A., 2022; Zhang, Sanchez, and Achilli, 2018). Smugglers tend to regularly operate with the assistance of extensive networks, despite the fact that it is an illegal activity against the state and difficult to provide (Richter, 2019; Zhang, Sanchez, and Achilli, 2018). The United Nations Office on Drugs and Crime (UNODC) definition states: "Migrant Smuggling is the facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident". Even though the phrase "smugglers" appears relatively straightforward, many people are involved with various levels of awareness; for example, daily wage labourers such as fishermen in the coastal region may be unwittingly involved in smuggling activities while working for the migrant smuggling networks (UNODC, 2011). Most of the time, unsuccessful illegal migrants become smugglers and engage in smuggling activities in order to earn money for their subsequent attempt to cross the border (Zijlstra and Liempt, 2017). Organised migrant smugglers employ an ad hoc service with the assistance of local criminal organisations or networks, where they are more likely to be used for transit and have a greater understanding of the local environment (UNODC, 2011).

Economic imperatives may be core to migrant smuggling, as the practice is primarily driven by financial gains (Koser, 2008; Reitano and Tinti, 2015). Smugglers use diverse payment methods, including Pay-as-you-go and package deals, to offer services to their clients (Reitano and Tinti, 2015). Pay-as-you-go payment methods involve risky journeys, mostly on land, which often last for months and sometimes years (Reitano and Tinti, 2015). In this method, smugglers often accompany migrants in their travel, which often has very low safety and high risk, with those migrating susceptible to exploitation in the hands of smugglers and other people involved in their movement (Reitano and Tinti, 2015). On the other hand, package or one-time payment deals are more secure and safe, offering comprehensive and comfortable modes of transportation which include air, land, and water routes (Koser, 2008; Reitano and Tinti, 2015). Certain wealthier migrants can more easily afford this type of facilitation, but it is not so common for migrants from poorer backgrounds (Koser, 2008; Reitano and Tinti, 2015). Poorer migrants often sell their property or borrow money from family and friends (Kyle and Liang, 2003). Even though it's not guaranteed that they will arrive safely, or they will find work in the destination country, migrants may be exploited or criminalised, afforded precarious social positioning, and exploited into spending more money. Charges for the service provided by the smugglers differ, varying from place to place and person to person. The UNODC report that women pay more than men for migration services (UNODC, 2011). Stricter border controls across Europe and much of the West and global north has meant migrants increasingly depend on smugglers and criminal networks to find ways to migrate

(Zhang, Sanchez, and Achilli, 2018). Despite the inherent risks, migrants continue to seek help from smugglers due to increased difficulties of border crossing and the limited legal routes to desired destinations (Triandafyllidou, 2022; Zhang, Sanchez, and Achilli, 2018).

Migrant smuggling involves various methods and routes across land, sea, and air by different methods which often put migrants at risk (Achilli, 2018, Campana and Varese, 2016; Triandafyllidou and Maroukis, 2012, Triandafyllidou, 2022). Smuggling routes are frequently influenced by a number of variables, including proximity to one another geographically, current migratory trends, and the presence of criminal networks (Cummings et al., 2015). In the Mediterranean, migrants frequently set out on dangerous sea voyages from Northern Africa to Southern Europe, with many of the routes passing via the central Mediterranean on their way to Italy or Malta (UN High Commissioner for Refugees, 2013). The Andaman Sea and the Bay of Bengal in Southeast Asia have been utilised as smuggling routes for Rohingya migrants and refugees from Bangladesh and Myanmar, with destinations such as Thailand, Malaysia, and Indonesia (Hoffstaedter and Missbach, 2022). Most of the available literatures focus more on irregular migration and migrant smuggling around Europe, Africa and other countries which are in conflict zones.

While there is a clear distinction between human trafficking and migrant smuggling, they can also be linked. Human trafficking occurs for specific purposes, such as sexual exploitation, labour exploitation, forced criminality, and organ removal, among other forms of exploitation. A migrant smuggler is a person who, in exchange for financial or other benefits, facilitates a migrant's journey and irregular/illegal entry into a country through various means where the migrant is not a resident or citizen of that country (Campana and Varese, 2016, Tamura, 2010; Triandafyllidou and Maroukis, 2012; Triandafyllidou, 2022; UNODC, 2011). While notionally (and definitionally) distinct, human trafficking and migrant smuggling are often connected. In some cases, individuals may willingly start their journey with a smuggler but end up being trafficked upon arrival. The vulnerability of migrants during the smuggling process can make them targets for traffickers. Additionally, the routes and networks used by human smugglers may overlap with those used by traffickers. Understanding these linkages is crucial for developing comprehensive strategies to combat both human trafficking and human smuggling. However, we need to be cautious not to assume that those involved in smuggling and illegal activities are willing to support the exploitative and harmful practices of human trafficking, and alert to the general absence of empirical literature generated with those involved in such practices.

Methodology

This study adopted an exploratory research design focused on various aspects of migrant smuggling, including the motivations of smugglers, working strategies, documentation process, routes and transportation, and the risks and challenges they face in their line of work. The migrant smugglers' operations evolved and increased in sophistication over a period of time due to the stringent immigration policies and regulation which decreased regular routes (Triandafyllidou, 2022; Zhang, Sanchez, and Achilli, 2018). It is believed that an increase in migrant smuggling is often due to less availability of regular routes to enter a country (Bilger et al., 2006; Havinga and Böcker, 1999; Triandafyllidou, 2022; Zhang, Sanchez, and Achilli, 2018). The subjects of this study were migrant smugglers from India who are involved both regular (legal) and irregular migration, however, most of them did not consider themselves as migrant smugglers (and certainly not Human Traffickers). However, the term 'travel agents', suggests a degree of legitimacy in their conduct that was not always apparent, hence the interchangeable used both migrant smugglers and travel agents employed here, reflecting the ambiguity the field setting in terminology and lexicon.

The field researcher adopted an ethnographic research method in this study which is used widely in anthropological research to study a culture in a natural setting (Morgan-Trimmer and Wood, 2016). Creswell (2007) defines ethnography as "a strategy of inquiry in which the researcher studies an intact cultural group in a natural setting over a prolonged period of time by collecting, primarily, observational and interview data". According to Treadwell (2019), there is no conclusive definition of "what constitutes criminological ethnography". Traditional ethnographic research, however, entails engaging with participants and learning about their lives in a natural context (Treadwell, 2019). Morgan-Trimmer and Wood (2016) state that ethnography "comprises a collection of different ways of eliciting and collecting data, including the observation of individuals and groups of individuals, unstructured interviews, documentary analysis, and the use of a researcher's field notes". We refer to this study as ethnographic research because we have conducted in-depth interviews with 14 travel agents in the natural setting, mostly in their office or operating environment which also involved some observations. Data here is based on extensive interviews and participant observation with fourteen travel agents from New Delhi and Chennai who had been involved in the smuggling of migrants across the international borders. All participants have been given pseudonyms.

Eight participants were from New Delhi and six participants were from Chennai. Participants from New Delhi were interviewed in Hindi language and Chennai Participants with Tamil Language. These interviews were subsequently translated into English when the research

team came together to craft this article, the interviews most lasted several hours, often repeated contacts over the six months of the project. Most of the interviews were conducted in the participants offices, but researchers spent considerable time with interviewees.

We chose these two major cities in India, because of the access to participants and very active travel agents or migrant smuggling business and adopted a form of snowball sampling to identify and recruit participants (Sadler, Lee, Lim and Fullerton, 2010). Unstructured interview methods were employed in field settings as we want to explore more about the migrant smuggling operations (Harrell and Bradley, 2009) Subsequently data was coded using Creswell qualitative analysis techniques to extract the essence from the collected data and construct different themes (Creswell, 2014). The Creswell qualitative analysis technique is a type of thematic analysis that follows a systematic six-step process to analyse the data thematically (Creswell, 2014). Considering the sensitivity of the research area along with the risks involved for participants and researchers, we applied for – and were granted – ethical approval from the ethics committee of Kamaraj College, India as participants were based in India and the collected data were stored in India for further processing.

Motivations for Becoming a Migrant Smuggler

Like any other career, the first thing which motivated interviewees to people to become involved in-migrant smuggling was financial gain. The smugglers we interviewed as a part of this research study had commenced their involvement in migrant smuggling and illegal forms of migration having commenced their operation as small legitimate travel agents or ticket booking agents, who initially were only involved in legitimate businesses operations. However, eventually, due to the financial difficulties and/or the travel business being a competitive, they started to look for other ways to earn money and to sustain their business.

“When I started my career as a travel agent, at that time only few people were involved in this business [travel agent work] and we used to earn good money.... But now it is not like those days. There are too many people in the business and clients go to those who are ready to provide any services.....” (Mohan, 43, New Delhi)

“I started my business as a small travel agent in 2004. During that time, there were no smartphones, laptops and internet, so most of the bookings and transactions were done over the telephone. Airlines heavily relied on travel agents like us to connect with their clients. But when smart phones

and the internet were introduced, the value of travel agents dropped. That's why we had to look for other ways to survive in this business" (Ravi, 46, Chennai)

The interviewees indicated how their involvement in the migrant smuggling business emerged through a shift in supply and demand. When consumer demand for regular travel services began to wane, demand for illegal migration rose to a degree which subsequently influenced travel agents – including those who were previously only involved as legal providers – to begin moving with the market and facilitating illegal migration, providing fake documents, information on asylum systems and such:

"This business is not easy, the client's demand for illegal migration has increased over the time. 10 years ago people scared to talk about these things but now I myself offering the same service. We must adapt to the changing situation. I don't know maybe, I might not be doing this illegal work, if there is no demand. If we have to survive in this business, we must fulfil the client's demand" (Hamed, 41, New Delhi)

"People are ready to pay for the services and people are desperate to move out of India. Being a small travel agent, I find this as an opportunity to grow my business as most of the travel agents are not ready to take risks, but I had no choice rather than get involved in this activity to earn money. So, I started to make connections to provide services to the clients who approached me" (Suresh, 38, Chennai).

In contrast to financial and business survival motivations, some irregular or illegal migrants went on to become migrant smugglers themselves. This was often justified through shared experiences or understanding the political imperatives or considerations faced by marginalised persons. This phenomenon of irregular or illegal migrants turning into migrant smugglers for various reasons has already been explained in the existing literature (Zijlstra and Liempt, 2017). Jayendran, a Sri Lankan national, who migrated to India during the civil war in Sri Lanka and decided to become a migrant smuggler, outlined the ethical and political rationale of smuggling and facilitating illicit migration:

"Because of issues like discrimination against refugees and limited opportunities for people like us India... I decided to move out of India with the help of some friends, but it was extremely difficult for me to do that. Over the period, I figured it out how to go out of India and also sent few people illegally without any trouble. When people came to know about this,

more people from my community started to approach me to help them and I decided to make this as my career. I like helping people who are stuck in India like me. That's how I started this work" (Jayendran, 47, Chennai).

Migrant Smuggling Operations

An important theme that emerged from the interviews regarding the migrant smuggling operations was connections and social networks. Most of the respondents emphasized that their successful business operations depend on their extensive social networks and connections with different organisations. These connections included government agencies like immigration authorities, passport issuing authorities, border control officers and other government departments in source, transit and destination countries. Additionally, they also relied on fellow travel agents, migrant smuggling networks and other criminal networks. Mohan, a travel agent with over twenty years of experience, illustrated how important is to build social networks and relationships in their line of work:

"It is all about connections.... you know? If you've got solid ties and relationships with people who can make your job easily, then this business is good for you. Otherwise, I'm telling you, it's tough to stay in this line of work. This is not like a 9 to 5 job. See, if we send a person abroad and if he or she was somehow caught by the authorities there, chances are high that they will reveal about us and our operation which is a serious issue for us. So, to tackle these kinds of issues, we make a lot of connections, both here in India and abroad. By doing so can keep things running without any major issues" (Mohan, 47, Chennai).

"Involving in this type of work is not simply.... clients come with different request, we should have that much capabilities and flexibility to meet their demands. Though, we can use money to influence government officials here in India, but when it comes to foreign countries? That's completely tough job, believe me.... However, if we manage to connect with the right person and build strong relationships with them, things can run fairly smoothly, to a certain extent.... It took me around 8 to 10 years to build up these connections which include immigration officers, government officials, recruitment agencies, and travel agents – not just in India, but also in difficult countries" (Saleem, 40, New Delhi).

From the above narratives, we can also understand the degree of risk involved in migrant smuggling work, and how people discern different ways to mitigate these risks. Further, the organised nature of migrant smuggling is also evident. However, this organised nature is based on mutual benefits and trust which may be different to that which exists in human trafficking networks (e.g. see Spener, 2004, Campana, 2020). Some of the existing literature suggests that migrant smugglers utilise human trafficking routes and links for their operations (Dandurand and Jahn, 2019; Geddes, 2005; Salt, 2000). However, when we attempted to consider links between migrant smuggling and human trafficking, interviewees suggested that the link between these two operations very rarely exists in the context of India:

“We are not kidnappers or traffickers.... we don’t force anyone to go abroad. They themselves come to us to seek help to go abroad for various reasons. Some people seek our help to escape from getting killed from their enemy and some just want to go out to earn money and some just want to go because they are getting any chance to go out.... I don’t know about others, but I have never involved in such kind of criminal activities”
(Ravi, 46, Chennai).

“I have my own family, and I can understand the cruelty of human trafficking..... Yes, I agree that we are also dealing with some elements of illegal things, but it cannot be compared with something which is very inhuman like human trafficking” (Deepak, 36, New Delhi)

Most participants mentioned that they do not seek any help from human trafficking networks to operate, and on occasion particular participants were very much offended by any such suggestion of a connection.

“Why are you asking this question? How do you know that these two are connected together? Do you think we are such kind of people? (When we tried to give an explanation for these questions, he said...) I don’t want to answer any questions.... and I don’t want to continue the interview anymore” (Amit Singh, 43, New Delhi).

On one occasion questions on such a link were a reason that a participant stopped the interview. This observation of course does not disprove the presence of at least hidden or less acknowledged links between human trafficking networks and migrant smugglers, which needs to be explored further. An objective of the research was to explore the working strategies and services that providers provide to their clients. This aspect was one of the core areas that we tried to explore, but it was a challenging task to elicit complete information about the migrant

smuggling operations. Participants were reticent to provide specific details about the strategies they use and the way in which the services are delivered. Others clearly were unwilling to give much detail in answering questions in detail and were likely seeking to protect themselves, their associates and their trade secrets:

“We provide end to end services, which include documentation, transportation, a safe route to reach the destination.... we also provide accommodation, job opportunities and other guidance in the destination country. Further, we also provide legal advice for asylum claims and the preparation of case as well. So, in simple ,we provide everything to our clients and it’s up to them to decide what they want.... Apart from this, I can’t share more information which is not good for our operation” (Mohan, 47, Chennai).

“Everyone has their own strategies and ways to operate in this line of business. Moreover, these days, people are not only interested in migrating to their choice of destination country and they are also interested in seeking asylum.... And due to this reason, me and my partners have hired solicitors to work with us to understand the immigration laws of different countries to help our clients and we also create cases for them.... (When asked about the asylum case in detail) I can’t share that information as those are our trade secrets and revealing them will affect our business.” (Mathew, 40, Chennai).

“We have enough capacity to help people migrate to developed countries like the UK, France, Germany, the Netherlands and ItalySomewhere, we are very comfortable operating in these countries compared to the USA, Canada and Australia which are very far from India and where the risk is higher.... We have different networks for different destination countries and based on the requirements, we use different modes of transport.... (When asked about strategies, he said) I can’t share those information.... You know it’s not just me and we are a group of people work together, our network is purely based on trust, this information not only affect me but also others in our network, so please ask something else” (Saleem, 40, New Delhi)

The morality of providing Illicit Migration

Aloyo and Cusumano (2018) discuss the morality of human smuggling and argue that human smuggling can be permissible under certain circumstances. The authors argue that even though human smuggling is illegal, it can be allowed if the following conditions are met: both smuggler and migrant provide mutual consent to a smuggling agreement, both smuggler and migrant do not intend to or violate the human rights of any individual, the migrant or others' lives may improve if the migrant reaches the destination and finally, the smuggler accurately depicts the potential risks involved and smugglers undertakes measures to mitigate those risks (Aloyo and Cusumano, 2018). Likewise, Hidalgo (2018) provides a substantial justification in support of migrant smuggling and argues that it can morally justified when it aids refugees in escaping imminent threats to their rights and lives. Further, Achilli (2018) who conducted ethnographic research on field research on Syrian refugees and smugglers in Turkey, Lebanon, Jordan, Italy, and the Balkan route (Greece, Macedonia, and Serbia) has found that the smuggler operates within shared frameworks of morality. The interviews with migrant smugglers in India also revealed some sense of ethics and morality in their line of work:

"Though, we are involved in illegal activities but sometimes, we feel that this is also a kind of social service as we help people to migrate to the destination of their choice, who are facing different levels of issues and threats in India.... we always try to keep our clients safe during the travel, which also protects us from any kind of risk" (Ravi, 46, Chennai).

"I have been in this business for the last 12 years. I have managed to send more than 500 people abroad, most of them are refugees from Sri Lanka and now they all are doing well in their life somehow. I always feel happy for them because I myself is a refugee from Sri Lanka who came to India in 2007. Before I got into this business, I tried to go abroad, but luck wasn't on my side. But honestly, I am happy with this work.... as I have helped so many people, an opportunity for a better life. Moreover, I have never felt this work as something illegal (Jayendran, 47, Chennai).

The above narrative indicates that some travel agents in India are aware that they are involved in illegal work, however, they are happy to continue as they feel they are transforming their client's life in helping them to reach the destination country. It would seem that the accounts of Indian smugglers at least support assertions that relationships between the smugglers and

the smuggled can be more diverse than sometimes is recognised (Van Liempt and Doornik, 2006).

Economic Aspects of Migrant Smuggling

The primary motivation for an individual to engage in the migrant smuggling business is typically attributed to financial and other gains (Koser, 2008; Reitano and Tinti, 2015). This study explored economic aspects of migrant smuggling which include service charges, how these are determined, the nature of the transaction, and other related aspects. Charges for services vary across destination countries. Determining the service charges depends on two factors: the distance and complexity of the journey, and the border controls and security measures in the destination country. In the below table, we detail the average range of charges by agents in India (Convert from INR to GBP):

Country/region	Amount
United Kingdom	£5000 to £8000
European Countries other than UK	£4000 to £6000
Malaysia	£2000 to £3000
Middle Eastern countries (UEA, Kuwait, Saudi Arabia)	£2000 to £3000
Australia	£6000 to £8000

The analysis also indicated that most agents in India prefer not to work with a migrant who wants to migrate to the USA, Canada and even sometimes Australia because of various difficulties like distance, complex immigration system, time consuming processes, high risk and being less rewarding. The agents revealed that for the financial transaction, they have a system in place that they follow within their network. Mostly the agents deal in cash since financial transactions through banks often create suspicion due to the involvement of a huge amount of money. In addition, a few well established agents expressed that they have started using crypto currencies instead of cash as they are easy to operate and there is no risk of getting caught by tax departments in India:

“We always take hard cash as online transactions like internet banking or UPI transfers, has specific upper limits for both sending and receiving funds..... you know, the income tax department closely monitors bank accounts that engage in frequent transactions with a lot of money and because of this we mostly prefer cash” (Anil, 40, New Delhi)

“We used to ask people to pay cash but nowadays we avoid taking cash..... (When we asked the reason) it was very simple, it is not safe.... cash comes with a huge amount of risk and we need to spend separately to protect this cash. Also, we cannot receive the money into our bank, due to the tax department.... because of all these issues, we ask people to pay in crypto currencies like bitcoin or Ethereum which are very safe, secure and often not monitored by government organisations” (Mohan, 47, Chennai).

From the interviews, it was also found that some agents provide their services to their clients in an instalment payment method. In this type of transaction, the migrant pays an initial amount or half of the payment and once they reach the destination country, they start paying instalments on a monthly basis to the agent's associate in the destination country. There is a common narrative that the migrant smuggler exploits their client by charging a huge amount of money and using violence to recover their money from the client. However, this study has found something quite different from these common narratives and perceptions:

“Yes, I agree that we charge a lot of money to help transport our clients to their destination country.... But the fact is that we don't have all these. Like any other business, we need to pay other people who provide help running this business such as immigration officers, passport authorities, my office workers, solicitors and agents who help our clients in the destination country etc. Sometimes, after paying all of them, I left with nothing.... It very easy to blame us but we have our own values.... there are situations where we charged them less or even, they paid us in instalments” (Karthik, 37, Chennai).

“I have been in that situation and I know how much difficult it is to arrange for huge money.... it's always my principle that I charge 20% to 30% less than actual market value to people who are struggling or poor, especially people from Sri Lanka who are refugee in India. I have sent people to European countries by charging minimum amount of £1500” (Jayendran, 47, Chennai).

The above narratives have been reflected in few studies, in which the authors have argued that smugglers or agents are not always profit driven and exploitative in nature. There is always some sense of ethics and moral value that they follow to help their clients to migrate to their choice of destination country to escape persecution or have a better life or to escape

from any other problematic situations (Achilli, 2018; Aloyo and Cusumano, 2018; Hidalgo, 2018) and that this 'ethical' positioning of migrant smuggling is present alongside a financial imperative. Furthermore, this political ideology positions the activity as quite the antithesis of human trafficking.

Migration Routes from India

From the interviews, it was found that the agents use different methods to transport their clients from India to their destination country. Further, it was found that the migration routes are very dynamic, and the agents often change their routes based on operational issues and risk involvement. From the literature, it was found that the smugglers or agents play an essential role in determining the destination country, as they often influence the choices made by migrants (Robinson and Segrott, 2002; Zijlstra and Liempt, 2017). Likewise, it was found in this study that often the agents are the ones who recommend or choose a particular destination country for their clients based on their financial ability and the current situation of the operating environment.

During the interviews, most of the agents denied talking about the routes and strategies they use to transport their clients to a destination country. It is evident from the interviews that the agents are very cautious about the routes they use which are often considered as trade secrets or unique selling point of their business. A few agents revealed the routes they use to operate from India, however, they still were reluctant to provide details about the routes. To transport their clients to any European country including the UK, they first send them on a flight to UAE or Yemen or Saudi Arabia. Thereafter, they mostly use roadways (and very occasionally railways) to reach Turkey, from where they enter Southeast European Countries depending on the situation.

"It's only difficult until our clients reach Europe.... we have a strong network in Greece and Romania, that can easily transport any person to any European country from there.... (When asked how they operate, he said) I don't know, and they usually don't talk about this...my responsibility is to make sure people reached Greece safely and from there they manage everything" (Anthony, 39, New Delhi)

The interviews revealed that Turkey is one of the major operating grounds for migrants smuggling and most of the agents prefer Turkey routes from India as they have a strong network to support them. Mohan (47), a 20 years experienced agent shares his experience about operating in Turkey:

“We can do anything in Turkey if we have the right money and the right people. We have a good network of government officials and agents in Turkey, who can navigate anything for us at a reasonable price. However, we must be careful about scams and frauds, which affect the reputation of our business” (Mohan, 47, Chennai).

The agents also mentioned the African countries' routes which they very rarely use to reach European countries, due to the high-risk involvement and which can sometimes become life threatening for their clients.

Conclusion

In conclusion, this ethnographic study and its field-generated data has shed light on the dynamic interplay between demand for irregular migration and transformation of travel agent into migrant smuggler. These agents have understood the growing demand for irregular migration and adapted to this opportunity by offering a range of services, including facilitating illegal migration, fake documentation, providing information on asylum systems and other travel related services. It is very much evident from the findings that these agents are highly adaptable to situation and highly responsive to both prohibitions and opportunities that emerge within the dynamic landscape of migration. It is interesting to find that these agents often consider themselves as services providers, framing their activities within the context of facilitating movement and assisting the migrant rather than acknowledging their involvement in criminal activities. Further, these agents' views migration as business and a form of economic enterprise, but it predominantly arises within an individual context where the official framing around legitimacy and legality is not particularly influential.

References

- Achilli, L. (2018). The “good” smuggler: The ethics and morals of human smuggling among Syrians. *The ANNALS of the American academy of political and social science*, 676(1), pp.77-96.
- Aloyo, E. and Cusumano, E. (2018). Morally evaluating human smuggling: the case of migration to Europe. *Critical Review of International Social and Political Philosophy*.
- Bilger, V., Hofmann, M. and Jandl, M. (2006) ‘Human smuggling as a transnational service industry: Evidence from Austria’, *International Migration*, 44(4), pp. 59–93. doi:10.1111/j.1468-2435.2006.00380.x.
- Cummings, C., Pacitto, J., Lauro, D. and Foresti, M. (2015). Why people move: understanding the drivers and trends of migration to Europe. *London: Overseas Development Institute*.
- Dandurand, Y., and Jahn, J. (2019). The failing international legal framework on migrant smuggling and human trafficking. *The Palgrave International Handbook of Human Trafficking*, 1, 783–800. https://doi.org/10.1007/978-3-319-63058-8_47/COVER
- Demir, O.O., Sever, M. and Kahya, Y. (2016) *The social organisation of migrant smugglers in Turkey: Roles and Functions - European Journal on Criminal Policy and Research*, SpringerLink.
- Friebel, G. and Guriev, S. (2006) ‘Smuggling humans: A theory of debt-financed migration’, *Journal of the European Economic Association*, 4(6), pp. 1085–1111. doi:10.1162/jeea.2006.4.6.1085.

- Geddes, A. (2005). Chronicle of a Crisis Foretold: The Politics of Irregular Migration, Human Trafficking and People Smuggling in the UK. *Http://Dx.Doi.Org/10.1111/j.1467-856X.2005.00192.x*, 7(3), 324–339. <https://doi.org/10.1111/J.1467-856X.2005.00192.X>
- Global study on Smuggling of Migrants 2018*. (2018). Available at: https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf (Accessed: 19 August 2023).
- Harrell, M.C. and Bradley, M. (2009). Data collection methods: Semi-structured interviews and focus groups.
- Havinga, T. and Böcker, A. (1999) 'Country of asylum by choice or by chance: Asylum-seekers in Belgium, the Netherlands and the UK', *Journal of Ethnic and Migration Studies*, 25(1), pp. 43–61. doi:10.1080/1369183x.1999.9976671.
- Hidalgo, J. (2018). The ethics of people smuggling. In *Refugee Crisis: The Borders of Human Mobility* (pp. 65–80). Routledge.
- Hoffstaedter, G. and Missbach, A. (2022). Graves beyond the waves: enforced strandedness and the impossibility of place-making in the Andaman Sea. *Journal of Ethnic and Migration Studies*, pp.1-15.
- Iselin, B. and Adams, M. (2003) *Distinguishing between Human Trafficking and People Smuggling*. Available at: [https://www.embraceni.org/wp-content/uploads/2006/06/Distinguishing\[1\]1.pdf](https://www.embraceni.org/wp-content/uploads/2006/06/Distinguishing[1]1.pdf) (Accessed: 07 August 2023).
- Issue Paper Organized crime involvement in trafficking in persons and smuggling of migrants*. (2010) Available at: https://www.unodc.org/documents/human-trafficking/FINAL_REPORT_06052010_1.pdf (Accessed: 17 August 2023).
- Issue Paper Smuggling of Migrants by Sea (2011) United Nations: Office on Drugs and Crime. Available at: <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling-issue-papers.html>
- Koser, K. (2008). Why migrant smuggling pays. *International Migration*, 46(2), pp.3-26.
- Kyle, D. and Liang, Z. (2003) 'Migration Merchants : Human smuggling from Ecuador and China to the United States ', *Controlling a New Migration World*, pp. 212–233. doi:10.4324/9780203164938-17.
- Munck, R. and Kleibl, T. (2022) *Migration and Social Transformation: Engaged Perspectives* , *Migration transformation and social engaged perspectives*. Available at: https://www.researchgate.net/publication/370220695_Migration_and_Social_Transformation_Engaged_Perspectives (Accessed: 17 August 2023).
- Number of Venezuelans crossing the Darien Gap Soars* (2022) UNHCR. Available at: <https://www.unhcr.org/news/news-releases/number-venezuelans-crossing-darien-gap-soars> (Accessed: 16 August 2023).
- Reitano, T. and Tinti, P. (2015). Survive and advance-the economics of smuggling refugees and migrants into Europe. *Institute for Security Studies Papers*, 2015(289), p.32.
- Richter, L. (2019). Doing bizness: migrant smuggling and everyday life in the Maghreb. *Focaal*, 2019(85), pp.26-36.
- Robinson, V. and Segrott, J. (2002). *Understanding the decision-making of asylum seekers* (Vol. 12). London: Home Office.
- Salt, J. (2000). Trafficking and Human Smuggling: A European Perspective. *International Migration*, 38(3), 31–56. <https://doi.org/10.1111/1468-2435.00114>
- Spener, D. (2004). Mexican migrant-smuggling: A cross-border cottage industry. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 5, 295-320.
- Tamura, Y. (2010). Migrant smuggling. *Journal of Public Economics*, 94(7–8), 540–548.
- Triandafyllidou, A. (2022). MIGRANT SMUGGLING. In *Routledge Handbook of Immigration and Refugee Studies, Second Edition*.
- UN High Commissioner for Refugees (2013) *Mediterranean crossings to Italy and Malta exceed 8000 in first six months of 2013*, UNHCR. Available at: <https://www.unhcr.org/news/briefing-notes/mediterranean-crossings-italy-and-malta-exceed-8000-first-six-months-2013>.
- Van Liempt, I., and Doornik, J. (2006). Migrant's agency in the smuggling process: The perspectives of smuggled migrants in the Netherlands. *International Migration*, 44(4), 165-190.
- Zhang, S.X., Sanchez, G.E. and Achilli, L. (2018). Crimes of solidarity in mobility: Alternative views on migrant smuggling. *The ANNALS of the American academy of political and social science*, 676(1), pp.6-15.
- Zijlstra, J. and Liempt, I.V. (2017). Smart (phone) travelling: Understanding the use and impact of mobile technology on irregular migration journeys. *International Journal of Migration and Border Studies*, 3(2-3), pp.174-191.

Under AI Watch: Understanding Online Behaviors under Supposed AI-Surveillance¹

Yasmine Ezzeddine² and Petra Saskia Bayerl³

Abstract

Artificial Intelligence (AI) systems being capable of mimicking human intelligence to perform tasks have raised legitimate concerns around ethical and societal implications of their implementation. Despite the fast-paced reproduction of ethical principles to ensure safe and accountable deployment, it would be irrational to consider these sufficient. The adoption of these frameworks heavily relies on citizens' acceptance to the content and the approach of AI implementation. This study focuses on evaluating citizens' behaviours in reaction to assumed AI in online spaces, the factors that trigger rejection and potential changes in behaviour, including potential counteractions. Using an online experiment on Facebook, 30 participants were asked to perform eight tasks, accompanied by think-aloud methodology, under the assumption of AI-surveillance. The findings provide a detailed understanding of the types, reasons, and rationales for agreeing or disagreeing to conduct tasks under assumed AI-surveillance within real-life settings.

Keywords: Online surveillance; Artificial Intelligence; Law Enforcement Agencies; Resistance

¹ For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) license to any Author Accepted Manuscript version arising from this submission.

² Yasmine Ezzeddine is an experienced Researcher with a demonstrated history of working in higher education and on multi-national projects. Skilled in areas of Criminal Intelligence, Forensic Sciences, Research Management, Security, Policing and Applied Psychology. She is a PhD student researching Artificial Intelligence use in police surveillance in the UK.

³ P. Saskia Bayerl is Professor of Digital Communications and Security at CENTRIC, Sheffield Hallam University. Her research interests lay at the intersection of human-computer-interaction, privacy, and transparency management. She holds master's degrees in psychology, linguistics and organisational dynamics from Germany and the US, and a PhD from TU Delft, Netherlands.

Introduction

Surveillance involving systematic monitoring and data collection for purposes of influence or security (Lyon, 2007), are often portrayed as a double-edged sword capable of ensuring protection against crimes on the one hand and facilitating devastating attacks on the other. For instance, surveillance tools, being a source of sensitive information, could cause serious damage when compromised. Recent history is marked by notable attacks targeting industrial facilities such as Trojan Black Energy in 2015 (BlackEnergy, 2021), the WannaCry ransomware attack in 2017 (Mohurle and Patil, 2017) and the Conti ransomware attack on the Costa Rican government (Datta and Acton, 2022). Traditionally, the Panopticon theory (Bentham, 1791) motivated numerous discussions around the costs vs. benefits of surveillance (Foucault, 1991; Orwell, 2000), mostly painting a sinister picture of citizens rejecting surveillance, especially when linked to Law Enforcement Agencies (LEA) (Fussey and Sandhu, 2020). This emphasizes the need to understand the psychological consequences of these technologies in security and criminological domains (Chan and Moses, 2016).

Nevertheless, there seems to be scarce research investigating resistance and counterstrategies to police surveillance and AI-use, particularly on online social platforms. This is where our keen interest in assessing complex perspectives around AI-use in police surveillance stems from, coupled with a curiosity to observe the practical implications of different attitudes in a live experience of online interaction under supposed AI monitoring. The novelty of this research lies in its aim to bridge an important gap between attitudes and behaviours exhibited when assuming AI monitoring of social platforms. The specific design of our study expands knowledge by connecting different disciplines and theoretical frameworks such as self-surveillance (Timan and Albrechtshund, 2015), and factors triggering potential resistance to online monitoring, whether by police or private entities.

In an era dominated by smart technologies that are “profoundly transforming social life, identities and relations” (Smith et al., 2017, p.259), it is crucial to investigate people’s interactions and rationales of merging their physical and virtual existences, which equally contribute to the breadcrumbs constituting their digital footprint (Laufs and Borrión, 2022). The aim is to observe the influence of AI-driven monitoring on citizens’ engagement with different content types on social media. Based on research about the influence of surveillance on behaviour (Ezzeddine et al., 2023), we seek to evaluate when citizens would draw the line for police online monitoring, triggered by which factors, if any, and for what purposes. Briefly said,

we aim to answer the following research question: What triggers resistance in citizens in response to online surveillance by police compared to other entities?

Methodology

Approach

The approach consisted of an online experiment where participants were repeatedly reminded of potential AI-use while performing a series of tasks using their own personal Facebook accounts. Facebook was chosen as it is still one of the most dominantly used platforms (Snelson, 2016), making it “a potentially rich source of qualitative data for researchers” (Franz et al., 2019, p.1). We observed participants' behaviours across three contexts: *Animals World* page, *Debate UK Politics* and *Yorkshire: Crime and Incidents*, where they were reminded of AI online monitoring by police and third parties. This was accompanied by verbalisation to collect concurrent insights into the effect of the contextual manipulations.

Participants

Individuals over 18 years old, who have a Facebook account and were willing to use it to engage with the experimental tasks, were recruited through online advertisements, LinkedIn, and flyers. Participants were also approached through direct contact (in-person or by email) based on referrals (snowball-sampling). The recruitment information contained detailed explanations about what to expect, time needed to complete the experiment (45 minutes to an hour), and the incentive participants received for their time (£20 Love2Shop voucher).

A total of 30 participants agreed to take part (13 women, 17 men) with an average age of 36 years. All participants had (at least) an undergraduate degree, 12 of them identified as members of an ethnic minority and 21 of them worked in areas related to security. Table 1 provides details on the sample.

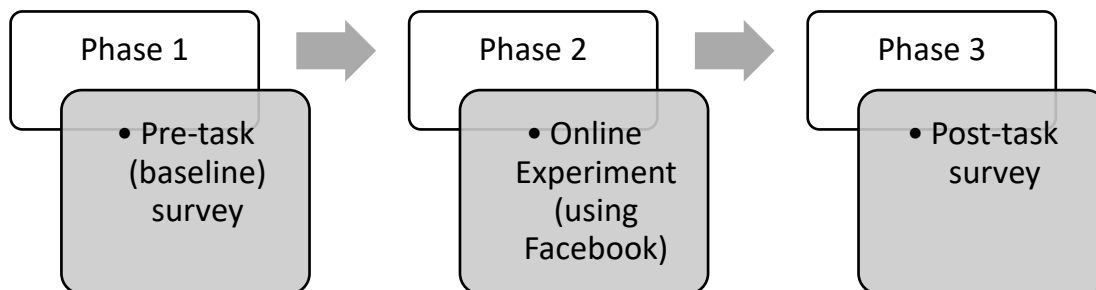
Table 1: Demographic Information of Participants

Participant s	Average Age	18-34 years	>35 years	Gender distribution Women / Men	Ethnicity minority/majori ty	Educational Level Univ. Degree/Master' s	Occupation Security- related/non- security related
30 participants	36.3	70%	30%	43.3 / 56.7%	40%/53.3% 6.7% prefer not to say	93.3% /6.7%	26.67%/70% 3% prefer not to say

Data collection

The study was conducted remotely in three phases (Figure.1) using MS Teams. Before the experiment, participants received an email with the Information Sheet and Consent Form, while Consent was obtained prior to scheduling the meeting. Phase 1 was a pre-task survey with ten baseline multiple-choice questions on self-rated knowledge of AI and social media activity. In addition, participants were introduced to the *think-aloud methodology* (Ericsson and Simon, 1993) using a short YouTube video, which they were then asked to practice by describing an event that happened to them recently. In Phase 2, the online experiment was conducted.

Figure 1. Phases of the Study



Participants were asked to share their screen and conduct eight tasks on each of three preselected Facebook pages, while verbalizing their thoughts (Güss, 2018). Figure.2 shows the three Facebook pages that were used in this experiment: first, "*Animals World*" for animal lovers, second, "*UK Debate Politics*" for UK politics, and lastly "*Yorkshire Crimes and Incidents*" on crimes and police updates for Yorkshire County. The rationale behind choosing these three distinct content types was to ensure diversity and to address different sharing habits (Lottridge and Bentley, 2018), as the level of user interaction in disparate online public environments can vary (Burbach et al., 2020).

Figure 2. The three Facebook pages used in the Experiment (Phase 2)



The eight tasks and their sequence in the session are shown in Table.2. They increased in difficulty, starting with joining the page, followed by inviting someone to join, reacting to a pre-selected post, commenting on that post, sharing it to their newsfeed, sharing it to others (via Facebook Messenger or WhatsApp), and finally, creating a post and sharing an image on the page. These tasks were chosen based on popular engagement means on Facebook and were pilot tested for complexity prior to the main study. All participants were presented with the pages and the tasks in the same order.

Table 2. List of tasks to perform on each of the Facebook pages used in Phase 2

Tasks to perform on each page	Join the page
	Invite others to join the page
	React to the post
	Comment on the post
	Share the post to newsfeed
	Share the post with others (Messenger...)
	Create a Post
	Share an Image

During Phase 2, participants were constantly reminded of AI-algorithms running in the background of Facebook to monitor online interactions and of their right to refuse performing

any of the tasks. They were further reminded to verbalise rationales (Ericsson and Simon, 1993) behind their decisions when doing/refusing to do a task.

In Phase 3, participants completed a post-task survey requesting basic demographic information (i.e., age, gender, being a member of an ethnic minority/majority, security-related profession, and crime victimisation experience) and a ranking for the eight tasks according to perceived difficulty.

It is crucial to highlight that the monitoring was not simulated, and no algorithms were fabricated to be running in the background to collect any interactions. Instead, the participants would agree to sharing their screen and for the session to be recorded for interpretation and analysis. This approach was chosen to allow observation of participants' real-time reactions under normal conditions, to encourage a revelation of genuine and unrestrained version of their 'true selves' (O'Connor and Madge, 2017).

Ethical considerations

The study has received ethics approval from the Ethics committee at the researcher's university which was granted after providing a clear plan mitigating aspects of confidentiality, voluntary participation, anonymity of data and avoidance of any physical or psychological risks to participants. Specifically, the Information Sheet and Consent Form provided detailed information to participants about voluntary participation, use of personal accounts and right to withdraw. The material was drafted in line with the ethical guidelines set by the British Society of Criminology (2015).

Data analysis

The findings presented here are based on participants' ranking of the tasks from least difficult (1) to most difficult (8) and the verbalisation of thoughts (cp. Charmaz, 2006), which showcase the frequency of engagement and the verbalised thoughts expressed by participants while performing the tasks. SPSS (IBM Corp. 2021) was used to cluster the data from the demographic questions and the difficulty rankings in the post-task survey. Analyses consisted of comparing ranking frequencies across tasks, investigation of engagement levels and ranking decisions for core demographic variables. These analyses used Friedman's test and Mann-Whitney-U test to accommodate for the non-parametric, non-normally distributed nature of the data (Hart, 2001). These tests can assess whether there are consistent shifts or changes in ranks across the different groups without assuming normal distribution (Conover, 1999).

The video-recorded sessions were transcribed verbatim. An in-depth qualitative analysis was conducted on the transcripts using Nvivo (QSR Int. 2020). Thematic analysis was applied to evaluate the underlying themes/patterns that emanate the think-aloud protocol (Clarke and Braun, 2013). This helped in the interpretation of subjective viewpoints through verbalised thoughts justifying participants' choices and behaviours.

This mixed data analysis approach offered a holistic opportunity for cross-validation of results through “convergence” or “confirmation” (Morgan, 1998, p.365) of findings from two distinct approaches, allowing for triangulation from monitoring of real-time behaviours, difficulty rankings, and verbalised thoughts (Güss, 2018).

Results

In this section, the combined findings from quantitative rankings and qualitative insights from participant's verbalised thoughts will be presented as direct quotes preceded by participant code (e.g., P01, indicating participant 1). A median split for age groups was used with 35 years being the cut off.

Comparing task difficulty

The Related-Samples Friedman's two-way analysis of Variance by Ranks (Table.3) revealed clear differences in difficulty rankings: ‘*join the group*’ was overall ranked as easiest (ranked 14 times as ‘least difficult’; mean rank: 2.20), followed by ‘*react to the post*’, (ranked ‘least difficult’ 13 times; mean rank: 2.35). In contrast, ‘*share an image*’ (mean rank: 7.23) and ‘*create a post*’ (mean rank: 7.30) were deemed as ‘most difficult’ (cp. Table.3).

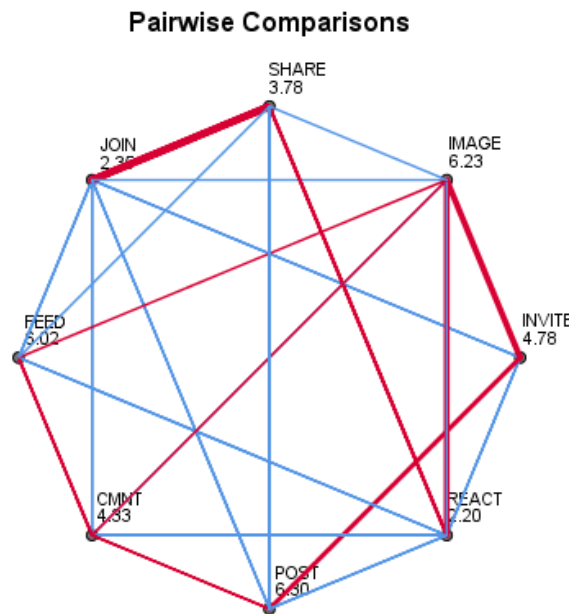
Table 3. Task difficulty as ranked by participants.

Task	Rank difficulty Least (1) to Most (8)	Number of times ranked as such by participants	% of time being ranked as such by participants	Mean Rank
Join	1	14	46.7	2.20
React	2	12	40	2.35
Share with others	2	9	30	3.78

Invite	3	8	26.7	4.78
Comment	4	12	40	4.33
Share image	5	9	30	7.23
Create post	7	10	33.3	7.30
Feed	8	9	30	6.02

A pairwise comparison test was used to reveal linkages between difficulty rankings of tasks. The highest correlation was found between the '*join*' and '*share to friends*' tasks, followed by '*share an image*' and '*invite*' (Figure.3). This suggests that tasks are rated considerably differently, with difficulties for '*join*' and '*share with other*' ranked significantly lower compared to '*share to friends*' and '*share an image*'.

Figure.3: Pairwise Comparison of correlations between tasks rankings



These observations broadly confirm the ranking analysis in that *joining the page* was ranked as least difficult across all participants, followed by '*reacting to the post*' and '*sharing to others*' via /private channels (Direct Message, WhatsApp...). '*Commenting*' and '*inviting others to join*' ranked fourth and fifth, indicating medium difficulty. Of higher difficulty emerged '*sharing an image*' (ranked 6th), while '*creating a post*' (7th) and '*sharing to newsfeed*' (8th) were ranked as the most difficult tasks.

Rationales for disparate difficulty rankings

The think-aloud data enabled an understanding of the reasons for varying levels of difficulty in performing the eight tasks. This started with reasons participants gave for ranking the ‘*sharing to newsfeed*’ as highly difficult, which were often attributed to practical reasons rather than to security/privacy concerns. For instance, *P12: “[I] wouldn’t share on my news feed, just because I live in a different area, and I do not think this will be helpful. Otherwise, I would be happy to share it”* or *P25: “I would not share the crime news because I only have 50 people on Facebook and they do not live in the UK, so I don’t think it will help.”*

Similarly, the lower levels of interaction with ‘*create a post*’ or ‘*share an image*’ tasks on the *Crime and Incidents* page were attributed to Facebook not being perceived as the proper platform to share serious cases: *“The reason why I would not create a post on this page is because I would rather go to the police directly with the information that I have”* (P17). Hence, decisions for not sharing were frequently based on usefulness considerations, triggering resistance to tasks and leading to higher difficulty rankings, e.g., *“how helpful it is to share this post since it can support the police investigation”* (P14). This aligns with research around benefits vs. drawbacks and purposes of private information sharing online by users of social networks (Syn and Oh, 2015).

The low engagement with ‘*react*’ and ‘*comment*’ tasks on the *Crime and Incidents* page were further attributed to the use of emojis, or generally reacting or commenting on serious news, as being “immoral” and “unethical”; e.g., *P05: “I think it is inappropriate to react to such sad news. Like even if you react with a sad face, or write condolences, it is not going to change anything”*.

Interaction levels did not change markedly despite constant reminders of AI-use. Also, no participant opposed or denied the suggestion of AI-tools monitoring Facebook or similar platforms, regardless of their perceived level of AI knowledge. Rather, participants seemed to accept that AI tools are used to monitor online environments. For instance, *P27* referred to *“AI-surveillance of passive scrolling”* as a potential marketing precursor for when a person is not interacting with a post but is spending considerable time on it.

However, different content types resulted in disparate interaction patterns showing higher engagement with the *Yorkshire Crime and Incident* page, compared to the political page. Remarkably, most participants were more likely to conduct the same tasks when related to the police-related page, than when the feed was linked to other entities. Moreover, several

participants were willing to perform tasks that they would not normally engage with, based on 'having nothing to hide' from the police. P14 argues that they are more inclined to do these tasks on a policing page, because of the oversight and safeguarding efforts that they expect from them. Participants' comments reveal some form of moral obligation to engage and share information that is quite 'serious', compared to political news or debates that can jeopardize their relationships with people of different views. Hence, they *"wouldn't want to be a part of an echo chamber"* (P25). This was coupled to a lack of trust in the admins/members of Facebook political groups, which was openly expressed by P19: *"I do not share on my feed any political posts, because you never know who the real members of that page are"*.

Further, most participants were quite aware of the risks of tailored advertising where some even argued that the reason for not wanting to engage with certain posts was to avoid being *"bombarded with similar posts and suggestions on my feed!"* (P13). This concern was often stronger than fear of police monitoring of online behaviours. It coincides with previous research on increased privacy concerns due to intrusive online marketing strategies (Dwivedi et al., 2021), which are shown to have a negative influence on online public engagement (Wang and Herrando, 2019). Participants further expressed their concerns about what *"friends would say if they saw a kitten post shared on the newsfeed"* (P11). This suggests that the sharing task was deemed difficult due to social surveillance concerns, which recurred as a potent reason for refusing tasks.

Another less prominent theme was around fear of spreading misinformation/disinformation by disseminating non-trustworthy information/fake news. This suggests that the societal impact of misinformation on members of the public extends beyond influencing opinions and beliefs (Olan et al., 2022) to affect behaviours and online engagement. As P29 states: *"I would share the crime post to support the investigation but first I would check the source of the information, if I can find a more credible source, like a government or Home office request, I will share that one"*. This aligns with concerns around the lack of trust in the social platform itself. In fact, some participants even reported needing the *"government to protect us from unlawful data collection by third parties selling our data and taking advantage of fine prints on websites and social media"* (P30). It may be that the assumption of trustworthiness of a post on a police-related page contributed to the increased engagement with tasks on the *Yorkshire Crime and Incident Page*. Still, some participants preferred using an external sharing option (e.g., sharing via WhatsApp...) instead of sharing the post on their Facebook page, e.g., *"I would not share using Facebook options but take a screenshot and send it externally on other apps, or maybe show them the page"* (P09).

This coincides with tendencies to achieving a balance between sharing or hiding personal information (Pavone and Esposti, 2012) and the “complex, often ambiguous and sometimes intangible trade-offs” of posting information (Acquisti et al., 2016, p. 462). Our findings thus align with discussions around balancing privacy rights and moral responsibilities towards public safeguarding and debates around personal information sharing vs. protecting oneself online (Ebina and Kinjo, 2021).

Overall, participants’ verbalisations identified eight disparate themes, which can explain why certain tasks were considered more difficult than others:

1. **Awareness of digital footprints:** concerns around being “too visible” online.
2. **Privacy Protection:** concerns about own privacy if conducting a task.
3. **Social Surveillance and Peer Perception:** concerns around what their network and friends would think about what they post/share.
4. **Engagement depending on content types:** individualistic perspective towards acceptance vs. rejection of specific tasks based on content.
5. **Engaging in unusual actions on police-related feed:** accepting to do tasks online that they would not normally engage with
6. **Misinformation/disinformation concerns:** reluctance in sharing posts that might spread fake news.
7. **Moral obligations:** commitments to interacting with posts that might potentially lead to the arrest of a criminal for instance.
8. **Inevitability of online surveillance:** acceptance of constant online monitoring, regardless of monitoring body.

These eight disparate rationales address four broader types of concerns that impacted participants’ behaviours, namely: awareness of others watching and judging their behaviours (themes 1-3), impact of the context on which behaviour occurs, including participants’ trust in the organisations running the Facebook page (themes 4 and 5), concerns about potential consequences of online behaviours for others (themes 6 and 7), and feeling of unavoidability of surveillance (theme 8).

Comparison for gender differences in task fulfilment

The independent-samples Mann-Whitney U test across tasks (Figure.4) shows that ‘create a post’ was perceived as more difficult by women than by men ($U=0.017$, $p<0.05$). Interestingly, women, who expressed rejection of online engagement (through lower engagement and

higher difficulty rankings), were mostly concerned about privacy intrusions that bring “*unnecessary attention*” to their profiles online. These concerns overlapped with longstanding discussions around online users exposing themselves to online/offline risks through private information sharing on social platforms (Gupta and Dhami, 2015). The fact that in our sample only women raised this issue correlates with suggestions of gender influences on perceptions of privacy. For instance, Rowan and Delinger (2014) show a higher rate of women reporting concerns about collection of location-based data compared to men.

Comparison for age differences in task fulfilment

Overall, older participants (>35 years) completed more tasks per page than participants in the younger age group (35 years or younger): 61.4% compared to 47.1%. Younger participants reported being more cautious about sharing personal opinions/preferences on Facebook, because it made them “*more visible*”. They preferred using Facebook “*invisibly*” instead of for self-expression. This was best put by P17: “*My purpose for using Facebook is different. I use it to keep tabs on friends and family and not to express my interests*”. One participant admitted to previously sharing personal opinions when they were younger but not anymore: “*I used to do that when I was a bit younger, but now I don't like people knowing what I do or how I think. I don't feel the need to share my opinions, food, or holiday destinations*” (P20).

This coincides with existing theories around younger generations’ privacy preferences (Blank et al 2014). For instance, the Pew Report (2013) shows that young adults (18 to 29) are keener on limiting private information sharing online and proactively updating their privacy settings (Boyd and Hargittai, 2010). Also, research shows that older adults using Facebook/Instagram seem to rely on these platforms to compensate for the lack of social activity and face-to-face interactions in their daily lives (Sheldon, 2021). Age may thus impact how individuals behave under surveillance, as they have disparate goals for their Facebook usage.

Possible effect of security-related profession on task fulfilment

Participants with a security-related profession showed only one variation, which was a higher reluctance to engage with political content (3.3% engagement with *UK Politics* page compared to 56.3% with *Yorkshire Crime and Incident* and 40.4% with *Animals World* page). In fact, only one participant working in a security-related profession was willing to engage with the pre-selected political post. P17 attributes this to fear of leaving “*political breadcrumbs on the internet that can affect my job applications to positions in the same field*”.

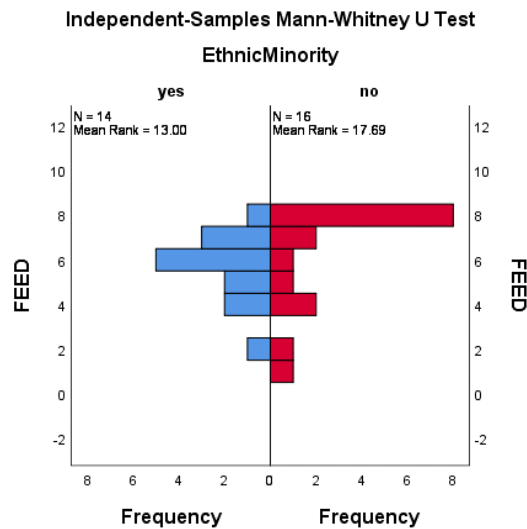
Possible effect of crime victimization experience on task fulfilment

A Mann-Whitney U test results comparing participants with and without crime victimization experiences (referring to any type of crime: financial, theft, fraud, assault...) revealed that participants who identified as victims ranked the tasks of *"invite, comment, share to feed"* as more difficult compared to non-victims ($U=0.093$, $p<0.009$; $U=0.09$, $p<0.5$; $U=0.07$, $p<0.05$, respectively). Recurrent comments suggest a general reluctance amongst this group to create a post or share a picture on any of the pages, regardless of content type. This was attributed to fear of exposing themselves online and attracting *"too much attention"*. Especially *'creating a post'* was deemed as a difficult task, which all participants who identified as crime victims refused. These observations coincide with suggestions that crime victimisation can lead to 'victim sensitivity' (Gollwitzer et al., 2015), fears of exploitation (Rothmund et al., 2015) and being more reluctant towards putting themselves under the spotlight (Worsley et al., 2017).

Possible effect of ethnic minority status on task fulfilment

A Whitney-U Test revealed a single difference between participants identifying as ethnic minority members vs. ethnic majority members, namely with respect to *'sharing to newsfeed'*. Participants who did not identify as members of an ethnic minority ranked this task as more difficult (cp. Figure.4; $U=0.015$, $p<0.05$). A bivariate correlation analysis (Trauth, 2007) showed a lower frequency of interacting with political posts for people who identified as ethnic minority members (17% interaction). In addition, ethnic minority participants were more worried about *'creating a post'* or *'sharing an image'* on the *Yorkshire Crimes and Incidents* page or any police-related page/group on Facebook. This is not necessarily linked to a fear or mistrust of police. Instead, they explained their reluctance with fears of *"sharing wrong information that can lead to misinforming the police about serious cases"* (P21). These participants favoured using official channels to report or crime or to inform the public about serious news.

Figure.4: Variations in ranking of Share to Feed task between ethnic minority vs. majority.



Discussion

This study explores reactions to assumed online surveillance through AI, comparing three different surveillance contexts. The exploratory mixed-design nature of this study revealed the complexity of making sense of AI-use by LEAs and other entities online, with a specific focus on motivations for personal online engagement and resistance. The findings reveal complex factors that contribute to shaping citizens' perspectives and their online engagement that were largely framed under themes of inevitability of online surveillance, impact of online context and content, concerns about potential consequences of own online behaviours for others and social surveillance concerns. Some of these aspects were coupled with a sense of moral obligation to contribute to public safeguarding efforts.

Our findings expand existing knowledge on surveillance consequences by questioning longstanding notions around privacy models, fear of police monitoring, resistance and change in behaviours and revealing factors in citizens' experiences that shape their opinions, behaviours, and decision-making. This study thus constitutes an important exploration into individuals' rationales when engaging with online content under assumed AI-surveillance.

Our findings show that, in the modern era, individuals' awareness of their 'digital footprints' can lead them to perceive tasks with the most visible footprints (i.e., sharing to newsfeed, creating own posts) as 'most difficult' (Sujata et al. 2016). Yet, individuals performed more tasks on the policing-related page than on private entities' pages, suggesting that individuals may in fact feel more comfortable with police surveillance than surveillance by other entities

(e.g., privacy companies). This suggests that long-defended notions of citizens fearing police surveillance (Trottier, 2017) may have changed, or may at least be more varied than often assumed. Additionally, individuals largely seemed to accept that AI-tools are used to monitor online environments, suggesting a sense of inevitability in their attitudes towards AI-surveillance.

The data further imply demographic variations that indicate that various demographic aspects may shape citizens' engagement and/or resistance to online AI-monitoring in disparate ways. Specifically, personal and demographic factors, including crime victimization or security-related jobs seem to shape choices for engaging/refusing to engage with certain tasks on Facebook. Our study thus illustrates the need for highly context-specific investigations to understand individual reactions to online surveillance.

Our paper also contributes to methodological innovations by enabling a deeper exploration of numerical findings with contextual insights from participants' verbalized thoughts. It demonstrates the potential for using social media platforms not only for data collection but also for real-time qualitative insights, showcasing the adaptability of mixed methods in contemporary research settings. The paper clearly outlines the integration of both quantitative and qualitative data, demonstrating transparency in methodology and analysis. This contributes to methodological rigor where similar mixed-method studies, when appropriately designed and executed, can enhance the generalizability and transferability of findings.

Our approach is especially valuable to understand actual online behaviours and reaction to assume AI-surveillance, in preference to the prevalent study of attitudes such as concerns or acceptance. The identified rationales provide an important foundation to explain decisions and online behaviours which are invaluable in understanding citizens' perspectives to AI-driven online surveillance. This demonstrates that mixed approaches, in the controlled setting of an online experiment, have proved to be ideal for investigating complex behaviours such as surveillance reactions.

Limitations and future research

Future research can benefit from exploring additional demographic groups, for instance, in terms of age and education. Our sample did not include older participants (over 64 years) nor individuals without a university degree. Including such groups may lead to additional perspectives. Moreover, this study has a restricted sample size. While the sample is

substantive for the thematic analysis of the think-aloud protocol, statistical analyses are by necessity more restricted. A replication in larger samples could usefully test and validate our findings, particularly on potential group differences and impact on online context/content. Additionally, this study was conducted only with UK citizens. Extending participation beyond the UK would allow for a comparative approach to reveal whether factors such as disparate cultures, political environments and police perceptions play a role in shaping citizens' stances and reactions towards AI-use by LEAs in online surveillance.

For our study we chose an experimental setting that foregrounded conscious reflection and explanations of behaviours by participants. This introduced some artificiality and behaviours that participants would 'normally' not do, which resonates with Hawthorne's theory where participants exhibit increased performance when watched (McCambridge et al., 2014). It is, however, exactly this ability, to understand what is 'normal' versus 'non-normal' and why, that can be considered as the main strength of our approach. It allowed us to not only observe overt patterns of behaviour, but also unearth the underlying reasons for these patterns. Further research would be valuable to explore 'unscripted' behaviours and reactions online.

References

- Acquisti, A., Taylor, C., and Wagman, L. (2016). The economics of privacy, *Journal of Economic Literature*, 52(2), pp.442–492. <https://doi.org/10.1257/jel.54.2.442>.
- Bentham, J. (1791). *Panopticon, or, The inspection-house*. Dublin, Ireland Printed: London Reprinted: T. Payne.
- BlackEnergy APT Attacks: *What is BlackEnergy?* Available online: <https://www.kaspersky.com/resource-center/threats/blackenergy>. [Accessed on 22 June 2023].
- Blank, G., Bolsover, G. and Dubois, E. (2014). A New Privacy Paradox: Young People and Privacy on Social Network Sites (August 13, 2014). Prepared for the Annual Meeting of the American Sociological Association, 17 August 2014, San Francisco, California., Available at SSRN: <https://ssrn.com/abstract=2479938> or <http://dx.doi.org/10.2139/ssrn.2479938>
- Boyd, D. and Hargittai, E. (2010). Facebook privacy settings: Who cares?, *First Monday*, 15(8). doi:<https://doi.org/10.5210/fm.v15i8.3086>.
- British Society of Criminology. (2015). 'Statement of Ethics', *British Society of Criminology*. <https://www.britisoccrim.org/ethics/>
- Burbach, L., Halbach, P., Ziefle, M. and Valdez, A. (2021). 'Questions of Scientific Research on Violence and Inequality Applied to Women', *Journal For Educators, Teachers And Trainers*, 12(01). doi:10.47750/jett.2021.12.01.018.
- Chan, J. and Moses, B. L. (2016). 'Making Sense of Big Data for Security', *British Journal of Criminology*, 75, pp.299-317. <https://doi.org/10.1093/bjc/azw059>.
- Charmaz, K. (2006). *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis*. Thousand Oaks: Sage.
- Clarke, V. and Braun, V. (2013). 'Teaching thematic analysis: Overcoming challenges and developing strategies for effective learning', *The Psychologist*, 26(2), pp.120-123.
- Conover, W.J. (1999). *Practical Nonparametric Statistical*. 3rd Edition, John Wiley and Sons Inc., New York, pp.428-433.
- Datta, P.M., and Acton, T. (2022). 'Ransomware and Costa Rica's national emergency: A defense framework and teaching case'. *Journal of Information Technology Teaching Cases*, 0(0). <https://doi.org/10.1177/20438869221149042>

- Dwivedi, Y.K., Ismagilova, E., Hughes, D.L., and Carlson, J. (2021). 'Setting the future of digital and social media marketing research: Perspectives and research propositions', *International Journal of Information Management*, 59(1), 1–37. Sciencedirect. <https://doi.org/10.1016/j.ijinfomgt.2020.102168>
- Ebina, T. and Kinjo, K. (2021). 'Paradox of choice and sharing personal information', *AI and Society* 38(1), pp.121 – 132. <https://doi.org/10.1007/s00146-021-01291-0>
- Ericsson, K. A. and Simon, H. A. (1993). *Protocol Analysis: Verbal Reports as Data*. Cambridge, MA: MIT Press.
- Ezzeddine, Y., Bayerl, P.S. and Gibson, H. (2023). 'Safety, privacy, or both: evaluating citizens' perspectives around artificial intelligence use by police forces', *Policing and Society*, 33(7), pp.861-876. doi: 10.1080/10439463.2023.2211813
- Foucault, M. (1991). *Discipline and Punish: The Birth of the Prison*. Penguin Random House UK.
- Franz, D., Marsh, H.E., Chen, J.I., and Teo, A.R. (2019). 'Using Facebook for Qualitative Research: A Brief Primer', *Journal of Medical Internet Research*, 21(8), e13544. <https://doi.org/10.2196/13544>
- Fussey, P. and Sandhu, A. (2022). 'Surveillance arbitration in the era of digital policing'. *Theoretical Criminology*, 26(1), pp. 3–22. <https://doi.org/10.1177/1362480620967020>
- Gollwitzer, M., Süßenbach, P., and Hannuschke, M. (2015). 'Victimization experiences and the stabilization of victim sensitivity', *Frontiers in Psychology*, 6. <https://doi.org/10.3389/fpsyg.2015.00439>
- Gupta, A. and Dhami, A. (2015). 'Measuring the impact of security, trust and privacy in information sharing: A study on social networking sites', *Journal of Direct Data Digital Marketing Practices*, 17, 43–53. <https://doi.org/10.1057/dddmp.2015.32>
- Güss, C. D. (2018). 'What Is Going Through Your Mind? Thinking Aloud as a Method in Cross-Cultural Psychology', *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.01292>
- Hart, A. (2001). 'Mann-Whitney test is not just a test of medians: differences in spread can be important', *BMJ*, 323(7309), pp.391–393. <https://doi.org/10.1136/bmj.323.7309.391>
- IBM Corp. (2017). IBM SPSS Statistics for Windows, Armonk, NY: IBM Corp. Available at: <https://hadoop.apache.org>.
- Laufs, J. and Borrión, H. (2022). 'Technological innovation in policing and crime prevention: Practitioner perspectives from London'. *International Journal of Police Science and Management*, 24(2), pp.190-209. <https://doi.org/10.1177/14613557211064053>
- Lottridge, D. and Bentley, F. R. (2018). "Let's hate together: how people share news in messaging, social and public networks," in *Proceedings of the 2018 CHI Conference on Human Factors in Computing Systems*, CHI '18 (New York, NY: ACM), pp.60:1–60:13. doi: 10.1145/3173574.3173634
- Lyon, D. (2007). *Surveillance Studies: An Overview*. Cambridge: Polity Press.
- McCambridge, J., Witton, J., and Elbourne, D. R. (2014). 'Systematic review of the Hawthorne effect: new concepts are needed to study research participation effects', *Journal of clinical epidemiology*, 67(3), pp.267–277. <https://doi.org/10.1016/j.jclinepi.2013.08.015>
- Mohurle S. and Patil, M.A. (2017), 'Brief study of wannacry threat: Ransomware attack 2017', *International Journal of Advanced Research in Computer Science*, 8, pp.1938–1940.
- Morgan, D.L. (1998). 'Practical Strategies for Combining Qualitative and Quantitative Methods: Applications to Health Research', *Qualitative Health Research*, 8(3), pp.362–376. <https://doi.org/10.1177/104973239800800307>
- O'Connor, H. and Madge, C. (2017). 'Online interviewing'. In: Fielding N, Lee R, Blank G (eds) *The SAGE Handbook of Online Research Methods*. London: SAGE Publications, pp.416–434.
- Olan, F., Jayawickrama, U., Arakpogun, E.O. et al. (2022). 'Fake news on social media: the Impact on Society', *Information System Frontiers*. <https://doi.org/10.1007/s10796-022-10242-z>
- Orwell, G. (2000). *1984 Nineteen Eighty-Four*. Introduced by Thomas Pynchon. England, Penguin Classics.
- Pavone, V. and Esposti, S. (2012). 'Public assessment of new surveillance-oriented security technologies: Beyond the trade-off between privacy and security', *Public Understanding of Science*, 21(5): pp.556–572. <https://doi.org/10.1177/0963662510376886>
- QSR International Pty Ltd. (2020) Nvivo (released in March 2020), <https://www.qsrinternational.com/nvivo-qualitative-data-analysis-software/home>
- Rothmund, T., Gollwitzer, M., Bender, J. and Klimmt, C. (2015). 'Short- and long-term effects of virtual violence on cooperation and social trust', *Media Psychology*, 18, pp.106–133. doi:10.1080/15213269.2013.841526

- Rowan, M. and Dehlinger, J. (2014). 'Observed Gender Differences in Privacy Concerns and Behaviors of Mobile Device End Users', *Procedia Computer Science*, 37, pp.340–347.
<https://doi.org/10.1016/j.procs.2014.08.050>.
- Sheldon, P., Antony, M.G., and Ware, L. J. (2021). 'Baby Boomers' use of Facebook and Instagram: uses and gratifications theory and contextual age indicators', *Heliyon*, 7(4), e06670.
<https://doi.org/10.1016/j.heliyon.2021.e06670>
- Smith, G.J.D., Moses, B. L., and Chan, J. (2017). 'The Challenges of Doing Criminology in the Big Data Era: Towards a Digital and Data-driven Approach', *The British Journal of Criminology*, 57(2), pp.259–274.
<https://doi.org/10.1093/bjc/azw096>.
- Snelson, C.L. (2016). 'Qualitative and mixed methods social media research', *International Journal of Qualitative Methods*, 15(1). doi: 10.1177/1609406915624574.
- Sujata, J., Saxena, S., Tanvo, G. and Shreya. (2016). 'Developing Smart Cities: An Integrated Framework', *Procedia Computer Science*, 93, pp.902–909. Sciencedirect.
<https://doi.org/10.1016/j.procs.2016.07.258>
- Syn, S.Y. and Oh, S. (2015). 'Why do social network site users share information on Facebook and Twitter?', *Journal of Information Science*, 41(5), 553–569. <https://doi.org/10.1177/0165551515585717>
- Timan, T. and Albrechtslund, A. (2015). 'Surveillance, Self and Smartphones: Tracking Practices in the Nightlife', *Science and Engineering Ethics*, 24(3), pp.853–870. <https://doi.org/10.1007/s11948-015-9691-8>
- Trauth, M.H. (2007). *Bivariate Statistics*. In: *MATLAB® Recipes for Earth Sciences*. Springer, Berlin, Heidelberg.
https://doi.org/10.1007/978-3-540-72749-1_4
- Trottier, D. (2017). "'Fear of contact": Police surveillance through social networks', *European Journal of Cultural and Political Sociology*, 4(4), pp.457–477. <https://doi.org/10.1080/23254823.2017.1333442>
- Wang, Y. and Herrando, C. (2019). 'Does privacy assurance on social commerce sites matter to millennials?', *International Journal of Information Management*, 44(2), pp.164–177.
- Worsley, J.D., Wheatcroft, J.M., Short, E., and Corcoran, R. (2017). 'Victims' Voices: Understanding the Emotional Impact of Cyberstalking and Individuals' Coping Responses', *SAGE Open*, 7(2). <https://doi.org/10.1177/2158244017710292>

10-12TH JULY 2024

Glas

BRITISH SOCIETY OF
CRIMINOLOGY
CONFERENCE



gow

BSC British Society of Criminology



University of
Strathclyde
Glasgow

Please visit the [British Society of Criminology](https://www.bsc.org.uk/) webpage for further details and updates.



Papers from the British Criminology Conference 2024

Online Journal

Published by the British Society of Criminology since 1995. ISSN 1759-0043

The BSC *Online Journal* is an open-access, peer-reviewed, annual publication showcasing inspiring and insightful developments in criminological research, theories, policies, practices, and debates from contributors across all career stages.

All presenters at the 2024 British Society of Criminology annual conference, to be hosted by the University of Strathclyde, are warmly invited to submit their plenary, panel, or postgraduate paper for consideration in the *Online Journal*.

Please email your paper to info@britsoccrim.org by **1st September 2024**.

The *Online Journal* is published annually in December.

[Access for free via the BSC website](#)

The very important small print

Only papers presented at the 2024 British Society of Criminology conference will be accepted for review. All papers are reviewed anonymously by at least two referees. Please indicate the category of paper (plenary, panel, or postgraduate). Papers must be written in English and will not have been published already, nor will they be under consideration elsewhere. **The maximum length (including notes and references) is 6000 words.** In addition, please send a separate cover sheet containing: the title of the paper; word count; author's full name; affiliation; email address; institutional address; telephone number; an abstract of 100-150 words; up to 5 key words; and a brief biographical note of up to 50 words. Please use: Microsoft Word (or a compatible format), 1.5 spacing, generous margins, and a maximum of three orders of heading. Keep essential notes to a minimum and use Footnotes (not Endnotes). Keep lengthy quotations to a minimum and indent these if over 40 words. Use quotation marks (and page number, where relevant) to indicate shorter quotations within the body of the text. Clearly present and label all Tables and Figures, including sources and explanatory notes if appropriate. Poor quality artwork will be rejected. Please make your images, tables, and artwork as accessible as possible using [Alt Text](#). Use Harvard referencing, for example (Hughes, 2020), and provide an alphabetical "References" list at the end. Papers – **particularly reference lists** – should be proofread and carefully checked for errors prior to submission. Authors are responsible for the accuracy of quotations and references, and for obtaining permissions and copyright clearances if appropriate. *Submission does not guarantee publication in the journal.*