

Why Women Aren't Welcome on the Internet

BY AMANDA HESS · January 06, 2014 · 3:00 AM



(Photo: Pacific Standard)



"Ignore the barrage of violent threats and harassing messages that confront you online every day." That's what women are told. But these relentless messages are an assault on women's careers, their psychological bandwidth, and their freedom to live online. We have been thinking about Internet harassment all wrong.

I was 12 hours into a summer vacation in Palm Springs when my phone hummed to life, buzzing twice next to me in the dark of my hotel room. I squinted at the screen. It was 5:30 a.m., and a friend was texting me from the opposite coast. "Amanda, this twitter account. Freaking out over here," she wrote. "There is a twitter account that seems to have been set

up for the purpose of making death threats to you.”

I dragged myself out of bed and opened my laptop. A few hours earlier, someone going by the username “headlessfemalepig” had sent me seven tweets. “I see you are physically not very attractive. Figured,” the first said. Then: “You suck a lot of drunk and drug fucked guys cocks.” As a female journalist who writes about sex (among other things), none of this feedback was particularly out of the ordinary. But this guy took it to another level: “I am 36 years old, I did 12 years for ‘manslaughter’, I killed a woman, like you, who decided to make fun of guys cocks.” And then: “Happy to say we live in the same state. Im looking you up, and when I find you, im going to rape you and remove your head.” There was more, but the final tweet summed it up: “You are going to die and I am the one who is going to kill you. I promise you this.”

My fingers paused over the keyboard. I felt disoriented and terrified. Then embarrassed for being scared, and, finally, pissed. On the one hand, it seemed unlikely that I’d soon be defiled and decapitated at the hands of a serial rapist-murderer. On the other hand, headlessfemalepig was clearly a deranged individual with a bizarre fixation on me. I picked up

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[REDACTED] my phone and dialed 911.

Two hours later, a Palm Springs police officer lumbered up the steps to my hotel room, paused on the outdoor threshold, and began questioning me in a steady clip. I wheeled through the relevant background information: I am a journalist; I live in Los Angeles; sometimes, people don't like what I write about women, relationships, or sexuality; this was not the first time that someone had responded to my work by threatening to rape and kill me. The cop anchored his hands on his belt, looked me in the eye, and said, "What is Twitter?"

Staring up at him in the blazing sun, the best answer I could come up with was, "It's like an e-mail, but it's public." What I didn't articulate is that Twitter is the place where I laugh, whine, work, schmooze, procrastinate, and flirt. It sits in my back pocket wherever I go and lies next to me when I fall asleep. And since I first started writing in 2007, it's become just one of the many online spaces where men come to tell me to get out.

The examples are too numerous to recount, but like any good journalist, I keep a running file documenting the most deranged cases. There was the local cable viewer who hunted down my email address after a television appearance to tell me I was "the ugliest woman he had ever seen." And the group of visitors to a "men's rights" site who pored over photographs of me and a prominent feminist activist, then discussed how they'd "spend the night with" us. ("Put em both in a gimp mask and tied to each other 69 so the bitches can't talk or move and go round the world, any old port in a storm, any old hole," one decided.) And the anonymous commenter who weighed in on one of my articles: "Amanda, I'll fucking rape you. How does that feel?"

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(<http://www.psmag.com/category/magazines/january-february-2014/>)None of this makes me exceptional. It just makes me a woman with an Internet connection. Here’s just a sampling of the noxious online commentary directed at other women in recent years. To Alyssa Royse (<http://www.blogger.com/rape-and-death-and-batman-oh-my>), a sex and relationships blogger, for saying that she hated *The Dark Knight*: “you are clearly retarded, i hope someone shoots then rapes you.” To Kathy Sierra, a technology writer, for blogging about software, coding, and design: “i hope someone slits your throat and cums down your gob.” To Lindy West, a writer at the women’s website Jezebel, for critiquing a comedian’s rape joke (<http://www.poejazzi.com/serena-williams-and-how-were-all-so-lucky/>): “I just want to rape her with a traffic cone.” To Rebecca Watson, an atheist commentator, for blogging about sexism in the skeptic community: “If I lived in Boston I’d put a bullet in your brain.” To Catherine Mayer, a journalist at *Time* magazine, for no particular reason (<http://www.forbes.com/sites/larrymagid/2013/08/03/after-rape-threats-twitter-updates-rules-to-emphasize-no-tolerance-for-abusive-behavior/>): “A BOMB HAS BEEN PLACED OUTSIDE YOUR HOME. IT WILL GO OFF AT EXACTLY 10:47 PM ON A TIMER AND TRIGGER DESTROYING EVERYTHING.”

A woman doesn’t even need to occupy a professional writing perch at a prominent platform to become a target. According to a 2005 report by the Pew Research Center, which has been tracking the online lives of Americans for more than a decade, women and men have been logging on in equal numbers since 2000, but the vilest communications are still disproportionately lobbed at women. We are more likely to report being stalked and harassed on the Internet —of the 3,787 people who reported harassing incidents from 2000 to 2012 to the volunteer organization Working to Halt Online Abuse (<http://www.haltabuse.org/>), 72.5 percent were female. Sometimes, the abuse can get physical: A Pew survey reported that five percent of women who used the Internet said “something happened online” that led them into “physical danger.” And it starts young: Teenage girls are significantly more likely to be cyberbullied than boys. Just appearing as a woman online, it seems, can be enough to inspire abuse. In 2006, researchers from the University of Maryland set up a

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bunch of fake online accounts and then dispatched them into chat rooms. Accounts with feminine usernames incurred an average of 100 sexually explicit or threatening messages a day. Masculine names received 3.7.

There are three federal laws that apply to cyberstalking cases; the first was passed in 1934 to address harassment through the mail, via telegram, and over the telephone, six decades after Alexander Graham Bell's invention. Since the initial passage of the Violence Against Women Act, in 1994, amendments to the law have gradually updated it to apply to new technologies and to stiffen penalties against those who use them to abuse. Thirty-four states have cyberstalking laws on the books; most have expanded long-standing laws against stalking and criminal threats to prosecute crimes carried out online.

But making quick and sick threats has become so easy that many say the abuse has proliferated to the point of meaninglessness, and that expressing alarm is foolish. Reporters who take death threats seriously “often give the impression that this is some kind of shocking event for which we should pity the ‘victims,’” my colleague Jim Pagels wrote in Slate this fall

(http://www.slate.com/blogs/future_tense/2013/10/30/twitter_death_threats_are_meaningless_you_should_ignore_them

“but anyone who’s spent 10 minutes online knows that these

assertions are entirely toothless.” On Twitter, he added

(<https://twitter.com/jimpagels/status/395711978825469952>),

“When there’s no precedent for physical harm, it’s only baseless fear mongering.” My friend Jen Doll wrote

(<http://preview.theatlanticwire.com/technology/2012/11/welcome-twisted-age-twitter-death-threat/59354/>), at The Atlantic Wire, “It

seems like that old ‘ignoring’ tactic your mom taught you could work out to everyone’s benefit.... These people are bullying, or hope to bully. Which means we shouldn’t take the bait.” In the epilogue to her book *The End of Men* (<http://www.amazon.com/End-Men-Rise-Women/dp/B00D9TA4VY>), Hanna Rosin—an editor at Slate—argued that harassment of women online could be seen as a cause for celebration. It shows just how far we’ve come. Many women on the Internet “are in positions of influence, widely published and widely read; if they sniff out misogyny, I have no doubt they will gleefully skewer the responsible sexist in one of many available online outlets, and get results.”

So women who are harassed online are expected to either get over ourselves or feel flattered in response to the threats made against us. We have the choice to keep quiet or respond “gleefully.”

But no matter how hard we attempt to ignore it, this type of gendered harassment—and the sheer volume of it—has severe implications for women’s status on the Internet. Threats of rape, death, and stalking can overpower our emotional bandwidth, take up our time, and cost us money through legal fees, online protection

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services, and missed wages. I've spent countless hours over the past four years logging the online activity of one particularly committed cyberstalker, just in case. And as the Internet becomes increasingly central to the human experience, the ability of women to live and work freely online will be shaped, and too often limited, by the technology companies that host these threats, the constellation of local and federal law enforcement officers who investigate them, and the popular commentators who dismiss them—all arenas that remain dominated by men, many of whom have little personal understanding of what women face online every day.

THIS SUMMER, CAROLINE CRIADO-PEREZ became the English-speaking Internet's most famous recipient of online threats after she petitioned the British government to put more female faces on its bank notes. (When the Bank of England announced its

intentions to replace social reformer Elizabeth Fry with Winston Churchill on the £5 note, Criado-Perez made the modest suggestion that the bank make an effort to feature at least one woman who is not the Queen on any of its currency.) Rape and death threats amassed on her Twitter feed too quickly to count, bearing messages like "I will rape you tomorrow at 9 p.m ... Shall we meet near your house?"

"Twitter is the place where I laugh, whine, work, schmooze, procrastinate, and flirt. It sits in my back pocket wherever I go and lies next to me when I fall asleep. And since I first started writing in 2007, it's become just one of the many online spaces where men come to tell me to get out."

Then, something interesting happened. Instead of logging off, Criado-Perez retweeted the threats, blasting them out to her Twitter followers. She called up police and hounded Twitter for a response. Journalists around the world started writing about the threats. As more and more people heard the story, Criado-Perez's follower count skyrocketed (<https://twitter.com/CCriadoPerez>) to near 25,000. Her supporters joined in urging British police and Twitter executives to respond.

Under the glare of international criticism, the police and the company spent the next few weeks passing the buck back and forth. Andy Trotter, a communications adviser for the British police, announced that it was Twitter's responsibility to crack down on the messages. Though Britain criminalizes a broader category of offensive speech than the U.S. does, the sheer volume of threats would be too difficult for "a hard-pressed police service" to investigate, Trotter said. Police "don't want to be in this arena." It diverts their attention from "dealing with something else."

Meanwhile, Twitter issued a blanket statement saying that victims like Criado-Perez could fill out an online form for each abusive tweet; when Criado-Perez supporters hounded Mark Luckie, the

company's manager of journalism and news, for a response, he briefly shielded his account, saying that the attention had become "abusive." Twitter's official recommendation to victims of abuse puts the ball squarely in law enforcement's court: "If an interaction has gone beyond the point of name calling and you feel as though you may be in danger," it says, "contact your local authorities so they can accurately assess the validity of the threat and help you resolve the issue offline."

In the weeks after the flare-up, Scotland Yard confirmed the arrest of three men. Twitter—in response to several online petitions calling for action—hastened the rollout of a "report abuse" button that allows users to flag offensive material. And Criado-Perez went on receiving threats. Some real person out there—or rather, hundreds of them—still liked the idea of seeing her raped and killed.

THE INTERNET IS A

global network, but when you pick up the phone to report an online threat, whether you are in London or Palm Springs, you end up

face-to-face with a cop who patrols a comparatively puny jurisdiction. And your cop will probably be a man: According to the U.S. Bureau of Justice Statistics (<http://www.bjs.gov/>), in 2008, only 6.5 percent of state police officers and 19 percent of FBI agents were women. The numbers get smaller in smaller agencies. And in many locales, police work is still a largely analog affair: 911 calls are immediately routed to the local police force; the closest officer is dispatched to respond; he takes notes with pen and paper.

After Criado-Perez received her hundreds of threats, she says she got conflicting instructions from police on how to report the crimes, and was forced to repeatedly "trawl" through the vile messages to preserve the evidence. "I can just about cope with threats," she wrote on Twitter. "What I can't cope with after that is the victim-blaming, the patronising, and the police record-keeping." Last year, the American atheist blogger Rebecca Watson wrote about her experience (<http://skeptick.org/2013/10/why-i-dont-just-go-to-the-cops/>) calling a series of local and national law enforcement agencies after a man launched a website threatening to kill her. "Because I knew what town [he] lived in, I called his local police department. They told me there was nothing they could do and that I'd have to make a report with my local police department," Watson wrote later. "[I] finally got through to someone who told me that there was nothing they could do but take a report in case one day [he] followed through on his threats, at which point they'd have a pretty good lead."

The first time I reported an online rape threat to police, in 2009, the

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officer dispatched to my home asked, “Why would anyone bother to do something like that?” and declined to file a report. In Palm Springs, the officer who came to my room said, “This guy could be sitting in a basement in Nebraska for all we know.” That my stalker had said that he lived in my state, and had plans to seek me out at home, was dismissed as just another online ruse.

Of course, some people are investigated and prosecuted for cyberstalking. In 2009, a Florida college student named Patrick Macchione met a girl at school, then threatened to kill her on Twitter, terrorized her with lewd videos posted to YouTube, and made hundreds of calls to her phone. Though his victim filed a restraining order, cops only sprung into action after a county sheriff stopped him for loitering, then reportedly found a video camera in his backpack containing disturbing recordings about his victim. The sheriff's department later worked with the state attorney's office to convict Macchione on 19 counts, one of which was cyberstalking (he successfully appealed that count on grounds that the law hadn't been enacted when he was arrested); Macchione was sentenced to four years in prison. Consider also a recent high-profile case of cyberstalking investigated by the FBI. In the midst of her affair with General David Petraeus, biographer Paula Broadwell allegedly created an anonymous email account for the purpose of sending harassing notes to Florida socialite Jill Kelley. Kelley reported them to the FBI, which sniffed out Broadwell's identity via the account's location-based metadata and obtained a warrant to monitor her email activity.

In theory, appealing to a higher jurisdiction can yield better results. “Local law enforcement will often look the other way,” says Dr. Sameer Hinduja (<http://wise.fau.edu/~hinduja/>), a criminology professor at Florida Atlantic University and co-director of the Cyberbullying Research Center. “They don't have the resources or the personnel to investigate those crimes.” County, state, or federal agencies at least have the support to be more responsive: “Usually they have a computer crimes unit, savvy personnel who are familiar with these cases, and established relationships with social media companies so they can quickly send a subpoena to help with the investigation,” Hinduja says.

But in my experience and those of my colleagues, these larger law enforcement agencies have little capacity or drive to investigate threats as well. Despite his pattern of abusive online behavior, Macchione was ultimately arrested for an unrelated physical crime. When I called the FBI over headlessfemalepig's threats, a representative told me an agent would get in touch if the bureau was interested in pursuing the case; nobody did. And when Rebecca Watson reported the threats targeted at her to the FBI, she initially connected with a sympathetic agent—but the agent later expressed trouble opening Watson's file of screenshots of the threats, and

soon stopped replying to her emails. The Broadwell investigation was an uncommon, and possibly unprecedented, exercise for the agency. As University of Wisconsin-Eau Claire criminal justice professor Justin Patchin told *Wired* (<http://www.wired.com/threatlevel/2012/11/gmail-location-data-petraeus/>) at the time: “I’m not aware of any case when the FBI has gotten involved in a case of online harassment.”

After I received my most recent round of threats, I asked Jessica Valenti, a prominent feminist writer (and the founder of the blog *Feministing* (<http://feministing.com/>)), who’s been repeatedly targeted with online threats, for her advice, and then I asked her to share her story. “It’s not really one story. This has happened a number of times over the past seven years,” she told me. When rape and death threats first started pouring into her inbox, she vacated her apartment for a week, changed her bank accounts, and got a new cell number. When the next wave of threats came, she got in touch with law enforcement officials, who warned her that though the men emailing her were unlikely to follow through on their threats, the level of vitriol indicated that she should be vigilant for a far less identifiable threat: silent “hunters” who lurk behind the tweeting “hollerers.” The FBI advised Valenti to leave her home until the threats blew over, to never walk outside of her apartment alone, and to keep aware of any cars or men who might show up repeatedly outside her door. “It was totally impossible advice,” she says. “You have to be paranoid about everything. You can’t just not be in a public place.”

And we can’t simply be offline either. When *Time* journalist Catherine Mayer reported the bomb threat lodged against her, the officers she spoke to—who thought usernames were secret codes and didn’t seem to know what an IP address was—advised her to unplug. “Not one of the officers I’ve encountered uses Twitter or understands why anyone would wish to do so,” she later wrote. “The officers were unanimous in advising me to take a break from Twitter, assuming, as many people do, that Twitter is at best a time-wasting narcotic.”

All of these online offenses are enough to make a woman *want* to click away from Twitter, shut her laptop, and power down her phone. Sometimes, we do withdraw: Pew found that from 2000 to 2005, the percentage of Internet users who participate in online chats and discussion groups dropped from 28 percent to 17 percent, “entirely because of women’s fall off in participation.” But for many women, steering clear of the Internet isn’t an option. We use our devices to find supportive communities, make a living, and construct safety nets. For a woman like me, who lives alone, the Internet isn’t a fun diversion—it is a necessary resource for work

and interfacing with friends, family, and, sometimes, law enforcement officers in an effort to feel safer from both online and offline violence.

The Polish sociologist Zygmunt Bauman draws a distinction between “tourists” and “vagabonds” in the modern economy. Privileged tourists move about the world “on purpose,” to seek “new experience” as “the joys of the familiar wear off.” Disempowered vagabonds relocate because they have to, pushed and pulled through mean streets where they could never hope to settle down. On the Internet, men are tourists and women are vagabonds. “Telling a woman to shut her laptop is like saying, ‘Eh! Just stop seeing your family,’” says Nathan Jurgenson, a social media sociologist (and a friend) at the University of Maryland.

What does a tourist look like? In 2012, Gawker unmasked “Violentacrez,” an anonymous member of the online community Reddit who was infamous for posting creepy photographs of underage women and creating or moderating subcommunities on the site with names like “chokeabitch” and “rapebait.” Violentacrez turned out to be a Texas computer programmer named Michael Brusch, who displayed an exceedingly casual attitude toward his online hobbies. “I do my job, go home, watch TV, and go on the Internet. I just like riling people up in my spare time,” he told Adrian Chen (<http://gawker.com/5950981/unmasking-reddits-violentacrez-the-biggest-troll-on-the-web>), the Gawker reporter who outed him. “People take things way too seriously around here.”

Abusers tend to operate anonymously, or under pseudonyms. But the women they target often write on professional platforms, under their given names, and in the context of their real lives. Victims don’t have the luxury of separating themselves from the crime. When it comes to online threats, “one person is feeling the reality of the Internet very viscerally: the person who is being threatened,” says Jurgenson. “It’s a lot easier for the person who made the threat—and the person who is investigating the threat—to believe that what’s happening on the Internet isn’t real.”

WHEN AUTHORITIES TREAT THE Internet as a fantasyland, it has profound effects on the investigation and prosecution of online threats. Criminal threat laws largely require that victims

feel tangible, immediate, and sustained fear. In my home state of California, a threat must be “unequivocal, unconditional, immediate, and specific” and convey a “gravity of purpose and an immediate prospect of execution of the threat” to be considered a crime. If police don’t know whether the harasser lives next door or out in Nebraska, it’s easier for them to categorize the threat as non-

The Internet is a global network, but when you pick up the phone to report an online threat, you end up face-to-face with a cop who patrols a comparatively puny jurisdiction.

immediate. When they treat a threat as a boyish hoax, the implication is that the threat ceases to be a criminal offense.

So the victim faces a psychological dilemma: How should she understand her own fear? Should she, as many advise, dismiss an online threat as a silly game, and not bother to inform the cops that someone may want to—ha, ha—rape and kill her? Or should she dutifully report every threat to police, who may well dismiss her concerns? When I received my most recent rape and death threats, one friend told me that I should rest assured that the anonymous tweeter was unlikely to take any physical action against me in real life; another noted that my stalker seemed like the type of person who would fashion a coat from my skin, and urged me to take any action necessary to land the stalker in jail.

Danielle Citron

(<http://www.law.umaryland.edu/faculty/profiles/faculty.html?facultyid=028>), a University of Maryland law professor who focuses on Internet threats, charted the popular response to Internet death and rape threats in a 2009 paper published in the *Michigan Law Review* (<http://www.michiganlawreview.org/>). She found that Internet harassment is routinely dismissed as “harmless locker-room talk,” perpetrators as “juvenile pranksters,” and victims as “overly sensitive complainers.” Weighing in on one online harassment case, in an interview on National Public Radio, journalist David Margolick called the threats “juvenile, immature, and obnoxious, but that is all they are ... frivolous frat-boy rants.”

Of course, the frat house has never been a particularly safe space for women. I've been threatened online, but I have also been harassed on the street, groped on the subway, followed home from the 7-Eleven, pinned down on a bed by a drunk boyfriend, and raped on a date. Even if I sign off Twitter, a threat could still be waiting on my stoop.

Today, a legion of anonymous harassers are free to play their “games” and “pranks” under pseudonymous screen names, but for the women they target, the attacks only compound the real fear, discomfort, and stress we experience in our daily lives.

IF AMERICAN POLICE FORCES are overwhelmingly male, the technology companies that have created the

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architecture of the online world are, famously, even more so. In 2010, according to the information services firm CB Insights (<https://www.cbinsights.com/>), 92 percent of the founders of fledgling Internet companies were male; 86 percent of their founding teams were exclusively male. While the number of women working across the sciences is generally increasing, the percentage

of women working in computer sciences peaked in 2000 and is now on the decline. In 2012, the Bureau of Labor Statistics (<http://www.bls.gov/>) found, women made up just 22.5 percent of American computer programmers and 19.7 percent of software developers. In a 2012 study of 400 California companies, researchers at the University of California-Davis, found that just seven percent of the highest-paid executives at Silicon Valley companies were women.

When Twitter announced its initial public offering in October, its filings listed an all-male board. Vijaya Gadde, Twitter's general counsel, was the only woman among its executive officers. When Vivek Wadhwa, a fellow at Stanford's Rock Center for Corporate Governance, suggested that the gender imbalance on Twitter's board was an issue of "elite arrogance" and "male chauvinistic thinking," Twitter CEO Dick Costolo responded with a joking tweet, calling Wadhwa "the Carrot Top of academic sources."

Most executives aren't intentionally boxing women out. But the decisions these men make have serious implications for billions of people. The gender imbalance in their companies compromises their ability to understand the lives of half their users.

Twitter "has a history of saying 'too bad, so sad'" when confronted with concerns about harassment on its platform, says Citron, the University of Maryland law professor who studies the emerging legal implications of online abuse against women. The culture of the platform has typically prioritized freewheeling discussion over zealous speech policing. Unlike Facebook, Twitter doesn't require people to register accounts under their real names. Users are free to enjoy the frivolity—and the protection—that anonymous speech provides. If a user runs afoul of Twitter's terms of service, he's free to create a new account under a fresh handle. And the Communications Decency Act of 1996 protects platforms like Twitter from being held legally responsible for what individuals say on the site.

The advent of the "report abuse" button is a development Citron finds "very heartening." Allowing people to block an abuser's account helps women avoid having to be faced with vile and abusive tweets. But our problems can't all be solved with the click of a button. In some cases, the report-abuse button is just a virtual Band-Aid for a potentially dangerous real-world problem. It can undermine women by erasing the trail of digital evidence. And it does nothing to prevent these same abusers from opening a new account and continuing their crimes.

When I received those seven tweets in Palm Springs, a well-meaning friend reported them as abusive through Twitter's system, hoping that action on the platform's end would help further my case. A few hours later, the tweets were erased from the site without

comment (or communication with me). Headlessfemalepig's Twitter feed was replaced with a page noting that the account had been suspended. Luckily, I had taken screenshots of the tweets, but to the cops working with a limited understanding of the platform, their sudden disappearance only confused the issue. The detective assigned to my case asked me to send him links pointing to where the messages lived online—but absent a subpoena of Twitter's records, they were gone from law enforcement's view. If someone had reported the threats before I got a chance to see them, I might not even have been able to indicate their existence at all. Without a proper investigation, I am incapable of knowing whether headlessfemalepig is a one-time offender or the serial stalker who has followed me for many years. Meanwhile, nothing's stopping headlessfemalepig from continuing to tweet away under a new name.

It shouldn't be Twitter's responsibility to hunt down and sanction criminals who use its service—that's what cops are (supposedly) for. Twitter has to balance its interests in addressing abusive behavior with its interests in protecting our private information (or that of, say, political dissidents), which means keeping a tight lid on users' IP addresses and refusing to offer up deleted material to civilians. When I asked how Twitter balances those demands, Nu Wexler, who leads public policy communications for the company, pointed me to a chart published by the Electronic Frontier Foundation (<https://www.eff.org/>)—an advocacy group dedicated to defending the free speech and privacy rights of Internet users—that illustrates the platform's "commitment to user privacy." The chart, titled "Who Has Your Back: Which Companies Help Protect Your Data From the Government?," awards Twitter high marks for fighting for users' privacy rights in court and publishing a transparency report about government data requests.

A high score awarded by the Electronic Frontier Foundation communicates to users that their Internet activity will be safe from overreaching government snoops—and post-Edward Snowden, that concern is more justified than ever. But in some cases, the impulse to protect our privacy can interfere with the law's ability to protect us when we're harassed. Last year, the Electronic Frontier Foundation came out against an amendment to the Violence Against Women Act. Until recently, the law criminalized abusive, threatening, and harassing speech conveyed over a telephone line, provided the abuser placed the call; the new law, passed in March, applies to any electronic harassment targeted at a specific person, whether it's made over the telephone or by another means. Critics of the legislation pulled out the trope that the Internet is less real than other means of communication. As the Foundation put it, "a person is free to disregard something said on Twitter in a way far different than a person who is held in constant fear of the persistent ringing of a telephone intruding in their home."

The Electronic Frontier Foundation—and the tech companies that benefit from its ratings—are undoubtedly committed to fighting government First Amendment abuses. But when they focus their efforts on stemming the spread of anti-harassment laws from outdated media, like landline telephones, to modern means like Twitter, their efforts act like a thumb on the scale, favoring some democratic values at the expense of others. “Silicon Valley has the power to shape society to conform to its values, which prioritize openness and connectivity,” Jurgenson says. “But why are engineers in California getting to decide what constitutes harassment for people all around the world?”

Tech companies are, of course, fully aware that they need a broad base of users to flourish as billion-dollar businesses. Today women have the bargaining power to draft successful petitions calling for “report abuse” buttons, but our corporate influence is limited, and alternative venues for action are few. Local police departments “have no money,” Jurgenson says, and “it feels unlikely that the government is going to do more anytime soon, so we’re forced to put more pressure on Twitter.” And while an organized user base can influence the decisions of a public, image-conscious company like Twitter, many platforms—like the dedicated “revenge porn” sites that have proliferated on the Web—don’t need to appease women to stay popular. “I call this the myth of the market,” Citron says. “There’s definitely a desire for anti-social behavior. There are eyeballs. And there are users who are providing the content. The market isn’t self-correcting, and it’s not going to make this go away.”

IN A 2009 PAPER in the *Boston University Law Review*

Critics of a new amendment to the Violence Against Women Act pulled out the trope that the Internet is less real than other means of communication.

(<http://www.bu.edu/bulawreview/>), Citron proposed a new way of framing the legal problem of harassment on the Internet: She argued that online abuse constitutes “discrimination in women’s employment opportunities” that ought to be better addressed by the U.S. government itself. Title VII of the Civil Rights Act of 1964, which outlawed discrimination based on race, religion, or gender, was swiftly applied to members of the Ku Klux Klan, who hid behind hoods to harass and intimidate black Louisianans from voting and pursuing work. Anonymous online harassment, Citron argued, similarly discourages women from “writing and earning a living online” on the basis of their gender. “It interferes with their professional lives. It raises their vulnerability to offline sexual violence. It brands them as incompetent workers and inferior sexual objects. The harassment causes considerable emotional distress.”

On the Internet, women are overpowered and devalued. We don't always think about our online lives in those terms—after all, our days are filled with work to do, friends to keep up with, Netflix to watch. But when anonymous harassers come along—saying they would like to rape us, or cut off our heads, or scrutinize our bodies in public, or shame us for our sexual habits—they serve to remind us in ways both big and small that we can't be at ease online. It is precisely the banality of Internet harassment, University of Miami law professor **Mary Anne Franks** (<http://www.law.miami.edu/faculty-administration/mary-anne-franks.php>) has argued, that makes it “both so effective and so harmful, especially as a form of discrimination.”

The personal and professional costs of that discrimination manifest themselves in very real ways. Jessica Valenti says she has stopped promoting her speaking events publicly, enlisted security for her public appearances, signed up for a service to periodically scrub the Web of her private information, invested in a post-office box, and begun periodically culling her Facebook friend list in an attempt to filter out readers with ulterior motives. Those efforts require a clear investment of money and time, but the emotional fallout is less directly quantifiable. “When people say you should be raped and killed for years on end, it takes a toll on your soul,” she says. Whenever a male stranger approaches her at a public event, “the hairs on the back of my neck stand up.” Every time we call the police, head to court to file a civil protection order, or get sucked into a mental hole by the threats that have been made against us, zeroes drop from our annual incomes. Says Jurgenson, “It's a monetary penalty for being a woman.”

Citron has planted the seed of an emerging debate over the possibility of applying civil rights laws to ensure equal opportunities for women on the Internet. “There's no silver bullet for addressing this problem,” Citron says. But existing legislation has laid the groundwork for potential future reforms. Federal civil rights law can punish “force or threat[s] of force” that interfere with a person's employment on the basis of race, religion, or national origin. That protection, though, doesn't currently extend to threats targeted at a person's gender. However, other parts of the Civil Rights Act frame workplace sexual harassment as discriminatory, and requires employers to implement policies to both prevent and remedy discrimination in the office. And Title IX of the Education Amendments of 1972 puts the onus on educational institutions to take action against discrimination toward women. Because Internet harassment affects the employment and educational opportunities of women, laws could conceivably be amended to allow women to bring claims against individuals.

But it's hard to get there from here. As Citron notes, the Internet is not a school or a workplace, but a vast and diffuse universe that often lacks any clear locus of accountability. Even if online threats are considered a civil rights violation, who would we sue? Anonymous tweeters lack the institutional affiliation to make monetary claims worthwhile. And there is the mobbing problem: One person can send just one horrible tweet, but then many others may pile on. A single vicious tweet may not clear the hurdle of discriminatory harassment (or repetitive abuse). And while a mob of individuals each lobbing a few attacks clearly looks and feels like harassment, there is no organized group to take legal action against. Bringing separate claims against individual abusers would be laborious, expensive, and unlikely to reap financial benefits. At the same time, amending the Communications Decency Act to put the onus on Internet platforms to police themselves could have a serious chilling effect on all types of speech, discriminatory or otherwise.

Citron admits that passing new civil rights legislation that applies to a new venue—the Internet—is a potentially Sisyphean task. But she says that by expanding existing civil rights laws to recognize the gendered nature of Internet threats, lawmakers could put more pressure on law enforcement agencies to take those crimes seriously. “We have the tools already,” Citron says. “Do we use them? Not really.” Prosecuting online threats as bias-motivated crimes would mean that offenders would face stronger penalties, law enforcement agencies would be better incentivized to investigate these higher-level crimes—and hopefully, the Internet's legions of anonymous abusers would begin to see the downside of mouthing off.

Our laws have always found a way to address new harms while balancing long-standing rights, even if they do it very slowly. Opponents of the Civil Rights Act of 1964 characterized its workplace protections as unconstitutional and bad for business. Before workplace sexual harassment was reframed as discriminatory under Title VII, it was written off as harmless flirting. When Title IX was first proposed to address gender discrimination in education, a Senate discussion on the issue ended in laughter when one senator cracked a co-ed football joke. Until domestic violence became a national policy priority, abuse was dismissed as a lovers' quarrel. Today's harmless jokes and undue burdens are tomorrow's civil rights agenda.

MY SERIAL

CYBERSTALKER BEGAN

following me in 2009. I was on the staff of an alt-weekly when a mini-controversy flared up on a blog. One of

Until domestic violence became a national policy priority, abuse was dismissed as a lovers' quarrel. Today's harmless

the blog's writers had developed a pattern of airing his rape fantasies on the site; I interviewed him and the site's other contributors and published a story. Then I started receiving rape threats of my own. Their author posted a photo of me on his blog and wrote, "Oh, sure, you might say she's pretty. Or you might say she looks sweet or innocent. But don't let looks fool you. This woman is pure evil." (To some harassers, you're physically not very attractive; to others, you're beautiful.) "I thought I'd describe her on my blog as 'rape-worthy,' but ultimately decided against it," he added. "Oops! I've committed another thought crime!"

jokes and undue burdens are tomorrow's civil rights agenda.

In the comments section below the article, threats popped up under a dozen fake names and several phony IP addresses—which usually point to a device's precise location, but can be easily faked if you have the right software. "Amanda, I'll fucking rape you," one said. "How's that feel? Like that? What's my IP address, bitch?" On his Twitter account, my stalker wrote that he planned to buy a gun—apparently intending to defend his First Amendment rights by exercising the Second.

Then, one night when my boyfriend and I were in our apartment, my cell phone started ringing incessantly. I received a series of voicemails, escalating in tone from a stern "You cut the shit right fucking now" to a slurred "You fucking dyke ... I will fuck you up." For the first time ever, I called the police. When an officer arrived at my house, I described the pattern of abuse. He expressed befuddlement at the "virtual" crime, handed me his card, and told me to call if anyone came to my house—but he declined to take a report.

Without police support, I opted to file a civil protection order in family court. I posted a photograph of my stalker at my office's front desk. When the local sheriff's department failed to serve him court papers, I paid \$100 for a private investigator to get the job done. It took me five visits to court, waiting for my case to be called up while sitting quietly across the aisle from him in the gallery as dozens of other local citizens told a domestic violence judge about the boyfriends and fathers and ex-wives who had threatened and abused them. These people were seeking protection from crowbar-wielding exes and gun-flashing acquaintances—more real crimes the justice system had failed to prosecute. By the time the judge finally called up my protection order for review, I had missed a half-dozen days of work pursuing the case. I was lucky to have a full-time job and an understanding boss—even if he didn't understand the threats on the same level I did. And because my case was filed under new anti-stalking protections—protections designed for cases

like mine, in which I was harassed by someone I didn't have a personal relationship with—I was lucky to get a court-appointed lawyer, too. Most victims don't.

My harasser finally acquiesced to the protection order when my lawyer showed him that we knew the blog comments were coming from his computer—he had made a valiant attempt to obscure his comments, but he'd slipped up in a couple of instances, and we could prove the rape threats were his. When the judge approved the order, she instructed my harasser that he was not allowed to contact me in any way—not by email, Twitter, phone, blog comment, or by hiring a hot air balloon to float over my house with a message, she said. And he had to stay at least 100 feet away from me at all times. The restraining order would last one year.

Soon after the order expired, he sent an email to my new workplace. Every once in a while, he re-establishes contact. Last summer, he waded into the comments section of an article I wrote about sex website creator Cindy Gallop, to say, "I would not sacrifice the physiological pleasure of ejaculating inside the woman for a lesser psychological pleasure. ... There is a reason it feels better to do it the right way and you don't see others in the ape world practicing this behavior." A few months later, he reached out via LinkedIn. ("Your stalker would like to add you to his professional network.") A few days before I received the threats in Palm Springs, he sent me a link via Twitter to a story he wrote about another woman who had been abused online. Occasionally, he sends his tweets directly my way—a little reminder that his "game" is back on.

It's been four years, but I still carry the case files with me. I record every tweet he sends me in a Word document, forward his emails to a dedicated account, then print them out to ensure I'll have them ready for police in analog form if he ever threatens me again (or worse). Whenever I have business travel to the city where he lives, I cart my old protection order along, even though the words are beginning to blur after a dozen photocopies. The stacks of paper are filed neatly in my apartment. My anxieties are harder to organize.

Share Your Story

Have you experienced harassment on the Internet? We invite our readers to share their stories using this [online form](http://www.psmag.com/navigation/health-and-behavior/next-civil-rights-issue-harassed-online-72153/) (<http://www.psmag.com/navigation/health-and-behavior/next-civil-rights-issue-harassed-online-72153/>), and to help us document what could be a coming civil rights issue. Our editors will select contributions for publication on PSmag.com (<http://psmag.com>).

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