

Applying Space Transition Theory to Cyber Crime; A Theoretical Analysis of Revenge Pornography in the 21st Century

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Abstract:- Initially, cyber criminology requires the theoretical study of cyber space criminal activity and victimization. However, Jaishankar (2008) has developed, as at present, the only cyber criminological theory that adequately explains cyber space crimes. Jaishankar's Spce Transition Theory comprises seven propositions that seem to justify some cyber-related behaviors. Nevertheless, there are conditions for proper empirical studies and applications to further justify the theory. As such, researchers around the world have evaluated the applicability of the space transition theory using the four basic categories of cyber crime, and they identified the fact that the space transition theory is more applicable in cyber-trespassing, cyber-deception and robbery, and cyber-pornography than cyber-violence. Despite the fact that some academics have greatly appreciated the ideas of Jaishankar to address cyber crimes, some researchers have also criticised the fact that some of his theory's suggestions are somewhat difficult to test and may be unique to some types of cyber crimes. This paper specifically tested the theory of Space Transition by reviewing studies on revenge pornography (cyber-pornography) and the result shows that while some elements of Space Transition Theory seem to be more relevant than others, the driving factors for committing revenge pornography and the transition between physical and virtual space could be clarified by all seven (7) propositions. It is clear from the analysis that the significant impacts of the theory of space transition vary greatly between the seven (7) measured components.

Keywords:- *Revenge Pornography, Space Transition Theory, Cyber Crime.*

I. INTRODUCTION

One of the issues facing earlier cybercrime research is the effectiveness of traditional criminological theories in understanding the patterns and models of cyber criminality. As such, it prompted the establishment of the first cyber crime theory by Jaishankar in explaining holistically, the crimes on the cyber space. Unlike other criminological theories, it focuses on explaining the tenor, pattern of criminal behavior in the virtual world. The big question now is, to what level this theoretical model developed in relation

to cyber space can be applied to revenge pornography, which combines the features of both terrestrial and virtual world.

Humans wonderfully are creative in coming up with novel traditions to hurt each other. One of these traditions include “revenge pornography” the online posting of sexually explicit photographs commonly by rejected ex-lovers without the person’s consent, (Danielle and Mary, 2014). Fundamentally, in a sentimental relationship, an individual may uninhibitedly makes and sends an explicitly unequivocal picture of themselves through a cell phone or the Web to their sentimental accomplice. The picture may serve to profit their relationship at first, yet in case of a sentimental incitement (for example betrayal), that picture might be intentionally rearranged to others as an approach to settle the score with their accomplice (Siriani and Vishwanath, 2016).

Victims of this deleterious act are been exposed to stalking and dangers of rape. The attitude often taken by the media and the response to cases of revenge pornography by society do not aid in creating a more supportive environment for victims of revenge pornography. It seems strange that a matter that has such a severe impact on victims and society as revenge pornography has received so little attention from legislators and researchers unlike other contemporary cyber crimes.

Like other sexual offenses, either offline or online, official statistics are probably going to reduce the concentration on the issue, as casualties are frequent but low report rates, which might be because of sentiments of shame or potentially fears of auxiliary exploitation by the criminal justice system (Bothamley and Tully, 2018). As such, in responding to the problems of revenge pornography, the paper employs the Space Transition Theory to explain the features as well as the pattern of movement from terrestrial to virtual world and vice versa.

This article is prepared into five (5) sections. Following the first section, the paper discussed the conceptual definition of key terms. The second section reviewed studies that has empirically applied the Space Transition Theory (STT), and also note some essential pattern of revenge pornography. The third section entails the

application of the Space Transition Theory in explaining the contemporary global cyber issues (Revenge pornography). The fourth section entails the discussion based on the above analyses. And finally, the paper concludes and highlights valid recommendations.

II. CONCEPTUAL DEFINITIONS

➤ *Revenge Pornography*

Revenge Pornography refers to the sharing of an individual's sexually explicit images or videos without their consent. Threats to share material are also covered under this term (Franks, 2015). The word Revenge pornography is a media-generated word which describes the spread of sexually explicit intimate images of another person without their consent. Over the years the word has been debated on and a number of scholars have otherwise labeled the criminal act. Frank, (2015) opined it as 'non-consensual pornography'. It has also been connoted as 'involuntary porn' and 'non-consensual sexting' by Burns, (2015) and Henry & Powell (2015) respectively. However, recognizing that such a word does not hold significance in broader open understanding, the term 'revenge pornography' is used throughout this paper.

According to Merriam-Webster Dictionary (2016), "Revenge pornography" is seen as "sexually explicit images of a person posted online without that person's consent especially as a form of revenge or harassment". "Revealing or sexually explicit images or videos of a person posted on the Internet, typically by a former sexual partner, without the consent of the subject and in order to cause them distress or embarrassment" (Oxford Dictionaries, 2016). Revenge pornography will thus be defined as the non-consensual expose of secretive intimate films and sexual images, which initially was taken with consent of the depicted individual, by the individual to whom they were entrusted.

➤ *Space Transition Theory*

The Space Transition Theory was developed and published by Prof. K. Jaishankar as a chapter in a manuscript titled "Crimes of the Internet" (2008, pp. 283-301). In order to explain the the causation and tenor of criminal behaviours in the virtualspace, Jaishankar felt the requirement for a different theory of cybercrimes in light of the fact that the overall theoretical clarifications were lacking in the general criminological theories (Jaishankar 2008). The theory posits that space transition entails the movement of crimes from a space to another and vice versa. i.e from the traditional space to cyberspace and from the cyberspace to the traditional space.

However, as people move between the traditional world and the cyber world, they take with them their social values and orientations. As such, the transition of space does not essentially change a person's value orientation, although, it may facilitate the expression of such values (Ndubueze, 2017).

The Space Transition Theory of Cybercrimes posits seven main tenets. These tenets are listed as follows (Jaishankar (2008, p. 292-296).

1. Those who have suppressed criminal tendencies in the physical space are more likely to commit crime in the cyberspace, which ordinarily they would be reluctant to commit because of their status or position.
2. Certain attributes of the cyberspace such as identity flexibility, dissociative anonymity and lax deterrence facilitate the commission of cybercrime.
3. Offenders may import their criminal behavior in cyberspace to the physical space and may export same to the cyberspace.
4. The irregular appearance of offenders in the cyberspace coupled with changing spatiotemporal attribute of the cyberspace makes escape pretty easy.
5. (a) Strangers may congregate in the cyberspace to execute crime in the physical space.
(b) Friends in the physical space may collaborate in the physical space to commit crime in the cyberspace.
6. People who live in closed society are more likely to commit cybercrime than those who live in open society.
7. The inconsistency between norms and values of the physical space with those of the cyberspace may facilitate cybercrimes.

➤ *Revenge Pornography: Empirical Review*

Sirianni and Vishwanath (2016) wrote on "Bad Romance: Exploring the Factors That Influence Revenge Porn Sharing Amongst Romantic Partners". Using social cognitive theory, the paper assessed revenge porn using. Going by the questions designed to examine the motivating factors behind revenge pornography. Outcome reveals that explicit experience, anticipated outcomes and dispositional vengefulness assumed a role in predicting the probability for sharing vengeance pornography.

Starr and Lavis, (2018) also studied the Perceptions of Revenge Pornography and Victim Blame. The examination utilized retribution pornography situations to assess how much people accuse the person in question and whether this is intervened by seeing vengeance pornography as a disloyalty. Three elements were anticipated to influence view of disloyalty and fault: victim-perpetrator relationship length (one month or one year), the medium utilized for sexting (instant message) and the perceiver's degree of trust in others. The manner by which the sexual picture was sent didn't affect apparent break of trust or victim blame. The length of the victim-perpetrator relationship affected victim blame however not seen as betrayal. In accordance with expectations, those with higher relational trust were found to show less victims blaming which was intervened by their higher view of betrayal in such act.

Bothamley and Tully, (2017) on the other hand researched on "Perpetrator-victim relationship length and reason for relationship breakdown did not influence perceptions of victim blame". Participants accepted that the situation in the vignettes was probably going to be an offense, and that police mediation is to some degree fundamental. They accepted that the situation was 'very

liable' to create fear and 'moderately liable' to make mental damage in victims. In accordance with the studies relating with rape and stalking, men accused the victims fundamentally more than ladies. Moreover, ladies appraised police mediation more fundamental than men.

Walker and Sleath, (2017) authored an article titled “A systematic review of the current knowledge regarding revenge pornography and non-consensual sharing of sexually explicit media”. This review was conducted majorly to reveal contemporary literature regarding non-consensual sharing of sexually explicit images and revenge porn. This review focuses on areas of study such as theoretical, psychology and legal related experiential papers. However, the outcome indicates that in some countries and particularly United States, the implementation of revenge pornography legislations are of fundamental concerns. Although, revenge pornography seems vitally evident across both genders, the perpetration and victimization rates varies significantly in respect to how revenge porn is defined and measured.

Some researches have been conducted to investigate the prevalence revenge pornography. For example, in a study conducted by Patrick, et. al., (2015), findings revealed that 1 in 10 school students had sent a sexually explicit videos or images of someone else'. Studies have also shown that 20% of youth showed a sexually explicit image to others without the person's consent. Although, few researches has been done exclusively on Revenge porn among adults. However, it can be concluded from the above findings that cyber related abuses between lovers are more common among young adults (Borrajó & Gámez-Guadix, 2015; Crofts, et. al., 2015).

➤ *Space Transition Theory and Cyber Space- Theoretical Review*

While the space transition does not clarify all types of cyber crime, many scholars have applied the theory to various cyber crimes and have come up with various conclusions. However, some of these researches would be reviewed and analyzed.

Danqua and Longe (2011) tested the STT in the research titled An Empirical Test The Space Transition Theory of Cyber: Investigating Cybercrime Causation Factors in Ghana. They found that space transition theory is more applicable in the four classifications of cyber crime (cyber-deception and theft, cyber-pornography, cyber-trespassing and cyber-violence). But unlike the first three, the theory is less applicable to cyber-violence. This notion was also supported by Kethineni, Cao and Dodge (2017) cited in Jaishankar, (2019). They concluded that easy online association, identify flexibility, lack of deterrence and dissociative anonymity attracts physical space criminals to the cyber space.

Scholars have established the fact that there are some issues in testing the Space Transition Theory and it has been emphasized on the difficulty in getting data on cyber offenders (Holt, Bossler, & Spellar, 2015; Holt & Bossler,

2016 cited in Jaishankar 2019). In line with the above, Jaishankar & Chandra, (2017) opined that there would be increase in the rate of cyber crimes in the coming decades, which will pave way for much feasible and empirical examination of the space transition theory unlike the current situation.

➤ *Factors that motivates perpetrators of Revenge Pornography*

These criminal or deviant actions are mostly motivated by the likely outcomes of a particular behavior. That is, most unlawful attitudes and behaviours are influenced by wish to attain goals or pleasure. LaRose and Eastin, (2004) described these likely outcomes as behavioural incentives which motivates and direct behaviour. For instance, as much as perpetrators see revenge as liable to generate encouraging outcomes, they tend to see vengeance as an appropriate and effective reaction to romantic provocations (Rasmussen, 2013).

As posited by Boon, et, al., (2009), perpetrators of revenge pornography are motivated by the necessity to effect desired changes like suffering, empathy, destruction of self-image among others in their victims. Michael, (2015) on the other hand believe that networks of Misogynists employs revenge porn to intimidate women in the physical and cyber space, and some members of these networks seek to eroticize and increase female agony by establishing dedicated revenge pornography websites and extorting female victims for money.

In addition, after a provocation, individuals who feel devalued and disempowered frequently seek vengeance against romantic partners to relieve negative feelings (Boon, et, al., 2011). Revenge pornography is also likely to occur when an individual's image is tarnished or destroyed (Yoshimura, 2007) and, as such, may be driven by outcomes such as restoring one's reputation after witnessing a transgression (Baumeister, 1997). For instance, sexual pleasure, blackmail, fun, financial gain, popularity, control and abuse, may be reasons for revenge porn.

III. ANALYZING REVENGE PORNOGRAPHY WITH THE SPACE TRANSITION THEORY

(1). Those who have suppressed criminal tendencies in the physical space are more likely to commit crime in the cyberspace, which ordinarily they would be reluctant to commit because of their status or position.

Having a repressed behavior here means hidden motives that individuals cannot express in the terrestrial world due to their position and status in the society. As such, if such individual moved to the virtual world, he/she can express such repressed behavior because there is nobody to watch and stigmatized them (Jaishankar, 2008). That is, they can hide their identity and least risk of facing social humiliation.

However, Marthe, (2017) posits that pictures or clips used in revenge pornography were made with consent. These pictures or clips were not meant for publication by the depicted individual, they were meant to remain private. However, the perpetrator's intention may have been different from the moment the materials were being made. Also, American creator Hunter Moore, who's shifting rationales for establishing the website "Is Anyone Up?" It involves allegations that he wanted to show images of a woman he was sleeping with to his friends, and that he and his friends wanted to 'get revenge' by distributing photos of them without their permission to their ex-girlfriends (Salter, et. al., 2015). In that case, the perpetrator changed his intention and disclosed the images for various reasons.

In their report, Mattew and Jeff (2017) argued that revenge porn offenders nevertheless diffuse shame and transparency by somehow portraying themselves as aggrieved. The revenge porn perpetrators appear to be 'retaliating' for some felt wrong by their ex partner. However, what was evident was that sharing sexually explicit pictures was a view of regaining control. As such, most revenge porn perpetrators are individuals who ordinary cannot harm their partners physically, but the cyber world seem to poses an avenue to do such indirectly with ease

(2) Certain attributes of the cyberspace such as identity flexibility, dissociative anonymity and lax deterrence facilitate the commission of cybercrime.

In this proposition, the SST posits that people a times behave out of unpleasant need or emotion like harassment, sexting, cyberbullying, revenge pornography because of the unique nature of the cyber space. High rate of anonymity in the virtual world have given people the opportunity to separate their actions from their real time world and identity (Jaishankar, 2008). According to Salter (2015), It can act as a new tool for the replication and intensification of relational and gender coercion, as internet is incorporated into social and sexual life. As such, one of the feasible examples is revenge porn.

Mason(2008) concluded that a new social networking context is being generated by the Internet. Person identity is replaced with social identity because of these variables. In cyberspace, anonymity has modified the attitude of internet users by reducing their sense of personal responsibility and direct connection, and thereby leading to an increased tendency to commit online crimes that they usually can not commit in person. The Internet offers access to pornographic content that is frequently used in these crimes for private conversation with minors and private access (Mitchell, Finkelhor, & Wolak, 2005).

This right to upload and distribute pornographic materials enables individuals to post not only pictures or videos of their own, but also pictures and videos of others who may or may not have consented to such dissemination (Budde, 2014). However, it is evident that all the enticing attributes of the virtual world (identity flexibility, anonymity) gives room for the high rate of cyber crimes such as revenge pornography among others

(3) Offenders may import their criminal behavior in cyberspace to the physical space and may export same to the cyberspace.

Majority of people who previously committed theft, extorting, stalking, and robbery among others have moved to cyberspace to commit same crimes, following the dawn of crime analysis mapping methods to crack down on offenders in physical space. Also justifying the second part of this tenent, a concrete illustration is the nurturing of adolescents in the virtual space to abuse them physically in the physical space (Jaishankar, 2008).

Revenge pornography is often a form of domestic violence and also mostly common among criminal gangs. Often, the abusers oppress reluctant partners into taking intimate images (Smith, 2013). In numerous cases, when victims attempt to leave the relationship, abusers have threatened to reveal intimate images of their partners. These abusers, in essence, use revenge pornography as a form of ongoing relationship abuse and control (Chiarini, 2013; Sharratt, 2019).

Furthermore, There are homologous correlations between online and offline activities. For instance, Reed et al. (2016) found a correlation in a group of undergraduates between online dating abuse and offline sexual abuse. In the context of revenge pornography, DeKeseredy & Corsianos, (2016) argued that men communicate and network online through revenge pornography websites, which enhances attachment of male peers and perpetuates and legitimises this problem. This subculture of violence is not restricted to any particular social group; however Professor DeKeseredy noted that men who are most likely to be abusive are part of a wider social network that encourages this. He explained that (men's rights' groups) have been shown to inflame hatred against women and encourage other men to engage in this conduct/practice.

Michael, (2015) believed that networks of Misogynists employs revenge porn to intimidate women in the physical and cyber space, and some members of these networks seek to eroticize and increase female agony by establishing dedicated revenge pornography websites and extorting female victims for money. All the above studies strongly indicates the transmission of criminal behaviors between the tradition and virtual world.

(4) The irregular appearance of offenders in the cyberspace coupled with changing spatio-temporal attribute of the cyberspace makes escape pretty easy.

Jaishankar, (2008) believed that this feature of cyberspace gives room for cyber criminals to move around and disguise their genuine location. As such, these features makes the Virtual space a suitable environment for their criminal act. However, there exist a distinction between crimes in the cyber and physical space due to the little adherence to spatio-temporal restriction of the former.

There are allegations, according to Powell (2020), that new technologies are causing rises in violent crimes committed by young people in an effort to imitate what they

see on the Internet (2010). Technology also creates new means of perpetrating traditional crime Powell (2010). For example, a person who, via email or text message, received sexually explicit images and was subsequently hacked. Hunter Moore hired Charles Evans to hack into hundreds of email accounts to procure content to be posted on his website Morris (2012). Hunter Moore, "Revenge Porn King." As such, it is quite easy for a revenge pornography perpetrator to commit crime using a different IP address in hacking victims account.

(5) (a) *Strangers may congregate in the cyberspace to execute crime in the physical space.*

(b) *Friends in the physical space may collaborate in the physical space to commit crime in the cyberspace.*

Jaishankar(2008) notes that for like-minded criminals, the internet is an important means of criminal recruitment and distribution. It is also stressed that through hacking, engaging in sabotage or revealing confidential information, disgruntled individuals from organizations will ruin the future of companies.

Revenge pornography sites were utilized by network of men to coordinate a prolonged campaign of harassment and abuse, forcing Jacobs to curtail her professional activities and adopt a new identity (Salter, 2015). In 2014, in exchange for Bitcoins, hundreds of private personal photographs of well-known celebrities were posted on a US-based website. These images were stolen in an iCloud breach by Apple (an online portal for backing up photos from Mac devices) and were later disseminated through other social media platforms by traders and sellers.

Similarly, more than 400 nude images of South Australian women and girls were published on a US-based notice board website in June 2015 and made available for download without the consent of the people in the images. The pictures were stolen by hackers and uploaded for trading and downloading to the site (Henry, et. al, 2019). Moore's website "isanyoneup.com" consisted of sexually explicit photos posted by users without the victims' permission, often for the purpose of revenge. But the photos Moore obtained from users were not enough to populate the site to Moore's liking. It was alleged that Moore paid Charles Evens, who is a hacker to hack into 'hundreds' of emails accounts for nude photos (Dahl, 2014).

Hoswever, it is evident from the above that revenge porn perpetrators can be group of friends or individual who connived together for an autonomous criminal acts either physically or virtually.

(6) *People who live in closed society are more likely to commit cybercrime than those who live in open society.*

Unlike the open society where people are able to express their anger and feelings, those in the closed society have limited opportunity to ventilate their pent up feelings. To this note, Jaishankar (2008) argues that such individuals find refuge in the cyber space and participate in a variety of

illegal activities, including daily social media hate messages online, uploading ex-partner revenge porn photos, etc.

Unlike the people in the open society who has opportunity to show case feelings in the physical world without any reputation to lose, the closed society (rich, upper class) tends to hide under the umbrella of anonymity and flexibility of the virtual world. As such, such individual often utilize revenge pornography to get back at ex partners.

(7) *The inconsistency between norms and values of the physical space with those of the cyberspace may facilitate cybercrimes.*

Jaishankar (2008) noted that there is no standardization of the actions of individuals in virtual space. Variations occur between one person and another. He believed that this behavioral variance could lead to conflict among cyberspace individuals, eventually leading to cyber crimes. Cited in Ndubueze, 2017, Maratea & Kavanaugh (2012) contend that virtual spaces provide useful insights into the social organization of deviant cyber societies as well as the work of personal, social and collective identity they create. In line with the above proposition, the absence of social norms and values that guilds the behaviours of people in the virtual world makes it much easier to go to the virtual community as a medium to deviate from the established social norms and values in the physical world.

Cyberdeviance refers to all amoral, indecent and inappropriate behaviours or activities that are perpetrated online but are not criminalized. Such behaviours or activities often contravene societal norms but not the law (Ndubueze, 2017).For example, Looking at women nude without their permission is no longer considered merely acceptable; lack of consent has increasingly become the entire point of the spectacle. Anyone interested in seeing nude bodies can quickly access millions of sexually graphic hard-core photographs and videos of consenting adults with a mouse click. The user of "revenge porn" is not aroused by explicit sexual representations as such, but by the fact that the individuals in them (usually women) did not agree to be looked at (Franks, 2017).

(Mathen, 2014) believed that the unavailability of universal laws against revenge pornography has been the reason for revenge porn not to have formed along the same lines as other more established crimes, such as rape and stalking. As such as the non-existence of the laws persists, it will continue to be a great factor towards the proliferation of revenge porn.

IV. DISCUSSION

Firstly, it can be deduced from the above arguments that revenge pornography is not only perpetrated by partners or ex-lovers but also by a person or group of persons who have psychological or financial motives. However, the essential subject matter of this study is to examine if the Space Transition Theory could be utilized as an analytical frame to examine Revenge Pornography. The theoretical

elements presented illustrate the debate surrounding the applicability of the Space Transition Theory in explaining revenge pornography.

Spatio-temporal attributes; identity flexibility; inconsistency of norms and values in the traditional space and virtual space, suppressed criminal tendency among others are the basic justification of the existence of the space transition theory. These theoretical explorations however do not sufficiently affirm or deny the explanatory effectiveness of the theory in relation to cybercrime. Empirical researches are required. Therefore, in this paper, empirical findings of revenge pornography have been reviewed using Space Transformation Theory as a theoretical viewpoint.

However the analyses presented in the paper on the analytical implementation of the space transition theory have to some degree provided a basis for a better exploration of the usability of the theory. Between the seven (7) elements measured, the major impacts of the space transition theory vary greatly. Although some elements of Space Transition Theory seem to be more applicable than others but all the seven (7) propositions have been able to explain the motivating factors for committing revenge pornography and its transition between physical and virtual space. As such, in line with the empirical review, the article supports the assumption of Danqua and Longe (2011) that space transition theory is more applicable in all classifications of cyber crime, most especially the cyber-pornography.

V. CONCLUSION

Over the past decade or so the study of romantic revenge has become more popular. As such, the current research is also leading to this growing field of revenge pornography research. However this thesis aims to investigate revenge pornography using the seven (7) tenants of the space transition theory due to the limited amount of non-scientific research performed on revenge porn. In addition, this research explicitly explores revenge porn as a technically mediated form of romantic revenge and its transfer from the conventional form (physical space) to the virtual space, unlike most past romantic revenge studies.

However, space transition theory of cyber criminology, having being acknowledged and credited by scholars like (Diamond & Bachmann, 2015; Holt & Bossler, 2014, 2016; Holt, Bossler, & Spellar, 2015; Moore, 2012, Wada, Longe, & Danquah, 2012 cited in Jaishankar, 2019), this paper also credited the relevance of the space transition theory in explaining cybercrimes (revenge pornography in particular).

However, space transition theory of the cyber criminology, having been recognized and credited by scholars such as (Moore, 2012; Wada, Longe, & Danquah, 2012; Holt & Bossler, 2014; Holt, Bossler, & Spellar, 2015; Diamond & Bachmann, 2015 cited in Jaishankar, 2019), this paper also credited the relevance of the theory of space

transition in the explanation of cybercrimes (particularly revenge pornography).

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