

## **Understanding social judgments of and proclivities to commit upskirting**

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## Abstract

Against a backdrop of legislative change that sees the taking of private sexual images underneath the clothing of a non-consenting other being made a criminal offence – upskirting – there is a need to understand the public’s judgments of, and motivations to perpetrate said behavior. In this study ( $N = 490$ ), we investigated whether judgments of upskirting differed as a function of victim sex (male, female) and their perceived attractiveness (attractive, unattractive), as well as how variation in voyeuristic interest, belief in a just world, and dark personality traits predicted judgments of, and proclivity to engage in upskirting. We consistently observed more lenient judgments of upskirting behavior when victims were attractive and male, with such judgements predicted by older age across all conditions. Moreover, proclivity to engage in upskirting was predicted by past voyeuristic behaviors, higher psychopathic personality, and being male and of older age. We discuss our findings in the context of needing to qualitatively understand the rationale underpinning these judgments, as well as identifying and combating barriers to disclose victimization. Open data and a preprint of this paper are available at

[https://osf.io/wyt2z/?view\\_only=ca4ea7b5886b4a52aad67cfd847d7af1](https://osf.io/wyt2z/?view_only=ca4ea7b5886b4a52aad67cfd847d7af1).

**Keywords:** *upskirting, non-consensual image-based sexual abuse, voyeurism, social judgments, psychopathy, technology-facilitated sexual violence*

Under the Voyeurism (Offences) Act 2019, upskirting was classified as a specific sexual offense in England and Wales with perpetrators punished by up to 2 years imprisonment and with more serious cases resulting in perpetrators being added to the Violent and Sex Offender Register (Gov.uk, 2019). Upskirting is a colloquial term that refers to the taking of images and/or videos underneath the clothing of a non-consenting (and often unaware) individual, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification or to cause humiliation, distress, or alarm (Ministry of Justice, 2019). Importantly, upskirting often not only involves images being *taken* without consent, but said media being *disseminated* to both friendship groups and dedicated upskirting websites (Hall et al., 2022; Hearn et al., 2023).

Interest in upskirting media is mounting, with search terms outlined in Jeffrey's (2014) returning 58,200,000 Google results today compared to 6,630,000 results a decade ago. Despite there "only" being 11 charges related to upskirting between 2015 and 2019, a freedom of information request by the Press Association suggests true figures might be masked through inadequate recording procedures such as upskirting featuring in cases drawing upon public decency legislation (British Broadcasting Corporation [BBC], 2018). Moreover, in the context of global figures reporting victims as young as 7 years of age (Oppenheim, 2019), there is a need to better understand motives to commit upskirting, as well as predictors thereof. Within this manuscript, we explore psychological and belief-based predictors pertaining to judgments of, and proclivity towards, upskirting with the aim of contributing to future practical implications.

## Defining and Understanding Upskirting Behaviors

Upskirting forms just one type of image-based sexual abuse (IBSA) and is often discussed alongside qualitatively different behaviors such as ‘revenge pornography’<sup>1</sup> (non-consensual intimate image (NCII) dissemination), deepfake sexual media production (the generation and dissemination of fake sexual media commonly produced using machine learning), and cyber-flashing (sharing sexually explicit media to unsuspecting or non-consenting recipients; Fido & Harper, 2020; Harper et al., 2021; McGlynn & Rackley, 2017). Though legislative changes within England and Wales add to extant upskirting (and ‘indecent filming’) legislation in countries such as Australia and most of the USA (though not federal law), they highlight disparities elsewhere around the world. For example, the majority of Europe lacks upskirting-specific legislation, with some countries considering it a minor offense unless it is accompanied by physically touching the victim, or dissemination of any images or videos that are created (e.g., Germany, Italy). Others (e.g., Spain) treat upskirting as a breach of privacy or a broader non-violent sexual offense (Elks & Davies, 2019). Indeed, some scholars (e.g., McCann et al., 2018) worry that global legal responses might not be capable of keeping up with technological advances, which generate additional opportunities for voyeuristic activities whilst producing higher quality offense-related imagery than ever before. Thus, upskirting presents a pervasive and global issue, of which protection for upskirting victims is important. Though we currently have little understanding of the specific consequences for victims of upskirting, wider IBSA literature suggests that victims experience a constellation of social-, professional-, and health-related consequences including

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<sup>1</sup> The authors recognise the negative and harmful discourse around the term ‘revenge porn(ography)’ to describe the non-consensual distribution of private sexual images, in that it implies said images are both generated through consensual means and shared as a direct result of the behavior of the victim (see Fido & Harper, 2020). This is, of course, not always the case. Despite this term commonplace in written and spoken media, we suggest importance for using the term *non-consensual intimate image (NCII) dissemination*, and use this throughout this manuscript.

mental health detriments, reputational damage, and relationship breakdowns (Bates, 2017; Bloom, 2014; Citron & Franks, 2014).

Harper et al.'s (2021) commentary on the need to explore IBSA through an empirical approach outlined a series of potential psychological mechanisms underpinning upskirting offending. For example, perpetrators might be motivated by a perceived entitlement to sex whereby they capitalize on the power and importance they believe they have relative to others to overcome interpersonal boundaries, and in many parts of the World, laws, to capture sexual images (Beech & Mann, 2002; Pemberton & Wakeling, 2009). This position is consistent with patriarchal-based arguments pertaining to the origins of sexual aggression in males (DeKeseredy & Schwartz, 1993). Recently, Hall et al. (2022) sought to better understand the rationale for engaging in upskirting through a qualitative analysis of comments made on *The Candid Forum* - a website dedicated to sharing images of women in public. Whilst some comments expressed appreciation of the women's bodies and beauty, others celebrated the skills and artistry of the male photographer and/or expressed broader misogynistic attitudes.

These theoretical ideas suggest that upskirting is functionally similar to voyeurism (Harper et al. 2021), where individuals gain sexual gratification through the observation of unsuspecting victims who are disrobing or undressing, in a state of undress, or engaging in sexual activities (McCann et al., 2018). Voyeuristic behavior is mostly reported in men (Långström & Seto, 2006) for the purpose of sexual gratification (Duff, 2018), which, when present for a minimum of 6 months and found to cause impairment in the voyeur's life, is considered a paraphilic disorder (i.e., dysfunction attributable to abnormal or atypical sexual interest) within the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5; American Psychiatric Association, 2013). People who participate in voyeurism are thought to have poor interpersonal functioning, be unable to achieve sexual satisfaction with another

person, and frequently seek novelty and variety in the stimuli that they require for sexual pleasure (Baur et al., 2016; Långström & Seto, 2006). It should be noted, however, that publication of voyeurism research has not been rapidly forthcoming in recent times, with much extant literature capturing information about a world absent of technologically-facilitated abuse and wherein societal beliefs about sex and related abuses were less women/victim-positive (see Mennicke et al., 2018). Lister and Gannon (2023) recently interviewed 17 men with a conviction of voyeurism incarcerated in forensic settings in the UK. Using grounded theory, they developed a descriptive model of voyeuristic behavior, which positioned sexual gratification, maladaptive connection seeking, and access to inappropriate person(s) as pathways to engaging in voyeurism. As such, prior engagement in voyeuristic behavior, or thoughts thereof, presents a likely predictor of judgments of upskirting offenses, as well as being a potential predictor of increased proclivities to engage in such behavior.

### **Social Attitudes to IBSA**

In recent years, social scientists within forensic psychology have begun to empirically test public judgments of victims and perpetrators of IBSA to inform educational material and contribute to theoretical models. In the UK, Fido et al. (2021) evidenced relationships between self-reported intrasexual competition and more lenient judgments of NCII dissemination in women across two studies after controlling for empathy and callous-unemotional traits (traits aligned to the interpersonal and manipulative facets of psychopathic personality; Frick, 2004). In the context of deepfake sexual imagery gaining notoriety because of the social status of those depicted (Delfino, 2019), Fido et al. (2022) observed more lenient judgments for the generation and dissemination of deepfakes involving victims who were celebrities and male. Such leniency was also offered for images that were created for self-sexual gratification, rather than being disseminated to others. Across all these studies,

women provided more punitive judgments of IBSA than men, and vignettes featuring female victims were found to be judged more severely than vignettes depicting offenses against men (Fido et al., 2021). Cases involving female victims also give rise to lower levels of victim blame and a greater perceived need for police action (Fido et al., 2022).

Internationally, a recent cross-sectional survey of Canadian undergraduate students (Karasavva et al., 2023) indicated that 71.4% of participants were not opposed to enjoying NCII and 97.8% were not opposed to approving of NCII. Moreover, across a large ( $n = 6,109$ ) multi-country (UK, Australia, and New Zealand) cohort, victims of IBSA were found to minimize harms evoked through victimization - potentially as a protective mechanism (Flynn et al., 2023; Powell et al., 2022), and patterns of victimization differed across sexes, with males most likely to perpetrate against both females and other males, with male victims on average less likely to report their victimization (Powell et al., 2022).

The perceived attractiveness of victims of IBSA has also been explored as a predictor of offense-related judgments. Fido et al. (2021) examined whether an observed relationship between intrasexual competition and lenient judgments of NCII dissemination would be moderated by attractiveness, such that the relationship would be at its strongest when the victim was deemed to be attractive and of the same sex as the participant (i.e., a greater sexual threat). No interactions with attractiveness were observed. Publications in other online-aligned areas have suggested reduced attribution of blame and greater social support to victims of cyberbullying who were perceived to be more physically attractive (Weber et al., 2013), with this research expanded upon by Hand and Scott (2022) who indicated lower victim blame for those deemed to be 'socially attractive' (i.e., one could see them as a friend).

Such conflicting data maps on to classical literature which conjoins attraction and victim judgments. Research indicating more lenient perpetrator judgments for cases of sexual assault involving victims who are deemed to be attractive posits that this might be driven by

men who may, to some degree, empathize with defendants (Kerr et al., 1985; Maeder et al., 2015). Indeed, the notion of “*beauty is good*” was evident across both victims and perpetrators in Castellow et al. (1990, p.12) where both attractive women (victims) were more readily believed, and attractive men (perpetrators) were more readily acquitted – being viewed as warmer, kinder, and sincere. Conversely, males (but not females) elicit more guilty verdicts and harsher sentences in cases involving an attractive victim when assessing individually determined verdicts (Thornton, 1977), with this likely associated with increased levels of victim empathy among women due to a (typically) shared demographic status. Such individuals might view attractive victims more positively (e.g., more believable; Ferguson et al., 1987; Seligman et al., 1977) and may attribute more blame to unattractive victims because of the unfounded viewpoint that such individuals might compensate their attractiveness with provocation and flirtation (Kerr et al., 1985; Thornton & Ryckman, 1983). More recently, Hall et al. (2023) contributed evidence suggesting victim attractiveness predicted higher victim credibility, but it did not predict victim blame (regardless of whether abuse was psychological or psychological *and* physical in nature). Methodologically, though rigorous (e.g., included counterbalancing and attention checks) this study was not able to explore the role of additional factors known to impact perceptions of victims, such as beliefs about a just world, owing to data not meeting required assumptions.

It remains to be seen whether the role of victim sex exhibited in vignettes featuring NCII dissemination and deepfake media production can be replicated in upskirting scenarios and, additionally, whether the manipulation of victim attractiveness will play a moderating role. It is perhaps reasonable to expect an effect of attractiveness in relation to upskirting offense judgments due to the visual nature of the materials created by the offending behavior. However, we currently have no empirical data that explores these issues.



## **Psychological Predictors of IBSA Judgments**

From the IBSA-related literature described above, the sexual abuse literature more broadly, and as noted in the attractiveness work by Hall et al. (2023), it is suggested that many view victimization or abuse as a result of the actions of the victims (Henry & Powell, 2015). Victim blaming attitudes can manifest as a function of belief in a just world; where people deserve what they get, and get what they deserve (Lerner & Simmons, 1966). This position not only underpins rape mythology (i.e., beliefs about how victims of rape might have somehow contributed to their own victimization; Vonderhaar & Carmody, 2015), but also predicts victim blaming attitudes in other manifestations of IBSA – specifically cases of deepfake pornography (Fido et al., 2022). As much of the logistical viability for upskirting to take place is largely reliant on the chosen outfit of a victim (with a suggested exception to this being individuals who are victimized within toilet stalls; Dudgeon, 2016; Jeffreys, 2014), it would therefore be unsurprising to see punitive upskirting-related judgments predicted by a belief in a just world.

Additionally, views about IBSA are consistently predicted by so-called ‘dark’ personality traits (see Fido & Harper, 2020; Karasavva et al., 2023; Pina et al., 2017; 2021). The ‘Dark Tetrad’ refers to a series of personality traits (i.e., Machiavellianism, narcissism, sadism, and psychopathy), which manifest on a continuum within the general population (Paulhus et al., 2021). Though aligned, these traits are qualitatively unique; characterized by high levels of callousness (psychopathy), egocentrism (narcissism), low empathy and cruelty (sadism), and a readiness to exploit others (Machiavellianism). Together, such traits have been found to predict sensation seeking, desire for sexual stimulation, and engagement in behaviors likely to result in immediate sexual gratification (Jonason et al., 2012).

Despite their conceptual overlap and ability to predict the enjoyment of tormenting others online (Brewer et al., 2015), such traits have distinct properties. For example, whereas

high scorers on Machiavellianism build networks solely to aid social manipulation (Jones & Paulhus, 2014), high scorers on narcissism present as entitled and grandiose – often seeking to reinforce their egos through callous acts (Bushman et al., 2003). In the context of upskirting, this could represent their entitlement to own another’s private sexual media without their knowledge or consent. Moreover, individuals who score high on sadism seek excitement through enacting or bringing about physical, psychological, or sexual harm on others as a means of causing distress and/or humiliation (O’Meara et al., 2011). Sadism also predicts sexual violence (Russell & King, 2016) and antisocial online behavior (Buckels et al., 2014). High scorers on psychopathy are characterized by shallow emotion processing, inappropriate affective, and a reduced empathic capacity (Viding & McCorry, 2019). Psychopathic traits have been implicated in digital antisocial behavior (Clancy et al., 2019) and are thought to both moderate the relationship between pornography consumption and sexual behavior and have long-standing relationships with victim-blaming attitudes and pro-prape beliefs related to physical sexual abuse (Abbey et al., 2011; Debowska et al., 2017).

However, though these traits have been found to individually predict acceptance of myths pertaining to the minimization of IBSA-related harm (Karasavva et al., 2023; Pina et al., 2017; 2021; Sparks et al., 2023), evidence is not as consistent for the role of dark personality traits in predicting proclivity to engage in NCII dissemination. For example, though some data suggest each facet of dark personality significantly contributes to NCII dissemination proclivity (Fido et al., 2021; Harper et al., 2021; 2022; Karasavva et al., 2023; Sparks et al., 2023), others suggests that this is specifically driven by either increased levels of psychopathy (Pina et al., 2017), sadism (Pina et al., 2021), or sadism and narcissism combined (Karasavva & Forth, 2022). Of note, psychopathy was also found to be the predominant predictor of proclivity to disseminate deepfaked sexual media (Fido et al., 2022). Owing to the role of dark tetrad traits differentially predicting proclivity to engage in

IBSA and the uniqueness of upskirting within this constellation of behaviors (i.e., proximity to victim, risk), thorough assessment of this personality battery is warranted.

### **The Current Research**

In this work, we set out to answer three key questions to begin to establish our psychological understanding of how judgments made about upskirting offenses differ as a function of victim characteristics and personality traits and beliefs, as well as how such traits might predict upskirting proclivity. In doing so, and on a practical level, we envisage our results helping to inform the means by which upskirting victims are discussed and represented within media outlets as well as in legal settings, and also to curate understanding of whether predictors of upskirting proclivity differ to that of other types of IBSA. This could benefit practitioners tasked with formulating and implementing interventions in forensic and community settings.

First, we sought to understand how victim characteristics affect judgments of upskirting offenses. Here, we hypothesized that greater levels of victim blame, a reduced likelihood to call for police and seek criminal justice and lower levels of perceived victim harm would be reported in vignettes featuring male (relative to female) victims and attractive (relative to unattractive) victims. This is consistent with prior work on IBSA offenses (see Fido & Harper, 2020), and may be reflective of the stereotypically gendered view of sexual violence. Second, we set out to understand whether focal psychological traits and beliefs predict (a) judgments of upskirting offenses, and (b) proclivities for engaging in upskirting behaviors. Here, we hypothesized that more anti-victim judgments (i.e., more victim blaming, or lower levels of perceived victim harm), as well as a greater self-reported proclivity to engage in upskirting behaviors, would be associated with greater self-reported voyeuristic interest, higher belief in a just world, and higher levels of self-reported psychopathy.

## Methods

### Participants

We recruited a target sample of UK-based (to control for variation in legislation) participants who were over the age of 18 years and fluent in English via Prolific, a crowdsourcing platform that allows for the rapid collection of high-quality data, that is both comparable to face-to-face means of data collection and more reliable than competitor services (e.g., MTurk; Peer et al., 2017). In total, 501 people began the survey, however 11 people withdrew prior to consent leaving a final sample of 490 participants ( $M_{\text{age}} = 39.42$  years,  $SD = 13.47$ ; 49% female). Participants were recruited between February 15, 2022 and February 17, 2022 and were each reimbursed £1.25 for their participation.

### Materials

*Demographics.* Participants were asked to report their age and biological sex, with text boxes provided instead of categorical options to increase inclusivity.

*Vignette Judgments.* Participants were asked to read one of four randomly presented vignettes outlining an upskirting incident involving an individual capturing an image of another's genitalia within a spa setting. The four vignettes differed as a function of sex (male vs. female) and perceived attractiveness (attractive vs. unattractive) of the victim. Victim sex was manipulated through wording of the vignette (see below) and perceived attractiveness was manipulated through an accompanying photograph of the victim. Four images (unattractive female, attractive female, unattractive male, attractive male) were selected from Thomas and Stewart-Williams' (2018) stimulus set (see Figure 1), which in turn were taken from the online site HotOrNot.com. These stimuli were also used as an attractiveness manipulation in Fido et al.'s (2021) work into judgments of NCII dissemination. The original images were rated for attractiveness by a sample of 10 male and 10 female judges (Thomas &

Stewart-Williams, 2018). These images are from the top (9.9/10) and bottom (7.4/10) of the attractiveness range within the original dataset, and control as closely as possible for the ethnicity of the individuals in the images, their approximate ages, and the image backgrounds and poses (within-sex).

--- INSERT FIGURE 1 HERE ---

The wording of the vignettes follows (manipulated wording is in square brackets), and for clarity, Taylor was always the perpetrator and Ashley was always the victim, with these non-gendered names chosen to preserve consistency across the vignettes:

*Taylor is spending the day at a spa to recharge after a busy few weeks at [her/his] new job. Whilst relaxing poolside on a lounge, [she/he] had just started to browse the internet on [her/his] mobile phone when [she/he] noticed a young [man/woman], Ashley, who had come to lie down on the lounge opposite [her/him]. Ashley was also alone. After a while, Taylor noticed that Ashley's robe had parted just enough so that from [her/his] position, [she/he] could clearly see Ashley's genitalia. Discretely, and without Ashley or anybody else noticing, Taylor used [her/his] mobile phone to take a picture of Ashley's genitalia. Soon after, Taylor packed up [her/his] things and left.*

After the presentation of each vignette, participants completed a brief attention check (typing the name of the person whose image was taken) and a scale measuring victim blaming attitudes (four items, e.g., “How much do you think Ashley is to blame for the incident?”;  $\alpha = 0.84$ ), the perceived criminality of the offense (two items, e.g., “Do you think police intervention is necessary for the resolution of this situation?”;  $\alpha = 0.61$ ), and anticipated victim harm (two items, e.g., “Do you think Taylor's behavior will create fear or apprehension in Ashley?”;  $\alpha = 0.91$ ). These items were adapted from Krahe et al.'s (2007) measure of the same constructs and featured as the judgment scales used in both Harper et al. (2022) and Fido et al. (2022).

*Voyeurism Scale (Freund et al., 1988)*. An adapted version of the Voyeurism Scale was used to measure endorsement of voyeuristic thoughts (one item) and engagement in sexual activity related to voyeurism (five items). The first item asked “Since you were 16, have you ever had a greater desire to secretly watch people of your preferred sex who were undressed or partly undressed (not including pictures, movies, etc.), than to have sexual contact? If so, would you rather watch:” with 4 response options comprising “one person alone”, “people fondling and playing with each other (without intercourse)”, “people having intercourse”, and “always preferred to have sexual contact since age 16”. Affirmative responses to any of the first 3 options scored a 1, with an affirmative response to option 4 scoring a 0. The second item asked, “Since you were 16, if you secretly watched people making love, did you feel you were:” with 5 responses options comprising “the male”, “the female”, “either one”, “neither one”, and “never watched (exception for movies, plays, etc.)”. Affirmative responses to any of the first 4 options scored a 1, with an affirmative response to option 5 scoring a 0. The final four items were categorical questions (“Yes” or “No”; scoring 1 and 0 respectively) around engagement in voyeuristic behaviors including: masturbating to a climax whilst actively watching another person without their knowledge (8% prevalence), masturbating whilst remembering sexual activities previously seen (15% prevalence), spending substantial time trying to observe nude, partially nude, or urinating others (2% prevalence), and masturbating whilst watching another who was unaware of their presence (4% prevalence). Any adaptations from the original scale were solely for the purpose of replacing wording associated with female-focused victims with more generic (i.e., non-gendered) wording. Higher scores indicated more voyeuristic responses (Cronbach’s  $\alpha = 0.62$ ).

*Belief in Just World (BJW; Lipkusa et al., 1996)*. BJW was measured using Lipkusa et al.’s (1996) eight-item index of the same name (e.g., “I feel that the world treats people

fairly”) across a six-point scale ranging from “Strongly Disagree” to “Strongly Agree” (Cronbach’s  $\alpha = 0.87$ ). Higher average scores indicated an increased belief that the world is a fair and just place.

***The Short Dark Tetrad (SD4; Paulhus et al., 2021).*** The SD4 is a 28-item self-report questionnaire designed to assess facets of ‘dark personality’, namely: Machiavellianism (e.g., “Keep a low profile if you want to get your way.”; Cronbach’s  $\alpha = 0.63$ ), narcissism (e.g., “Group activities tend to be dull without me.”; Cronbach’s  $\alpha = 0.79$ ), psychopathy (e.g., “People who mess with me always regret it.”; Cronbach’s  $\alpha = 0.79$ ), and sadism (e.g., “Some people deserve to suffer.”; Cronbach’s  $\alpha = 0.83$ ). Seven items were presented for each trait, with these being scored on a five-point scale ranging from “Strongly Disagree” to “Strongly Agree”, with high scores indicative of an increased presence of each trait.

***Proclivity to Commit Upskirting.*** Replicating methodology previously used to assess proclivity for voyeurism (Thomas et al., 2021; Rye & Meaney, 2007) and producing and disseminating deepfake sexualized images (Fido et al., 2022), participants’ proclivity to upskirt was assessed using a single-item percentage-based scale, ranging from 0% (Extremely unlikely) to 100% (Extremely likely). The average proclivity score in our sample was just below 5%, with a minority of participants ( $n = 14$ ) reporting a proclivity likelihood of 50% or higher. These scales were prefixed with the following context:

*Pretend you are in a situation whereby you can see up the skirt or towel of somebody who you find very attractive and realize that you have the opportunity to take intimate pictures of their genitalia or underwear, discretely, without them or anyone else seeing. Remember that your answer to this question is anonymous. If there were absolutely no chance of getting caught, how likely would it be that you would take those explicit pictures?*

## Procedure

After clicking on the study link, participants initially entered their demographic information before completing the Voyeurism Scale, BJW, SD4, and upskirting judgment vignette. These measures were randomly presented to reduce potential order effects. Participants then completed the proclivity to commit upskirting question before being debriefed. On average, the study took approximately 12 minutes to complete. This procedure was approved by an institutional review committee prior to data collection.

## Results

Owing to the use of question prompts following incomplete answers and the Prolific platform encouraging survey completions, no missing data points were present within the dataset.

### How Do Victim Characteristics Affect Judgments of Upskirting Offenses?

We ran a series of 2 (Victim Sex: Female vs. Male)  $\times$  2 (Victim Attractiveness: Unattractive vs. Attractive) between-groups analyses of variance (ANOVA). The dependent variables in each of these analyses were ‘Victim Blame’, ‘Perceived Criminality’, and ‘Victim Harm’. Where we report between-groups comparisons below, we use Tukey-corrected  $p$ -values for multiple comparisons. Descriptive statistics are presented in Table 1.

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**Victim Blame.** We found a significant main effect of Victim Sex in relation to victim blaming,  $F(1, 486) = 45.52, p < .001, \eta^2 = 0.09$ . When looking at the descriptive statistics we find this effect to be driven by lower levels of victim blaming among those shown vignettes with female victims than when victims were male ( $d = -0.61$ ). There was no main effect of



Victim Attractiveness,  $F(1, 486) = 0.36, p = .547, \eta^2 < 0.01$ . Similarly, there was no interaction between the independent variables,  $F(1, 486) = 0.22, p = .638, \eta^2 < 0.01$ . These results indicate that victim blaming in upskirting cases is not driven by, nor dependent upon, the attractiveness of the victim in question (see Figure 2).

--- INSERT FIGURE 2 HERE ---

**Perceived Criminality.** We found a significant main effect of Victim Sex in relation to perceptions of the criminality of upskirting offenses,  $F(1, 486) = 42.73, p < .001, \eta^2 = 0.08$ . When investigating the descriptive statistics, we find this effect to be driven by an increased likelihood to call for police and criminal justice interventions when cases involve female victims than when they involve male victims ( $d = 0.59$ ). However, there was no main effect of Victim Attractiveness,  $F(1, 486) = 3.23, p = .073, \eta^2 = 0.01$ , nor interaction term which fell below our threshold for statistical significance,  $F(1, 486) = 3.85, p = .050, \eta^2 = 0.01$ .

**Victim Harm.** We found a significant main effect of Victim Sex in relation to perceived victim harm,  $F(1, 486) = 38.70, p < .001, \eta^2 = 0.07$ . Exploring the descriptive statistics results in this effect being driven by higher perceptions of victim harm when victims were female than when they were male ( $d = 0.56$ ). There was also a main effect, albeit smaller, of Victim Attractiveness,  $F(1, 486) = 4.46, p = .035, \eta^2 = 0.01$ . Here we found that participants were more likely to perceive victim harm when victims were unattractive than when they were attractive ( $d = 0.19$ ). There was also a statistically significant interaction between these variables,  $F(1, 486) = 6.54, p = .011, \eta^2 = 0.01$ . Exploring the simple main effects, we found that attractiveness did not influence perceived victim harm when victims of upskirting offenses were female,  $t(486) = 0.32, p = .989, d = 0.04$ . However, when victims were male, levels of perceived harm were significantly lower when the victim was attractive than when he was unattractive,  $t(486) = -3.29, p = .006, d = -0.42$  (see Figure 3).

--- INSERT FIGURE 3 HERE ---

### **Can We Predict the Psychological Characteristics Associated with Judgments of Upskirting Offenses?**

We ran a series of three linear regression analyses for each vignette, one for each outcome. We entered each of the psychometric measures as predictors, along with participants' self-reported age and sex. For clarity in our presentation of the data, we present standardized estimates of regression values for each model in Table 2. However, all statistical output can be found in the .omv data file (compatible with the open-source jamovi software) at [https://osf.io/wyt2z/?view\\_only=ca4ea7b5886b4a52aad67cfd847d7af1](https://osf.io/wyt2z/?view_only=ca4ea7b5886b4a52aad67cfd847d7af1). Perhaps expectedly, data were not always normally distributed, with negative skews for voyeurism, psychopathy, and sadism. Data for belief in a just world, Machiavellianism, and narcissism generally followed a normal curve. In all models, there were no violations of multicollinearity assumptions (all VIF values < 1.50; all Tolerance values > 0.50).

When the victim was an unattractive woman, the models for victim blaming (adj.  $R^2 = .151$ ,  $F(8, 101) = 3.42$ ,  $p = .002$ ) and perceived criminality (adj.  $R^2 = .144$ ,  $F(8, 101) = 3.30$ ,  $p = .002$ ) were both statistically significant. However, the model explaining variance in anticipated victim harm was not, adj.  $R^2 = .059$ ,  $F(8, 101) = 1.86$ ,  $p = .076$ . Within each of the three models, the only significant predictor of outcomes was age, with older people engaging in more victim blaming, and perceiving less criminality and victim harm.

When the victim was an attractive woman, all three models were found to explain a significant proportion of the variance in victim blame (adj.  $R^2 = .223$ ,  $F(8, 109) = 5.19$ ,  $p < .001$ ), perceived criminality (adj.  $R^2 = .132$ ,  $F(8, 109) = 3.23$ ,  $p = .002$ ), and anticipated victim harm (adj.  $R^2 = .113$ ,  $F(8, 109) = 2.86$ ,  $p = .006$ ). Increased levels of victim blaming were associated with higher age and Machiavellianism, but lower levels of psychopathy. Men, and those who were older in terms of their age, were less likely to see the behavior as

requiring a criminal justice intervention. Older people were less likely to perceive the behavior as harmful to the victim.

When the victim was an unattractive man, all three models were found to explain a significant proportion of the variance in victim blame (adj.  $R^2 = .087$ ,  $F(8, 100) = 2.28$ ,  $p = .027$ ), perceived criminality (adj.  $R^2 = .128$ ,  $F(8, 100) = 2.99$ ,  $p = .005$ ), and anticipated victim harm (adj.  $R^2 = .254$ ,  $F(8, 100) = 5.61$ ,  $p < .001$ ). Older people were found to engage in more victim blaming, and to perceive less criminality and victim harm. Lower perceptions of victim harm were also observed among men than women.

When the victim was an attractive man, the models for perceived criminality (adj.  $R^2 = .113$ ,  $F(8, 103) = 2.77$ ,  $p = .008$ ) and anticipated victim harm (adj.  $R^2 = .178$ ,  $F(8, 103) = 4.00$ ,  $p < .001$ ) were both statistically significant. However, the model explaining variance in victim blaming was not (adj.  $R^2 = .064$ ,  $F(8, 103) = 1.95$ ,  $p = .061$ ). Across the models, older people engaged in more victim blaming, and perceived less criminality and victim harm. In addition, higher levels of psychopathy were associated with less perceived criminality.

--- INSERT TABLE 2 HERE ---

### **Are Certain Personality Types More Likely to Express a Proclivity to Engage in Upskirting Offending?**

We ran a linear regression analysis to investigate the relationships between our measured variables and participants' proclivities for engaging in upskirting behaviors. This model was statistically significant and explained around 11% of the variance in self-reported proclivity, adj.  $R^2 = .106$ ,  $F(8, 420) = 7.34$ ,  $p < .001$ . Within the model, an increased proclivity for engaging in upskirting was associated with past voyeuristic behaviors, increasing levels of psychopathy, and older age. Men were also more likely to express a willingness to engage in upskirting than women. In contrast, those with a higher belief in a

just world were less likely to express a willingness to engage in upskirting. Full details of the standardized coefficients within the regression model are provided in Table 3.

--- INSERT TABLE 3 HERE ---

## **Discussion**

The act of upskirting is an image-based sexual offense designed to go undetected by the victim, but one which, through the dissemination of such images, can have pervasive and long-lasting impacts. In this study we explored how public perceptions of victims of upskirting could be impacted by manipulating their sex and/or attractiveness, while also exploring proclivities for perpetrating upskirting behaviors using psychological and belief-related variables that are known to be associated with proclivities for, and judgments of, [image-based] sexual offenses. Below, we address each of our research questions in turn before identifying the limitations and future utility of this work.

### **How Do Victim Characteristics Affect Judgments of Upskirting Offenses?**

Our results indicated that in vignettes featuring female, relative to male victims, participants attributed lower levels of victim blame, identified an increased need for police and criminal justice interventions, and anticipated higher levels of victim harm. Such findings are consistent with extant literature within IBSA more broadly, including NCII dissemination (Fido et al., 2021) and deepfake media production (Fido et al., 2022). As this finding appears comparable across different modalities of IBSA, this might reflect IBSA being seen as a gender-based sexual crime (Harper et al., 2021; McGlynn et al., 2017). Within this context, male victims are rarely acknowledged in social discussions, and may be implicitly written-out of the victimization narrative by some offense labels (e.g., ‘upskirting’). This is consistent with other topics within the ‘violence against women and girls’ space, with male victimization (and female perpetration) being discounted, or shoe-horned into guidelines

after-the-fact (for discussions of similar dynamics in the intimate partner violence space, see Mackay et al., 2022; Powney & Graham-Kevan, 2019). Missing from this extant literature, however, is a control for beliefs pertaining to gender norms, which might explain observed variation in sex-related attitudes (e.g., Tuncer et al., 2018).

Despite levels of attraction having no impact on the attribution of victim blame, vignettes featuring unattractive, relative to attractive victims, were deemed to require more severe criminal justice intervention, and cause more victim harm. However, this was again limited to male victims, which might indicate nuance in judgments of cases involving men but a uniformly negative (to perpetrators) and empathic (to victims) response to women experiencing upskirting. Together, the above findings suggest that the experiences of male victims of upskirting may be viewed less seriously than their female counterparts, especially when victimized individuals are attractive. Again, this is consistent with data related to judgments of NCII dissemination and deepfake sexual media production (Fido et al., 2019; Fido et al., 2022) as well as psychological and/or physical abuse in domestic relationships (Hall et al., 2023).

### **Which Psychological Characteristics Predict Judgments of Upskirting Offenses?**

Regardless of the sex and/or attractiveness of the victim, older people consistently engaged in greater levels of victim blaming, perceived there to be both a lesser need for criminal justice intervention, and anticipated lower levels of victim harm in relation to all upskirting vignettes in comparison to younger participants in our sample. This may be associated with a range of factors, including technological familiarity and acceptance (Kamin & Lang, 2013) and the emergence of a greater degree of social consciousness about the harms of gender-based violence among young people (Walling, 2023). Particularly in relation to the former point, it may also be that younger participants feel more vulnerable to victimization by a greater degree of exposure to technologically-facilitated interactions with others (see

Edwards & Larson, 2020; Mumford et al., 2023), and therefore express harsher views about upskirting perpetration (and more solidarity with victims) as a broader proactive protective measure. This effect of age is consistent with other work that reports how older people are more likely to minimize the dissemination of NCII and believe that victims make themselves vulnerable to their experiences (Harper et al., 2022), as well as in relation to more lenient views about deepfaking behaviors (Fido et al., 2022). Women were also more likely to perceive a need for criminal justice system interventions and to anticipate greater levels of victim harm, although the significance of this effect was inconsistent across the vignettes. This effect is, however, consistent with the anticipatory protection argument made previously, with young women being more likely to be sexually victimized in technological contexts (Henry & Powell, 2018).

Personality traits were seemingly less important than demographic factors when considering social judgments of upskirting. However, there were some notable effects. For example, in vignettes featuring attractive victims, higher levels of psychopathy predicted less perceived criminality in male victims and lower levels of victim blaming for female victims. Although the first of these effects makes logical sense (psychopathy should be associated, theoretically, with lower levels of perceived wrongdoing in these cases) and is consistent with most extant literature pertaining to NCII (Fido et al., 2021; Harper et al., 2022; Karasavva et al., 2023; Pina et al., 2017) and deepfake sexual media (Fido et al., 2022), it is unclear why this result was not replicated across all victim types reported here. It could be that high-status men are perceived as being more likely perpetrators of IBSA offenses (including upskirting) in comparison to other groups, and so their victimization is viewed through a more lenient lens. However, with the lack of significant effect of the belief in a just world variable, more work is required to unpack this anomalous result.

The latter result (psychopathy predicting lower levels of victim blame in relation to attractive female victims) is even more unclear due to psychopathy traditionally being discussed as being underpinned by inappropriate affective responses, and a reduced empathic capacity (Viding & McCorry, 2019). Considering this, we would anticipate higher levels of victim blame, rather than this being reduced. However, empathic responses are not simply linked to affective processes, but also contain a cognitive component (Jonason & Krause, 2013; Reniers et al., 2011). Cognitive empathy is often referred to as perspective-taking, and there is some evidence that although psychopathic individuals (and members of the community with heightened psychopathic personality traits) may have diminished capacity to do so automatically, they can effectively take the perspective of others (Drayton et al., 2018; Lanciano & Curci, 2021) and simulate empathy as an effective manipulation tactic (Robinson & Rogers, 2015). It is, therefore, possible that those scoring higher on indices of psychopathy exhibit lower levels of victim blame for attractive female upskirting victims because they can take the perspective of perpetrators in such cases. In this regard, these participants were able to acknowledge that some people are more inclined to simply take what they desire (e.g., an intimate image of another person) without care for others due to some internal process (rather than this being prompted by the actions of another person), and therefore reduced their attributions of blame toward the victim accordingly.

### **Which Traits Predict a Proclivity to Engage in Upskirting Offending?**

A proclivity to engage in upskirting was predicted by having previously engaged in voyeuristic behaviors, self-reporting greater levels of psychopathy, and being male (relative to female) and older. Upskirting is thought to theoretically map on to engagement in voyeurism (Harper et al., 2021), and the behavior was criminalized in the UK under the Voyeurism (Offences) Act 2019. As such, this first result was expected, and might reflect individuals seeking sexual novelty and satisfaction that they cannot achieve in tandem with

another person in legitimate ways (Baur et al., 2016; Långström & Seto, 2006). Moreover, the relationship between psychopathy and upskirting proclivity, over and above other facets of dark personality, was also expected, and mirrors the findings of Pina et al. (2017) who found similar results in the NCII dissemination context (see also Harper et al., 2022). (Pina et al., 2021), or sadism and narcissism combined (Karasavva & Forth, 2022). Though sadism has been related to NCII dissemination proclivity elsewhere (Harper et al., 2022; Karasavva & Forth, 2022; Pina et al., 2021), this was not the case in our sample in the context of upskirting. Whereas NCII dissemination has a clearer public angle and proactive desire to inflict harm or cause distress, upskirting is typically a covert act, which if remaining undetected, would not lead to the activation of a sadism-related response. Taken together, these data suggest that psychopathy presents as a consistent predictor of self-reported proclivities for engaging in several IBSA-related behaviors.

Of interest, those with a higher belief in a just world were less likely to express a willingness to engage in upskirting, thus contradicting findings elsewhere in the context of sharing, but not creating, deepfake sexual media (Fido et al., 2022) and engagement in NCII dissemination (Harper et al., 2022). Departure from this trend within the context of upskirting proclivity is notable. With such individuals believing that the world is a fair place where people deserve what they get, and get what they deserve (Lerner & Simmons, 1966), it could be that belief in a just world might not predict the creation of non-consensual sexual images, but rather the dissemination of them more specifically. As such, replication of these findings might want to mirror the methodology used in Fido et al. (2022) and split the action of taking upskirting images and sharing them (possibly even as a function of both within a friendship group vs. on dedicated upskirting websites; Hall et al., 2022).

These results should be contextualized in terms of both how proclivity was measured and this item's position within the survey. The single item (percentage) design replicates that



featured in Fido et al.'s (2022) exploration of proclivity to create and disseminate deepfaked sexual images, but it remains to be seen whether a Likert approach would more accurately capture proclivity to engage in IBSA. Moreover, without counterbalancing where this proclivity item was featured within the survey, at present we are unable to tell whether false negatives were present as a function of the Hawthorne effect (*see* McCambridge et al., 2014). That is to say that asking questions pertaining to perceived criminality prior to measuring proclivity might have habituated pro-upskirting responses.

### **Limitations and Future Directions**

This study is not without limitation. First, this study sampled participants from the UK. Although this allowed for control over variation in legislation and legislative developments (such as via the Voyeurism (Offences) Act 2019), our findings require international replication to explore and understand differences in cultural values and norms which might further impact judgment scores (for a discussion, see Fido & Harper, 2020). Second, we recognize that the vignette used within this research provided a niche context, which might not accurately represent other means by which upskirting occurs. For example, previous accounts describe the viability of the placement of cameras on the tips of shoes, in bags, and in toilet blocks (Dudgeon, 2016; Jeffreys, 2014). However, this vignette was chosen as it allowed for the detection of sex differences within our sample whilst also drawing into discussion those who commit upskirting through opportunity instead of planning. Future research should therefore seek to both validate this vignette as well as test other suitable scenarios to allow for better standardization across research in this area. Third, despite validations and confirmatory analyses denoting the utility of the SD4 as a viable means of accurately distinguishing Machiavellianism, narcissism, psychopathy, and sadism (Paulhus et al., 2021), it has been suggested that it fails to comprehensively capture more subtle variations in the subcomponents of its underpinning constructs (Truham et al., 2021). For

example, short-form measures of psychopathy primarily capture the affective and antisocial (but not interpersonal nor lifestyle) facets of psychopathy. Thus, we were not able to probe niche variations in ‘dark’ personality in the context of judgments of upskirting. The brevity of the SD4 did provide us with a scientifically valid baseline of the likely associations between ‘dark’ personality traits and upskirting-related outcomes, but future work might look to test this with more sensitive measures of personality.

Fourth, we acknowledge that it would have been beneficial for us to capture additional demographic information such as race/ethnicity, religiosity, and political orientation from our participants. Not only have such factors previously been shown to impact judgements of IBSA (e.g., conservatism being correlated with viewing IBSA victims as promiscuous and their actions as avoidable in Harper et al., 2022), but ethnicity, specifically, would likely interact with the ethnicities depicted within our stimuli. These variables might also hint toward cultural and societal level factors influencing responses to IBSA (broadly) and upskirting (specifically). While the study of societal level factors was not within the scope of this work, it is plausible (and indeed likely) that the psychological constructs discussed in this paper interact with cultural factors. Future work might look to explore this possibility using analyses of societal discussion (e.g., newspaper reports, legislative discussions) to investigate the presence of dark tetrad and victim blaming themes at this level.

Fifth, despite the stimuli used to manipulate attractiveness being taken from a validated stimulus set (Thomas & Stewart-Williams, 2018) and used within IBSA research (Fido et al., 2021), it would be imprudent to not highlight that there was only a 2.5-point (out of 10) discrepancy between images deemed attractive and unattractive. Replications with broader discrepancies could evoke different results in future replications. Moreover, said

images were not perfectly matched in terms of orientation, dress, or saturation, which could have accounted for some unmeasured variation in these data.

Sixth, though Freund et al.'s (1988) voyeurism scale was adapted to remove gendered-language, several methodological issues with it remain. Not only does it assume an individual's sexual debut to be 16 years of age, when we know that individuals are engaging in sexual acts a lot younger (e.g., Dewhurst et al., 2023), but it is not sensitive enough to contextualize voyeurism scores within co-morbid physical sexual encounters, asexuality of participants, or co-morbid pornography. These are all potential artifacts of the age of the scale, thus indicating a clear need for a contemporary, theoretically-driven revision/alternative. Finally, although proclivity data were collected, we are unable to map these data onto information as to *why* participants might engage in upskirting behavior. Though recent work by Hall et al. (2022) goes a long way to facilitate this understanding, Harper et al. (2021) hypothesized that perpetrators of upskirting may be motivated by curiosity, 'sex addiction', and/or the pursuit of sexual gratification or financial gain. Such factors warrant further empirical investigation, with qualitative methods likely to yield important insights in this regard.

### **Implications of Findings**

With an international movement towards implementing more comprehensive IBSA legislation, these data have practice implications. First, in the context of emerging literature, psychological and belief-focused predictors of one's proclivity to engage in various forms of IBSA appear to differ; thus, contributing knowledge pertinent to case formulation. For example, though psychopathic personality typically (but see Pina et al., 2021) predicts general proclivity to engage in IBSA, just world beliefs predict proclivity to share deepfake sexual media and NCII's (Fido et al., 2022; Harper et al., 2022) but not create deepfake sexual media (Fido et al., 2022) or engage in upskirting. Second, the sex and perceived

attractiveness of a victim might influence the way in which perpetrators of IBSA interpret their own behavior. In practice, perpetrators who place blame on the victim and who do not see IBSA as either criminal or impactful may find it harder to engage in interventions. Finally, these data have implications for how victims of IBSA should be portrayed in the media, which might also extend to jury decision making.

### **Conclusion**

To conclude, this paper examined judgments of upskirting and the predictors of one's proclivity to engage in such behavior. It builds on prior work into IBSA and corroborates this constellation of behaviors as sitting within the context of gendered sexual violence. Although we were unable to find consistent predictors of social judgments of others' upskirting behaviors, we were able to identify several psychological predictors of engaging in upskirting, including voyeuristic interest and psychopathy. These may be suitable targets for intervention with those who have perpetrated, or may be at risk of perpetrating, upskirting behaviors as we seek to reduce the harm caused by image-based sexual abuse.

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