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***Feminist Nudity? Video Consent? Moral Panic?* by Toby Miller (author.php?cid=579)**

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UNTIL THE END of July 2012, Karina Bolaños was a vice-minister in the government of Laura Chinchilla Miranda, the President of Costa Rica. Her portfolio covered culture and young people.

Here she is, during her term as vice-minister, talking about reproductive knowledge and rights as key questions for the young:

Bolaños was recently forced out of her job because of another video that appeared on YouTube. She had filmed it herself in 2007 (according to her) or 2009 (according to the government) as an erotic video letter to a boyfriend she was involved with during (or after) a separation in her marriage (which was later reconciled).

Bolaños wasn't naked. In fact, she was wearing what might be described as 'sensible' underwear while delivering her private message of longing.

A man working on her computer found and copied the file, blackmailed her, then posted it on YouTube.

Should I have watched it?

Should you watch it?

Should I publish its whereabouts?

Is it still there?

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President Chinchilla Miranda, a socially conservative woman, wouldn't stand for the scandal and immediately removed Bolaños from office.

Feminists across the country and the region, such as Gloria Valerín, organized in support of Bolaños, while Costa Rica's opposition pointed out (http://www.elpais.cr/frontend/noticia_detalle/1/70780) that major ethical scandals had left other Cabinet members unscathed.

Julia Ardón started the Facebook page "Todos somos Karina, (<http://www.facebook.com/TodosSomosKarina>)" which quickly drew adherents, admirers, and media attention. It featured photos of women and children looking angry and holding up signs with the three words.

They were protesting an all-too typical moral panic, where a woman's sexuality is used to question her fitness for public life.

Moral panics index ideological contradictions about social, economic, and cultural inequality. In this instance, a woman is labeled as dangerous to the social order because she differs from stereotypes of acceptable femininity.

Open female desires supposedly compromise civic leadership, while male conflicts of interest do not; an intimate video letter is unacceptable, whereas unauthorized publication of it is whistleblowing; a bra is a problem, but misogyny — not so much.

Bolaños was able to counter this scapegoating because of her social position: a politician with the reactionary Partido Liberación Nacional, the daughter of a mayor, the wife of a businessman, and a public (<http://www.nacion.com/2012-08-12/ElPais/Karina-Bolanos--del-silencio-al-escandalo-en-un-minuto.aspx>) idolator of John Paul II. She had resources that few victims of moral panic possess.

Bolaños told her story to CNN Mexico in a telephone interview (<http://mexico.cnn.com/videos/2012/07/31/destituyen-a-viceministra-de-costa-rica>). During the ten-minute segment, the network clouded part of her body as seen in the notorious YouTube clip.

Bolaños's voice trembles on the recording as she speaks of

extortion and victimhood. The interviewer calls her 'Karina' in a very intimate way, perhaps licensed by this outpouring of emotion and vulnerability.

The politician apologizes to her family, her husband, and the people of Costa Rica, and insists on the unfairness of what has happened. Throughout, the ex-minister makes perfect sense, even as the feeling embodied in her speech is overwhelming.

It's a classic case of body and brain registering and performing reason and emotion simultaneously, something she is able to achieve even though we can't see her face; a map of Costa Rica, showing her location, stands in for her usually overly viewable body.

Following that appearance, both middle-aged and new media criticized the administration for peremptorily firing Bolaños. The government responded that she had made the tape while on official business abroad, used a state-funded computer, and neglected to inform her colleagues that she was a target of blackmail, hence breaching administrative codes and becoming a security liability. This reversed its original reason for the sacking, which was to do with personal morality in the public realm.

As the case evolves, its rights and wrongs continue to touch on a hardy feminist perennial: how, whether, where, and when to distinguish the public from the private.

I've been rather preoccupied recently with the question of privacy, specifically the ethics of studying people.

The US Federal Government has weighed in on the question, and requires universities that use government money to scrutinize faculty members who research their fellow humans. Corporations seeking state recognition for clinical trials of pharmaceutical drugs are required to do the same.

Why?

The explanation lies in two historical events. The first of these was Nazi medical "treatment" of Soviets, the disabled, Jews, and other "others." The [Nuremberg Code](http://history.nih.gov/research/downloads/nuremberg.pdf) (<http://history.nih.gov/research/downloads/nuremberg.pdf>) on human-subject research was created in reaction to those horrors. It insists that medical researchers obtain informed consent from people before studying them. The second event was the Tuskegee experiments, which saw the US Government subject African American men to decades of research into their resistance to syphilis without telling them they had the disease, or treating it.

Since then, there has been considerable progress towards patient welfare during and after clinical trials, as per the evolving [Helsinki accords](http://www.wma.net/en/30publications/10policies/b3/) (<http://www.wma.net/en/30publications/10policies/b3/>) on medical research.

Today's Federal mandate seeks to prohibit the abuse of vulnerable populations by scientists. Approval to begin such research must be obtained from [Institutional Review Boards](http://www.hhs.gov/ohrp/assurances/index.html) (<http://www.hhs.gov/ohrp/assurances/index.html>). The system has been in place for twenty years and is currently undergoing [review](http://www.hhs.gov/news/press/2011pres/07/20110722a.html) (<http://www.hhs.gov/news/press/2011pres/07/20110722a.html>).

In the private sector, IRBs are nice little earners for scientists and pop philosophers. The latter get to preach bioethics and appear relevant by contrast with their desk-bound, turtleneck-sweatered, comb-over colleagues.

In the public sector, real ethical issues emerge in medicine, psychology, dentistry, and some kinds of sociology, anthropology, education, and communications. But colleges frequently interpret human-research ethics requirements in ways that have nothing to do with what could reasonably be considered experimentation on the body.

For example, IRBs often scrutinize participant observation studies, asking researchers not only for the names of participants in advance, but where, when, and how they will be interviewed, the questions they will be asked. IRBs interpret "[The Common Rule](http://www.hhs.gov/ohrp/humansubjects/commonrule/) (<http://www.hhs.gov/ohrp/humansubjects/commonrule/>)," which embodies "Federal Policy for the Protection of Human Subjects," to apply to everyone, even though the Rule is designed to protect the young, the infirm, the imprisoned, and other disadvantaged groups from having things done to them against their will or without their full understanding. The Rule is not about interviewing everyday or privileged adults.

Oral historians have gained partial exemption from this surveillance, and receive expedited reviews. And some scholars avoid IRBs entirely, claiming [academic freedom](http://www.oralhistory.org/do-oral-history/oral-history-and-irb-review/) (<http://www.oralhistory.org/do-oral-history/oral-history-and-irb-review/>).

Personally, I loathe the experimental use of these protocols on those of us who do not experiment on others. If you get my meaning.

Why? I talk to people and learn from them through chance encounters and observations, via an exchange of views that is unfettered by outsiders. I can't announce my interviewees' names in advance, because I haven't met them yet. I can't list the questions I'll ask them, or explain the where, the how, and the when, because these are determined through unplanned interaction. I can't even describe the topics in many cases. The fact is, lots of people seem happy to talk and for me to draw on their ideas.

Marx did it. Darwin did it. Freud did it. Journalists do it. Writers do it.

Cole Porter probably did it.

But all that said, the Karina Bolaños affair, which I came across while working in Latin America, made the question of research ethics a live (albeit a live-to-tape) issue for me, in ways that go beyond the limited imagination but institutional potency of IRBs.

Even as I was discussing Bolaños with people in Barranquilla, Colombia, related scandals emerged across the region. One concerned Elianis Garrido, a local lawyer who works as a dancer and was recently expelled from the reality show *Protagonistas de Nuestra Tele* for fighting with a housemate (<http://www.elpais.com.co/elpais/entretenimiento/noticias/entrevista-con-elianis-garrido-ex-protagonista-nuestra-tele>). The program is based on a Puerto Rican format. Participants compete to act in a *telenovela* and are judged by professors. *Protagonistas de Nuestra Tele* is so popular that it rated well against *Pablo Escobar: El Patrón del Mal* (<http://www.voanoticias.com/content/pablo-escobar-telemundo-caracol-serie-telenovela-controversia/1476384.html>), a series about the nation's most notorious cocaine kingpin that drew over two million viewers to its US premiere. Like other residents in *Protagonistas de Nuestra Tele*'s Casa de Estudio, Garrido was filmed while using the toilet. In all cases, though, primary and secondary sexual organs (I love those terms) were shielded from view.

Prior to her expulsion, Garrido's increasingly iconic status on the show had fed rumors that she was transsexual. One media outlet dispatched an investigative team to determine her gender. Then a still photograph of her in the bathroom, minus shields, appeared across the internet. Again, a working-class man was identified as the perpetrator. He was employed on the show. Again, discussion proliferated, as did reproduction of the image. And when Garrido was announced as posing naked for a magazine and signing on for another TV program, counter-rumors circulated that this had all been a publicity stunt.

Meanwhile, in Brazil, lawyer Denise Rocha Leitao was fired from her advisory role in the Senate by the conservative Partido Progresista because a 2005 video of her having sex was published online. As she left the building, Leitao told journalists she was a victim of *machismo*: 'If I'd been a man, nothing would have happened.' Unlike the *Barranquillera*, she declined (<http://www.laprensa.hn/Secciones-Principales/Mundo/Noticias-insolitas/Abogada-despedida-por-video-se-niega-a-posar-desnuda#.UCVHTmOe6oc>) to pose for men's magazines.

These three women are attracting a wide range of comments from teen bloggers to concerned feminists, from stern politicians to anxious editorialists.

And me. I like (some) gossip. I am fascinated by scandal as it indexes cultural politics. And I want to understand what captures the public imagination.

I also want to see privacy rights amplified and enforced, especially over sexual pleasure, which is used so frequently against women and minorities.

So should I add to the gossip, scandal, and imagination? Should I increase the publicity about women and sex? Should I be sharing the relevant images here — and who or what should determine my right to do so?

When the nineteenth-century courtesan Harriet Wilson threatened to circulate love letters from the Duke of Wellington, victorious general at the Battle of Waterloo and a British Prime Minister, he supposedly replied “Publish and be damned!” And got away with it. For women, the reality remains very different.

And for scholars who operate outside the guidelines created to manage the misconduct of doctors, scientists, governments, and corporations? They are subject to the institutionalized moral panic of the IRB.

So how should professors, journalists, writers, and politicians deal with new ways of sharing intimacy via contemporary communication technologies that blur the distinction between public and private culture?

Does academic freedom extend to spreading information about the intimate moments of simultaneously strong and vulnerable women?

... and how many of you didn't click on the link to the Bolaños video?

Recommended Reads:

- ***Digital Democracy: Inside the French Presidential Elections* by Cécile Alduy** (<http://lareviewofbooks.org/article.php?id=634>) <http://lareviewofbooks.org/author.php?cid=273>
- **"Whatever Being": on Blog Theory** (<http://lareviewofbooks.org/article.php?id=837>) **by Jodi Dean** (<http://lareviewofbooks.org/article.php?id=837>)

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