

Debate & Analysis



VALERIE VISANICH

I seriously doubt Britney Spears was referring to domestic violence in her 1998 hit... *Baby One More Time*. Nor do I believe she was glorifying sadomasochism, at least, not to my knowledge.

That song came to mind when I came across a disturbing social media post by a deputy mayor who joked that women "enjoy being beaten". It was riddled with misogyny, wrapped in a pathetic attempt at humour. To make matters worse, he claimed this so-called joke was rooted in a Maltese pearl of wisdom suggesting that women like being beaten during sex. Where this

twisted idea comes from, I don't know, but what's clear is that it feeds a culture already steeped in sexism and normalised violence. To the best of my understanding, the word *tissawwat* is gender-neutral and not rooted in the idea of women's subordination during sex. During the same week of the *tissawwat* post, a footage went viral of a man bashing a woman for asserting her right to walk on a pavement.

The so-called joke on social media isn't just a matter of poor taste, it's dangerous. We are living in a time when reports of domestic violence are steadily rising, and countless femicide cases remain unresolved, trapped in a justice system. In this context, remarks like these aren't merely offensive, but they trivialise the real, lived experiences of women facing violence.

Yet, what struck me most was the underlying insult aimed at his opponent. The deputy mayor's punchline wasn't just that women enjoy abuse, it was that being a woman is, in itself, a lesser man. He was trying to emasculate his opponent by comparing him to a woman, as if that were the ultimate degradation. This isn't new. It echoes language embedded deep in our



Dingli Jonathán

ikolli ngħid mara kont geġ, għax wisq thobb tissawwat.... bid-deni ma timxix

culture, phrases like "*M'intiex raġel*" don't just question someone's masculinity, they equate femininity with weakness, disloyalty, and lack of integrity. And this, to me, is where the real damage lies: in the everyday reinforcement of women as "less than". This reminds me of Simone de Beauvoir's groundbreaking 1949 work, *The Second Sex* on how women have historically been defined not as autonomous individuals, but in relation to men as "the other".

Equality isn't about ticking boxes on gender quotas or increasing social benefits. It's about dismantling a deeply ingrained cultural mindset. One that belittles and degrades women, that ridicules women who speak up as "aggressive", labels female leaders "bossy", and paints those who ask questions as "difficult" or "stubborn". Think about world leaders in the last 50 years. If you had to carry out content analysis of newspaper

articles, you can easily discover how women world leaders who are assertive are often targeted and labelled as bossy, stubborn and domineering.

The currents of misogyny and resistance to feminist discourse are far from isolated or local phenomena but they echo a broader backlash currently unfolding across Western societies. These attitudes are embedded in global conversations, amplified by influential voices that actively seek to undermine feminist progress. Consider, for example, the recent comments made by American right-wing political activist Charlie Kirk in response to pop icon Taylor Swift's engagement. Rather than acknowledging her achievements as one of the most successful cultural entrepreneurs of our time, Kirk chose to publicly diminish her. His statement "*I think that Taylor Swift having two or three children - she should have more children than she has*

houses....Reject feminism, submit to your husband, Taylor - you're not in charge." This is not just a misogynistic comment; it's part of a broader ideological project. It feeds the dangerous belief to control again and domesticate women.

These undercurrents reveal a great deal about how we raise our boys and girls, and the differing expectations we place on them from an early age, as well as the distinct roles society continues to assign to women and men. They expose what we demand of women in terms of restraint, endurance, perfection, and what we routinely excuse or normalize in men, such as aggression, entitlement, and emotional detachment. These moments are not isolated incidents; they are windows into the deeper cultural patterns that shape our values, behaviours, and shared sense of what is acceptable.

Until we shift that cultural narrative and stop laughing at abuse, using femininity as a punchline, and dismissing microaggressions as harmless jokes, there can be no meaningful progress.

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MARK SAID

The 'Right to be Forgotten' was enshrined in EU law in 2014. If requested, this law lays down that search engines and other directories (such as court judgements) must delete any links to information on an individual, as long as it is 'inaccurate, inadequate, irrelevant, or excessive.'

In this sense, it is imperative to clearly distinguish between de-listing from a search engine and the removal of personal data from an online service administered by the government that contains public records, especially court judgements. The right to be forgotten is

being applied in Malta within the criminal justice system. Malta's Justice Minister refers all decisions on the right to be forgotten to the Chief Executive of the Court Services Agency. This has caused some controversy, as the Chief Executive is not part of the judiciary but rather a public servant who serves politicians.

The discovery was made in March 2018 after a case in which judges granted two law students permission to practise law despite their criminal records. Journalists were unable to retrieve the original criminal sentence of one of the law students from the courts' publicly available database. Prior to that episode, no debate existed in Malta about the right to be forgotten.

The right to be forgotten is not an absolute right but has to take into consideration various factors as listed in the Guidelines on the Application of Legal Notice 456 of 2021 regarding the Online Publication of Court Judgments (Data Protection) Conferment of Functions, including, but not limited to, whether public interest discussions come into play, against whom the request is made, and the nature, purpose, and importance of the personal data being erased.

Up until May 2019, a total of 176 requests for court judgements to be removed from the public domain had been filed. Out of

those, 112 judgments were made anonymous, meaning that the personal details of individuals were removed. Consequently, it will always be pertinent to ponder whether the removal of these judgements and future judgments from the public domain is in breach of the right to information.

In fact, the right to be forgotten can be widely applied in criminal justice: litigants and court participants, including the convicted criminal, the victim, the acquitted defendant, and the witnesses, all have a legitimate interest in claiming the right. However, such claims from the subjects of information could conflict with rights and legal interests such as the public's right to know, freedom of speech and the press, and public security.

To resolve these conflicts, limits should be imposed on the scope of the subject of the right, applicable cases, and ways and procedures of exercise so that the right can be legitimately practised in criminal justice. Malta's established criteria for applying the right to be forgotten with respect to court judgements are the reason for the request, the time that has elapsed since the date of judgement, and the negative effects on other citizens.

The public's right to know is the foundation of democratic governance. Based on the right,

relevant subjects have the duty to disclose information to natural persons, legal persons, and other social organisations, namely the duty of information disclosure. The public's right to know and the consequent information disclosure system may, however, become obstacles for the data subject to exercise their right to be forgotten in criminal justice.

On the one hand, the convicted criminal, the victim and other litigants need to avoid becoming "involuntary public figures" by exercising their right to be forgotten, while on the other, the public needs to know the facts of criminal cases.

In terms of the subject of the right, public figures who are convicted criminals should be restricted from exercising the right to be forgotten. It is inappropriate for public figures with higher social positions to enjoy the same right to be forgotten as ordinary citizens. In the spotlight of the press and public attention, public figures have low expectations of the right to privacy and understand that their offence may cause massive concern.

Therefore, allowing the same degree of right to be forgotten for them could impair public supervision, especially for political public figures, to ensure the legitimate exercise of their power. On the other hand, since

to err is human, public figures may be limitedly and conditionally entitled to the right to be forgotten, which exempts them from the negative impact of their past wrongdoings. Moreover, news coverage of public convictions and sentences of offenders who are public figures can be educational for citizens.

To be specific, when the data subject requests the judicial authorities to remove relevant information regarding the criminal case, the request should be reviewed by the court. When the data subject requests the press or network operators to remove relevant information and is rejected, he or she should be allowed to file a suit or a court order against the subject of the obligation.

Second, in terms of conditions of exercise, for the offender in the aforementioned criminal cases, such as crimes against national security, terrorist crimes, sex crimes, and major corruption and bribery, the court should either prescribe in the conviction that the offender has no right to request sealing or removal of the criminal data or provide the minimum period of time and conditions to approve the request, so as to limit or deprive the offender's right to be forgotten.

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Forget me, forget me not