

## Chapter 6

# Justice Practices in Digital Spaces

### Introduction

The normative processes undertaken by victims of rape seeking justice through the criminal justice system promises much – the power of the law and the criminal justice system’s capacity to establish the ‘truth’ promising retribution and punishment for the offender as well as the validation of victim-survivors’ experience may appear enticing. However, justice remains elusive if not impossible for many victim-survivors engaged with formal criminal justice proceedings (Henry et al., 2015). Conviction rates remain low, attrition rates high, and despite decades of law reforms in Western legal jurisdictions seeking to better support victim-survivors, address issues relating to the nature and expression of consent and amendments to the rules of evidence, these changes have been at best uneven and, at worse, have reinforced problematic attitudes about victims and offenders (Corrigan, 2013). Victim-survivors continue to report dissatisfaction with their treatment by the criminal justice system regardless of the outcome of a case; their needs are not adequately accounted for across all levels with the system (Clark, 2015; Daly, 2011; Herman, 2005; McGlynn, 2011).

Some feminist scholars have subsequently advocated for the need to explore alternative avenues for victim-survivors seeking justice, such as restorative justice (Daly & Stubbs, 2006; McGlynn, 2011), which seeks to address the harms of sexual violence in a non-adversarial setting but still operates in a way that requires some level of accountability on the part of the offender. Although victim-survivors report greater satisfaction with restorative justice processes than the adversarial system (Daly, 2017), between 80% and 90% of rapes and sexual assaults are never formally reported to police (Rotenberg, 2017). The reasons for choosing not to formally report are complex, with research indicating that these include shame and humiliation following a sexual assault, fear of revictimisation owing to police failure to take reports seriously or retaliation from the perpetrator (Heenan & Murray, 2006; Jordan, 2001, 2008; Rich & Seffrin, 2012). Victim-survivors’ decisions not to report are also determined by perceptions that the assault was not important enough to report or they do not want the perpetrator to get in trouble (Ceelen, Dorn, van Huis, &

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**Online Anti-Rape Activism: Exploring the Politics of the Personal in the Age of Digital Media, 121–141**

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Reijnders, 2019). It is also clear from the previous chapters that issues pertaining to victim-blaming and rape myths strongly influence whether they will engage with the criminal justice system. In this sense, the law and the criminal justice system could conceivably characterised as ‘dressed-up justice’ (Cornell, 1990).

Given these persistent challenges faced by victim-survivors as well as the structural conditions of the law and the criminal justice system that perpetrate an adversarial approach to justice, this chapter explores some of the more creative ways in which anti-rape activists utilise digital spaces to engage in critiques of the criminal justice system as well as to seek rape justice. I position the notion of ‘justice’ in kaleidoscopic terms (McGlynn, Downes, & Westmarland, 2017), meaning that victim-survivors and activists interpret justice in a myriad of different ways and that the practice of justice takes on multiple forms – both legal and extra-legal. I begin this chapter with a reflection on the contentious relationship between feminist-inspired law reform, anti-rape activism and the criminal justice system, before moving into a discussion about alternative forms of justice beyond the realm of law taking place in these online spaces. I demonstrate that, to an extent, the online anti-rape campaigns can provide alternative forms of justice to the ‘normative’ channels within the criminal justice system. However, there was hesitancy from participants to refer to their actions online as an ‘alternative to proper, normal justice’ (Katie) because they did not want to strip the law of its power. Moreover, alternative forms of justice can potentially slide from the realm of the extra-legal to the illegal. I subsequently consider the ethics of some of the ‘justice practices’ happening in these online spaces. Specifically, I examine ‘naming and shaming’ in these online spaces as a form of justice and note some of the ethical dilemmas this kind of practice might create. Justice in this sense is only ever partial, evolving and contested (Fileborn, 2016; Fileborn & Loney-Howes, 2020). As such, to conclude, I reflect on the extent to which these online spaces reveal the impossibility of justice when it comes to sexual violence given the enduring failures to acknowledge that the personal is political.

## **Carceral Feminism and Rape Law Reform**

The criminal justice system occupies a position of significant importance when it comes to expressing the moral framework of society. Seeking justice for rape through the criminal courts therefore has the potential to signify and redefine normative standards of sexual behaviour (Larcombe, 2014). The law has the power to define the parameters of rape as a criminal act, and through this codification, the law conveys particular ideas about normal sexual behaviour against which experiences of rape are measured and judged. It is so deeply woven ‘into the fabric of society that most of us cannot envision what society would look like otherwise’ (Dasgupta, 2003, p. 15, also see Smart, 1989), yet the law is also the site of ongoing discursive struggles; it develops unevenly, is full of contradictions and is underscored by hegemonic norms and power relations (Smart, 1989). Thus, the law functions as a mechanism of social control, founded in patriarchal, racist, colonialist violence; blind to or ignorant of the violence upon which it is built (Cornell, 1990; Smart, 1989). The legal system is organised around an adversarial contest

through which the ‘truth’ is ascertained, yet in the context of sexual violence, the law fails to account for the unequal power between perpetrators and victim-survivors to the extent that it reproduces and reinforces the same dynamics of the initial assault (Herman, 2005, p. 574). Equality before the law is therefore a fiction, and the assumption and indeed expectation that law equates to justice perpetuates the ‘masquerade’ of law as a veiled form of violence (Cornell, 1990).

A key question for anti-rape activists and scholars therefore continues to be to what extent is it possible or even desired to obtain ‘justice’ for victim-survivors of rape, and gender equality more broadly, through the law? Although historical, anti-rape activism has been multifaceted and diverse, the seeming centrality of reforms to law and criminal justice institutions has led some scholars to believe that the movement has abandoned its original goals for social justice and change (see e.g. Bumiller, 2008). Accordingly, anti-rape activism and feminism more broadly has come to be associated with crime control and punitive punishment for perpetrators of rape (Bumiller, 2008). In addition, some scholars, such as Janet Halley (2006), are concerned with the impact of feminist calls for the legal regulation of sexual harms on women’s sexual agency and masculinity, particularly in the context of what is ascribed as ‘risky’ sexual behaviour (see also Matthews, 2019). Such critiques have also emerged in response to the #MeToo movement, whereby feminist activists, scholars and public commentators have argued that seemingly more ‘minor’ offences, such as sexual harassment, are now on par with ‘serious’ forms of sexual offending, specifically sexual assault and rape (Fileborn & Phillips, 2019). Accordingly, the flow on effects of #MeToo movement run the risk of criminalising innocent men for engaging in harmless flirtation and banter, and detract attention from both the ‘real’ victims and ‘real’ perpetrators of rape. These arguments mirror those of Katie Roiphe and other commentators who critiqued the ‘date rape’ discourse that emerged in the 1980s and 1990s.

In addition to these critics of carceral anti-rape activism, some scholars are equally critical of feminist-inspired rape law reform projects. Despite substantive changes to rape laws in many Western jurisdictions, law reform projects heralded by anti-rape activists have been described as ‘successful failures’ (Corrigan, 2013; Larcombe, 2011). Some of these ‘failures’ reside in law reform’s inability to lower attrition rates and increase convictions (Corrigan, 2013; Seidman & Vickers, 2005). Larcombe (2011, p. 27) argues, ‘rape law reform is not a feminist ‘success’ story’, because while law reform is an important pursuit for anti-rape activists, changes within the criminal justice system have not improved the overall treatment of victim-survivors. Others highlight the extent to which law reform projects have failed to challenge ‘rape culture’, which underscores many of the reasons why reporting, attrition and conviction levels remain unchanged, despite decades of activism (Gruber, 2009, 2016; Seidman & Vickers, 2005). In addition, ‘jurors, prosecutors and police are ambivalent about placing criminal sanctions on “non-violent” sexual assault ... (and) are very confused about the boundary line between sex and rape’ (Seidman & Vickers, 2005, p. 468, also see Gavey, 2005). Measuring the ‘success’ of rape law reform in terms of conviction rates is problematic, however; it assumes ‘success’ to be synonymous with ‘justice’ and

reinforces a law-and-order approach that espouses the punishment and imprisonment of the perpetrator. Such a framework fails to account for victim-survivor's justice needs and maintains the focus on stranger rape, which is typically, although not exclusively, violent (Larcombe, 2011).

While the debate among feminists about the usefulness of law to facilitate women's emancipation in particular is somewhat valid, they often cede 'to law the very power the law may then deploy against them' (Smart, 1989, p. 5). What Carol Smart means by this statement is that even in seeking to position the law and criminal justice entities as incapable of providing justice, they do not seem to decentre the law or its discursive and disciplinary power. This bind is particularly clear in anti-rape activism. As Tanya Serisier (2018) highlights, the relationship between the criminal justice system and anti-rape activism is highly paradoxical, despite the influence of anti-rape activism on law reform being considered the most successful project of feminism (Corrigan, 2013). On the one hand, anti-rape activism has exposed the legal fictions sounding the law's ability and capacity to judge the 'truth' of rape (Serisier, 2018, p. 48). At the same time that activists dispute the authority of the law to pronounce judgements about sexual violence, they simultaneously turn to it as the site of reform whereby a 'rewritten criminal justice discourse' is still deemed the most appropriate place to hear, evaluate, respond to and address sexual violence (see Brown, 1995; Serisier, 2005).

It is, of course, vital that feminists do not let the criminal justice system 'off the hook', holding it accountable for reinforcing myths and attitudes about rape, to ensure the grounds gained in the last 30 years are not rolled back (Munro, 2007, p. 72). Gotell (2015) advances this point, when she argues that while there are dangers involved for anti-rape activists engaging with neoliberal law-and-order politics, turning their backs on law reform would be detrimental to the movement. Specifically, abandoning the project of law reform would have the effect of re-privatising sexual violence and silencing the systemic nature of sexual violence (Gotell, 2015). Moreover, the rejection of law reform as a viable political and social project for anti-rape activists has not occurred in a vacuum; it is not so much that so-called governance feminism stands as a shining light of feminist achievements, but rather as a manifestation of one of neoliberal feminism's *uncanny doubles* (Fraser, 2009). Feminist 'gains' through rape law reform is not a reflection of a carceral feminist agenda, but rather is a product of the appropriation and manipulation of feminist discourses (Gotell, 2008). Moreover, feminist-inspired law reforms have been increasingly eroded by remapping neoliberalism's economic rationalism onto rape victim-survivors, whereby good sexual citizenship is afforded to those who take responsibility for their actions and the risks they take (Gotell, 2008, 2010). This increased 'rationalism' of rape victim-survivors within the criminal justice system has resulted in the continued denial of the systemic nature of sexual violence. While laws have changed to account for broader understandings of consent, trauma and coercion, victim-survivors' experiences are still scrutinised through their individual actions, not the actions of the perpetrator or broader social conditions that sustain gendered power relations (Gotell, 2015). In order to develop a more nuanced understanding of rape justice, what is needed are critical approaches to understanding the relationship between activists

and criminal justice responses to rape, as well as creative outlets for practices associated with victim-survivors seeking justice (Gotell, 2012; McGlynn, 2011).

## **Victim-centred Justice**

This constant tension between feminist demands for rape justice and neoliberal law-and-order politics maintains the elusive nature of justice. Feminist scholars are thus increasingly exploring alternative approaches to the punitive criminal justice system for seeking rape justice for victim-survivors. To quote Maya from this project,

there are lots of different ways I think survivors can feel fairly treated or feel like justice has been served and it may or may not be in a court room.

As an alternative to normative criminal justice processes, many scholars advocate for engaging with and improving restorative justice, which is typically premised on victim's justice needs, such as control, voice, participation, validation, vindication and offender accountability in ways that are not possible in the adversarial criminal justice context (Clark, 2015; Daly, 2011, 2015; McGlynn, 2011). It is important to conceptualise these justice needs as fluid and mobile, and that their needs shift over time. In this sense, 'justice should be conceptualised as a situated, iterative and ongoing project: a process of becoming, rather than a single moment or achievement' (Fileborn, 2016, p. 4). In addition, focussing on victim-survivors' justice needs may help to strengthen a broader social justice agenda, which includes 'challenging conventional understandings of justice' and 'addressing system and social structures that reinforce victim-survivors' disempowered positions' (Clark, 2015, p. 33).

I conceptualise the spectrum of ways victim-survivors seek out justice in digital spaces as *justice practices*. These justice practices are founded on the principles of victim's justice needs, outlined above and enabled through the way innovative justice mechanisms, such as digital counter-publics, generate alternative avenues for victim-survivors to speak out about their experiences in a myriad of different ways (Fileborn & Loney-Howes, 2020). However, in addition to personal justice practices, these digital spaces also have a certain level of political potential insofar as they are also sites in which logics of victim-blaming are challenged, the impact of rape culture on perpetuating problematic assumptions about causes of rape is explored and structural conditions of women's sexual subordination are highlighted (Fileborn & Loney-Howes, 2020). Moreover, as I explore in this chapter, the criminal justice system is also critiqued for its role in denying victim-survivors access to traditional criminal justice channels – leading many survivors to turn to these creative digital spaces to speak out about injustice and the impossibility of justice.

One key feature of victims' justice interests include power and control over their narratives and their lives (Herman, 2005, p. 574), and online counter-publics can go some of the way to fulfilling these victim-survivor's justice needs (O'Neill, 2018; Powell, 2015; Wänggren, 2016). This is reflected in how some participants' felt about

their own digital spaces as providing alternative forms of justice for victim-survivors. Maya, in particular, felt that the capacity to have a voice and control, as is enabled by these online spaces, was more powerful than participating in the criminal justice system – even when/if a guilty verdict is reached. In speaking about the potential of online spaces to giving victim-survivors a voice and control, Maya said:

There's some solace in that you're at least able to say that 'you know what, it may not be recognised in a court of law but I'm saying right now that that wasn't fair and that's not ok'. And I think there is value in that, I know there has been for me. Like no, *I don't even think even though I went through a trial what happened was necessarily fair or just and I don't think justice was served*. However, me being able to stand up over the last five years and say this happened to me and it's not o.k., and that I feel like that has given me strength and feeling heard than maybe any court of law too ... *Having that, that voice and that control over something, that makes a difference for a survivor*. (My emphasis)

Anna also felt that being able to participate in *Project Unbreakable* offered survivors a sense of justice in the form of control:

I can't speak for them [the survivors], but I like to think that many of the supporters have found a sort of sense of justice in participating. At least, justice for themselves. Even if posting their image doesn't 'punish the perpetrator', *they're doing it as an act of taking a stand taking back what belongs to them* – whether that be sense of security, pride, etc. (My emphasis)

Taking something back or taking a stand was also reflected in the survey, with one respondent stating that their reason for 'going online' to share their experience was because the police were unable to deliver formal justice. The response reads, 'The police didn't have probable cause to arrest my rapists, so I feel like this [sharing my experience online] is my way of doing something about it'. Using digital spaces to speak out about one's experience, coupled with Anna's suggestion that victim-survivors who participate in *Project Unbreakable* are able to ascertain 'justice for themselves' *practised* through 'taking a stand', facilitates the process of becoming 'unbreakable' which gives victim-survivors voice and (to some extent) control. In this sense, disclosing online is not only a form of activism that may be seeking to disrupt the normative scripts surrounding rape, as I discussed in Chapter 4, but is also mechanism of voice and control associated with victim-survivors' justice needs (Fileborn, 2014; 2016). This approach to seeking justice also rejects the carceral approach of punitive punishment for perpetrators.

In addition to these justice practices on an individual level, Anna spoke broadly about *Project Unbreakable* providing justice in the sense that it 'fights ignorance'; specifically:

Breaking down the mindset that some people still hold – whether it's that sexual assault isn't an issue, that people 'ask for it,' that men can't be sexually assaulted, that sort of thing.

In this sense, rape justice can be worked towards through consciousness-raising, thus going beyond individual claims of injustice or violence, into challenging deep-seated socio-legal assumptions about sexual violence. *Project Unbreakable* is therefore seeking justice in a political sense for the recognition of cultural attitudes that undermine survivors' experiences.

Responses to the survey also indicated that participants agreed to some extent that these online anti-rape campaigns provided a sense of justice: 17% of respondents felt these digital spaces bring justice to victim-survivors of rape, and 39% agreed that these online campaigns are successful in bringing about change because they provide an alternative route for justice that is not necessarily related to the legal system. In addition, a comment left on the survey about the blog *Herbs and Hags* suggested that the blog 'helps educate people about ineffective law enforcement'. In this sense, these spaces are also sites of critique towards the law as the gatekeeper of 'real' justice.

'Information' is another element identified as something victim-survivors seek as a form of justice, specifically information about the criminal justice system (Clark, 2010). 73% of people indicated in the survey that they participate in these online spaces to 'get information', although very few survey participants indicated that they sought 'legal advice' from these spaces, with only 6.7% of respondents suggesting they used these digital campaigns to obtain information pertaining to the criminal justice system. In fact, very few digital spaces offered any information about the legal system. Only the Rape Crisis Scotland campaigns contained sections on their websites about the criminal justice system, but this is not located on the campaign page specifically. However, one respondent to the survey regarding *This Is Not an Invitation to Rape Me* indicated that 'There should be more information [available] for survivors about their legal options', indicating that victim-survivors want more information about criminal justice processes and their legal options in order to make better informed decisions about whether or not to report their experiences formally. The campaign *Not Ever* included a section on the website dedicated to discussing the law,<sup>1</sup> outlining the changes made to the (Scotland) Sexual Offences Act in 2009, which sets out for the first time what consent actually means under Scottish law. The *Not Ever* website also contains a section about 'Approaching the police'<sup>2</sup> for victim-survivors, highlighting the importance of reporting incidents as quickly as they feel able to, informing victim-survivors about how long it might take to make a report and suggesting victim-survivors have someone accompany them to the police station. However, only one person out of 32 different discussion threads on the entire *Not Ever* website publicly sought information about the criminal justice system

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<sup>1</sup><http://www.notever.co.uk/the-law/>

<sup>2</sup><http://www.notever.co.uk/the-law/approaching-the-police/>

to help them understand the law in order to make a decision about whether they should report their assault to police. ‘Aly’ started a discussion thread titled ‘I dnt understand the law’<sup>3</sup> [*sic.*], in which she wanted to know if she could still make a complaint to the police when she had been raped 12 years prior, and because there were ‘so many blank bits’ in her story. Rape Crisis Scotland replied to ‘Aly’ encouraging her to report the rape to the police, despite the ‘blank bits’, and ‘Aly’ responded to let them know she had contacted her local crisis centre and had begun the process of engaging with the police. Thus, providing more information to victim-survivors about the law may help embolden them to engage with the criminal justice system, but the lack of focus on the criminal justice system disrupts assumptions that anti-rape activists are too focussed on a carceral agenda. This particular exchange also demonstrates the continued role and commitment crisis services play in supporting survivors through criminal justice process as, just as they did when they first began in the 1970s, as well as the impact digital communications technologies can have in connecting survivors to variety of services.

### **‘Naming and Shaming’ and Informally Reporting Rape**

In addition to voice, control and information, scholars also cite offender accountability as a justice need of victim-survivors (Daly, 2011; Clark, 2010, 2015). One of the ways online anti-rape activists and victim-survivors have sought offender accountability is through a process known colloquially as ‘naming and shaming’. ‘Naming and shaming’, or ‘outing’ perpetrators of sexual violence through the disclosure of identifying personal information and traits, has been a tactic of anti-rape activists since at least the 1970s. Vigilante ‘rape squads’, for example, were known to spray paint ‘rapist’ on the property of suspected rapists or to distribute lists of known sex-offenders (Gavey, 2009). In the 1990s, women at Brown University in the United States began listing the names of perpetrators of rape in some women’s bathrooms on campus. The rationale behind ‘naming and shaming’ was largely to combat the failure or ineffective nature of official avenues for seeking justice, both in the criminal justice system and through the university’s poor reporting and response policies and procedures. The culmination of this list of sexual violence offenders

represents an interesting and innovative attempt to make survivor discourse public in such a way as to minimise the dangers of speaking out for survivors yet maximise the disruptive potential of survivor outrage. (Alcoff & Gray, 1993, p. 286)

In the same way that these online counter-publics are archives of victim-survivors’ testimonies or rape stories, they are also host to an ever-growing list of perpetrators of sexual violence. Forums such as *Yik Yak*, *Whisper*, *College Confessions* and other social network forums that are often institution-specific and ‘typically viewed as the backwaters of the internet’ are becoming increasingly popular spaces

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<sup>3</sup><http://www.notever.co.uk/have-your-say/drink/i-dnt-understand-the-law/>



to expose perpetrators of sexual violence, mostly to warn others about certain individuals – making these platforms a ‘21<sup>st</sup>-century spin on the “rape list”’ (Kutner, 2016, n.p.). Many of the posts to these digital forums are made anonymously and indicate that survivors are turning to these spaces because they have nowhere else to go, or because they do not feel comfortable reporting to an institution (Kutner, 2016). Not only are individual perpetrators ‘named and shamed’; targeted also are those who continue to undermine access to justice, such as the police or other non-legal institutions. Social media pages, such as Instagram, are also used to ‘shame’ perpetrators of online sexual harassment (Vitis & Gilmour, 2016), although such practices can have the effect of (re)responsibilising women as having to manage harassment (also see Milford, 2015).

Naming and shaming in digital spaces has become heavily scrutinised in the era of #MeToo, with many public commentators and judicial authorities concerned about the impact of women publicly accusing innocent men – or making defamatory statements without evidence or due process to support their claims (Fileborn & Phillips, 2019). Certainly, some individuals who spoke out in the wake of #MeToo in the Australian context suffered from significant public and legal backlash. Specifically, the victim-survivor who allegedly accused celebrated Australian actor, Geoffrey Rush, of sexual harassment while they co-starred in the Sydney Theatre Company’s production of *King Lear*.<sup>4</sup> Although victim-survivors of rape have at times been called ‘vengeful’ for publicly calling out perpetrators of rape (Roiphe, 1993), there is very little evidence to suggest this is the case (Herman, 2005). In fact, research with victim-survivors indicates most seek ‘fair’ punishment and the opportunity for perpetrators to realise there are consequences for their actions, rather than wishing to publicly expose offenders or pursue punitive sanctions (Clark, 2015). Given that many victim-survivors are routinely let down by official reporting channels – whether they be associated with criminal justice or workplace reporting and support systems – ‘naming and shaming’ may actually be a last resort. When the criminal justice system, or other social institutions, has failed to listen to and provide ‘justice’ for victim-survivors – or at the very least recognise their experiences as legitimate – ‘naming and shaming’ may represent victim-survivors taking control under disempowering circumstances, and at the same time attempting to seek offender accountability and retribution (Salter, 2013).

Although ‘naming and shaming’ was not overtly prevalent within the case studies in this project, one person who filled out the survey suggested it was an appropriate response when victim-survivors had no other options. When asked about what more they think needs to be done to bring about social change and justice for victims of rape, they said, ‘[an] eye for an eye law. Name and shame’. However, Citron (2014, p. 118, cited in Jane, 2016, p. 7) argues, “naming and shaming” can become a one-way ratchet to degradation. It can spiral out of control with cyber mobs on both sides and no ability to control the damage’. Others have suggested

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<sup>4</sup>I say ‘allegedly accused’ here because the Daily Telegraph named the victim-survivor without her consent or any concrete evidence that she had actually accused him of sexual harassment.

that ‘naming and shaming’ is only considered appropriate after a suspected person has been convicted of a crime, and only if it would potentially contribute to protecting the community for sex offenders (Dunsby & Howes, 2019). As such, publicly ‘naming and shaming’ was largely discouraged by interview participants in this project (see also Dunsby & Howes, 2019). *Project Unbreakable* in particular saw ‘naming and shaming’ as legally inappropriate and would reject submissions if they contained information that might identify perpetrators, as stated on the ‘Frequently Asked Questions’<sup>5</sup> section of the website where they ask that, ‘there are no names on your poster’. Anna reiterated this point, stating:

The official submission criteria are that no names or initials can appear in the photo and that any quotes used must have quotation marks around them ... [And that] For liability reasons we cannot publish a story that is not submitted by the survivors themselves.

What is interesting is that while no one is directly named on the site, perpetrators are sometimes *indirectly* identified. For example, posts identify a spectrum of perpetrators that range from sports coaches, to family members such as uncles, fathers, stepfathers, brothers and mothers, to trusted family acquaintances including babysitters and neighbours, as well as intimately known offenders like ex-boyfriends, husbands, current partners or friends. Others simply refer to ‘my attacker’ or ‘my rapist’. The intimate naming of these offenders means that it is likely that people who know victim-survivors who have posted their stories to *Project Unbreakable* will potentially be able to identify those who are indirectly named on the site.

Some of the posts on *Project Unbreakable* reveal the ways in which not being able to name the perpetrator reinforces the silencing and secrecy associated with child sexual abuse. One post, for example, actually places the word ‘censored’ over the victim-survivor’s mouth, and in the text that accompanies her submission, where it would reveal the perpetrator’s name. The text reads, “‘Shhh. Don’t cry. You’ll wake your mother’”. My rapist ‘censored’. I was ten. It went on for two years’ [*sic.*]. It can be easily inferred from the ‘censored’ text that the victim-survivor is suggesting her father, stepfather or mother’s partner raped her. As such, it is not difficult to deduce from the submissions who some perpetrators are and indeed suggests that these justice practices of naming and shaming operate as informal reports of sexual assault.

Although confident there was no ‘naming and shaming’ on the Rape Crisis Scotland campaigns, Lynn said that the scope for them to take action against people exposing rapists and informally reporting was limited if they did, largely because of the veil of anonymity. She said:

In the comments, we wouldn’t necessarily know who they were or even necessarily where they were so we might not even be able to (know who or where they are) ... Generally, when people are putting comments on the website, we don’t have any recourse.

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<sup>5</sup><http://projectunbreakable.tumblr.com/post/18913383586/faq>

Other spaces, though, did directly ‘name and shame’ perpetrators. Katie named one of the people who raped her and referred to another by a pseudonym. Not only did she name the perpetrator, but she also stated his age (at the time of the assault) and where he lived (also at the time of the assault). This kind of information is more than claiming one’s experience as rape through speaking out, but rather seeks to document in detail information about the perpetrator and the offence itself tantamount to an informal report of rape. The public outing of the perpetrator and the description of the incident offer up information similar to that which would be requested in a formal report and interview with the police, as well as informal police reporting options, such as the alternative reporting options available in some UK, US and Australian jurisdictions (Heydon & Powell, 2018). In fact, many of the posts on Katie’s blog from other victim-survivors offered rich descriptions about their sexual assaults that contain sufficient information to constitute a formal statement for a police investigation.

I asked Katie why she provided such a detailed description of the offence and the offender, to which she replied:

If there’s somebody else – if this guy made a habit of this – and somebody else read it and though ‘well I was raped by a “Damian” from Bagshot’, I want her to know that it happened to somebody else as well.<sup>6</sup>

Thus, Katie’s initial rationale for naming ‘Damian’ on her blog was because if other women had been raped by the same person, then there was documented evidence of the event. In some ways, her actions reflect what Clark (2015, p. 30) calls a ‘community safety’ approach to justice, whereby victim-survivors sometimes formally or informally report to protect others by preventing further sexual offending by the perpetrator, or, as Katie’s actions more specifically reveal, to validate and legitimate the experiences of other victim-survivors. I asked Katie about the legalities of her ‘naming and shaming’ ‘Damian’, and if she thought this was an impactful alternative justice practice considering she never reported her experience to the police. Katie said, ‘he’s not somebody that I know anymore ... I don’t know if I feel like ‘haha that told you!’ because he’s never going to read my blog, you know?’ In this sense, Katie’s comment indicates that naming perpetrators online is not necessarily about shaming them – although it does suggest that vindication or punishment for offenders remains a significant justice need for victim-survivors and subsequently highlights some limitations of these online activist spaces to provide informal justice for victim-survivors (Powell, 2015). For instance, offender accountability is something these online publics cannot provide, as it is unlikely that perpetrators are also going online to express remorse, or acknowledging they have raped someone. Even if they were, perpetrators are almost always reluctant to accept

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<sup>6</sup>While Katie uses his real name on her blog, ‘Damian’ is the pseudonym I have assigned to him.

responsibility for their actions or acknowledge that they have raped someone, even if they have been found guilty (Boyd & Bromfield, 2006).

Despite the little room for accountability in these online anti-rape activist spaces, Angela felt that they nonetheless functioned like a ‘court of public opinion’, especially when people like Bill Cosby and Harvey Weinstein are outed in incredibly public ways. While these spaces might not be able to provide individuals with ‘real’ justice, when (alleged) perpetrators are exposed, social media demonstrates how ‘communities [can] shun people’. In doing so, Angela said it ‘bursts it [rape] into the open ... And it *at least* gets people to think about it’. Hypatia, however, was not convinced that these online spaces could provide some semblance of justice for victim-survivors, stating that there could be never be justice for rape victim-survivors because the system is fundamentally antagonistic towards women. Rather than speaking about online spaces offering victim-survivors of rape an alternative or innovative form of justice, Hypatia said they provided validation; specifically, she said, ‘I wouldn’t call it justice but validation’. Hypatia argues that the law continues to focus on the ‘good’ victim of rape, and added:

[I] think that women have to accept that in this society *there is no justice for rape unless you fit that very specific little criteria* and even then there isn’t [justice] quite often. (My emphasis)

Certainly, ‘naming and shaming’ for Katie was about validating her experience and the experiences of others, rather than seeking offender accountability or retribution. Katie emphasised that the possibility of having someone come across her blog to say they had also been raped by ‘a Damian from Norwich’,<sup>7</sup> would help validate her own experience because ‘even now I *doubt myself so much* [that it didn’t happen]’ (Katie’s emphasis). Although Katie did mention that she felt ‘victims of sexual violence are being so horrifically let down by the official routes’, she cautioned against the use of ‘naming and shaming’ online as a justice practice:

It’s tricky because if we’re not careful we’re talking about vigilante mobs aren’t we? ... It’s not really a *safe* means of getting justice, because at least with the criminal justice system, for all its flaws, it theoretically holds people accountable for their actions afterwards. (My emphasis)

While Katie was certain that ‘naming and shaming’ ‘Damian’ would not result in any serious repercussions, she highlighted the way that, even indirectly, ‘naming and shaming’ could have consequences. She discussed, for example, her experience of sexual abuse as a child, and the possibility of the perpetrator being identifiable in a blog post titled ‘1988; 2006’.<sup>8</sup> When I interviewed Katie, she had

<sup>7</sup>I have also changed the name of the town Damian came from.

<sup>8</sup><http://notmysecrets.blogspot.com.au/2015/02/1988-2006.html>

not yet published the story out of fear that the perpetrator might be identifiable. Shortly after speaking with me, she did publish it. On the blog post, Katie gives a pseudonym rather than the actual name of the person who abused her as a child – ‘Jill’ – to protect her identity. However, in the interview, Katie talked about how other elements in the story, such as a description of the house in which the sexual abuse took place, might be identifiable to others reading the blog who know her or the area well, which was holding her back from publishing the post. Similar to her post about being raped by Damian, Katie’s post about being sexually abused by Jill offers a rich description and account of events that would be tantamount to details collected in a formal interview report with police. When Katie did release the story online, she also posted a picture of the gate leading to the perpetrator’s house, with the street number on it. Katie said:

It’s a small town, there will be people who will read that post and go ‘oh my god I can’t believe that she did that!’ ... There will be people who will know who I’m talking about.

However, Katie expressed less fear that people might find out the identity of her abuser and the potential backlash, disbelief or denial of her experience and more concern for her own safety that ‘Jill’ might ‘set fire to my house’, and I return to this issue of safely online shortly. Katie also feared that publishing her own, or the stories of others that directly or indirectly identify the perpetrator, might undermine ‘real’ justice processes. Specifically, Katie was concerned that she might be accused by the police of lying or falsely accusing ‘Jill’ of sexually abusing her, should she choose to report the incident one day. There are some studies that show informal reports of rape in digital spaces being subpoenaed as evidence in defamation legal cases and used against survivors (see Salter, 2013), although it remains unclear whether these informal reports have or may be useful for police and the prosecution in gathering evidence for criminal justice trials as documented evidence to support survivors’ stories. If mobile phones and email accounts can be called for forensic examination as evidence, then blog posts and other forms of social media used to informally report perpetrators can and will be used, and the success of its use may largely be determined by the social standing, credibility and consistency of the narrative told by the victim-survivor (Salter, 2013).<sup>9</sup> Thus, in ‘naming and shaming’ perpetrators online, victim-survivors of

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<sup>9</sup>For example, Salter (2013) notes that while Savannah Dietrich, who was the survivor in the highly publicised Steubenville Ohio rape case, was permitted to speak out and was successful in securing a harsher sentence for the perpetrators, her status as a white, middle-class, well-supported victim-survivor arguably made her actions more conducive to obtaining recognition. In contrast with Savannah, Salter discusses the case of ‘Georgia Grimes’, who established a blog in 2005 in which she claimed to have been gang-raped by the ‘Brothers’ of the Theta Chi fraternity at Georgia Tech University in the early 1960s. On the blog, Georgia described the assault in detail; however, she also posted the full name and graduation details of the perpetrators of the gang rape so that

sexual violence may inadvertently weaken their own cases from a legal perspective if they then choose to formally report their experiences.

## Digital Ethics and Victim-Survivor Safety Online

Although I would caution the use of naming offenders online, we might read the naming and shaming, as well as informal reporting of rape, as a form of ‘digilantism’ – a term used to describe the various ways in which feminist-activists engage in ‘DIY justice online’ (see Jane, 2016; Nakamura, 2014, p. 263). However, as Katie highlighted above, online justice mechanisms may undermine due process within the criminal justice system. Although adverse legal action is less likely to be brought against someone like Katie, because neither she nor her contributors are so forthcoming as to directly identify their perpetrators and she has a very small audience of followers, the legal ramifications for ‘naming and shaming’ online are not inconsequential.<sup>10</sup> In addition, there are ethical ramifications for when victim-survivors may also be identifiable. In the context of the criminal justice system, name suppression is often in place to protect both the victim as well as the perpetrator. Most jurisdictions in the United States subscribe to the idea that they need to ‘protect’ the victim-survivor’s identity from the public (Orenstein, 2007). In some instances where the victim’s name has been released to the public, especially high-profile cases, victims have faced a significant amount of backlash and disbelief (Orenstein, 2007). Maya and I discussed ‘naming and shaming’ with respect to ethical questions regarding the protection of both perpetrators and victims. Maya suggested the name suppression of both the victim and the perpetrator only contributes to the silencing discourses that surround sexual violence, and that it is important to put ‘people’s faces and names to an actual event or crime’. For Maya, putting one’s real name into the public sphere as a victim-survivor of rape breaks with the rules of the procedural justice framework and may help to empower survivors to speak out. Therefore, using your ‘real’ name online is another way of taking back elements of power and control that the adversarial criminal justice system denies. However, most people in the online spaces in these case studies did not use their ‘real’ names when speaking out, opting instead for the protection afforded by anonymity. Indeed, as Lynn suggested, anonymity online offers victim-survivors a level of protection from retribution:

Being online is a way of allowing people to stay a bit remove[d] ... They can do it as and when they want to, and under an assumed name ... So it offers a level of protection.

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they would be identifiable. Georgia went on to describe how powerless she was to seek justice when the men who perpetrated the violence were able to hide behind their fraternity, and the Statute of Limitations in the United States further prevented her from seeking support from the criminal justice system. She was threatened with legal actions from those she named on the blog and was forced to shut the blog down in 2013.

<sup>10</sup>See above note about Georgia.

In this way, people can speak out without having to be identifiable themselves. Kelly echoed this perspective, stating, 'it feels safer [sharing your experience online] ... even if that's not always true [because] there can be anonymity if you want it'. The anonymity of the online space thus provides a buffer for victim-survivors to speak their truths even when they fear retribution or backlash offline.

Despite the 'protection' afforded by online anonymity, safety remained an issue for activists in these online anti-rape spaces – as Katie said above, she was afraid 'Jill' might come and burn down her house if she found out she'd named her as a perpetrator of sexual abuse on her blog. While 69% of survey participants felt 'safe' using these online spaces, 25% said they only felt safe 'sometimes', and 4% indicated they did not feel safe at all. When answering the question 'what causes you to feel unsafe using these online spaces', one survey respondent indicated they had found men posing as women in order to harass victim-survivors, or that ex-partners who had abused them would find out they were using online spaces to tell people they had been raped (and feared retribution). Specifically, their response to the question reads:

I have found two men posing as women join the rape group I'm part of and attack the victims ... I'm always worried my ex-boyfriend might anonymously join my group to monitor or harass me.

In a similar vein, a different respondent to the same survey question indicated that 'you truly never know who is watching'. Thus, personal safety online for victims sharing their stories, or people engaged in these counter-publics, is an important issue but is not something that can be easily monitored and is an increasing issue with the widespread prevalence of technology facilitated violence and abuse online experienced by women and the LGBTQ community (Powell & Henry, 2017).

Kelly was also concerned about her safety. Writing her blog was a way of working through why she was raped, and while Kelly said she felt safe to discuss her experience online, she was very intent on making herself and the perpetrator anonymous, so she did not set herself up for 'any sort of retaliation'. However, she also saw her own 'retaliation' or vindication as being able to speak. For example, when the Dean of her Law School refused to get involved in the case, she wrote to him saying that she had a 'blog called *Yes We Speak* and it's about speaking up [about rape]' as a way of demonstrating that she will not remain silent on the issue.

The fear of being identifiable was also felt by Hypatia, although it was less about the perpetrator of her assault finding out and more about being 'outed' to her work colleagues and family, because they might think she was 'awful' for calling out 'rape culture' or identifying as a feminist. However, Hypatia added:

The longer you do it, the more likely you are to be outed, the more likely you are to lose your anonymity and that is a big consideration for me [in terms of how long she keeps working on the blog].

This also raises ethical issues about the potential for interview participants in this study to be identifiable by virtue of participating in the research (see also Mendes, Ringrose, et al., 2019, on this point in relation to their study). When I asked Lynn if it was OK for me to refer to the campaign and organisation without de-identifying them, she said, ‘we’re not ashamed of it’ – in fact, all the campaigns, as I highlighted in the introduction, were happy for me to identify their spaces or campaigns so long as interviewees were assigned pseudonyms. This is not the same, however, as identifying personally as a rape victim-survivor. Given the extent to which trolls seek to undermine victim’s testimonies, a pervasive culture of denial when it comes to the prevalence of rape, and the insidious assumptions that victims are ‘lying’ in their claims making, or resentful and out to seek revenge – anonymity provides more personal protection against backlash.

### **The Impossibility of Justice**

There is a real fear that ‘outing’ perpetrators online may result in further victimisation, if the perpetrator were to find out they have been ‘named and shamed’. Victim-survivors are thus caught in a bind that seeks to maintain their silence – not only about their experiences, but to cover up the extent to which institutionalised patriarchy (and heteronormativity) governs the recognition of rape as a social and cultural problem. What is needed in order to change this, according to one survey participant in response to the open-ended question, ‘what more needs to be done to bring about social change and justice for victim-survivors of rape’, is

[A] Radical overhaul [of the] male supremacist legal system which was created by men for men. Women’s experience of male sexual violence continue to be defined and or interpreted from the male standpoint. Male sexual violence against women is a global issue because males continue to hold socio economic and political power over women. Men believe their male lived experiences are the supposedly generic human standpoint which totally erases women’s lived experiences. End male supremacist political systems [*sic.*].

The above comment reflects the view that the law is ‘dress-up’ justice, insofar as it uses the popular hermeneutic or rhetoric of justice to hide or masque its violent foundation (Cornell, 1990). It is not only that violence masquerades as law, with the law masquerading as justice and justice masquerading as violence, making it a self-referential system, or the law’s capacity ‘for self-conserving repetition’ (Cornell, 1990, p. 1055), but also that patriarchal discourse is masquerading as ‘truth’. Thus, the ‘mystical’ foundation of the law as justice needs to be erased, exposed and transformed. This includes accounting also for the ways these foundations intersect with and are a product of colonialism, racism, heterosexism and capitalism.

The criminal justice system nonetheless remains the yardstick for measuring ‘real’ justice, despite the enthusiasm for alternative justice practices in digital spaces. The following descriptive and quote from Kelly not only highlights how a cultural fixation on crime, justice and punishment reinforces our continual



investment in the law for fulfilling the promise of justice but also points to the impossibility of ‘real’ justice when it is not achieved. Initially, Kelly expressed law reform as the most appropriate avenue for engendering justice for victim-survivors of rape; however, when I asked her if she thought there might be some scope for alternative justice practices online, she admitted this would be the first time she had ever questioned the limitations of the criminal justice system. Kelly stopped and questioned herself during the interview: ‘maybe I should be asking myself if the criminal justice system is where we find the justice? ... I don’t think that for most cases ... that it is’. From here, Kelly went on to underscore the impossibility of justice – if the criminal justice system cannot fully provide justice for victims of rape, then what is the alternative? Kelly stated:

You’re stuck in this place where you have to find the quote-unquote justice from other places but ... we’re in this society where we think a crime happened to me, I reported it, justice should be done – that’s what we’re taught. And when it doesn’t happen it just doesn’t compute, so it doesn’t make sense at the same time to look for quote-unquote ‘justice’ in other places when it’s supposed to come from this one place. But I think we need to start doing that because ... I think that the changes that need to happen are going to take a very long time.

Kelly’s comment not only evokes *the differend* (Serisier, 2018; Stringer, 2013) and *epistemic injustice* (Alcoff, 2018 - see Chapter 3) when the law fails to recognise someone as a victim and thus denies them access to justice and recognition. However, her comment also speaks to Carol Smart’s point discussed at the beginning of this chapter about the need to resist the hegemony of law as justice. Thus, what Kelly is pointing to is the impossibility of justice, specifically the failure of the law to provide justice and therefore the need to find other ways to practise justice.

This impossibility of justice is also reflected in other spaces, in particular, *Project Unbreakable*, where a number of those posting to the site talk about the problems they faced when reporting their rapes to the police or their engagement with other aspects of the criminal justice system. Posters displaying comments from the police such as ‘What were you wearing? Why didn’t you fight him off or scream? Do you usually have guys over?’ are a common theme throughout the submissions on *Project Unbreakable*. Police comments often perpetuate myths that women in consensual romantic relationships cannot be raped, as evidenced in this post: ‘The officer told me that I had no physical proof or photos and we were dating. Called it a domestic dispute and wrote me off’. This sample of examples exposes the extent to which victim-blaming and other ‘rape myths’ are rife, even at the first level of engagement within the criminal justice system. The lack of credibility victim-survivors have when reporting their crimes, which perpetuates the assumption that women lie about rape, is also evident on *Project Unbreakable*, with comments such as this taken from the police: ‘well, we asked him and he didn’t rape you, so there’s nothing we can do’. In this example, the

perpetrator's version of events is privileged over the victim-survivor's invalidating her experience and denying them access to justice. Other posts include responses from more senior gatekeepers within the criminal justice system demonstrating the limitations of that system, which subsequently place justice out of reach, with one victim-survivor posting: 'the district attorney said she couldn't file my case because it happened over a year ago ... I can't even file a restraining order'.

Anna reinforced *Project Unbreakable's* capacity to highlight this impossibility of justice:

A very popular trend [in the posts] is the criminal justice system's negative impact on survivors when they are looking for help. To have a system that is supposed to protect and help you, disregard you instead, can be very isolating ... [So] it's not always about the incident itself – many times it's about what the cops or judges have said afterwards that hit them hard.

Anna's comments here reflect what Kelly said earlier about the feelings experienced when the criminal justice system fails – that it is impossible to comprehend why, because of our investment in the system to deliver justice, as I mentioned at the beginning of this chapter. Reporting to the police is then therefore largely rare because victims are afraid they will not be believed, as many of the posts on *Project Unbreakable* indicate and because the system routinely subjects victim-survivors to secondary victimisation, engendering a distrust of the law as the site in which justice may be done. The impossibility of justice brought about by a suspicion of the system is also evident on the *Herbs and Hags* blog, where Hypatia discusses in many posts the extent to which 'rape culture' influences police perceptions of rape and subsequently their willingness to take on cases. Hypatia also points to the ways in which public institutions and systems, such as the media and the criminal justice system, work together to create an environment that is fundamentally against women, seeking to silence their voices by telling them: 'don't you dare seek justice. Don't you dare call the men who raped you to account for it!'

In addition to discussions about distrust and the failure of the criminal justice system to respond to rape and sexual violence, these online anti-rape activist spaces are also engaged in discussions about why victims choose not to report their rapes, much of which reflects fears that the criminal justice system will not hear and respond to their complaints. On Hypatia's blog post, 'How I became a rape victim', some of the commenters suggested that she should report the rape to the police. However, Hypatia pointed out that because her experience epitomises the 'grey area' of rape (in which her rape looked more like sex), and happened so long ago, that it would be 'pointless'. Hypatia suggested to me in her interview that the perpetuation of the 'grey area' of rape maintains a culture of silence that seeks to punish victims for seeking justice, rather than helping them. Hypatia said that the online hate campaign against the woman who was (allegedly) raped by Ched Evans sent a clear message to anyone who has ever been raped that they should say silent. Katie also expressed a similar attitude about why she did not report her own experiences to the police, stating a fear that she would not be

believed and pointing to the fact that it was often the victim-survivor who came on trial, as opposed to the perpetrator:

I have never been to the police about anything that's ever happened to me ... [even] if now I were to be raped or something would I go to the police? I probably wouldn't, and I feel really bad saying that because if somebody came to me and said they'd been raped I do, I would say 'you should go to the police'. But the idea of you know potentially not being believed ... It so often seems when things are reported, it seems that it's the women who's you know ... is on trial rather than the perpetrator. And that's so wrong ... Not only do we have to prove that the perpetrator did actually commit rape, we also have to prove that the woman is not a slag.

Thus, the continued cultural investment in, yet simultaneous distrust of, the law presents a paradox about justice: if it is not through the criminal justice system that justice is to be found, where is it? Moreover, if it is through the criminal justice system that justice is to be found, what should that justice look like – given the critiques of feminist-inspired law reforms that seem to fuel the perception that feminists (and rape victim-survivors more specifically) are vindictive and vengeful, seeking punitive punishment for the wrongs they have suffered? On her blog post 'Locking up Drunk Young Men',<sup>11</sup> Hypatia states that when feminists argue that rape should not go unpunished, specifically in the context of date rape:

*We're accused of wanting to lock up innocent young men who were merely doing what is normal in hook-up culture and even that we want to stop empowered young women going out and getting their jollies on a Saturday night with fun no-strings sex with randoms.*  
(My emphasis)

Yet Hypatia disputes the claim that feminists are driven by a desire for 'prosecutorial power' – as Gruber (2007, p. 585) suggests – who want to lock up rapists for engaging in supposedly 'risky' sexual behaviour. Contra to claims that anti-rape activists, through law reform projects in particular, seek to regulate sexual behaviour, Hypatia states on her blog: 'women aren't stupid and malicious and they know the difference between drunk sex that they're embarrassed about the next day and non-consensual sex'. In other words, Hypatia is reiterating the importance of privileging victim-survivors as the theorists of their own experiences (Alcoff & Gray, 1993). Hypatia also resists reinforcing neoliberal governance ideas that seek to regulate women's behaviour in order to prevent rape, by emphasising in the same post the importance of prioritising 'women's bodily integrity over men's boners'. Hypatia suggests in her post that:

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<sup>11</sup><http://herbsandhags.blogspot.com.au/2015/01/locking-up-drunk-young-men.html>

Wider society simply doesn't want to address the question of male entitlement to women. It is more horrified by the idea of locking up men for using hook-up culture to get away with rape, than it is about them raping women ... We'd rather they carried on raping.

Because of the resistance to the use of carceral punishment as tantamount to 'rape justice', Hypatia suggests that preventative strategies for rape that seek to dispel cultural and social attitudes about men's sexual entitlement and access to women's bodies are the most effective long-term approaches to ending rape. Ultimately, it will be shifting attitudes about sexual violence, and changes in cultural and social understandings about gender and sexuality rather than reforms within the criminal justice system that will bring about rape justice (Stubbs, 2003). This speaks more broadly to the project of women's liberation seeking gender justice, not just rape justice. This utopian vision for gender justice was reiterated in my interview with Hypatia where she stated:

We need to reduce the numbers before we can have justice, we need to reduce the numbers of men who rape but don't call it rape, because of course most rapists don't think they're rapists do they?

In this way, a response to the impossibility of justice in these online counter-publics is education – educating people not just about the impact of rape but also about some of the *causes* of rape. Specifically, underscoring the extent to which women (and some men) are all subjected to certain governance structures which seek to undermine their social and political autonomy (or, more plainly, to 'rape culture'). And yet, Hypatia notes the impossibility of justice in a cultural sense too, stating that 'all this' – that is, her suggestions for shifting people's consciousness with respect to men's entitlement to women, and sociocultural attitudes about 'the ownership and purpose of women's bodies', and our relationship to sex – 'is long-term. We can't do it overnight'. Justice is thus always something 'still to come'; something *imagined* to occur in the future, as anti-rape activists envisioned when they first began organising more formally in the 1970s. In this sense, Hypatia's quote that 'when it comes to rape, not much has changed for women in nearly three decades', with which I began this book, is correct – although as I have illustrated throughout this book, activists engage in multiple different strategies to resist, navigate and negotiate the external as well as internal limitations that seek to silence their claims.

## Conclusion

The fixation on the criminal justice system in prosecuting sexual violence has overshadowed feminist visions of social (and gender) justice (Ptacek, 2010). Real changes in the prevalence and response to sexual violence are dependent on shifts in social values about gender and sexuality, rather than a reliance on the criminal justice system (Stubbs, 2003). In other words, the criminal justice system is only one avenue and a tenuous one at best, when it comes to seeking justice.

Challenging conventional understandings of justice, as well as integrating the needs of victim-survivors in justice discourse, may help to create new pathways for responding to sexual violence.

In this chapter, I have suggested that using a victim-centred approach to justice for victim-survivors is useful in conceptualising the possibilities that online spaces foster for providing alternative, or informal justice, for victim-survivors, specifically voice, validation, control and information (see Clark, 2010, 2015; Daly, 2011, 2015). However, I have also cautioned against calling these elements ‘justice’ insofar as my participants were hesitant to refer to them as such. This was largely due to the criminal justice system remaining the yardstick against which ‘justice’ was judged and the impossibility of attaining rape justice, given the extent to which the law is inherently violent towards women. Although emphasis was placed on the shortcomings of the criminal justice system and its inability to effectively prosecute sexual violence or treat victim-survivors with respect, Katie in particular was concerned that online ‘digilante’, or DIY justice might undermine ‘real’ justice processes, despite having ‘named and shamed’ two perpetrators of rape on her blog. I have also highlighted issues pertaining to safety as expressed by interviewees and survey respondents in engaging in these online spaces. Furthermore, I have explored how, in many ways, these online anti-rape campaigns highlight the impossibility of justice insofar as they point to the problems inherent in the criminal justice system.

Ultimately, and in retrospect, much of the focus of this book has been on the alternative ways in which activists and survivors seek out justice online in response to the ways in which the criminal justice system and society, more broadly, actively deny victim-survivors of rape recognition or reject claims about rape culture as being a significant contributing factor to the causes of rape. Through consciousness-raising and speaking out in digital networks, activists and survivors have sought to highlight the prevalence of rape and sexual violence, as well as the personal and political causes (and costs) of that violence. However, ‘justice’ was positioned as something unobtainable. Although Hypatia suggested that these online spaces offer victim-survivors, in particular, with ‘validation’, this was not the same as ‘justice’, because justice itself could only manifest when men stopped raping women. In this sense, Hypatia envisioned rape justice as ‘gender justice’ – as something political rather than personal. In essence, justice would be the point at which women no longer experience rape, and attitudes towards sexual entitlement and women’s bodies had changed. As a blog post by Hypatia reveals, this kind of collective justice is impossible; it is always yet to come.

So, if justice is something impossible to achieve, what does this mean for the future of anti-rape activism in digital spaces? And how might this tension between the personal and the political in terms of rape justice unfold moving forward in a post-#MeToo world? I now turn to the conclusion of this book where I outline some of the key issues moving forward for sustaining an agenda for change as well as networks of support for anti-rape activism in the age of digital media.