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In 2017, #MeToo initiated a worldwide dialogue surrounding sexual assault and the lack of punishment offenders have received by the criminal justice system by providing a platform for survivors to share their experiences. Sexual assault is a highly under-reported crime, and many survivors who do report assault describe police attitudes as unempathetic or unmotivated to investigate these crimes. Through the Me Too movement, calls for justice are being raised, but concerns are being raised as to how justice should be defined. Traditional criminal justice system methods are the standard approach to approaching gender violence, but it is worth exploring if survivors are interested in other forms of justice, such as rehabilitative or restorative. My interviews of ten self-identified feminists found that the majority of them they did not perceive the Me Too movement as creating a shift towards carceral feminism or increased desire for carceral punishment, but all expressed a desire to see better forms of justice for survivors, the community, and the offender. However, a distinction should be made that interviewees did not always equate carcerality with justice. All participants expressed an interest in restorative justice but showed concern about implementation.

IS THE ME TOO MOVEMENT INFLUENCING A SHIFT TOWARDS CARCERAL  
FEMINISM?

by

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## TABLE OF CONTENTS

LIST OF TABLES .....	vi
CHAPTER I: INTRODUCTION.....	7
CHAPTER II: LITERATURE REVIEW .....	11
Feminist Theory and Theoretical Frameworks .....	11
Culture of Criminal Justice System.....	14
Criminal Justice Response to Gender Violence .....	16
Intersectionality .....	24
The Me Too Movement.....	27
Carceral Feminism .....	29
Alternative Forms of Justice .....	31
CHAPTER III: RESEARCH METHODS.....	37
Recruitment .....	39
Interviews .....	40
CHAPTER IV: FINDINGS.....	42
Carceral Perspectives & Prior Victimization .....	51
Non-Carceral Perspectives & Prior Victimization .....	53
No Prior Victimization .....	56
Vignette .....	58
CHAPTER V: DISCUSSION.....	60
Moral Foundations and Moral Panic Theories .....	61
Defensive Attribution Theory .....	65
Feminism.....	66
Black Lives Matter and 2020 .....	67
CHAPTER VI: CONCLUSION.....	69
REFERENCES .....	71
APPENDIX A: Interview Questions .....	78

APPENDIX B: Vignette .....	80
APPENDIX C: Survey Questions.....	82

## LIST OF TABLES

<a href="#"><u>Table 1. Demographics</u></a> .....	42
<a href="#"><u>Table 2. Feminism Definitions</u></a> .....	43

## CHAPTER I: INTRODUCTION

In modern culture, social media is viewed as a vital component of daily life rather than an occasional indulgence, as research shows that 69 percent of United States (US) adults have a Facebook account, 37 percent with an Instagram account, and 22 percent report having a Twitter account (Pew Research). While the number of active social media accounts varies across each platform, over 50 percent of social media users report checking their accounts at least once per day (Pew Research). The accessibility and outreach that social media has is astounding and can be used in a multitude of ways. Popular uses include swapping recipes, sharing cat videos, and keeping in touch with family and friends, but there is another use that can be a catalyst for debates - discussing social and political issues. Specifically, the social media movement Me Too that gained momentum in 2017 has ignited fervent debates on social media platforms about how sexual assault cases should be handled within the criminal justice system, along with allowing many individuals to voice their experiences with sexual assault who had previously not been able or willing to speak out prior to the movement. Pew Research reports #MeToo was used more than 19 million times on Twitter from October 15, 2017, through September 30, 2018, an average of 55,319 mentions per day. Research of the hashtag on Instagram and Facebook were not as precise, but Facebook reported over 12 million Me Too-related posts just 24 hours after Alyssa Milano's initial tweet<sup>1</sup>, and Instagram reported the hashtag was their most used in 2018 with 1.5 million tags (Tambe 2018; Instagram), with the use of the hashtag spanning 85 countries (Gill & Orgad 2018). Although Me Too is not the first social media movement – Black Lives

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<sup>1</sup> On October 15, 2017, Alyssa Milano tweeted the following: “Suggested by a friend: If all the women who have been sexually harassed or assaulted wrote ‘Me too.’ as a status, we might give people a sense of the magnitude of the problem.”



Matter still has a significant platform 7 years later (Pew Research) – it is the first movement that has remained primarily online in comparison with traditional forms of activism. The movement’s website promotes advocacy and education as activism in comparison with the organization Black Lives Matter which promotes advocacy and education in addition to national and local chapters and events. Because #MeToo and Black Lives Matter had such a strong presence online, it is worth exploring how discussions online surrounding hashtag activism translates into influencing beliefs and policies relevant to the movements. This study provides the opportunity to explore whether the Me Too movement could revive or intensify punitive beliefs and policies and can begin to explore the response to #MeToo in an historical context.

The use of the hashtag #MeToo on social media highlights the prevalence of sexual violence reinforcing the idea that we are living in a culture that encourages predatory and violent behavior while discouraging survivors from speaking out and seeking justice. While it is no secret that the culture within the criminal justice system views justice for gender violence survivors as low priority, there are feminists who advocate for increased involvement by the criminal justice system as the solution to gender violence. Carceral feminism, as coined by Elizabeth Bernstein, involves “criminalization of the perpetrator as a response to violence against women,” and argues that state intervention is beneficial to survivors rather than harmful (Sweet 2016; Whittier 2016). Carceral feminism arose from Bernstein’s research surrounding sex trafficking and prostitution, noting that abolitionist and evangelical feminists were looking to the state to enforce anti-trafficking legislation, with little to no regard for the women that would fall into the criminal justice system as a result (Bernstein 2012). Carceral feminism recognizes punitive measures as the sole opportunity for justice without acknowledging how the state is using violence to rationalize violence (Mack and McCann 2018). As Bumiller states, “turning to

state violence to solve...sexual violence will always leave somebody for dead” (Mack and McCann 2018). Increasing state involvement reinforces how the state contributes to the perpetuation of gender violence and is not concerned with prevention, and it could be suggested that legislation aimed at dealing with gender violence is more of a political ploy rather than an informed choice. The state is not a neutral party and operates to perpetuate what is beneficial for itself rather than for the people (Mack and McCann 2018). By looking to the criminal justice system and legislators to increase punitive measures for perpetrators, cultural change that could reduce instances of gender violence is not prioritized, and the state is falsely seen as an ally rather than a perpetrator (Bernstein 2012).

Although there are numerous branches of feminist perspectives with varying viewpoints, feminism at its base level operates under the assumption that a patriarchal social system contributes to a hegemonically masculine culture in which men dominate over women (Renzetti 2012). In contrast, carceral feminism looks to the system that reinforces these ideals as the solution to gender issues, which argues against a core value of feminism (Renzetti 2012). Because of this seemingly counterintuitive stance, it is important to understand how feminists that align with pro-carceral ideologies have come to do so. It is also worth exploring whether carceral feminists are advocating for punitive measures because it is the only viable or tangible solution, or would they be open to other forms of justice if available, such as restorative or rehabilitative justice? It is a grave miscarriage of justice to deny that the current system is set up to create mistrust and division amongst marginalized communities, and yet to challenge this structure and advocate for accountability and recognition of improvement is deemed “too radical” (Mack and McCann 2018).

The research surrounding both the Me Too movement and carceral feminism is limited with neither having been researched simultaneously, and carceral feminism has yet to be studied empirically. Therefore, I interviewed women that identify as a feminist to understand where views regarding punitive measures for gender violence stand in relation to the movement. My hope is to fill a gap in criminological and sociological literature in the regard to feminist ideology and punitive beliefs, and to provide a foundation for future research.

## CHAPTER II: LITERATURE REVIEW

### **Feminist Theory and Theoretical Frameworks**

The terms “feminism” and “feminist” are among several polarizing issues for some in society today, despite their growing widespread use in sociology and other academic fields. The latter is generally associated with negative terms such as “aggressive, forceful, opinionated, and assertive,” (Breen and Karpinski 2008), while “feminism” is seen more favorably. The narrative surrounding identifying as a feminist versus the act of feminism suggests that the ideology of feminism is politically and socially acceptable, but individuals that actively participate in feminist advocacy generate inflammatory reactions from others (Valentine et al. 2017).

Amongst researchers there are conflicting reports regarding women’s attitudes towards punitive measures. Most reports claim women tend to hold less punitive beliefs than males and are more likely to be in favor of treatment and rehabilitation, especially when considering the death penalty (Davila et al. 2011). However, there are some reports that suggest women are in favor of punitive measures if a violent crime is involved (Davila et al. 2011). Across race, however, there is a general consensus that minorities hold less punitive attitudes than non-minorities, and individuals with higher income levels hold more punitive beliefs than those with lower income levels (Davila et al. 2011). Education levels and political affiliations also impact punitive beliefs. Individuals with college-level education and liberal affiliation tend to favor punitive measures less when compared to their conservative counterparts with lower education levels (Davila et al. 2011). Although there are several factors at play that determine an individual’s punitive beliefs, women that hold more punitive beliefs regarding violent behavior

are a primary focus of this study, as it is worth analyzing the justification of violence for violence, and in particular, gender violence.

Although the aforementioned research regarding views towards punitive beliefs did not specify feminists' beliefs, it cannot be assumed that all feminists would have the same beliefs regarding punitive measures, as the amount of feminist ideologies are ever-expanding. However, there are popular ideologies that have gained traction and controversy with differing viewpoints on the best course of action regarding gender violence.

Liberal feminism is the most well-known and referenced form of feminist ideology, as it focuses on gender equality in all institutions while dismantling traditional gender roles (Valentine et al. 2017; Renzetti 2012). Liberal feminists create change by working within existing institutional structures rather than dismantling them (Wolff 2007). Radical feminism, on the other hand, sees gender as the primary form of oppression and is overly critical of the criminal justice system's role in perpetuating gender violence (Renzetti 2012). Radical feminism seems to be the feminist ideology that creates the most controversy, as it tends to characterize all men as oppressive and violent, and disregards other forms of identity oppression (Renzetti 2012). Radical feminism is seen as "feminism gone too far" and generates the negative stereotypes associated with feminism (Mackay 2015). There are other forms of dominant feminist ideologies, such as Marxist and Socialist, but these in particular do little to address "heterowhitenedness" and the ways in which popular feminist ideologies work to oppress minorities, particularly in terms of gender violence (Whalley and Hackett 2017). To be in favor of increased carceral measures is to increase violence against bodies that are already experiencing violence at the hands of the state. A study analyzing feminist beliefs in which the sample was over fifty percent "white" or "euro-american" reported that a prior history of violence made them less favorable towards

feminist behavior and report their prior experience as individualistic rather than cultural (Valentine et al. 2017).

Applying feminist ideology and beliefs surrounding feminism to the Me Too movement allows the exploration of how feminists come to favor punitive measures when it comes to gender violence. Historically, sentencing for sexual violence has been associated with myths, such as the adage of stranger violence being more likely than acquaintance violence and that offenders are incapable of rehabilitation (Harper and Harris 2017). A theory that could explain the public's propensity towards carceral means is the Moral Foundations Theory (MFT). MFT operates under three principles: "implicit moral judgements precede rational decision-making; morality is a multidimensional construct; and the relative weight given to various moral dimensions is variable across the population" (Harper and Harris 2017). Altogether, MFT posits that humans are emotionally or implicitly driven by their core beliefs to protect others from what is wrong, or "those that do not play by the rules," to instinctively look after those that we have a bond with, and to maintain societal order by upholding morality and condemning what might be toxic to society (Harper and Harris 2017). Although there are varying ideas of what constitutes moral or accepted behavior, MFT states that these differences can be attributed to political ideology (Harper and Harris 2017). If we apply this framework to beliefs surrounding gender violence, MFT leads us to the conclusion that punitive public discourse for sexual violence is hindering the ability to explore rehabilitative and restorative options and until effective public discourse can be had, punitive measures will remain the most popular course of action (Harper and Harris 2017).

Beyond MFT, Moral Panic Theory (MPT) could also provide a solid theoretical framework to understand emotionally based versus rationale-based decision making in regard to

sexual violence. Mary Maguire and Jennie Kaufman Singer (2011) sum up this predicament well: “When social values are constructed out of fear, legislation serves a purpose of decreasing social fear. However, fear is not always based on a real danger. Sometimes fear is simply a response to the unknown. When legislation is developed to decrease the fear, policy is vulnerable to being based solely on emotion and not on known facts and should be evaluated for its “efficacy and social consequence.” MPT operates under the assumption that if a subgroup or counterculture threatens the status quo or socially accepted values, those with social, political, or economic power must work to eliminate the threat (Maguire and Singer 2011). Analyzing the Me Too movement and social media using MPT, the claim could be made that the prevalence of #MeToo on social media initiated a moral panic by creating the impression that sexual violence is rampant, and action must be taken to rectify the situation. In turn, individuals will likely be in favor of increased carceral measures rather than favoring solutions that seek alternative forms of justice, such as restorative or rehabilitative.

If either theoretical framework is to be adopted, then #MeToo could have a hand in instilling further violence amongst communities that need decreased state involvement. To understand why this would be a significant disservice to marginalized communities, it is imperative to understand the historical and current relationship that the state has in response to gender violence.

### **Culture of Criminal Justice System**

The criminal justice system has a reputation of furthering the stigmatization of abuse survivors by discrediting their experiences and making survivors reluctant to come forward (Spencer et al. 2018). While it is certain that not all actors within the criminal justice system have the same beliefs towards gender violence, they are confined to work within the institution

that operates under that value system. Spencer's interviews of 70 police officers and their attitudes toward gender violence reflect misgivings about the ability of the criminal justice system to provide justice to survivors of sexual violence, with one officer stating, "Oh my god, the whole system is flawed" (2018). Multiple officers voiced concern that the system as it stands now is not set up to provide support for survivors of gender violence, citing the length of time it takes to bring a case to trial and referencing cross-examinations of defendants using tactics that discredit survivors (Spencer et al. 2018). The officers emphasize that the system is not built to handle sensitive matters such as sexual assault and use methods that lack empathy or inhibit the ability to understand survivors' experiences. Some officers expressed attitudes that exhibit 'victim blaming', such as commenting on a victim-survivor's clothing or behavior and stating that officers needed to be more skeptical of victim-survivor's stories (pg. 203). Another study found that officers were less likely to investigate sexual assault claims if survivors happened to be teenagers or young adults, had disabilities, or if drugs or alcohol were used prior or during the assault (Shaw, Campbell, and Cain 2016).

Police officers are often referred to as gatekeepers, using discretion and control to determine whether a case is worthy to be investigated (Shaw, Campbell, and Cain 2016). This highlights how the CJS prioritizes conviction over protecting the community and letting biases hinder the ability to make survivors a part of the process. Spencer et al. (2018) question whether a separate court system should be implemented to better serve survivors of gender violence, but unless culture within the criminal justice system changes, it is questionable how survivors and their needs will be prioritized.



## **Criminal Justice Response to Gender Violence**

Gender violence can be defined in different ways based on the population being studied. An inclusive definition of gender violence is ‘any interpersonal, organizational, or politically oriented violation perpetrated against people due to their gender identity, sexual orientation, or location in the hierarchy of male-dominated social systems’ (O’Toole et. al 2007). This particular study will be primarily discussing violence against women due to the participants, but violence towards the queer and trans community will be referenced. Violence against women is under the umbrella of gender violence, defined as “act or threat by men or male-dominated institutions that inflict physical, sexual, or psychological harm on a woman because of her gender” (Valentine et al 2017). At face value, feminists that are in favor of increased state intervention in response to violence against women seems counter-intuitive to the central beliefs of feminists, as the criminal justice system seeks to further male domination and suppress females (Renzetti 2012). The culture of the criminal justice system is set up to create barriers to justice for survivors, and we can see that in the lack of testing of rape kits<sup>2</sup>, the meager sentences that certain convicted abusers receive<sup>3</sup>, or in the percentage of survivors that report abuse in comparison to actual numbers<sup>4</sup>. However, Bernstein (2012) notes that feminist activism often works to “facilitate, rather than to counter” hegemonic and patriarchal beliefs by pushing for increased punitive measures and may have played a role in the state of mass incarceration the United States is currently in. Over the last fifty years, the success of anti-violence women’s movements has translated to greater awareness, more resources, and a CJS that finally

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<sup>2</sup>The backlog of untested rape kits stems from lack of policies and protocols, knowledge gaps, and lack of training and resources. (End the Backlog)

<sup>3</sup>According to RAINN, 25 cases out of every 1000 sexual assaults reported will result in a conviction. (RAINN)

<sup>4</sup>According to RAINN, only 310 out of 1000 (or one-third) of sexual assaults are reported to police. (RAINN)

acknowledged intimate partner violence and sexual assault. While policies and legislation such as the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) that were implemented to abolish or deter gender violence, they are operating within a system that does not hold gender violence as a priority, or even a crime in certain cases. Many activists have aligned themselves with “get tough” policies, formed alliances with politicians, and have helped to strengthen law and order politics. The resulting punitive policies have been problematic by reproducing state paternalism and exacerbating existing social problems. While carceral feminism has been critiqued by scholars, it is possible that the Me Too movement could revive punitive policies for gender violence offenders, and this study provides an opportunity to gain perspective on how impactful feminists have perceived the Me Too movement on their punitive beliefs.

Survivors of gender violence report a perceived lack of interest or sympathy by actors within the criminal justice system to investigate claims, expressing concern that justice was not served (Spencer et al. 2018). This “justice gap” – disproportionately low numbers of sexual assault convictions in relation to reported incidents – illustrates the disconnect between the values of criminal justice system and a portion of the population that is not being protected (Murphy et al. 2011). Even the way in which prosecutors determine a survivor’s credibility is highly subjective. If there is variance in the survivor’s story, if the assault was not reported in a timely manner, or if the survivor’s behavior seems questionable, prosecutors are likely to dismiss the case (Murphy et al. 2011). In today’s society, this behavior is chalked up to rape culture, a society that willingly or unwillingly promotes violent behavior. However, could these attitudes be seen in a theoretical light?

Grubb and Turner (2012) posit that actors within the police force operate under the defensive attribution theory. This theory states that individuals place levels of blame according to the relatability with the survivor. In particular, the researchers hypothesize that blame will decrease with the increasing similarity one feels with the survivor (Grubb and Turner 2012). According to UCR statistics, males account for 65-75% percent of working police officers compared to females, and the statistics are similar for lawyers (ABA). In cases of gender violence, RAINN estimates that 80-90% of sexual assault victims-survivors are female, and women are five times more likely than males to experience intimate partner violence (IPV) (OVC). If women are more likely to be subjected to sexual assault and the interactions with the criminal justice system are likely to be with males, a hypothesis can be made that actors within the criminal justice system are unlikely to empathize with survivors of gender violence and attribute blame to the survivor. Rape myth acceptance could also be seen as a component of defensive attribution theory, as it also tends to blame the survivor and cast doubt on credibility (Grubb and Turner 2012). Buying into rape myth acceptance can have significant consequences for individuals that report assaults by sending a message that gender violence is seen as a personal rather than a public concern, and there is no incentive on behalf of the criminal justice system to investigate further.

It is estimated that 1 in 5 women will experience rape in their lifetime, with an average of 321,500 victims-survivors of sexual assault in 2018 in the United States (Murphy et al. 2017; RAINN; Abrams 2018). Out of those sexual assaults, roughly 10-20 perpetrators will be convicted and face incarceration (RAINN via DOJ). Survivors of sexual assault do not report due a variety of reasons, such as fear of retaliation, a preference to handle the assault internally or amongst the community, reluctance towards reporting the perpetrator, or viewing the assault as

“not a big deal” (RAINN). At least 15% of survivors reported believing that police involvement would not help matters. Survivors that do report assault might wait years to contact the police and could be reluctant to get treatment for injuries or pregnancies that might result from the assault (Weist et al. 2014). Among those that have reported abuse to the authorities, studies show that satisfaction with the handling of the case is linked to the length of sentence given (Sumalla and Hernandez-Hidalgo 2018).

Statute of limitations are another example in which the state does not show concern for the reality of survivors’ varied responses to sexual violence. Although each state has different reporting requirements, historically the amount of time given to report sexual violence has been severely limited. In the 1960s, survivors were required to report their assault within one to six months, reinforcing the belief that if survivors did not report immediately, suspicion and doubt is raised (Abrams 2018). In recent years, statutes have been expanded to years rather than months, with some states eliminating a statute of limitations with the exception of felony rape varying from 10 to 21 years or more (RAINN). This expansion is a step in the right direction by eliminating a portion of the crisis model that the state takes towards sexual violence, but there is a danger in reinstating a model that puts pressure on survivors to report in a “timely manner” in conjunction with pushing for harsher sentencing understanding the impact these decisions can have (Abrams 2018). Heiner and Tyson via Nils Christie (2017) refer to this as “conflict theft” or “scapegoating,” where the state acts as the ‘victim’ and relegates the actual victim to a bystander in their own story, creating the narrative that survivors are wounded and will continue to struggle with the aftermath of violence (Heiner and Tyson 2017). The state is more concerned with portraying an idea of protection rather than taking the initiative to become more survivor-centric and truly operate in whatever manner is in the best interest of survivors.

Although the estimated reporting of sexual assault is dismal, policies have been implemented over the years that aim to show a united front between the criminal justice system and gender violence victims. The Violence Against Women Act (VAWA) was enacted in 1994, promising increased punitive measures for assault and protection for survivors, including the LGBTQI+ population, indigenous communities, and immigrants by providing funding for shelters, support groups, and legal basis to sue if an attack was gender-motivated (Whittier 2016). In 2019 VAWA was reauthorized with a new amendment that prevents anyone convicted of domestic abuse or stalking from buying a gun and expands rights to the transgender population (NPR). Feminist activists played a large role in advocating for VAWA, praising the bill's ability to protect "underserved communities" (Whittier 2016). In truth, the bill has provided valuable resources to survivors of gender violence and generated a national conversation surrounding the realities of violence that women face, with activists reporting a positive relationship between police and VAWA programs. Conversely, by collaborating with the state, the solution to gender violence took a carceral turn. Mandatory arrests and minimums were instituted, and these punitive policies are more likely to affect the populations VAWA vows to protect (Whittier 2016). Using punitive measures as an answer to gender violence does not seem to recognize that punishment stems from a system that does not prioritize eliminating gender violence and is perpetuating the cycle of violence. Movements such as the Battered Women's Movement (BWM) in the 1970s also suffered from this same cycle. Mandatory arrests and zero tolerance policies provided protection for survivors, but because of the attitudes surrounding domestic violence at the time, attackers were rarely arrested and left the survivor to endure continuing abuse (McDaniel-Miccio 2015). Policies can be implemented to reduce gender violence, but if the actors within the institution are working under hegemonic assumptions, the

new policies will create more harm than good. For example, individuals that have repeatedly called the police to report abuse have been charged under nuisance laws and arrested (Arnold 2019). Similar to the attitudes enforced by training, nuisance laws enforced by the city overwhelmingly target lower class women of color in domestic violence situations and discourage individuals from reporting assaults (Arnold 2019).

Although much focus has been placed on the attitudes and biases of actors within the criminal justice system, policies and procedures have been implemented that further enforce attitudes towards gender violence. The 1960s saw a rise towards a culture of “police arrest avoidance” in which intimate partner violence (IPV) incidents were generally “resolved” without arrest of the abuser, and the courts saw IPV cases as personal issues rather than public (McDaniel-Miccio 2015). The Law Enforcement and Assistance Administration (LEAA) project, which was created in 1974 and defunded in the 1980s (the same time frame as the implementation of feminist policies and movements), was initiated to equip officers with the tools to assess and assist the needs of victims-survivors and their families, and to address the larger issue of the increase of crime (NCJRS; Heiner and Tyson 2017). However, the training was rife with sexist and racist stereotypes, reducing IPV incidents to private matters that ‘victim’ blamed females, and advocated for mediation or counseling as opposed to the arrest of the male (McDaniel-Miccio 2015). Through LEAA, rape crisis centers and other survivor advocacy organizations were absorbed into the state and survivor services were bureaucratized (Heiner and Tyson 2017).

It is also worth addressing what other forms of survivor advocacy have been introduced beyond rape crisis centers and policy implementations. Rape crisis centers were one of the first survivor-centric approaches towards helping survivors of sexual violence, and little has been

done beyond this to create further change to survivor advocacy (Abrams 2018). In 2001, it was reported that only 21 percent of sexual violence survivors used rape crisis center services while 39-43 percent consulted the police or medical services (Abrams 2018). If no active measures are being taken to create alternative or mediary forms of survivor advocacy, survivors are forced to take the criminal justice approach that does not prioritize survivors' needs. Other movements such as the Antiviolence Movement of the 1960s and 1970s took a proactive approach to violence by organizing self-defense classes, Take Back the Night initiatives, and helped with creating rape crisis centers and legal reform, but eventually gave way to political structuring and cooperation with the state (Heiner and Tyson 2017).

Similar to VAWA, the Family Violence Prevention and Services Act (FVPSA) was enacted in 1984 to provide funding and resources to programs dedicated to an estimated 72,245 domestic violence survivors. FVPSA finances the National Domestic Violence Hotline and Network along with the Domestic Violence Coalition, providing potentially life-saving services to a vulnerable population (NNEDV). Legislation such as FVPSA showcases the possibilities of what great policymaking can create and the positive impact it can make without resorting to strictly carceral means, but it could be argued that the legislation's close ties with VAWA continues to seek increased punishment.

Other policies such as Title IX have been implemented and reframed to help with sexual violence on college campuses, which have been the location of grassroots efforts to educate and advocate for assault victims-survivors. Title IX was implemented in 1976 to ensure that "no person, on the basis of sex, be excluded from participation, be denied benefits, or be subjected to discrimination under any educational program or activity receiving federal financial assistance" (Know Your IX). In 2011, the Obama administration encouraged the expansion of Title IX to

include sexual violence on campus, hoping to create an environment that would help to end sexual violence by requiring schools to have a policy against sex discrimination and enact the necessary steps to investigate sexual violence promptly and effectively (US Dept of Education).

Along with survivor advocacy policies that have been implemented over the years, laws have also been enacted to prosecute gender violence. In response to the Anti-Rape movement in the 1970s, rape reform statutes were redefined in each state by offense, evidentiary reform, redefining statutory rape, and changing level of offense and severity of crime (Seidman et al. 2005). However, these reform efforts seem to have had little effect towards deterring assault and have added to the disillusionment that survivors have with the criminal justice system. The current requirements that rape laws need to prosecute endanger the survivor's right to privacy, identity, protection and financial stability, and legal scholars are still disagreeing on the required definition of consent (Seidman et al. 2005). Recently, states such as North Carolina have introduced bills to allocate funds to test the backlog of rape kits and create protocol for housing and testing rape kits (NC Legislation), and although this is a promising step towards promoting survivor prioritization, we cannot be disillusioned into seeing the state as sovereign or neutral. Recognition of a step forward must be seen as separate from the reality of state power and monitor whether these laws create policy change for the better and understanding from these policies and reform efforts which groups benefit (Mack and McCann 2018). The state has a history of co-opting programs and policies and creating a need for reliance on the state in order for funding, cooperation, and advocacy to continue, and tend to evolve mimic and reflect state goals (Abrams 2018; Heiner and Tyson 2017). Again, we must question whether or in what manner do we allow or trust the state to "save" survivors of gender violence, and who pays the price to be "saved" (Mack and McCann 2018).



## **Intersectionality**

Statistically speaking, women are more likely to experience sexual assault and gender violence than men. The National Sexual Violence Resource Center reports that as of 2015, 1 in 5 women will be raped compared to 1 in 71 men, with women at a much higher risk of experiencing sexual exploitation, IPV, and sexual harassment (NSVRC). However, women of color and transgender, non-binary or gender non-conforming individuals are vulnerable to violence as they are less likely to report assault at the risk of experiencing further trauma at the hands of the criminal justice system, in addition to potentially exposing the abuser to a harsh sentence (Spencer et al 2017). The Sentencing Project reports that 1 in 3 African American males and 1 in 6 Latino males are likely to serve prison time as compared to white men (1 in 17) (The Sentencing Project). Although those statistics are not gender violence specific, RAINN reports that white individuals account for 57 percent of reported sexual assaults as compared to 27 percent for Black individuals (RAINN). If we evaluate these percentages through the lens of gender violence, we can hypothesize that survivors of gender violence that belong to marginalized communities are more likely to decline reporting an assault because the likelihood of the offender being sent to prison is higher than that of a person with a white-passing, middle-class status. Although survivors of gender violence tend to experience revictimization at the hands of the criminal justice system, it is clear that women and individuals within marginalized communities have additional hurdles to overcome to have their case investigated (Spencer et al. 2018).

The traditional forms of feminism (Liberal, Radical, Marxist, and Socialist) have received scrutiny, claiming that not enough focus has been placed on relationships between institutions and the violence that is perpetuated through them (Renzetti 2012). In particular, Black women

express concern that the violence they withstand lives in the shadow of the criminalization and incarceration of Black men (Jibrin 2017). Historically, Black women have been exploited and demonized by the state through a number of means (slavery, Jim Crow, welfare restructuring), and yet are routinely denied protection from violence (Jibrin 2017). Across race, Black women are less likely to report gender violence to police, and socioeconomic status plays a huge role in determining if they will seek out resources and rely on support from family and friends (Tillman et al. 2010). Black women encounter many setbacks when reporting sexual assault, such as working against racialized assumptions about their sexuality. They are depicted as hypersexual beings and rejecting traditional gender and societal roles in favor of criminality, and these stereotypes greatly affect interactions with the state (Tillman et al. 2010; Abrams 2018; Mack and McCann 2018). Due to historically negative interactions and the trend of incarcerating Black men, Black women report hesitancy to report crime that has been perpetrated by Black men due to the likelihood of imprisonment (Tillman et al. 2010). Therefore, it appears Black women look to other types of intervention and could greatly benefit from culturally specific resources that allow them to seek resolve on their own terms rather than adding to the percentage of incarcerated Black men. A study published by Weist et al. in 2014 found that while the majority of Black women and white women in the study were similar in their response to sexual violence, Black women were less likely to seek counseling or therapy, with both populations similar in waiting an extended period of time to reach out for services.

Apart from race, members of the LGBTQ+ community express concern that gender violence is not seen as a valid concern and express frustration that the state considers gender violence through binary means rather than including the experiences of trans and non-binary individuals. Members of this community are reluctant to report gender violence to police due to a

fear of secondary victimization and the possibility of identity exposure (Lorenzetti et al. 2017; Buist and Lenning 2015). Although Allen and Bradley's (2018) analysis of the CJS's gender bias towards IPV does not focus on LGBTQ+ partnerships, gender stereotypes can shape actions taken against abusers. Research shows that the CJS is more likely to arrest men that abuse, and women are likely to be seen as less serious, as gender stereotypes perceive men as "bigger, stronger, and tougher," and less likely to experience violence (Lorenzetti et al. 2017). The National Coalition Against Domestic Violence (NCADV) reports that in 2018, women that identified as lesbian or bisexual were at an increased risk of experiencing gender and sexual violence (43.8 & 61.1%) in comparison to women in heterosexual relationships (35%). Males that identified as gay or bisexual were at a slightly higher risk of experiencing gender and sexual violence (26% & 37.3%) compared to men in heterosexual relationships (29%). Men in same sex relationships were also less likely to report abuse, which could be attributed to aforementioned cultural gender stereotypes. The NCADV also reports that LGBTQ+ individuals experience abuse that is unique to the community, such as "outing," and misgendering, and experience barriers to assistance such as female-only shelters. While this only begins to touch the surface of the hoops that LGBTQ+ individuals must work through to receive help, it sheds light on how ill-equipped the state is to accurately respond to IPV within this community.

While it is impossible to fully explain the multitude of ways identity and sexuality intersect with the state, the state is responsible for cultivating a hostile environment for those that experience gender violence (Heiner and Tyson 2017). To respond to violence in a knee-jerk manner discounts the decades of education and research that detail the ways in which communities advocate and provide support for survivors, and it uniquely impacts marginalized

communities by disregarding history while further privileging those that are more likely to seek state intervention (Abrams 2018).

### **The Me Too Movement**

In 2006, Tarana Burke created the relationship between “Me Too” and sexual assault but it was not until October 2017 that the hashtag #MeToo became synonymous worldwide with stories of sexual assault (Tambe 2018). The movement was initially centered around low-income women and children of color to help individuals that had survived sexual assault, but due to the viral hashtag circulated in 2017 the movement has transitioned to a national and global scale to help survivors and activists of all backgrounds create change through curriculum, resources, and advocating for legislation that supports survivors of sexual assault. The aforementioned hashtag “#MeToo” gained huge popularity in October 2017 on social media by attaching it to a tweet or post, signaling that the individual had a personal story of abuse. The amount of use on social media emphasized just how widespread sexual violence is, which created a new question: how is sexual violence so rampant and yet so little has been done in the realm of legal, political, and cultural work to create change?

When we consider the change that is being called for, the word “justice” is often used. However, it must be questioned what kind of justice is being called for and whether the Me Too movement has been co-opted for an agenda that undermines the individuals that the movement was created for. Is the Me Too movement becoming a cooperator with a “capitalist, patriarchal, and sexist system” that has been sustained for decades or is it a move in a direction that will dismantle cultural and political norms (Gill and Orgad 2018).

One type of framework to understand how the Me Too movement and justice are being conflated is through rape crisis framing. Crisis implies urgency and although gender violence is

an issue that needs attention, is swift urgency beneficial (Abrams 2018)? Urgency can resurrect requirements and reforms that create barriers for reporting abuse, such as statutes of limitations or burden of proof for evidence (Abrams 2018). Rape crisis framing also paints the issue of sexual violence as temporary rather than a historical and systemic issue, and therefore a temporary fix can be made without accurately representing the totality of the issue (Abrams 2018). Overall, viewing assault under a crisis framework limits the ability to address sexual violence in a holistic manner because it assumes that a legal approach is best rather than accounting for intersectionality and autonomy, and assumes that if survivors do not take action they are in the wrong (Abrams 2018). A crisis framework that relies on state-centered interventions perpetuates the cycle of abuse by increasing state control and creating a need to be saved or rather, a temporary individual issue rather than a systemic public issue (Mack and McCann 2018). This disempowers survivors by taking away choice and autonomy and gives power to the state to perpetuate violence on both the accused and the survivor, and only seeks to benefit those within a marginalized community that already carry a certain amount of privilege.

Another framework that is worth considering is the relationship between feminism and carceralism. Feminism has a history of collaborating with the state to create legislation that claims to be beneficial for women through policies such as VAWA, BWM & FVPSA, and through organizations like the National Organization for Women, but a deeper look into these policies show that they disregard securing protection for women of color, immigrants, non-heterosexual partners, and non-binary or transgender individuals (Whittier 2016; Whalley and Hackett 2017). Research has shown that state intervention regarding violence against women can further perpetuate violence by not understanding that the ways in which seeking help can vary across identities, and these actions further embolden the state to react in a carceral manner

without understanding the personal and generational impact these policies have (Whalley and Hackett 2017). When we consider the relationship between the Me Too movement and the state, we have seen a co-optation of the movement, born from the need to create a space for women of color to address and heal from violence to a call-out culture for others to demand criminal justice intervention for those that have skirted accountability for their actions. This particular rhetoric led to the creation of initiatives such as Times Up to give individuals without monetary means the opportunity to pursue legal intervention against offenders. While this shift is not inherently wrong or malicious, it does highlight the framing of violence against women as isolated incidents and not representative of the culture that sustains this abuse. Secondly, clinging to legal or criminal courses of action further emphasizes that non-punitive options that stand to disrupt the current system that perpetuates this abuse have either not gained momentum or have been silenced, and instead we continue to ask survivors to fight violence within the same framework.

### **Carceral Feminism**

Although criminal justice intervention is the most widely used form of intervention for gender violence, consideration as to why punitive and carceral methods continue to be standard is important, especially considering the historical response (or lack thereof) of the criminal justice system. What is it about this approach that draws so many to conclude it to be the best tactic for achieving justice? Furthermore, does criminal justice intervention create a space that oppresses or excludes individuals that might be reluctant to search for justice in this manner? As Jibrin (2018) states so eloquently, “How do we make sense of feminist conceptualizations of movement building that rests on notions of cultural pathology and seek re-dress from a state that exacts violence on poor, Black women”? While it is not just poor, Black women that are overwhelmingly affected by policies that rely on the state to reduce harm, this statement brings

to light the ideology of carceral feminism, and the privilege that is required in order to advocate for carceral means in all situations, but particularly with gender violence. The actions taken against gender violence highlight how racialized punitive measures are and continue to be without regard for the consequences that occur from these policies (Mack and McCann 2017).

Carceral feminism operates under the framework that sustained institutional harm is the best method to “correct” violent behavior and is the preferred method for offering justice to those that have been harmed (Sweet 2016). According to Sweet, carceral feminism’s origins began during the antirape movement in the 1970s when we began to see growth in prison institutions along with policies that were implemented in such a manner to increase the incarceration of people of color and those of a low socioeconomic status and has grown in recent years to politicize gender violence through deregulations and decentralization (Sweet 2016; Mack and McCann 2018). This has created a false sense of justice for women by aligning with the state, but in actuality criminal justice intervention for gender violence has caused further harm through revictimization, lack of convictions by way of the justice gap, and not taking into account the power dynamics that are associated with gender violence.

The ideology of carceral feminism implicitly sees gender violence as a personal issue rather than a systemic issue and continues to look to the courts to create justice without recognizing the harm being perpetuated, while reinforcing the patriarchal structure by not only looking to the state to create victimhood but also by viewing the state as a paternal structure that seeks to correct harms done without recognition of the harm that comes at the hands of the state (Mack and McCann 2018). In particular, white feminism has played a major role in cooperating with the state through white feminist organizations that has enabled police and the courts to enact harm in the name of equality (Whalley and Hackett 2017). Without acknowledging the role that

the criminal justice system plays in furthering oppression and violence, white feminism maintains an allyship with the state to further its own agenda while harming those that do not fall within the hegemonic, patriarchal umbrella. Whalley and Hackett (2017) refer to this as the sexual assault response industrial complex, a system in which “carceral systems profit from violence occurring”. By viewing victim-survivors’ bodies as a crime scene, healthcare systems, survivor advocacy groups and the criminal justice system operate in a manner that commodifies violence and has moved further away from survivor-centric approaches (Whalley and Hackett 2017).

### **Alternative Forms of Justice**

Rape crisis centers were one of the first options that survivors of sexual violence had to understand and deal with their trauma without resorting to punitive means. Unfortunately, rape crisis centers were soon enveloped into the sphere of the criminal justice system, and survivors were left with few choices that were not carceral. This begs the question: should survivors have the right or the option to explore other forms of justice that are not punitive? Restorative and Rehabilitative justice, along with Gender Responsive Justice and Community Accountability have been discussed in relation to sexual violence, but do they provide justice for survivors and society at large?

Restorative justice (RJ) is a process of finding justice through acknowledgement of harm that seeks to resolve and create restitution rather than create further harm through punitive measures (van Wormer 2009). RJ is survivor-centric and is rooted in the understanding that a resolution for harm done cannot be achieved when the survivor is not an active part of the process and the offender takes personal responsibility for harm done. The offender actively seeks to understand the harm and damage that has been placed upon the survivor and the community



impacted through offender and family group conferencing, healing circles, and community reparations (van Wormer 2009). RJ provides “carefully reasoned, safe, and respectful alternatives for sexual assault if we collaborate, consult and listen to the needs of our constituencies” (McGlynn et al. 2012). An important distinction to be made is the difference between RJ and mediation. Mediation seeks to resolve disputes with blame dispersed, whereas RJ operates under the assumption that there is a clear ‘victim’ and ‘offender’ (McGlynn et al. 2012). Tamarit Sumalla and Hernandez-Hidalgo (2018) cited that the five elements of survivors’ justice interests rather than needs are participation, voice, validation, vindication, and offender accountability-taking responsibility. When we consider the survivors’ needs rather than the desires of the CJS, we can begin to structure a system that caters to those needs while also understanding the motives of the offender. If we consider Maslow’s hierarchy of needs in relation to survivors, the CJS or any framework used for justice purposes should seek to meet the needs of survivors, such as privacy, residential status, access to resources, access to protection within the CJS, access to safe housing, education, employment, and financial stability (Seidman et. al 2005). Primarily, survivors need access to the essentials - air, food, water, shelter, warmth, sex, and sleep (Seidman et. al 2005). Once these basic needs have been met, the survivor has the ability to give focus to their trauma and explore the ways in which it can be handled, rather than forcing survivors into crisis mode. Therefore, the justice system should be in the business of meeting survivors’ primary needs that allow them to be advocates for what justice should look like rather than operate at the mercy of the CJS and its time-table (Seidman et. al 2005).

Another key aspect of RJ is the approach taken with the offender and questioning whether the approach to sexual violence should be restorative rather than punitive. Through the decades, policies have been implemented that have sought to deter or prevent offenses but have

rarely sought to understand why offenses are occurring. Those that commit sexual offenses are perceived by the public as especially violent, deserving of extensive punishment that other offenses might not warrant (Rogers and Ferguson 2011). Rogers and Ferguson postulate that this distinction could be attributed to moral panic in that sexual violence generates such high levels of negative reactions amongst the public that excessive punishment is deemed necessary (2011). Sexual psychopath laws, sex offender registries (SORN), community protection acts, and GPS monitoring are a few of the actions that have been taken to address sexual violence, and although both RAINN and the Bureau of Justice report a decline in sexual assault (556,000 in 1995 compared to 270,000 in 2010 or 4.3% in 1990 compared with 1.2% in 2016), this data is dependent on the number of incidents reported. If the justice gap and reporting gap are taken into account, could speculation be made that the decrease in reporting could be due to lack of faith in the CJS? It could also be speculated that due to VAWA implementation in the 1990s, reports might have increased with the assumption that more convictions would occur. Due to this sustained prevalence of sexual violence, RJ programs seek to reduce initial and subsequent offenses by working closely with offenders to understand why they are at risk to offend. Programs such as the Dunkelfeld Project and Circles of Support and Accountability (CoSA) have been implemented on a small scale that show “promising” results, but Harper and Harris emphasize that in order to see RJ programs on a larger scale, the public’s perception of sexual violence must be understood in terms of morality and how the public perceives an act versus the offender (2017).

Although RJ practices operate in a manner that seeks to undo the harm caused by the CJS through survivor-centered approaches, the idea of obtaining justice outside of the CJS remains controversial, particularly in relation to an act of sexual violence. By excluding or diminishing

CJS involvement, concerns are raised that RJ is more of an experiment that can actually increase a survivor's susceptibility to violence, particularly when considering the power imbalances and racial and cultural differences that are a key factor in understanding sexual violence (McGlynn et. al 2012; van Wormer 2009). However, it is evident that survivors are in search of a method that allows for their input and involvement, and while closure or justice might not be reached, the survivor has the opportunity to be an integral part of the process that works towards healing (McGlynn et. al 2012). Those that work in RJ programs find that offenders are more likely to admit guilt and garner a favorable outcome for both offender and survivor when early intervention is accessible versus the long process through the legal system. (McGlynn et. al 2012). Project Restore in New Zealand, RESTORE (Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience) in Arizona, and practices in Denmark, South Africa, Australia, and Canada are examples of RJ in practice that operate through referrals from the courts and community (McGlynn et. al 2012; van Wormer 2009).

Similar to RJ, Gender-Responsive Justice (GRJ) and Community Accountability (CA) are two other approaches that seek to reduce and abolish state violence with respect to understanding the different needs of each respective gender in terms of providing rehabilitative services and understanding crime in relation to gender, along with creating an environment to address and redress violence (Heiner and Tyson 2017). GRJ operates under the understanding that crime appears differently across gender and this approach seeks to create programs and carceral facilities that address these issues in a guided manner (Heiner and Tyson 2017). Examples of this approach are gender-responsive prisons that have programs such as nurseries that allow pregnant prisoners the opportunity to give birth and care for their child while in custody and substance abuse treatment programs that are designed to address the trauma that is

typically associated with substance abuse (Saxena et. al 2014). However, there are individuals that believe the ultimate goal should be to abolish women's institutions and focus more on CA by looking to the structures that perpetuate violence and crime in order to bring an end to violence against women and the issues that create crime (Saxena et. al 2014).

CA is slightly different in that it operates outside of the bounds of the CJS by working within and with the community rather than outside of it. CA requires accountability from the aggressor, the community itself and the practices that cultivated violence, the social and state institutions within the community that perpetuate heteropatriarchal and white supremacist norms, the survivor(s), and the process of CA itself (Saxena et. al 2014). The root of CA is to see the aggressor(s) as capable of accountability and transformation rather than assuming change can never occur. CA operates using three levels of change. First-order change requires the aggressor to acknowledge harm and reflect on why that harm was created and seek to alter their strategies when attempting to solve a problem. Second-order change asks individuals to continue to examine not only themselves and their actions but also begin to shift their actions in response to these acknowledgements. Third-order change puts these actions in effect by creating "non-carceral, life-affirming, decolonial responses to violence," and returns back to the community rather than professional or institutional intervention (Saxena et. al 2014). One such example of a CA program is Men Stopping Violence (MSV), a program based out of Atlanta, Georgia that offers a 6-month "batterers' intervention program" to mitigate and ultimately eliminate violence against women. They offer classes and programs that help men to understand violence through a gendered perspective, educational training, opportunities to go into the community and educate others about violence, internships, parenting classes, and mentorships (Douglas et. al 2008).

The idea behind these alternative forms of justice is to meet survivors' and the communities' needs for "justice" where the CJS might fail to understand or meet those needs. Survivor experiences (direct or indirect) with the CJS can alter how they might perceive certain punishments (i.e., too harsh, or too lenient) and could open the door to explore other methods of justice. A study by Davila et. al (2011) found that individuals that had either been charged with a crime or had a close friend or family member perceived sentences as too harsh. Although this particular study did not focus on gender violence, it does raise the question as to how those with personal or close experience with gender violence might perceive how the CJS handles these situations and whether they are perceived to be too lenient or ineffective. Furthermore, would these individuals or the public at large be open to other forms of justice if they become more informed about their existence and their potential? When considering the needs of survivors "we must not limit the possibilities of securing some form of justice only to those who feel able or willing to report to the prosecuting authorities. Restorative interventions should be available to victim-survivors even when there is no report to the police. Further, RJ should also be available long after the conventional CJS has run its course, whatever the outcome" (McGlynn et. al 2012).

### CHAPTER III: RESEARCH METHODS

The purpose of this study is to understand the relationship between the Me Too movement and beliefs about the punishment of sexual assault. Interviewees are self-described feminists who have in some way participated in the Me Too movement. Two paths were used to obtain the data to answer the research questions: recruitment surveys and interviews.

Recruitment surveys were necessary to assemble the participants that met the criteria for interviews, which were that potential respondents must self-identify as feminists and have some involvement in Me Too. I also looked to diversify the group of interviewees by race, socioeconomic status, sexuality, age, and political ideology. Two central research questions guided the venture:

- 1) Has the Me Too movement had an impact on carceral views among self-identified feminists?
  - a. How has the Me Too movement made an impact on carceral views, especially when considering punishment for sexual assault cases?
- 2) What are the similarities and differences in views on punishment among self-identified feminists?
  - a. What experiences have influenced feminists in their views surrounding punitive measures?

Selection of participants occurred based on the variety of demographics from survey participants. For example, I anticipated that most individuals that completed the survey would be white, heterosexual, and identify politically as Democrats; therefore, I was eager to interview any individuals that completed the survey and deviated from the anticipated population. The

interviews were semi-structured, ensuring topics that needed to be discussed were allowed but gave the opportunity for expansion on questions that needed to be further explored. Once the pre-determined questions were answered, the interviewees were presented with a vignette detailing a scenario involving sexual violence in which participants were asked questions and elaborate on how they would define appropriate punishment in this scenario. Using such a qualitative research design allowed for the unique experiences of each interviewee to be highlighted along with giving interviewees the space to consider alternative forms of justice presented by the interviewer. It should be noted that the purpose of these interviews was not intended to change any interviewees opinion or perception of punishment, but rather to gain insight into the beliefs surrounding punishment of sexual violence and how firmly those beliefs are held.

A semi-structured interview method was chosen for data collection because it is explorative, allows for induction, and can provide an in-depth examination of the topic (Dworkin 2012). The use of interviews as a method can be risky due to the limitation of data, reliability, and availability of sources, as well as internal validity of the researcher when interpreting the data (Diefenbach 2009). In order to decrease the chance of validity threat, both my interview questions and my interviewees were selected cautiously. My interview questions were curated to reduce the risk of leading or suggesting the participants towards carceral beliefs because I did not want to create a false relationship. Indeed, the goal of this project is to understand whether a relationship exists rather than creating one. The only threat I considered unavoidable was the geographical location of my interviewees. I assumed I would be limited to the Greensboro, North Carolina, and surrounding area but my ability to recruit online via social media allowed the opportunity to interview individuals outside of North Carolina.

## Recruitment

The candidates I sought to interview were a minimum of 18 years of age and self-identified as female, although it was not a requirement to be cisgender, and as a feminist. Desired candidates were a range of ages, race and ethnicity, class, and sexual orientation. In the recruitment process, potential participants were required to fill out a Qualtrics survey that asked individuals to disclose their race, socioeconomic status, political affiliation, sexuality, and age, and whether the individual or close family and friends have had interactions with the police in relation to sexual assault and/or intimate partner violence. My hope was to have 10-15 interviews, and ultimately I ended up with 10 interviews. This number of interviews allowed for a reasonable amount of saturation (Dworkin 2009), meaning I received an adequate amount of data to form themes and categories along with rich anecdotal information.

I chose to recruit individuals for my project through three main avenues: Facebook, local organizations, and student clubs at the University of North Carolina at Greensboro. I chose these three areas because I knew each would provide a large pool of candidates to choose from with a variety of demographics.

On Facebook, I recruited on five separate groups: Reedy Fork Community Page, NC Murderinos, Piedmont Triad Murderinos, Higher Edurinos, and the University of North Carolina at Greensboro Sociology page, with full disclosure that I was a member of these groups prior to recruitment. In each group I messaged the moderator of the group requesting permission to post a recruitment flyer and once permission was received I made a post in the group with a small blurb discussing what the project was intending to study. As a side note, two individuals that I interviewed disclosed that they heard about my study through word of mouth through friends on Facebook and emailed me to participate.



Locally, I recruited through the League of Women Voters of the Piedmont Triad and the Greensboro Library. Similar to the process with Facebook, I emailed each organization with my recruitment flyer and a brief summary of my project, and each organization forwarded the information to members and staff. I also submitted this same information to multiple student organizations at the University of North Carolina at Greensboro, such as the American Association of University Women and Young Americans for Freedom but did not receive a response back.

Overall, I ended up with 20 responses to my recruitment survey. From these responses I chose 10 individuals to interview. The respondents that were not chosen to participate in the study were for various reasons. The main indication to be chosen for this project was the variability in demographics. As mentioned earlier, I expected to attract white and heterosexual respondents with democratic affiliation, and I was correct in my assumption as that was the majority of respondents. Once I had made contact with eight respondents that met this criteria, I made the decision to not pursue an interview unless other respondents fell through. At this point in the recruitment process, I had secured interviews with respondents that met other demographic criteria that helped create a varied pool of participants. Another reason for not choosing participants related to time constraints and filling out the recruitment survey. I noted a deadline for individuals to fill out the recruitment survey by January 15, 2021, and I had four respondents fill out of the survey after this deadline. The survey questions are shown in Appendix C .

### **Interviews**

Interview questions included preliminary questions, such as the participants' current beliefs about the handling of sexual violence in the criminal justice system and whether these beliefs were held prior to their introduction to the Me Too movement. Once the interviews were

completed, the answers were evaluated by determining who had carceral and non-carceral beliefs, while examining similarities and differences of these groups across demographics.

The latter portion of the interview process included a vignette that detailed a scenario involving sexual violence in which the interviewees were asked to discuss and give their opinion on appropriate punishment. The purpose of the vignette is to provide a hypothetical scenario to determine whether beliefs or opinions change when presented with a challenging narrative. (See Appendix B)

Due to COVID-19, the interviews were conducted solely on Zoom to comply with state and federal regulations regarding social distancing. The interviews were recorded via Zoom and a voice recorder application and were transcribed immediately after each interview. Data collected from the interviews were analyzed via open coding. This was established by using open-ended questions that allowed me to detect patterns and similarities depending on the population of my interviewees and the answers given.

## CHAPTER IV: FINDINGS

This section will report the major findings of this research study and examine the carceral and non-carceral beliefs of feminists in relation to justice for sexual assault. These beliefs are further examined in connection with those that have had interactions with the police in relation to sexual assault and IPV and those that have not. To begin, it is important to provide the basic demographics of the research participants (Table 1) as well as each participant’s relationship with feminism, how they each define it for themselves, and how their social identities influence their particular feminist views (Table 2).

Table 1. Demographics

	Race	Age	Sexuality	Political Affiliation	Income	Interaction with police
Layla	Other	45-54	Hetero	Democrat	\$40-49k	No
Jane	White	25-34	Hetero	Democrat	\$40-49k	No
Grace	White	25-34	Hetero	Democrat	\$80-89k	No but friends have
Macey	White	25-34	Hetero	Democrat	\$50-59k	No
Lauren	White	25-34	Pansexual	Democrat	\$30-39k	Yes
Jennifer	Asian	25-34	Hetero	Independent	\$70-79k	Yes
Vicki	White	65-74	Hetero	Independent	\$90-99k	No
D	White	25-34	Hetero	Independent	\$30-39k	Yes
Liz	White	25-34	Hetero	Democrat	\$50-59k	Yes
Ann	White	65-74	Hetero	Democrat	\$60-69k	No

Feminism and what it stands for can vary greatly. Feminists and non-feminists alike have differing opinions on the true meaning of feminism and even amongst the feminists that were interviewed for the study, no two definitions were alike. Table 2 shows how each participant defined feminism for themselves.

Table 2. Feminism Definitions

Name	Definition of Feminism	Type of Feminism
Layla	Equal treatment and respect for all genders and the right to also want respect for individual differences and choices regarding gender roles. Empowering all women shouldn't be perceived as taking anything away from men. Having a gender-equal society benefits everyone.	Liberal/Intersectional
Jane	Seeking radical equality and representation for all gender identities.	Intersectional
Grace	A person who thinks it's a woman's time to do it all like men have been told for years. Women are just as smart and deserving of having it all with nothing to stop them.	Liberal
Macey	Standing up for the rights of all women to interact and exist in a space in society. Feminism should be inclusive where the goal is to dismantle structures that oppress women and other minority groups.	Intersectional
Lauren	Being a feminist means standing up and fighting for equality for everyone, not just white women.	Intersectional
Jennifer	The basic foundation of having equality among both sexes	Liberal
Vicki	Believing that gender should not define a person or define or limit what a person can do. Equality for all.	Liberal
D	Being independent, self-motivated, strong, and able to make my own decisions with confidence.	Liberal
Liz	Believing and advocating for the rights of women as equal to men.	Liberal
Ann	It means believing that women have a right to equal pay for equal work, they should not be relegated to only traditional roles, and that they have a right to authority over their own bodies	Liberal

A common theme of equality ran throughout the majority of the interviewees' definitions. The theme of equality among genders is the standard definition of feminism that

most people would allude to when describing it, but this can be problematic when we consider not only the “whitewashing” of feminism but the mentality that true equality of women is achieved by reaching a white, heteronormative, patriarchal standard.

Layla, Jane, and Lauren have evolved their definition of feminism to encompass all genders rather than just women, with Lauren specifically noting that the standard for feminism and equality is not “white women.” Macey’s definition is intersectional and radical as she speaks to dismantling oppressive structures that affect all identities. Intersectional feminism looks at the interaction of social, economic, and political forces in relation to gender in order to create a society that is inclusive and adaptive to all (Whittier 2016). This provokes a perception that feminism and Me Too are subliminally referring to, and that is the right to not only exist, but to thrive in a society. The Me Too movement highlights the desire to exist in a world that welcomes and appreciates all identities and to not be relegated to an existence in which one is objectified or seen as subordinate.

For these feminists, their introduction began in the home. Each participant described how their upbringing influenced where they are today in their feminist beliefs. Liz, Grace, and Jane described a childhood in which they were raised by feminists. Liz describes the environment in her home growing up as a “woman forward household,” with her parents instilling in her equality and gender should not hold her back from her dreams. Grace describes a similar upbringing, stating that her parents had equal roles in their marriage and she was taught that her dreams were achievable. Jane was “raised by a second-wave feminist” and grew up identifying as a feminist but college really instilled in her the radical feminism she identifies with today.

D & Macey describe an upbringing that was “subconsciously feminist,” meaning that feminist views were never expressed in their homes but there was an underlying belief that they

were capable of anything. D describes being brought up to be independent and connected with feminism in college. Macey recalls a similar experience in college and recognized how acting masculine in her family and taking on more masculine ideas won respect in her family.

Vicki describes a typical upbringing in the 1960s when second-wave feminism was gaining momentum and she describes being influenced by the feminist messages she would hear in media. However, she is the only feminist in her family today, stating that her mother, sister and nieces all “buy into the patriarchal mindset.” Vicki hypothesizes that her time spent in the workforce and seeing the difference in treatment of women instilled this belief in her as opposed to her family members.

Jennifer’s story as a trans-racial adoptee in a white home subconsciously instilled in her a feminist mindset, growing up in a home that was described as “still a very 1950s relationship where the mom’s in the kitchen,” growing resentment at the lack of assertiveness and resolving to create her own path and create more equal and supportive relationships and grow stronger in her racial and gender identities.

Lauren, Layla, and Ann describe homes that were not feminist and encouraged accepted gender roles. Ann recalls an early memory around seven years old as the oldest of two sisters and when her brother was born and her dad was so excited. She remembers asking her mother, “What’s wrong with Mary & I?” This nagging feeling of her gender not being “good enough” led her to join a feminist group at 17 and had a big impact on how she sees gender and equality. Similarly, Layla recalls being confused at a young age at Catholic school as to why men were promoted and women were relegated to nuns for perpetuity, solidifying for her the notion that women were seen as “second-class citizens” and the sinful ways of women that were intertwined throughout religious stories. Lauren describes growing up with a negative view of feminism,

thinking it was composed of “man haters” and “femi-nazis” and the idea that “boys only want one thing” while noting that her mother did instill in her to “never rely on a man” and to strive to be a “strong woman.” She details trauma from an abusive relationship that instilled this warped idea of feminism but once she came to terms that she was queer, started teaching and had a partner that challenged her ideas, she realized feminism was much more than what she learned at a young age.

A major finding in this research based on the data is that overall, *the majority of feminists did not perceive the Me Too movement as creating a shift towards carceral feminism or increased desire for carceral punishment as they did not expect to find or create justice within the criminal justice system.* However, the feminists revealed a spectrum of ideologies about justice for sexual assault, ranging from excessively punitive to abolitionist.

A second major finding based on the data finds that the Me Too movement might NOT prompt a revival of punitive policies for sexual assault offenders by noting the complex and varied responses that the feminists held towards justice. However, this finding must be noted within the context of the small group of participants.

While some feminists were aware of the effect the Me Too movement had on their beliefs surrounding sexual assault, not all noted a perceived relationship. Additionally, a distinction should be made that some did not always equate carcerality with justice. Glimpses of retributive justice was seen in interviews in addition to expressive justice, which is the public naming and shaming of criminals or offenders (Bernstein 2012). Although these types of “justice” may not be visibly carceral, do these means unintentionally expand the carceral state through pushing for justice to occur? Throughout the following section, I explore how interviewees can be

categorized as carceral or non-carceral and in a more nuanced way, discuss a spectrum of ideologies about crime and punishment.

All participants expressed a belief that the Me Too movement had an effect on how we as a society approach sexual assault and violence because it created a platform to discuss these issues by addressing responses to sexual assault, such as confusion as to why assaults may not immediately be reported, the implications of ruining someone's career, and the pervasiveness of sexual assault and harassment. Several participants also indicated that due to the expanse of Me Too they have noticed an increase in access to survivor resources and alternative means of help post-assault, but they were unsure as to whether Me Too would ultimately make an impact on the criminal justice system and how it handles sexual assault. Based on these concerns about the CJS, several interviewees indicated that should they be assaulted in the future they would think twice about reporting to the police. Grace stated, 'I don't think the legal system...is set up for anyone to get a reasonable amount of justice.' Similarly, Vicki mentioned the lack of rape kit testing across the country, stating,

I mean, what does that say about how we feel about women being assaulted, that they don't even process the rape kits? And then for women who have already been violated to have to then be interrogated about what happened? It just seems that there are better ways of handling that.

Another interviewee, Jennifer, disclosed that when she attempted to get a restraining order against her stalker, the officer did not pursue it on lack of evidence and felt scared that her stalker would have to harm her before she could get help. In fact, she was told by one officer that because there was no proof of a physical altercation, there was not enough evidence for a case. This left her confused as she had many instances of his harassment, such as excessive phone calls (i.e., 98 phone calls in one hour) and multiple fake accounts on social media sending her



and her family threatening messages, as well as numerous incidents in which he showed up unannounced to her work and apartments. She stated, ‘...why is it set up by design to fail women so that they’re not taken seriously until after it’s too late?’ She was ultimately able to secure a restraining order after a year of harassment. She later found out that while she was trying to get a restraining order against her stalker he had multiple DUIs, was caught selling drugs, and had a recent stay at a mental health facility, and this was ignored. Even though it has been years, she states she still feels unsafe at times and this incident has impacted where she has lived in order to maintain a feeling of security.

Liz has similar feelings about how the system works, stating,

I hope [Me Too] is moving, moves the system in a better direction. The system works incredibly slow so even having a large social movement like this isn’t going to do very much very fast in a tangible justice system way.

Similarly, Jane said in regard to Harvey Weinstein’s case,

...he certainly does need to be imprisoned but its dragged on for so long and he still has so much money and influence and power than can work within our criminal justice system to really slow things down, so are the people that have accused him...feel like justice is being served?

Harvey Weinstein also highlights the difference in the levels of abuse. Lauren suspects that the reason Weinstein received a sentence is the publicity and dozens of accusers, but what about the men who only have two or three accusers? When does a number become sufficient for belief?

Ann had similar concerns, asking ‘Do 100 million women have to pay the price because one man might be accused falsely?’ However, Vicki did indicate that she had become more carceral by default because it was the only avenue to receive any type of justice in the current system, particularly with repeat offenders, but 2020 opened her eyes to advocating for systemic change in policing. Jennifer added that she perceived society to associate incarceration with

accountability and saw the act of incarceration as nothing more than political, with no true concern for survivors. Several study participants also noted that justice could not be achieved in the current system as survivors had little involvement in the outcome and doubted that there would be much change in sentencing in the future.

Certain participants noted a concern that Me Too could further the narrative of discrediting survivors by creating a narrative of individuals ‘jumping on the bandwagon’ and fabricating stories for attention. For example, Lauren stated that she got the impression that the public would double down on incarceration, particularly after the protests that occurred in 2020. However, Layla had a different perspective on the impact of understanding survivors’ responses, admitting that prior to Me Too her initial reaction to allegations would have been to doubt the ‘victim’ and would be concerned for how allegations would affect the male, but Me Too has allowed her to recognize why women may not come forward or why they come forward in their own time. Jane also admitted to being more punitive prior to the Me Too movement, stating that she was of the mindset to ‘throw them all in jail,’ but Me Too opened her mind to how complicated justice can be and incarceration is not always the best approach. Similarly, Jennifer disclosed that prior to Me Too that she would tend to believe men if they were accused of assault, stating ‘I used to be one of those people who would be like what took you so long to tell what happened to you, that’s suspect.’ Both Ann and Jennifer noted concern that the Me Too movement will give the appearance of just enough change within the system to appease the public but will most likely be a farce, with Jennifer stating,

It’s usually the ones in charge that prevent change and there’s this broken cycle where we’re at the point where any kind of improvement is still a success. Good enough and it’s better than yesterday so let’s still be in this problem 50 years from now.

Macey discussed how reliant on prisons our system is and how it is hard to fathom a system that does not include prisons. She noted that even in watching fantasy movies, those worlds still include prisons and similar types of punishment so it seems scary to consider a world without them.

Several participants noted that policing injustices that occurred in 2020 made them realize that incarceration cannot be the only solution to crime in our country and our priority must be working towards rehabilitation and survivor services. Participants want the system to create more resources for mental health and social workers to be a part of the process, and one participant stated that female officers should be responding to assault calls rather than male officers. However, Macey showed concern that Me Too had been reduced to the shadows by the events of 2020 and Black Lives Matter and hopes that the two movements can work together to achieve reform.

Many of the women in the study noted that assault should not be seen in the same manner as other types of crime as it is much more complicated. Lauren gave the example of her abusive ex that she remained in a relationship with for years, stating, ‘You are not going to be able to convince a jury beyond a reasonable doubt of anything.’ She believes that our justice system hinges on the ability to provide tangible evidence and assault and abuse does not always provide this.

Sometimes rape isn’t flat out rape, right? Sometimes rape is coercion. sometimes rape is taking advantage of somebody and them not recognizing it until years later, and sometimes rape is not being able to say no because you don’t know how to say no. How the hell are you supposed to get somebody to press charges or...fucking be found guilty if people don’t understand the emotional toll it takes.

All of these women highlighted how justice is not singular, that it will look different for each person, and this is the important part that our current system misses. Macey states that justice is

fluid and ideally justice can change with society. For Lauren, justice for her would be retributive, wanting ‘those fuckers to be demonized like I was demonized.’ She later goes on to say that ultimately she wants the opportunity to be heard and believed and not to be written off. Ann does not ‘value our idea of justice,’ stating that our focus should be on how we stop perpetrators from becoming perpetrators rather than how we handle assault currently. She thinks perpetrators need to ‘understand they have really entered into someone’s life and well-being...and it takes people who really understand sexual assault to be able to figure that out.

A key component of this study is to understand the range of carceral perspectives feminists have for sexual violence. My interviewees were primarily divided between carceral and non-carceral. However, even amongst these women there was variance in their carceral or non-carceral beliefs that gave a range of suggestions as how to best address sexual violence. Furthermore, a distinction was found within the non-carceral group -- non-carceral does not always equate with non-punitive or retributive. Interestingly enough, all women expressed positive thoughts towards the idea of restorative justice and how that could be incorporated into how society moves forward with addressing sexual violence.

### **Carceral Perspectives & Prior Victimization**

The carceral group, consisting of Layla, Liz, D, and Vicki, seemed to point back to a question that was raised for this study: are feminists relying on the current CJS because it is the most tangible option? For these women, the answer is yes. Liz and D, who are survivors of assault expressed that their experiences with police were overall positive but expressed some level of disappointment in the outcome of their cases and with the court system.

Liz’s offender was not charged with her abuse because she “was over 18 [years old] and technically consented” and took away her ability to receive justice. Her situation made her very

jaded and cynical about the CJS but has also left her with “conflicting feelings around justice” because she “was emotionally abused and manipulated into consenting.” She continued with,

My kind of knee jerk, very emotional response is lock them all up, I don't care, they deserve to die in jail. I can recognize that this comes from a very biased influence by my own experiences and mindset but yes, I don't see anything wrong with some of these higher profile men...going to jail and losing their careers and I'm all for that. I acknowledge that I am fairly vindictive and a little severe when I think about what justice means in these situations.

Liz's victimizer was ultimately charged for abuse of another person and is currently in prison.

Her ordeal has pushed her to be in favor of increased incarceration for sexual assault because she wants to see justice while acknowledging that both that changes need to occur both societally and within the CJS.

D's experience as a survivor of intimate partner violence did bring some justice for her - her offender was charged and sentenced to community service and anger management classes. She stated that her experience with the police during her ordeal was positive, but she did disclose that she was previously employed by police and she was familiar with the officers that came to the scene. She understands that everyone's experience with police is not positive and does think that mental health training could be of benefit. However, she did express that while she was happy her abuser was receiving help, she was concerned about his lack of remorse and understanding about the harm he had caused, stating, “He's going through the motions. There's still things that he's not even understanding. I've talked to my friends and they don't think anything's necessarily changed or that anything's different.” Her experience made her interested in RJ and thought that it could definitely help in her case to create some understanding and awareness with her abuser. Ultimately, she seemed content with the system as is and encouraged police to remain involved in gender violence scenarios.

## **Non-Carceral Perspectives & Prior Victimization**

The non-carceral group, consisting of Jennifer, Jane, Grace, and Lauren, expressed an overall sense of distrust of the system and policing. Several of them expressed concern at the ability of the system to have any positive impact and described a desire for radical change. Jennifer expressed that the current system we have now is set up to fail women, referencing an incident in which she attempted to obtain a restraining order against an ex-boyfriend that was stalking her. “It took me a very long time to get a restraining order against him because they [police] said I didn’t have enough proof because he didn’t try to kill me. Okay, sorry I didn’t get strangled sooner.” She expressed frustration at the system, stating,

It’s always that we’re allegations. It’s just us women always being grouped into this ‘oh we’re complaining’ or being over-emotional, that’s my favorite, and at the same time you start doing crazy things to be believed, saving any kind of proof.

Jennifer also expresses sadness that

Nothing has been changed because usually the ones in charge are the ones that prevent that change...there’s this broken cycle where we’re at the point where any kind of improvement is considered success. Good enough and it’s better than it was yesterday so let’s still be in this problem 50 years from now.

At the same time, Jennifer recognizes the inclination to want retributive justice, understanding that there can be a desire to see the worst happen to offenders, but she thinks we need to be focused on accountability rather than retribution and change the approach to a system that does not just throw people away without addressing the issues involved.

Lauren has similar views on justice and punishment - she does not think incarceration will fix gender violence, and is skeptical that police care about sex crimes, alluding to reports

that show a disproportionate number of police officers with abuse allegations. Lauren also brings up the abusive treatment of queer folk and people of color by police, highlighting there's a real sense of distrust that the system cares about those labeled "different." She states it would be hard to trust a male police officer that responds to her assault, and there is a "realm of mistrust" of the police for marginalized groups. Her experiences with police have left her with a negative outlook on the CJS and whether helping survivors is a priority. Lauren details a situation of revenge porn in which an acquaintance sent out intimate pictures of her to her family and friends. She states,

I went to the cops the day I saw he had sent all my pictures and the cop looked me in the face and said, "I'm sorry, you gave him those pictures. He can do with them what he wants." And it was that moment I was like women feel like this all the time. And men. Victims of abuse feel like this all the time, they feel powerless. Who's going to believe me because I took part in the sexting, right? I was the one who sent those pictures...courts want tangible evidence, but I sent pictures to a guy online that I've never seen his face before and he has the power over me.

Lauren also highlights an important aspect about assault that our society and justice system needs to be educated on, and that is the nuance of assault. She states,

Sometimes rape isn't rape, right? Sometimes rape is coercion, sometimes rape is taking advantage of somebody and them not realizing it until years later, and sometimes rape is not being able to say no because you don't know how to say no.

Lauren further expressed a desire to have less policing and more resources for mental health, social workers, and less male officers responding to calls and wanting to see our system change to a more rehabilitative system, and she also expressed a desire for retributive justice stemming from her frustration at how victims and survivors are treated.

You know, I'm not a violent person, I don't believe in eye for an eye, but I wish some pretty fucking violent shit on the guy who sent out my pictures who gets joy out making sure I remember he's there. I just want other women to know what he is, how disgusting he is...

Lauren and Jennifer agreed that prison as a punishment is not sustainable and our system needs to work on making victims more of a priority and more involved in the process of seeking justice or closure. Both women conveyed an interest in RJ and its ability to provide survivors more agency and showed concern about how it would be implemented and whether it would be exploited and manipulated by those in power. However, Lauren noted RJ could be implemented into schools and have a better chance of educating young adults about sexual assault and “offers the chance as adults to show children what empathy looks like, how it works, and how our consequences hurt other people.”

Jane’s experience with victimization was with a prior boyfriend that was abusive. She did not report her experience to police, but rather decided to end the relationship and go to therapy to deal with the post-traumatic stress of the situation. She disclosed that it took her “a while” to come to terms with understanding that she was in an abusive relationship, and although her younger self would have wanted to retaliate against her abuser, her older self has more awareness of the situation and would be willing to sit down with her ex and draw a resolution in that manner. During the interview, Jane recalled back to the events of 2020 and the police violence witnessed, stating this had an impact on her change of mind and the role of police in their response to gender violence, stating

You’re in such a trauma response at that point that you need somebody there that’s been trained to deal with that and a police officer might be good in a crisis but let’s be honest, I think we’ve seen that maybe they’re not as good in a crisis as we thought they were. If they can [get to the scene] fast, great, but bring along support services that can put [the person] in a safer space.



## No Prior Victimization

The research participants that did not disclose any abuse or interactions with police were split by the feminists that could envision a place for police in society moving forward, and those that preferred to see RJ practices and community-based practices with little to no police involvement. Grace acknowledged that policing is not perfect but they believe that with proper training and education working alongside community members and social workers that progress can be made. Grace believes that

ACAB<sup>5</sup> (All Cops are Bastards) is a thing, I do think there are good police officers at the same point in time and I think if they are trained correctly in trauma informed care and sexual violence and sex workers and sexual exploitation. For the amount of money police departments get you would think they would have one or two people to...do it well.

Grace also recommends adding Sexual Assault Nurse Examiners to the list of collaborators that police can work with to educate themselves and change the response to sexual violence.

For Ann and Macey, RJ and community outreach is the most appropriate step moving forward to help survivors. Macey is self-described abolitionist but strives for a society in which prisons are non-existent. She is deeply against pushing for longer sentences for offenders, stating that “lengthier sentences, if they’re gonna go to anyone will go to people of color so no.” She goes on to say that longer sentences might seem like justice in the moment and provide “some kind of inner healing” but ends up being anticlimactic and does not provide anything positive. She believes this is where healing circles and RJ methods can be useful by creating a space for acknowledgement and to give back to the community rather than removal from society.

However, she does acknowledge that distinctions should be made for those offenders that have

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<sup>5</sup>A popular slogan originating in the early 20<sup>th</sup> century, used on social media as “an expression of dissent against people in authority”. It most notably gained popularity on social media following the death of George Floyd. (Vice 2020)

mental health issues. Furthermore, Macey believes police should not handle sexual assault cases due to potential revictimization.

The only reason I think police should be called is if the suspect is actually there or they can come in and collect evidence. I think a social worker and a nurse, that's who should respond. The police doesn't need to be anywhere near sexual assault victims.

Ann agrees with Macey's stances and notes that our system needs to change because she does not "value our idea of justice. We have this idea of retributive rather than restorative justice." She states that for survivors, what should matter most is their healing. She expresses, "[It is] not how violent the assault was or who it was but whether or not they had a chance to process it and talk about it in a loving, safe environment." Ann believes that "perpetrators need to be exposed to the pain they have caused, that they need to really understand that it wasn't just something they did wrong, that they have entered into someone's life and wellbeing." She expresses that "education, therapy and boundaries" can be a great place to start to change our approach to assault. Ann and Macey have similar views on policing also, with Ann stating she "has respect for police but they've been given too much and they don't have the education, they don't have the expertise, they're not paid enough, and there's a lot of them that are men so I don't think so."

Layla and Vicki were in favor of increased incarceration for abusers, stating that we need to hold these men accountable for their actions as we have a history of not doing so, bringing up the example of Brock Turner<sup>6</sup> and the lack of lengthy sentencing. However, both women did express concern that our current CJS had the ability to address the social changes needed and root causes of these crimes in order to make any future changes. Layla stated,

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<sup>6</sup>In 2016 Brock Turner was arrested and convicted of "assault with the intent to commit rape and sexual penetration of an unconscious and intoxicated person" and served three months jail time. There was public outrage over his length of sentence, as well as the presiding judge's remarks over not wanting to ruin Turner's life.

Punishment is a weird thing in my mind. I mean I know that it needs to happen but you almost need to back up and try and prevent things and I don't know if that's gonna happen until a whole culture change [happens].

Layla and Vicki agree that there should be increased incarceration for serial offenders and for those with mental disorders but could see where RJ might come in use for those that could be educated, meaning they express remorse and the willingness to understand the harm they have caused and “right their wrongs.”. Layla states that policing has improved its response to sexual violence, especially compared to decades ago and does not believe they are dismissive of rape. However, Vicki believes that policing could definitely improve and social justice events of 2020 have opened her eyes to the role that police play in our society and is asking herself: What are police supposed to do? Should social workers and mental health workers become a more integral part of our system?

### **Vignette**

The addition of a vignette at the end of the interviews had two rationales. The first was to gauge how study participants determined a sexual assault occurred and which details they picked up on to reach their conclusion. The second rationale was to see if these feminists would change their stance on justice and punishment when presented with a scenario. The vignette detailed a fictional scenario in which Bailey, a production assistant, is assaulted by a powerful director in the industry, Landon Melzer. Despite the assault, Bailey and Landon maintain contact for years, and Bailey struggles with whether to report the assault to police. See Appendix B for the complete vignette.

All of the women interviewed did identify that a sexual assault took place. When asked to determine what led them to believe an assault occurred, all women alluded to Bailey's intoxication and her inability to give consent. Two of the feminists picked up on other details,

mentioning the unequal power dynamic between Bailey and Landon, Bailey's immigration status and her position in this country, along with her age at 22 years old. While it is clear that there is an understanding of obtaining consent and what that should entail, these responses highlight the need to explore the hidden or gray areas of assault and why having these conversations is vital to educating everyone on what gender violence can look like.

Nuance also came into play when discussing what justice should look like for Landon in this scenario. All of the women did stick to their original ideas about justice for sexual violence, but they all seemed to understand that these situations are not black and white and a one size fits all system does not benefit us, particularly when it comes to sexual violence. Here are some of their thoughts on the scenario and how it relates to our system today.

Ann and D brought up the common narrative that we hear about individuals that disclose their experiences at a later time, creating this idea that the situation was "made up" and there is a profit from talking about it publicly. Liz and Lauren expanded upon this narrative, raising the question if Bailey's vulnerability in reporting her assault is worth the inevitable backlash she would receive. Lauren expressed frustration, stating,

How fucked is it that someone who is sexually assaulted can't just say 'okay, I'm going to talk to the police about this? They have to sit there and determine whether it's worth their mental health, if it's worth it financially, if it's worth her reputation.

For Layla, statute of limitations was an aggravating factor for her in this vignette and in real life, observing how survivors are met with roadblocks to keep them from seeking justice. She also recognizes that prior to the Me Too movement she might have had a different response to the vignette. She mentions that she would have bought into the narrative of women lying about being victimized but she now realizes that "women just don't make this stuff up." She also hopes that Me Too encourages men to start assessing their own behavior. Lauren agrees, expressing

irritation that the burden of consent is always on women and hopes that we can generate conversations about how to encourage boys and children to practice respectful behavior.

Ann, Jane, Macey, and Jennifer noted that restorative justice practices could be used in this scenario and hopefully in the future due to the “limited options” we have to how to treat offenders. They believe that addressing gender violence should require nuance and multiple avenues to explore rather than the system we have now.

## CHAPTER V: DISCUSSION

The results of this study reach beyond sexual assault and into conversations about social justice and violent policing, as well as discourse about gender violence. This section will explore the Black Lives Matter movement and other progressive and radical political events of 2020 as they relate to my findings. I will also consider how the vignette and literature previously discussed relate to how U.S. society is or is not moving forward in addressing gender violence.

### **Moral Foundations and Moral Panic Theories**

The focus of this study was to understand feminists' beliefs of how sexual assault should be handled and whether the Me Too movement played a role in their beliefs. Based on their responses, it was important to recognize whether these beliefs can be connected to Moral Foundations Theory and/or the Moral Panic Theory.

The findings show that neither theory was entirely supported, but this is not unexpected given the complexity of these issues. Additionally, theory testing was not the goal of this study, but the perspectives have been used to frame the overall direction of the project. I suspect that prior to the events of 2020 the study findings would be more in favor of either theory but the respondents show a clear lack of distrust of the system and express a deep desire to see the current system change. When serial offenders such as Harvey Weinstein were discussed, glimpses of Moral Panic Theory surfaced by expressing that some participants felt like he needed to be imprisoned and out of society, but there was a recognition that incarceration would not address the underlying issues that allow for serial offenders to operate.

The online and offline conversations reported by these interviewees surrounding #MeToo highlighted a divide between those who see sexual assault as something to be addressed and those that see the Me Too movement as falsely accusing men of sexual assault and creating a

“moral panic” where one does not exist. However, it is worth questioning whether the public at large showed enough concern for gender violence claims to create a moral panic. 15 states have introduced bills to provide protections against workplace assault in addition to ramping up efforts to clear rape kit backlogs, as well as Congress reforming the Congressional Accountability Act to improving the process of reporting assault, but a report published in 2019 by the Tobin Center for Economic Policy shows that while reporting of assaults has increased by 7 percent since the hashtag went viral, they could not find any significant change in crimes cleared, meaning no charges were filed (Levy and Mattsson). This indicates that the Me Too movement had an effect on the ability to recognize and report and the CJS has not evolved to meet the demand and support survivors. Similarly, we do not see any indication of rape crisis framing in the sense of urgency but it remains to be seen as to whether any long-term changes or actions have been enacted to address the systemic issues of gender violence and whether those actions will be state-reliant.

We can see glimpses of Moral Foundations Theory in the interviewees’ responses and their frustration with the CJS response to gender violence, particularly in the carceral group. Their responses have a theme of protection, particularly D and Liz who have a history of prior victimization. Liz states that she sees herself as “vindictive” when it comes to justice due to her abuser, recognizing that some offenders are “psychopaths” that will never admit harm done, and D, Vicki, and Layla expressed similar concerns about offenders that could be harmful to society, especially repeat offenders. However, this could provide a discourse to understand whether different courses of action should be available for repeat offenders versus other offenders and allow us to examine the continued reliance on punitive measures when it comes to gender violence.

All of the study participants remember first becoming cognizant of #MeToo via social media around 2017, with the exception of Grace, who recalls being aware of the Me Too movement back in 2011. All of the women recall seeing positive comments supporting those that shared their stories, and negative comments that suggested people were making up stories to jump on the bandwagon, with the latter primarily by men. Many of the women interviewed expressed the positives that they felt from #MeToo, but Jennifer remarks that the anonymity of social media allows us to generalize and jump to conclusions about others because we can hide behind screens, making it is easy to distance yourself from human part of the equation. Jennifer recalls hearing guys say they would choose to believe “him” if a man was accused of assault. Layla remembers seeing men making fun of the hashtag – instead of saying the word “hashtag”, men would use the phrase “pound”, turning the phrase into a sexual innuendo.

D, Grace, and Macey appear to have seen similar comments, noticing a lot of support for others but also a tendency to downplay the prevalence of assault and stating it was not a big deal. Grace mentioned seeing comments that questioned why anyone would wait to report, speculating that women were using the hashtag as an opportunity to make false claims and ruin men’s’ reputations and careers. Macey and Ann recall seeing people spread the narrative about “false reporting” as a reason not to believe the stories that were being shared.

Ann described getting pushback about the Me Too movement from her own daughters. She states that her daughters viewed assault as rare. She speculates that this means her daughters “probably haven’t had things happen to them”, but now they are “somewhat blind to the barriers they do see.” Lauren also reported issues with #MeToo and family members, stating that she decided not to share the hashtag due to the negative comments she saw her family members post. Similarly, Vicki recalls male family members asking, “why women would make these



accusations”, and even recalls female friends expressing skepticism at the movement simply because they had not experienced an assault.

Lauren expressed gratitude for the way Me Too has destigmatized guilt and has allowed us to understand how prevalent gender violence is, and Jane loved seeing “people get their comeuppance” and “recognition of being a dirtbag”. Liz states that online she made a cognizant effort to discuss #MeToo with supportive individuals because it would be harmful to see the negativity surrounding it.

These responses emphasize how assault is primarily still seen as a “woman’s issue” rather than a collaborative issue with men. We see this is in the dismissal and denial of experiences and stories that women share and seeing it through the lens of false reporting and lying. Layla recalls being aggravated at a comment from a well-meaning man stating, “I have a mother or daughter so I wouldn’t want them treated this way.” This man’s remark highlights how their desire to “help” us is directly proportional to their attachment to us. This speaks to the comment that Jennifer made about the ease in which social media allows us to remain distant and therefore unengaged. Jane and Liz recall having to explain to their surprised husbands at how prevalent assault was and the daily precautions they had to take in order to protect themselves. If we have any hope of making real change not only in the numbers of sexual assault but in a cultural response to addressing it, all genders must be invested, regardless of their proximity to those that have experienced gender violence.

## **Defensive Attribution Theory**

The defensive attribution theory hypothesizes that the likelihood of victim-blaming decreases with the similarities that one feels with the survivor (Grubb and Turner 2012). It is also a mechanism used to protect or disassociate oneself from the possibility of being a crime victim (Herzog 2008). When Jennifer reported her stalking case, she described the officer making her feel as if she was “over-emotional” and “crazy,” feeling like it was entirely up to her to build a case for them. She was ultimately able to obtain a restraining order after gathering enough proof but felt unsure as to whether the police cared to protect her. Lauren revealed that when she went to the police to report a revenge porn incident, she was turned away because she had “willingly” sent out explicit pictures. Lauren also makes a connection that due to the disproportionately higher rates of abuse by police officers, it makes sense that they would not want to pursue cases that reflect their behavior or those of their fellow officers.

D described her involvement with police in regard to IPV as a positive experience, describing herself as “confident” that the police would handle her case to the best of their ability. D revealed that she knew the police officer that she filed her report with for 18 years and felt supported throughout the process. Any apprehension that D voiced towards her experiences was related to her abuser but felt secure that police had done all they could to get her a desirable outcome. Similarly, Liz stated her experience with police was positive in regard to seeing the case being pursued due to multiple victims and her age but she recognizes that her experience was “an anomaly,” reiterating Lauren’s viewpoint that “there are many people whose abusers are connected to law enforcement so that makes it less safe.”

While these incidents do not explicitly support defensive attribution theory, we can make note that D’s description of her experience does seem to suggest that a familiar relationship with

police increases the similarities and the likelihood of pursuance. Incidentally, we can also see how Jennifer's and Lauren's experiences suggest an indifference towards seeking justice and implies the incidents are a result of negligent behavior, a clear example of victim-blaming. However, Liz's experience does argue with Shaw, Campbell, and Cain's study that officers would be less likely to investigate claims of assault by teenagers or young adults, as she was 17-18 at the time of abuse. It should be noted that all officers were male.

### **Feminism**

The feminists that I interviewed fell into two categories of feminist ideology: liberal and intersectional. To reiterate, liberal feminism focuses on gender equality within the same institutional frameworks, whereas intersectional feminism understands that feminism encompasses all identities and seeks to liberate any identity oppression. Although the feminists I interviewed did not explicitly identify as any one type of ideology, key words in their definition of feminism allowed for categorization. For example, Lauren, Jane, and Macey included "all genders" in their definitions and Lauren and Macey took their definitions one step further by discussing dismantling oppressive structures and noting that feminism is not just for "white women." Lauren, Jane, and Macey were categorized as non-carceral, meaning their beliefs on justice did not rely on punitive measures and recognized that less punitive measures could be helpful in understanding how to deal with gender violence. There was one connection between all non-carceral feminists, and that was their age. They were all ages 25-34 and they all described having exposure to feminist ideology in college. This could highlight where we are seeing a change in feminist ideology and taking a more radical approach to feminist work.

The liberal feminists were split between carceral and non-carceral, but there was no connection between their demographics. There was no one category that bound these feminists

together, other than they all identified as heterosexual. However, there was only one participant that did not identify as heterosexual so this does not have much importance. However, of the two liberal feminists that identify as carceral, Liz and D did disclose positive experiences with police in relation to their assaults, and Jennifer recalled a negative experience with police and has non-carceral beliefs. Therefore, we can potentially see a connection between their experiences and their views, which could in turn have an effect on how they see their feminism. This could be an important point in future research in examining how feminists view their ideology in relation to the outcome of their abuse, particularly in this time in which the public is divided over the roles and responsibilities of policing in society.

### **Black Lives Matter and 2020**

Throughout the interviews, the social justice events of 2020 and Black Lives Matter (BLM) protests were routinely discussed and alluded to. Macey expressed frustration that while unjust and violent treatment of Black bodies need to be addressed, it seems that we as a nation cannot focus on both issues. She stated that “the patriarchy is very good at hiding” and diverting attention from its actions.

Macey highlights a point that seems to be missing -- the Me Too movement and Black Lives Matter dialogue should be intertwined. All Black lives cannot matter until we address the sexual violence of Black people, but this alludes back to the whitewashing of the Me Too movement. If the faces and stories of sexual violence are primarily cisgender, white, middle to upper class women, a larger narrative is being silenced. Lauren had similar thoughts, stating

Me Too has not done a good job of protecting trans women, or bringing back to the forefront of Black women, of Hispanic women, of Indigenous women or including sex workers...Look at the protests in 2020, how they all just kinda died down - it's easy for people to move on with their life when they're not impacted by it.

Lauren also noted that she felt the events of 2020 have opened her eyes to how many people will choose policing and our current system in spite of behavior. She states,

We have the opportunity as a country to listen to people talk, the people who have been marginalized, the people who have been ignored, the people who have been voiceless for so long. We have the opportunity to listen to them and make changes.

The events of 2020 forced her to examine her own privilege and notes that her feelings about Me Too and justice would have been different. Similarly, Jane disclosed that prior to the Me Too movement, her thoughts on justice would have been much more punitive and 2020 has further solidified her stance that our current system is not set up to provide justice for most people.

Jennifer stated that BLM and 2020 made her realize that prisons cannot be only the solution to sexual violence, and Vicki noted that the phrase “defund the police” led her to a different understanding of how police are not adequately equipped to handle gender violence and would now prefer to see social workers and mental health workers apart of the process.

These reflections show that 2020 had an impact on participants’ view on and it had an impact on the results of this study. If we have another national social movement, would these answers remain the same or are the responses in relation to the relative closeness of the movement?

## CHAPTER VI: CONCLUSION

At the tail end of this project (July 2021), Bill Cosby's sexual assault conviction was overturned based on an "agreement" not to charge Cosby with assault by the previous district attorney in a civil suit (AP News). This outcome highlights just how important this research is and how much work is left to change how survivors are perceived and treated when attempting to receive justice. It is reported that a previous prosecutor declined to criminally prosecute Cosby due to the survivor's "flawed" behavior, stating she "waited a year to come forward and stayed in contact with Cosby afterward" (AP News). This is similar to the vignette in this study and the perceptions that the public has about the actions of survivors in relation to gender violence.

The aim of this research was to gain insight into how feminists' opinions on punishment for sexual assault and whether the Me Too movement had an effect on their beliefs. Interviews with my participants indicate that Me Too did indeed have an effect on how they feel about the criminal justice system and overall, respondents did not express increasingly carceral beliefs. Even the individuals that did express carceral beliefs did so while understanding the system is not perfect and much reform is needed.

Understanding this allows us the opportunity to advocate for reform that speaks to survivors' needs and to continually push for education and dialogue that seeks to address the root issue of violence against women and sexual assault, and while this study offers a very small glimpse into the beliefs of feminists, it provides great context towards pursuing further research into addressing the needs of survivors and advocate for services and resources that provide wraparound healing rather than a small piece of the pie.

The findings from this study should be interpreted cautiously and are not generalizable to the public. This particular study is the first of its kind linking carceral feminism with feminist

views within the framework of #MeToo, and hopefully the project can also be applied to understanding radical left and progressive demands for criminal justice abolition, overhaul, or reform. As an exploratory study which has examined the relationship between punitive beliefs and #MeToo, it is clear additional research is needed, especially in how social media, lived reality, biography, and lightning fast cultural changes and messages influence beliefs and attitudes. Additionally, future research into the combined impact of the last several years of intersectional radical and progressive discourse and activism may reveal interesting connections between the Me Too movement, BLM, and other social movements and social media practices.

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## APPENDIX A: INTERVIEW QUESTIONS

- 1) Review of answers submitted on questionnaire/survey
- 2) Can you describe what being a feminist means to you?
  - a) Explore further what interviewee described in the recruitment survey
  - b) How long have you identified as a feminist?
  - c) Explain what influenced you to identify as a feminist.
- 3) In your own words, describe what the #MeToo movement was/is to you.
- 4) When did you first become aware of #MeToo?
- 5) Did you participate in online conversations surrounding #MeToo? If so, what were the conversations centered around?
- 6) Because #MeToo reflects a concern surrounding justice for victims of violence, what does justice mean to you? Do you have a stance surrounding punishment for sexual assault? Did you have one prior to #MeToo?
  - a) In your mind, what might be examples of an appropriate outcome for someone accused of sexual assault?
- 7) Do you think #MeToo has changed or altered your views of punishment for sexual assault?
- 8) In your opinion, what impact has #MeToo had on the way sexual assault allegations are handled? Do you think this is a step in the right direction?
- 9) Do you believe that your feminist identity is a factor in your beliefs surrounding punishment?

10) If you or close family members or friends had prior interaction(s) with police, do you believe those experiences have had an impact on how you view punishment?

11) Do you believe that the police are the right institution to handle sexual assault allegations? Explain why or why not.

12) Would you be in favor of alternative forms of justice, such as restorative justice?

Insert description of RJ



## APPENDIX B: VIGNETTE

Consider the following scenario:

Bailey is 22 years old, working in Los Angeles, California in the film industry as a production assistant. She has been in the United States for two months on a work visa as a Brazilian citizen. Bailey is invited to an industry party where she meets Landon Melzer, a well-connected director. Landon notices that Bailey has been drinking and offers to drive Bailey home, which she accepts. Once they arrive at Bailey's home, she extends an invitation for Melzer to come inside, and he does. The two of them have another drink, but Bailey eventually passes out on the couch. At some point, she is woken up out of her sleep to Melzer forcing himself on her, and she makes no move to resist. Once Melzer is done, he tells Bailey he would like to meet up for lunch in the next week, which she agrees to.

Bailey does not tell anyone what happened. When she meets with Melzer for lunch, he acts as if nothing happened and offers Bailey a job on a new blockbuster film. Bailey decides to accept the job, and does not disclose the assault to anyone until 10 years later. By this time, Bailey has a high-ranking position at a production company and has continued to keep in touch with Melzer through the years.

- 1) Do you believe that a sexual assault took place in this scenario?
- 2) What factors determine whether you believe a sexual assault occurred or did not occur?
  - a) What are the things about this case that influence your opinion?
  - b) Can you explain your thinking behind this?
- 3) If you believe an assault occurred, should Bailey report her assault to the police? Explain your view.

4) What do you believe would be appropriate justice, if any, for Landon Melzer? Explain.

## APPENDIX C: SURVEY QUESTIONS

### **Study about Beliefs Surrounding Punishment from a Feminist Perspective in the Me Too Era**

Do you identify as a feminist? \*

- A. Yes
- B. No -- If you answer no you do not need to complete any further questions.
- C. Maybe/Unsure

If you answered "yes" or "maybe/unsure" to the previous question, can you describe what being a feminist means to you?

Your Answer

Have you personally had interactions with the police as a victim of domestic or sexual violence?

- A. Yes
- B. No
- C. No, but close family members or friends have

### **Demographics**

Complete the following demographic questions.

What gender do you identify as?

Your answer

What is your age?

Your answer

What is your race?

Your answer

What is your sexual orientation?

Your answer

What is your political affiliation?

Your answer

What is your socioeconomic status?

- A. Lower class
- B. Lower-middle class
- C. Middle class
- D. Upper-middle class
- E. Upper class.